

Regionalising Adoption Agencies

Cabinet

Date: 16th March 2016

Author:	Cabinet Member for Children's Services Interim Director Children Services / Head of Children, Families and Community Health
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To report on the expectation of the government to make arrangements to create Regional Adoption Agencies and the potential options Swindon has in doing so.
- 1.2 Swindon Council currently operates its own adoption agency, with a very small average volume of activity and the report highlights how Swindon might best meet the new requirement to have new regional agencies operating in a model big enough to provide for excellence and innovative in practice.
- 1.3 The recommendations of this report support the Council's Priority Four: Help people to help themselves while always protecting the most vulnerable children and adults

2. Recommendations

Cabinet is recommended to:

- 2.1 Support the establishing of a Regional Adoption Agency aligned to the Berkshire/ South East as set out in the report, to ensure the smooth transition of Swindon's adoption agency into a new operating model
- 2.2 Authorise the Interim Director of Children's Services, in consultation with the Cabinet Member for Children's Services, to agree the decision about the detailed nature of the operating model in partnership with the Governance Board for the Regional Adoption Agency in due course.

3. Detail

Background

- 3.1 In June 2015 the Department for Education (DfE) issued a document setting out the government's proposal to support organisations interested in setting up regional adoption agencies (RAA's). It noted that by the end of this Parliament, the DfE wanted to see all local authorities being part of regional agencies. The DfE stated that they wanted to ensure that there was in place:

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- a) a system where children are matched with the most suitable adopter as quickly as possible;
 - b) recruitment (of adopters) taking place at an efficient scale to provide a pool of 'adoption ready' adopters large enough and well enough matched to the needs of children waiting;
 - c) and enough high quality adoption support services available nationwide
- 3.2 The DfE offered some funding to 'stimulate initial change in the sector' and a fund has been available for potential groups of local authorities and Voluntary Adoption Agencies (VAA's) who might form such a RAA to bid for, in order to fund some practical support in their development.
- 3.3 The DfE have made clear their expectations that the RAAs must be ambitious, to ensure that they are delivered on a greater scale, and are more innovative in practice. They stated that structural change will not provide all the answers, that 'Form must follow function'
- 3.4 The DfE said they were particularly keen to consider models that have an element of cross-sector collaboration, bringing together the best of the voluntary and statutory sectors. It has become more apparent as time has moved on that the inclusion in some meaningful way of the VAA's is a 'must do'.
- 3.5 Whilst the DfE stated they did not wish to be overly prescriptive about the scale or geography at which regional adoption agencies would operate. They have stated that:
- a) They want to see sizeable change – they would not be interested in supporting two very small local authorities coming together to deliver their services
 - b) Models should be big enough to deal with 200 plus children per year,
 - c) To explore a range of new approaches to delivery models – be that local authorities joining together, voluntary adoption agencies joining local authorities or services operating outside of local authority control.
 - d) To be at the forefront of excellent and innovative practice.
 - e) They would expect RAAs to deliver all adopter recruitment, matching and support functions, unless there was an exceptional reason otherwise.

The position in Swindon

- 3.6 Swindon Council currently operates its own adoption agency, with a very small average volume of activity- between 10-15 adoptions a year. It is a 'standalone' agency providing all aspects of the adoption function and commissions a small
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contract (under £10k) for a specialist aspect of adoption support from a VAA. With such low numbers some (albeit a small number) of the children Swindon needed to place for adoption have required placements from outside of Swindon to meet their particular needs. The adoption service is small with only 6 staff and is managed by the Fostering (and Adoption) Team Manager.

- 3.7 Swindon officers have been exploring possible options to meet the DfE expectations and has reached the point where a decision needs to be made about the preferred direction of travel so that capacity and resources can be best utilised.

