

Cheshire East Council

Portfolio Holder Decision

Cabinet Member for Children and Families

Date of Meeting:	21 st June 2017
Report of:	Nigel Moorhouse, Director of Children's Social Care
Subject/Title:	Adoption Counts: Regional Adoption Agency
Portfolio Holder:	Cllr George Hayes, Children and Families.

1. Report Summary

- 1.1 On 8th March 2016 Cabinet resolved that Cheshire East Council enter a Regional Adoption Agency with Trafford, Stockport, Manchester and Salford Councils and decisions concerning the specific detail of arrangements be delegated to the Portfolio Holder in consultation with the Director of Children's Services and the Director of Legal Services.
- 1.2 The five local authorities have subsequently created a single Regional Adoption Agency, to be known as **Adoption Counts**, which will deliver unified adoption services across the geographical boundaries of the five authorities.
- 1.3 The terms relating to the establishment and operation of Adoption Counts are contained in the Integrated Services Agreement.
- 1.4 ***The full Integrated Services Agreement is contained in the appendix to this report together with all final Schedules as follows***
 - ***Details of the Integrated Service Provision***
 - ***Governance arrangements***
 - ***The Secondment Letter***
 - ***Support Services Agreement***
 - ***Funding Arrangements***
 - ***Information sharing protocol***
 - ***Insurance letter***
- 1.5 Pursuant to the Integrated Services Agreement and Regulation 12(7) of the Public Contracts Regulations 2015, the five authorities have agreed that Stockport Borough Council will be the host authority for Adoption Counts.

2. Recommendation

- 2.1. The Portfolio Holder following consultation with the Executive Director of People and Director of Legal Services approves the Council entering into an Integrated Services Agreement with Trafford, Stockport, Manchester and Salford Councils from 3rd July 2017. Such agreement to be substantially in the form of the agreement attached to this report.

3. Other Options Considered

- 3.1 The Government have made it clear that there is no option for adoption services to remain as they currently are.
- 3.2 Other partnership options were considered during the bid stage but the strength of established arrangements in Four4 adoption offered the greatest potential for success.

4. Reasons for Recommendation

Background Development

- 4.1 In May 2015 the Government announced changes to the delivery of adoption services stating that by 2020 all adoption services would need to be delivered on a regional basis. The premise for this being to increase the number of children adopted, reduce the length of time children wait to be adopted and improve post adoption support services to families who have adopted.
- 4.2 In July 2015 it was further announced that local authorities would bid for funding to become a pilot Regional Adoption Agency (**RAA**) operating for 1 year from April 2016. It was also confirmed that if a local authority did not have plans in place to join a RAA by 2017 then this would be selected for them. Subsequently 22 of the 23 North West local authorities submitted various regional bids for funding under the pilot scheme by the deadline of July 2015. The main consideration was for each RAA to have a minimum of 200 children a year adopted and services should be an integration rather than collaboration.
- 4.3 For a number of years Cheshire East had been working closely with Tameside, Stockport and Trafford as part of Four4adoption. This award winning partnership of four local authorities had worked together to make the adoption process as seamless and effective as possible for children waiting for adoption.
- 4.4 Given the success of four4adoption Cheshire East looked to build on this work to form an effective RAA bid. Tameside took the early decision to join a south Pennines partnership. The remaining 3 authorities subsequently developed a strong bid which added Manchester and Salford thus ensuring the requisite number of prospective children and adopters met bid requirements.
- 4.5 This bid was accepted by the DfE as a Grade 1 bid indicating its strength to move forward.

- 4.6 Cheshire East adoption services were judged to be 'Good' by Ofsted in July 2015. The strengths of our relationships with our partner local authorities in Four4adoption were recognised as part of the inspection process.
- 4.7 Trafford and Stockport adoption services are also judged to be 'Good'. Manchester was judged to be 'Inadequate' and Salford 'Requires Improvement'. A term of the bid process was to demonstrate how integrated arrangements across local authorities would spread and share good practice.
- 4.8 Both Manchester and Salford have a diverse population in terms of adopters and children and this further enhanced the regional bid.
- 4.9 Over the last 18 months a Project Board has been in place to oversee the project plan and work streams. The Board operates at an appropriately senior level and includes the Directors and/or Assistant Directors of the five local authorities.
- 4.10 The Project Board ensured a Transition Plan was submitted to the DfE last year. This outlined how the local authorities would move from current arrangements to Adoption Counts covering the existing local authority areas. The DfE have remained very supportive of the plans and have commended the work as a model of good practice.
- 4.11 Within Cheshire East a Task and Finish Group with senior membership from Children's Social Care, Legal Services, IT, HR, and Finance has overseen the development of the Integrated Services Agreement.

