

Meeting: Council

Date: 22 February 2018

Wards Affected: All

Report Title: Adopt South West Regional Adoption Agency: Torbay Participation

Is the decision a key decision? Yes

When does the decision need to be implemented? As soon as possible

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1. Proposal and Introduction

- 1.1 In June 2015, the Department for Education (DfE) published 'Regionalising Adoption' and asked all adoption agencies in England to consider how they might work more closely together on regional basis. This formed part of a wider programme of reform for Children's Social Care that, inter alia, sought to increase the timeliness and number of adoptions.
- 1.2 In April 2015, Adopt South West was launched as a regional adoption partnership involving Devon County Council, Plymouth City Council, Torbay Council, Somerset County Council, Barnardos and Families for Children. Working in a collaborative manner rather than through a formal body, Adopt South West has been focussed on the co-ordinated delivery of the marketing and recruitment of adopters, training and information events and improving the matching of children. The wider scope of adoption activity has remained with each participating organisation.
- 1.3 This report sets out proposals for Torbay to participate within a Regional Adoption Agency (RAA) in line with the Adopt South West RAA Business Case attached at Appendix 1 to this report.

2. Reason for Proposal

- 2.1 The proposal to create Regional Adoption Agencies forms part of a wider Government led programme of Children's Social Care reform. Section 15 of the Education and Adoption Act 2016 will give the Secretary of State a new power to direct one or more local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named or by another agency.

2.2 These proposals are made against a background of considerable challenge in delivering the Government's objectives to increase the scale and pace of adoptions, with the Adoption Leadership Board, who collate and analyse adoption statistics, highlighting the following:

- Since September 2013, the number of decisions for adoption has almost halved because of the impact of recent court cases. Data suggest that the number of adoptions fell slightly between quarter 4 2015-16 and quarter 1 2016-17, from 1,120 to 1,060. 4,690 adoptions in 2015-16 is a decrease of 670 from 5,360 in 2014-15.
- Data suggests that the number of new decisions has continued to fall from 1,850 in quarter 2 2013-14 to 1,080 in quarter 1 2016-17, a decrease of 42%.
- The number of Placement Orders granted has also declined nationally. The Government argues this "highlights weaknesses in the way permanence decisions are being made, and raises questions about whether social workers are being supported to develop the skills and knowledge they need to make and defend robust professional judgments". Quarterly data also suggest new placement orders granted have continued to fall from 1,630 in quarter 2 2013-14 to 890 in quarter 1 2016-17, a decrease of 45%.
- The number of adopter registrations decreased by 14% between quarter 4 2015-16 and quarter 1 2016-17, from 840 to 730. The number of adopter approvals increased by 1% from 700 to 710.
- Workforce development and close work between the Regional Adoption Agencies, the children's social care teams, and Local Family Justice Boards will be key to addressing this issue, and to the success of Regional Adoption Agencies.

2.3 The Government's view is that the structural change inherent within the Regional Adoption Agency model will improve the process and outcomes for children and adopters, with:

- Service delivery that has innovation and practice excellence at its heart.
- Highly skilled professionals who make high quality, evidence based decisions and do not tolerate delay for children in their care; matches are made without unnecessary delay.
- Regional Adoption Agencies provide a large pool of adopters for every child in need of a new family.
- Where a match is not immediately available within the Regional Adoption Agency, the search is extended nationally without delay.
- Every adoptive family has access to an on-going package of appropriate support with a right to a high quality, specialist assessment of need. This support is delivered from day one and continues throughout childhood whenever it is required.

- The voice of adopters and their children is at the heart of national and local policy decision making and delivery of services.

2.4 Building on the learning from working within the existing collaborative arrangements of Adopt South West, it is proposed to create a Regional Adoption Agency (RAA) combining the current adoption resources for Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council. After consideration of a range of different options, the model proposed will involve the transfer of existing resources, including staffing and related budgets, into the RAA with Devon County Council as the host authority, underpinned by inter authority agreement and appropriate collective governance and scrutiny.

2.5 Attached at Appendix 1 is a detailed Business Case outlining the proposed model and how it will operate in future. In summary, the RAA proposal involves the following:

- **Governance:** An RAA Strategic Board, comprising of senior officers from each local authority, will be established to oversee service performance and the annual cycle of planning, delivery and budget setting. Board members will continue to be accountable to their respective Cabinet, Scrutiny and Leadership arrangements. It is important to note that whilst participating authorities will delegate their adoption functions to the RAA hosted by Devon County Council, they will continue to be accountable for performance and outcomes for children and adopters. This is outlined in detail in Section 7 of the Business Case.
- **Structure and Staffing:** The proposal involves the transfer of staff currently delivering and supporting adoption services in Plymouth, Somerset and Torbay to Devon under TUPE. This will provide consistency and protection to staff regarding their Terms and Conditions of employment. The model aims to achieve a consistent approach to practice, policies and procedures in order to optimise performance and outcomes. It responds to feedback from adopters about the differing approaches currently being followed across the region. The table below outlines the number and types of posts involved.