The following options were those considered to be those open to the local authority:

- 3.8 **Option One: Do nothing and continue having our own Swindon Adoption Agency:** In essence this option would maintain the status quo. With low numbers of adoptions per year less than approx. 6% of the size that's being suggested a RAA should cover (approx. 200 children). It would also be difficult to see how significant service improvement could be evidenced to enable this option viable. Hence this appears the least viable as Central Government has made it clear their expectations as outlined earlier in the report. Although in theory the expectation set by DfE is not set out in legislation it has been suggested they would legislate if progress to regionalisation was not addressed.
- 3.9 **Option Two: Externally commission all services from a VAA:** This option would end entirely our own Agency- relinquishing all direct service provision. Section 3 (1) – 3(3) of the Adoption and Children Act 2002 places a duty on local authorities to maintain an adoption service within their area, and sets out the minimum facilities that must be made available in the provision of the service. However Swindon is not obliged to provide all the facilities itself but may make use of the services of a VAA or adoption support agency. In essence Swindon could go out to market and tender for the entire service.
- 3.10 Whilst this in theory is an option it would however again not meet the DfE's intention of providing RAAs offering services as outlined in 3.8 above. Also having such a small cohort of children requiring adoption placements would not either give Swindon a large influence on either the market or 'bargaining power'. Another consideration with this option is that the Agency Decision Maker (ADM) decisions would be relinquished to the provider, therefore losing some element of control in decision making for the key stages in a child's journey through the adoption process. For example the ADM currently makes the decision that adoption is in the best interests of a child.
- 3.11 **Option Three: Join a RAA in the South West of England:** Swindon could decide to be part of a regional adoption agency in any part of the Country although local geography would logically determine to a great extent where this is

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for practical reasons including the staff time needed to travel to an area to recruit adopters, visit, introduce/place children, support them etc. and for children to travel and be within a reasonable distance to ensure they are safe and well.

- 3.12 Option Three known at the moment as Adopt West has a current governance group/project group consisting of seven potential local authorities (including Swindon; Bath & North East Somerset; North Somerset; Bristol; Glous; South Glous; Wiltshire)) and 3 VAAs at this time. All are based in the South West region with Swindon the furthest East. A bid has been accepted by the DfE who have provided funds to support the work in setting up a RAA and a Coach to advise the Governance /Project group.
- 3.13 Swindon officers have been attending various meetings over the last few months to help start to inform this work but will imminently need to formally commit (or not) to the development of the RAA with SBC as a formal partner in whatever the model is to ensure we can influence the decisions and share the workload.
- 3.14 The model for the SW RAA is not yet fully developed but an options appraisal has been commissioned. All the building blocks can be in place however to meet the requirements as set out by DfE.
- 3.15 There is little to separate the decision about whether to opt for working with the South West/Adopt West or Option Four Adopt Berks (see next option) as essentially they are the same thing with subtle differences. Some of these considerations are outlined after option four:
- 3.16 **Option Four: Join a RAA in Berkshire/South East of England:** This group/shadow RAA consists of nine potential LAs (including Swindon and West Berkshire; Oxfordshire; Milton Keynes; Windsor& Maidenhead; Slough; Bracknell; Reading; Wokingham) a Governance Board already exists and four local authorities are in essence providing a jointly run LA hosted agency at this time. All the authorities are based in the South East region, if Swindon formally joined it would be the authority placed furthest West but still conveniently located along the M4. A bid has also been accepted by the DfE who have provided funds to support the work in setting up a RAA and a Coach to advise the Governance /Project group, the same as the potential RAA in South West..
- 3.17 Swindon officers have had informal discussions with the South East group and they have made clear they would welcome Swindon joining it. Similar to the South West group Swindon will again need to formally commit (or not) to the development of the RAA with SBC as a formal partner in whatever the model is. As with the South West group the model for the RAA is not yet developed but an options appraisal has been discussed and options similar to the Adopt West have been explored.