Adoption Counts

- 4.12 The objectives of Adoption Counts will be :
- To provide children with the right adopters at the right time, approving those equipped to meet the needs of children waiting. Utilising effective marketing and recruitment of prospective adopters.
 - To minimise changes of plan away from adoption.
 - To reduce delay and improve timescales for matching and placement for all children, working with care planning processes in each Council. To improve early identification / twin track planning and to achieve best practice and consistency across the region.
 - To improve earlier permanency planning using concurrent planning and foster to adopt.
 - To take innovative approaches to placing 'hard to place' children, linking children with adopters from enquiry stage onwards where appropriate and by thoroughly preparing children and families for placements.

- To reduce the likelihood of placement breakdown through timely and improved matching, preparation and adoption support.
- To form strong and productive partnerships with adopters, adoptees and the voluntary sector ensuring that customer feedback and the views of service users are fully heard.
- The core business of Adoption Counts will be marketing and the recruitment of adopters, assessment and approval of adopters including coordination and operation of the Adoption Panel, supporting care planning in the member authorities including the matching of children to adopters, and ensuring effective adoption support planning.

4.13 The first year of operation will be a transitional year for Adoption Counts. Stockport MBC has worked with each participating authority to identify an agreed amount of funding for the first year of operation which incorporates the participating authorities current budget plus any known operational charges.

4.14 This amounts to £702,844 for a full year, equating to £527,133 for nine months for Cheshire East Council in 2017/18. This represents an allocation of existing budget levels based on identified service posts being part of the RAA. There is no requirement for any additional Budget for running costs or any savings at this stage.

4.15 All participating Authorities aspire to funding Adoption Counts based on an agreed measure of activity. During the first year of operation Stockport MBC as host will lead on a review of the activity and cost drivers of the Integrated Service and will work with all participating authorities to implement a funding mechanism for years two and three. The funding mechanism will be reviewed and agreed by board members.

4.16 It is anticipated that this could see a reduction in the funding commitment for Cheshire East from 2018/19. This is on the basis that other councils in the RAA have lower net costs as a result of greater levels of income although activity levels are similar to Cheshire East. As income levels are reduced through placing children through the RAA then, if activity is maintained, other councils should pay more towards overall costs reducing the Cheshire East element. However, any change is subject to agreement and each member authority will be facing similar financial challenges. Therefore, no savings are recognised at this stage.

4.17 Staff across the partners have been engaged in work streams to plan operational issues for the new agency. This included;

- Care planning, family finding and matching
- Recruitment, assessment and preparation
- Adoption and permanence support.

In addition separate work streams have ensured plans are in place for Finance, IT, HR, commissioning arrangements for support services and

marketing and communication. All work streams have reported to the Project Board.

- 4.18 Cheshire East staff, along with other partners, will be seconded to Adoption Counts which is hosted by Stockport MBC. Current Cheshire East staff will remain Cheshire East employees and would return to Cheshire East should the service cease.
- 4.19 The secondment will be reviewed after 12 months. The options at that stage are likely to be:
- Continuation of secondment to the host authority, Stockport Council
 - TUPE transfer to the host authority, or another organisation responsible for the original authority's adoption services
 - Ending of the secondment arrangement with the post and employee reverting back to the original authority
- 4.20 Following staff consultation most staff in Cheshire East were offered their first choice of post within Adoption Counts. One staff member was offered their second choice of post though it is located at their first preference of location (Cledford House).
- 4.21 Staff have been fully involved in the planning stages with regular feedback sessions, a monthly newsletter and engagement in the relevant work streams
- 4.22 Consultation with the Unions was also an intrinsic part of the planning process.
- 4.23 Adoption Counts will operate out of a main hub office in Wythenshawe, south Manchester. This location has ease of transport links to all 5 authorities. Three 'Spoke' offices will also be in place one of which will be at Cledford House in Middlesbrough. Most Cheshire East staff will remain based at Cledford House where Adoption Counts staff will be based subject to licence with Cheshire East Council. Six desk spaces have been agreed at Cledford House for the use of Adoption Counts.
- 4.24 The 'Hub' will provide
- A centralised marketing function
 - A centralised team to receive recruitment enquiries
 - A central register of children and carers
 - A data and performance management function
 - Centralised administration of Adoption Panel
 - Centralised tracking of children and carers
 - centralised linking and matching functions
 - A strategic plan for the delivery of adoption support across the region.
- 4.25 The 'spoke' offices covering North, Centre and South of the region will deliver

