


REPORT TO CABINET

12 December 2018

Subject:	Regional Adoption Agency arrangements
Presenting Cabinet Member:	Councillor Simon Hackett - Cabinet Member for Children's Services
Director:	Lesley Hagger, Executive Director - Children's Services
Contribution towards Vision 2030:	
Key Decision:	Yes
Forward Plan (28 day notice) Reference:	SMBC04/12/2018
Cabinet Member Approval and Date:	Councillor Simon Hackett – 14/11/18
Director Approval:	Lesley Hagger, Executive Director - Children's Services – 14/11/18
Reason for Urgency:	Urgency provisions do not apply.
Exempt Information Ref:	Exemption provisions do not apply.
Ward Councillor (s) Consulted (if applicable):	It is not necessary to consult ward councillors.
Scrutiny Consultation Considered?	Scrutiny has not been consulted but will review the proposed arrangements at its meeting in January 2019.
Contact Officer(s):	Lesley Hagger, Executive Director - Children's Services

DECISION RECOMMENDATIONS

That Cabinet:

- 1.1 approves the establishment of the Regional Adoption Agency (RAA) and its governance as a 'hosted' model;
- 1.2 notes the DfE communication regarding the change in the 'direction' from the Secretary of State and the associated implications for the Council's current contract with Sandwell Children's Trust;
- 1.3 approves the City of Wolverhampton Council as the host authority for the RAA and the agrees the necessary technical delegation of functions to the City of Wolverhampton Council for the purpose of the RAA;
- 1.4 notes the subsequent requirement for the TUPE transfer of adoption services staff from Sandwell Children's Trust into the City of Wolverhampton Council to work within the Regional Adoption Agency;
- 1.5 approves the proposed financial model and formula for funding contributions from the four Councils and notes the impact on the current financial arrangement between Sandwell MBC and Sandwell Children's Trust;
- 1.6 notes the proposed governance arrangements and approves the establishment of a Lead Members' RAA Board to enable Lead Members from the four Councils to collectively execute their corporate parenting responsibilities in respect of achieving good outcomes for children in care;
- 1.7 delegates authority to the Executive Director - Children's Services and the Executive Director - Resources, in consultation with the Cabinet Member for Children's Services and the Cabinet Member for Culture and Core Council Services, to make further decisions regarding the final arrangements for the establishment of the RAA;
- 1.8 delegates authority to the Director – Monitoring Officer, in consultation with the Executive Director - Children's Services and Executive Director - Resources, to enter into and authorise all necessary deeds, contracts and other related documents to implement the above recommendations.

1 PURPOSE OF THE REPORT

- 1.1 To present the case and seek approval for the creation of a Regional Adoption Agency (RAA) - Adoption@Heart; and to clarify the impact that this will have on the current contract between Sandwell MBC and Sandwell Children's Trust.
- 1.2 To confirm the Council's ongoing responsibilities for adoption services.
- 1.3 To seek approval for the proposed governance arrangements, financial model, funding arrangements and other contractual matters, and to enable actions to be taken to finalise the establishment of the RAA.
- 1.4 To set out the implications for staff currently employed by Sandwell Children's Trust.

2 IMPLICATION FOR THE SANDWELL'S VISION 2030

The RAA's vision is to improve the timeliness and quality of the adoption process so that children's lives are improved. This contributes to the Council's ambitions; particularly two, four, five and ten; to ensure that the vulnerable are cared for, that children have the best start in life, that communities take care of each other, and that Sandwell gets things done.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The provision of an adoption service is a statutory requirement and the council is required to monitor the provision of adoption services. The Adoption and Children Act 2002 provides the structure for this and under Section 3 of the Act, each Council must continue to maintain within its area an adoption service designed to meet the needs of children who may be adopted, their parents, natural parents and former guardians. These services are referred to as the 'adoption service', meaning either a local authority or a registered adoption society may be referred to as an adoption agency (section 2(1) of the Adoption and Children Act 2002).
- 3.2 The development of Regional Adoption Agencies (RAA) is part of the national regionalising adoption programme. All local authorities (LAs) are expected to deliver their adoption services through an RAA by 2020 and funding has been provided by the Department for Education (DfE) to cover the costs of setting up these new arrangements.

3.3 Benefits are anticipated from the creation of an RAA such as the opportunity to improve practice and outcomes for children through innovation, and the efficiencies that can come from its larger scale, as defined below:

(a) Efficiencies

- Reduction in LA expenditure on fostering placements (and practitioner time);
- Reduced expenditure on adoption panels;
- Decreased use of inter- agency placements;
- More children identified for adoption through improved permanence planning.