Existing FTE by Role	Devon	Plymouth	Somerset	Torbay	Total FTE
Team/ Practice manager	1.86	2.00	1.56	2.00	7.43
Advanced Practitioner	0.00	1.60	0.00	0.00	1.60
Social Worker	18.61	7.68	12.74	3.23	42.26
Professional support	3.19	2.00	1.61	3.10	9.90
Business support	5.98	3.50	4.65	1.07	15.20
Total Fte [rounded]	29.64	16.78	20.57	9.40	76.39
Senior Management attributed to Adoption services and Adoption Panel staff					8.36
					84.75

Note: Estimation is required due to the number of staff working in closely related children's services functions in each authority, figures will be further refined through the TUPE process

- **Budget:** The RAA proposal is underpinned by a commitment to ensure that its base budget does not exceed the current cumulative budget of the constituent authorities, including costs attributable to the host. The proportionate contribution of each authority has been calculated through a formula reflecting previous budgets and weighting key areas of adoption activity. Table 11 within the detailed Business Case summarises each local authority's budget contribution for 18/19 and proportion share of the overall budget. For Torbay, these are £805,026 and 17.26% respectively as set out in the table below:

Authority	Revised budget based on a weighted formula approach	Proportion of New Budget
Devon	£1,695,361	36.33%
Plymouth	£1,027,168	22.01%
Somerset	£1,138,707	24.40%
Torbay	£805,030	17.26%
	£4,666,266	

- 2.6 The proposed RAA budget including overheads for the first year of operation represents an overall reduction on the 2018/19 planned budgets for the participating authorities of circa £167k. This slippage is intended to offset set up costs estimated at around £90 to £120k. As the RAA go live date is set for mid-year this will impact on the amount of slippage available and it is estimated there may be a shortfall of between £6 and £36k in total. This risk is deemed low and will be offset by one or either of a number of mitigating measures set out in more detail in Section 8.5 of the Business Case
- 2.7 Attached to the Business Case at Appendix 2 is a detailed matrix setting out those responsibilities which will be retained by the local authority and those that will transfer into the Regional Adoption Agency. The table below summarises those service elements which will be delivered via the South West RAA.

Table: Regional Adoption Agency functions

Service Area	RAA Service
Marketing & recruitment	Recruitment
	Marketing
	Information days
Assessment & Training	Assessment
	Step parent adoption counselling
	Adopter training
	Preparation
	Adoption Panel
Matching & Family Finding	Matching
	Family finding
	Foster to adopt
Adoption support	Early placement support
	Post order support
	Birth Family work; post adoption contact; letterbox; counselling (Adoptees)
	Therapeutic support (ASF)
Intercountry adoption	Assessment

Note: **SGO Assessment & Support** is retained by LA's. **Life Story Books** responsibility retained in the LA's

2.8 Subject to initial approval of the Business Case by each participating authority, the milestones and timeline for the RAA to go live in October 2018 are as follows:

- April 2018: implementation of joint working in identified areas of practice, e.g. Panels and Matching, to ensure that the RAA can continue to deliver improvements.
- April – July 2018: commencement of TUPE transfer process for affected staff.
- July – September 2018: transition to the new service, completion of Human Resources processes, office moves and ICT roll out.
- October 2018: RAA is operational and meeting DfE expectations of pooled budgets, consistent practice under single organisational management.
- October 2018: performance and management information reporting in place.
- November 2018: inaugural meeting of the Strategic Partnership Board.

3. Recommendation(s) / Proposed Decision

3.1 That the South West Regional Adoption Agency Business Case attached at Appendix 1 to the submitted report be approved and that the Director of Children's Services, in consultation with the Executive Member for Adults and Children's Services, be given delegated authority to progress towards implementation by October 2018, including the development of a robust inter-agency agreement for adoption services in Torbay.

Appendices

Appendix 1: South West Regional Adoption Agency Business Case (V1:6/2/18)

Background Documents

None.

Section 1: Background Information

1. What is the proposal / issue?

For Torbay to participate within a South West Regional Adoption Agency (RAA) together with Plymouth, Devon and Somerset Children's Services.

This forms part of a wider Government led programme of reform of Children's Social Care services.

2. What is the current situation?

Torbay Council currently has a small adoption team which delivers the full range of its adoption functions alongside co-operation at a regional level for the recruitment, training and support of adopters within Adopt South West.