- Adopter preparation
- Early identification of the children being looked after by each Council and likely to require adoption
- The capacity and skills to place children and support adopters
- Adoption support services

4.26 Insurance

- **Employers Insurance** – Each Council will bear its own liability for seconded employees and if it can be shown another Council is responsible for the injury then we would be encouraged to subrogate against the negligent party
- **Public Liability: injury to child** – This risk is to remain firmly with the placing Council as they have the statutory duty. Also any claims made by the adoptive parents, should there be one, would again be with the placing authority.
- **Public Liability: General** – this rests with the employing authority of the employee responsible for the injury.
- **Public liability: Defective Premises and other occupier liability claims:** this will rest with the Council who have supplied the offices and equipment.
- **Official Indemnity** – Financial Loss; A claim purely for financial loss by a child will rest with the placing authority.
- **Official Indemnity** – Data Protection breach – In the event of a DP breach, the claim will rest with the Authority identified as being responsible for the leak. If responsibility for the leak can't be clearly established, the claim will be shared on an equal basis by all partner authorities irrespective of liability, with Stockport as the host authority and their respective insurers handling the claim.

4.27 Information governance and IT arrangements have been fully considered and will continue to be reviewed as the structure of Adoption Counts takes shape. An integrated IT solution will support the work of Adoption Counts subject to further market evaluation and procurement.

4.28 The Integrated Services Agreement (appendix 1) together with all the final schedules (also attached) set out the full details of the working arrangements for Adoption Counts. This has been subject to ongoing scrutiny and agreed by officers from the relevant Cheshire East departments including HR, Finance, Legal Services, IT and Children's Social Care and Insurance.

5. Background/Chronology

5.1 The background and chronology to the government requirements to form a RAA have been provided within the report summary.

6. Wards Affected and Local Ward Members

- 6.1. Prospective adopters and children placed for adoption may reside in all wards. This is a very small number of people, upto 30 children and 30 adopters per annum.

7. Implications of Recommendation

7.1. Policy Implications

- 7.1.1. Policy in the Council will remain unchanged

7.2. Legal Implications

- 7.2.1. The powers to undertake the regionalisation of Adoption Services are contained in S16 of the Education and Adoption Act 2016 which allows local authorities to cease provision of their adoption service and gives the Secretary of State powers to direct that local authority adoption services be provided by another local authority or adoption agency.
- 7.2.2. S113 of the Local Government Act 2017 allows a local authority to enter into an agreement with another authority to place its officers at the disposal of the other authority subject to consultation with the staff concerned and negotiation about any changes to terms and conditions.
- 7.2.3. S1 of the Local Authorities (goods and Services Act) 1970 enables a local authority to enter into an agreement to provide another other authority with goods and services, including administrative, professional or technical services.

7.3. Financial Implications

- 7.3.1. Services will be provided within existing budgets supported through its development phase by funding via the pilot scheme.
- 7.3.2. There will be additional support time in preparing invoices to the RAA for staff time and other costs each quarter.

7.4. Equality Implications

- 7.4.1. There will be no implications

7.5. Rural Community Implications

- 7.5.1. There will be no implications.

7.6. Human Resources Implications

7.6.1. No further implications beyond those already addressed.

7.7. Public Health Implications

7.7.1. There will be no implications.

7.8. Implications for Children and Young People

7.8.1. Adoption Counts will build on existing best practice ensuring children with a plan for adoption have the best choice of placements and achieve permanence in a timely and appropriate way.

8. Risk Management

8.1 There is a risk to the Authority if it fails to join a RAA; this would include the Government directing how its services would be delivered.

8.2 There is a threat to corporate reputation if Adoption Counts delivers poor performance or costs higher than expected. The Adoption Counts Board is overseeing the management process with financial and performance management at its heart.

8.3 Business disruption during the process of change. Whilst some disruption to existing services is likely, the DfE have granted additional resources to manage the transition process in order to keep this risk to a minimum.

9. Access to Information/Bibliography

10. Contact Information

Contact details for this report are as follows:

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