(b) Quality of Practice and Outcomes

- Improved permanence planning for children;
- Increased placement choice from a larger pool of adopters;
- Reduction of placement days from children entering care to being placed with their adoptive family;
- Fewer children for whom the permanence plan changes away from adoption;
- A wider range of support services for adoptive families, promoting stability and reducing disruption;
- More adopters approved and swifter matching of adopters with children.

3.4 A Black Country Project Board was established in 2017 to explore the creation of a Black Country RAA and a project lead was appointed to support the four local authorities to establish the RAA, with funding secured from the DfE to cover set up costs. Several actions have been taken by each Council as described below.

3.5 Walsall MBC and City of Wolverhampton

The Cabinets in Walsall MBC and City of Wolverhampton Council approved the following recommendations in March 2018:

1. Approve the establishment of the Regional Adoption Agency (RAA)
2. Approve the service design, structure and governance of the RAA as a Local Authority Trading Company, including transfer of staff into the new organisation.
3. Approve the financial model and funding formula.
4. Approve the governance arrangements.
5. Delegate authority to the Cabinet Member for Resources and the Cabinet Member for Children and Young People in consultation with the

Director of Finance and Director for Children's Services to make further decisions specifically relating to:

- (a) The finalisation of arrangements for the delivery of support services to the RAA, ensuring that the 'back office' costs are funded by Local Authorities and the RAA has a viable balanced budget.
- (b) Final cash flows for the RAA.
- (c) The development of an agreed funding protocol between the Local Authorities/Trust to enable the functioning of the funding formula, including tolerances and arrangements for spot purchasing to accommodate variations in numbers of placements required.
- (d) Arrangements for transferring budgets to the RAA during the 2018-2019 financial year to minimise exposure of either the Local Authorities or the RAA to risks of overspend.
- (e) The development of a risk sharing agreement between the four Local Authorities/Trust and the RAA, with appropriate governance for LAs to hold the RAA accountable.
- (f) Authorising Adoption@Heart officer director appointments as appointments to an external body.
- (g) Taking any and all decisions including without limitation the approval of all documents to enable the RAA to be incorporated; and
- (h) Taking any and all necessary shareholder decisions required following incorporation.
- (i) Delegate authority to the Director of Governance, in consultation with the Director of Children's Services, to enter into, and authorise all necessary deeds, contracts and other related documents to implement the above recommendations.

3.6 **Dudley MBC**

Dudley MBC approved the proposal to establish an RAA July 2017.

3.7 **Sandwell MBC**

During the period of discussion about the proposal to establish a Black Country RAA Sandwell was in the process of transferring its Children's Services to the new Children's Trust, in line with a direction from the Department of Education (DfE), and this became operational on 1 April 2018. However, in November 2017, the shadow Board of Sandwell Children's Trust agreed a proposal to join a Black Country RAA, and, in line with the approvals given by Walsall and Wolverhampton, agreed:

- (a) The finalisation of arrangements for the delivery of support services to the RAA, ensuring that the 'back office' costs are funded by Local Authorities and the RAA has a viable balanced budget.
- (b) Final cash flows for the RAA.
- (c) The development of an agreed funding protocol between the Local Authorities/Trust to enable the functioning of the funding formula, including tolerances and arrangements for spot purchasing to