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Further considerations of Options Three and Four:

- 3.18 Whilst it seems clear that options One and Two are the least viable there is little to separate the decision about whether to opt for working with South West or South East group as essentially they are the same thing with subtle differences and the situation is still fluid and may change over the next few months. However to the best of knowledge at this time, these considerations include :
- a) Both SW & SE have DfE funding and support to take forward a RAA and both SE & SW are in about the same place in timescale terms as to determining the future model of delivery.
 - b) Geographical location is no real issue for either the SW or SE option. Both could /would need some operational 'hub and spoke' model to ensure accessibility to each LA area regardless of model across the region.
 - c) TUPE/Pensions issues for Swindon staff would be a similar issue in both potential RAAs as far as we know
 - d) Both have indicated they could consider Special Guardianship arrangements (a different legal way of securing permanent homes for children) and other forms of permanency later in the project, although the SE are further along this route than the SW.
 - e) The SW at the moment has some aspects of adoption provision presented as 'out of scope' (i.e. inter-country adoption, step parent adoption, adoption file access) which if maintained would mean SBC would need some sort of residual service which in turn could have practice and cost implications for Swindon. SE has these in scope at the moment.
 - f) Adoption services are already part way along the journey of 'shared' services in four of the local authorities in the SE with 2 others part engaged. Also the SE has some services already in place seen as 'good' by DfE and Ofsted that can be in theory transferred straight over to any new model. The SW would be starting from new.
 - g) There is no substantive history of joint operation of services in children's services in the SW. There is however a history of shared services in the SE area. Such as a joint family legal service, emergency duty service and adoption service
 - h) The SE would be made up of more small Unitary authorities than the SW which may give a more even balance of 'ownership'
 - i) There are no obvious expressions of interests stated as yet within the SW to lead on a SW model. SE has a natural focal point with the pre-existing services and infrastructure for some aspects already physically based in Wokingham managed through Windsor & Maidenhead.

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- j) Both the SW & SE options largely protect a 'social purpose' element in the operation i.e. it can be seen as 'ours' and would mean there would still be an adoption panels and agency decision maker responsibilities would remain.
 - k) At this time there is no discernible financial difference between the options
- 3.19 Hence there are subtle differences between the two options but on balance the South East option is thought to be a marginally better fit for Swindon's purposes and to ensure that the DfE requirements are met. In particular with some aspects of the infrastructure in place and the 'in scope' services meaning Swindon would have little/no need for a residual service.
- 3.20 Subject to Cabinets decision officers will need to progress the recommended option and ensure the smooth transition of its current service to a Regional Adoption Agency, albeit the exact format for that would need to be subject to further decision making in due course. It is recommended that the decision making for the operating model of the RAA itself is delegated to the Interim Director of Children's Services in consultation with officers in the adoption service, legal and finance teams.

4. Alternative Options

- 4.1 The alternative options are listed in detail in section 3 above. However in headline terms the options available to the best of current knowledge and thinking are
- a) to the setting up of a Regional Adoption Agency (RAA), albeit the exact format for that would need to be subject to further decision making in due course;
 - b) continue as is/the status quo; or
 - c) totally outsource the service in the 'market place'

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The adoption agency budget for 2016/17 is £ £1.342 million. . This includes f £956k for adoption allowances, child arrangement orders and special guardianship orders and £320k direct staffing costs.
- 5.2 Until a preferred operating model is identified exact costs of the new service is unknown, however the clear brief given to the project/ governance boards is that this must be done within existing budgets and that preferably in the longer term cost savings through larger scale efficiencies should be found.
- 5.3 Any staff TUPE or pension costs will also need to be determined.

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Legal and Human Rights Implications

- 5.4 The Council has a responsibility to ensure that children it identifies that need to be adopted are in a timely and safe secure manner.
- 5.5 Section 3 (1) – 3(3) of the Adoption and Children Act 2002 places a duty on local authorities to maintain an adoption service within their area, and sets out the minimum facilities that must be made available in the provision of the service. The options set out in the report would fulfil this requirement.
- 5.6 Human Rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.7 All staff in the adoption team will be protected by the TUPE terms and conditions as the Council transfers to a new model of provision and will be protected under employment law.

Diversity Impact Assessment

A Diversity Impact Assessment has not been completed for this report. This is because the recommendations at this time seeks permission to change to a new model with as yet no change to staffing, budget or service eligibility criteria. However once the options appraisals for the new operating model is considered a DIA will need to be completed. This will need to be a model agreed across all the LA's in the RAA. However:

- 5.8 There deemed to be no potential adverse impact on the basis of religion, sexual orientation, marital/civil partnership status or pregnancy/maternity through this proposal

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 None

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9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This decision is not considered to be a Key Decision under the Council constitution.