Nationally the numbers of adoptions have been falling and the Government has proposed regionalising adoption activity as part of the solution to improve both the efficiency and effectiveness of processes and outcomes for children and adopters.

It is important to note that whilst functions will be delegated to Devon under this proposal the accountability for adoption outcomes and performance will remain with participating authorities.

3. What options have been considered?

The DfE have identified four possible options as the delivery mechanism for a regional approach towards adoption:

- Local Authority single host, on behalf of several Local Authorities.
- Joint Venture between Local Authorities; a new public sector owned Local Authority Trading Co.
- A new Voluntary Adoption Agency; possibly a Joint Venture with flexibility for public & third sector ownership.
- Existing Voluntary Adoption Agency; Local Authorities involved commission an existing Voluntary Adoption Agency to deliver the RAA.

The partners currently working within Adopt South West considered each of these options against an agreed set of assessment criteria detailed in Appendix 1 of the Business Case. This identified a local authority single host model as the preferred option. Integral to this decision was the desire to integrate all local authority services into one service providing a best practice approach that sustains and develops the current relationships with voluntary sector agencies established under Adopt South West.

4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>This proposal contributes to the following elements within the Corporate Plan.</p> <p><i>Ambitions: Prosperous and Healthy Torbay</i></p> <p><i>Principles:</i></p> <ul style="list-style-type: none"> • <i>Use reducing resources to best effect</i> • <i>Reduce demand through prevention and innovation</i> <p><i>Targeted actions:</i></p> <ul style="list-style-type: none"> • <i>Protecting all children and giving them the best start in life</i>
5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>A key element within the Council's Corporate Parenting strategy and Children's Services' improvement plan is to improve our permanence planning. One way of achieving permanence is through adoption and this proposal aims to improve the timeliness and numbers of adoptions, alongside better and more consistent support for adopters.</p>
6.	<p>How does this proposal tackle deprivation?</p> <p>Whilst the RAA proposal will not impact on the fundamental causes of deprivation, it will mitigate its impact for children through a more timely approach to adoption, reducing drift and delay.</p>
7.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal will impact on Social Care staff, children, families, adopters and voluntary adoption agencies. Considerable consultation has been undertaken with adopters and voluntary adoption agencies through the work of Adopt South West. The proposal reflects the feedback obtained, particularly around the need for a consistent approach to adoption activity across the South West region.</p> <p>Initial discussions have taken place with affected staff with formal consultation on TUPE transfer into the RAA commencing after approval by Council to proceed.</p>
8.	<p>How will you propose to consult?</p> <p>See above.</p>

Section 2: Implications and Impact Assessment

9.	<p>What are the financial and legal implications?</p> <p>The proposal will involve delegation of adoption functions into Devon as the host authority although Torbay Council will continue responsible for outcomes and performance as the accountable body.</p> <p>The proposal also involves the transfer of existing budgets into the RAA as set out in Table 11 within the Business Case. Following TUPE consultation and the details of staffing and pension implications being finalised, an inter authority agreement will be implemented to underpin the RAA, with final approval delegated to the respective Directors of Children's Services in consultation with their Lead Members, Legal and Financial Officers.</p>
10.	<p>What are the risks?</p> <p>A detailed risk analysis has been undertaken as part of the development of the Business Case as set out within Section 10. This identified a range of risks relating to costs, staffing, governance and regulatory oversight, setting out the mitigation put in place against each.</p>
11.	<p>Public Services Value (Social Value) Act 2012</p> <p>The proposal aims to meet the Government's expectations around the pace, volume and quality of adoption activity against a very challenging financial situation for the Public Sector. As such the proposal impacts on social value and value for money.</p>
12.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <p>Regional approaches towards adoption are a relatively recent development, however, the evidence emerging from pathfinder areas is one of efficiency and service improvement.</p>
13.	<p>What are key findings from the consultation you have carried out?</p> <p>The feedback from adopters and voluntary adoption agencies is supportive of the proposal, particularly the aim of bringing consistency of practice and approach to a wider geographic area.</p>

14.

Amendments to Proposal / Mitigating Actions

The current proposal as set out in the Business Case (V1: 6/02/18) reflects ongoing discussions between the participating local authorities, the DfE, adopters and voluntary adoption agencies.

Equality Impacts

15	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people			
	People with caring Responsibilities			
	People with a disability			
	Women or men			
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>			
	Religion or belief (including lack of belief)			
	People who are lesbian, gay or bisexual			
	People who are transgendered			
	People who are in a marriage or civil partnership			
	Women who are pregnant / on maternity leave			

	Socio-economic impacts (Including impact on child poverty issues and deprivation)			
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)			
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)			
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)			