- accommodate variations in numbers of placements required.
- (d) Arrangements for transferring some budgets to the RAA during the 2018-2019 financial year to minimise exposure of either the Local Authorities/Trust or the RAA to risk of overspend.
- 3.8 The current Contract between Sandwell MBC and Sandwell Children's Trust sets out that "...if the Secretary of State proposes an amendment to the Second Direction directing that the adoption services set out in the Services Specification shall be performed by a Regional Adoption Agency, the Parties shall (acting reasonably) agree a Major Change to this Agreement in accordance with the Change Control Procedure."
- 3.9 On 14th November 2018, the Department for Education informed the Council that "approval has been given to enter into the RAA agreement". The changes to the Statutory Direction will be amended in due course. We expect that the amended Direction will be timed to be published when the agency goes live next year." As a result of approval of this Cabinet report, the Council will therefore enter into the Major Change arrangement with Sandwell Children's Trust, in accordance with the Change Control Procedure.
- 3.10 It was originally proposed that the RAA would be developed as a separate entity wholly owned by the four Councils, but in May 2018, concerns were raised about some of the complexities and uncertainties of establishing such a model for the RAA, as well as additional costs resulting from the company being unable to recover VAT on services it purchased. As a result, it was agreed to undertake work to look at the feasibility of a "hosted" model as an alternative. A hosted model means that a single local authority will 'host' the RAA on behalf of all four local authorities.
- 3.11 In June 2018, the RAA Project Board considered the findings of the review and recommended that a move to a hosted model for Adoption@Heart be accepted on the basis that this was a less risky approach given that delivering the RAA via a separate entity is relatively untested. A hosted model will also be less resource intensive to deliver and avoid irrecoverable VAT on purchases. The move to a hosted model was subsequently agreed by the four Directors of Children's Services.
- 3.12 A due diligence and evaluation process then took place in June and July 2018 to agree which Council would act as host, expressions of interest having been received from both Dudley MBC and City of Wolverhampton Council. This process produced a recommendation to DCSs that Wolverhampton act as host.
- 3.13 In September 2018, the Association of Black Country Authorities (ABCA) Chief Executives Group, and the Chief Executives and Leaders Group, endorsed proposals in respect of the service design, structure and governance of the RAA as a 'hosted' model with City of Wolverhampton

Council acting as host, the TUPE transfer of relevant staff into City of Wolverhampton Council, and the proposed financial model and formula for funding contributions from the four Councils.

4 THE CURRENT POSITION

- 4.1 The development of the RAA provides the opportunity to design a new service from top to bottom, and a whole range of new and innovative practice will enable the required efficiencies and improvements to be delivered. The RAA will deliver the following services:
- Support and challenge to child care teams in assessing children's needs and early identification of children for whom an adoption plan is suitable.
 - Early Permanence Placements.
 - Child preparation and life story work.
 - Recruitment and approval of adopters including Panel.
 - Purchase and sale of inter-agency placements to achieve the best match.
 - Family finding and matching.
 - Matching Panel.
 - Pre- and post-approval support for adoptive families.
 - Birth Family support including Letterbox.
 - Support for adopted adults – access to records and counselling.
 - A non-agency adoption service.
- 4.2 A Service Specification will set out the RAA's delivery responsibilities and will also set out the responsibilities that will remain with the LAs/Trust (primarily those relating to the children) to ensure that the whole system works effectively. In Sandwell's case, the Service Specification will relate to the operational business and relationship that will be required between Sandwell Children's Trust and the RAA.
- 4.3 There will be teams each providing dedicated delivery of adopter recruitment, family finding and adoption support services respectively, with a Panel service working alongside. There will be a central hub at Pendeford in Wolverhampton, helping to build the identity and culture of Adoption@Heart, whilst maintaining a local and accessible presence via 'spokes', keeping staff and service user travel time to a minimum. Practitioners will be equipped to work flexibly, making use of 'hot desk' arrangements in each local authority's/Trust's office bases. The Adoption@Heart Manager will report to the Head of Looked After Children, City of Wolverhampton Council.

- 4.4 Voluntary Adoption Agencies will be an integral part of the RAA, via a contract both to deliver identified services, and as contributors to the RAA's strategic direction through a role on the Adoption@Heart Management Group.
- 4.5 Support services for the RAA will be delivered by City of Wolverhampton Council as the host authority for the RAA via a Service Specification for the required functions (Finance, HR, ICT support etc.).
- 4.6 The RAA will have a bespoke case management system. Management and sharing of data between the partner organisations will be agreed, taking account of General Data Protection Regulations (GDPR), and appropriate information governance, information sharing and data protection arrangements will be in place.
- 4.7 Transitional arrangements to ensure continuity of front line services as adoption services move from the LAs into the RAA are being developed.
- 4.8 A Strategic Commissioning Board will be established with representatives from the four LAs jointly commissioning the RAA, and Sandwell Children's Trust. The Board will be responsible for monitoring the performance and delivery of the RAA Contract and will be governed by an agreement which will include shared arrangements for funding, access to resources and risk sharing.
- 4.9 The Strategic Commissioning Board will also monitor the funding agreement between LAs and provision of placements by the RAA to the respective LAs/Trust and resolve any conflicts between competing interests of the participating LAs/Trust.
- 4.10 Legal Services representatives from the four local authorities are developing the legal framework for the RAA. In Sandwell, this will involve some changes to the current Contract between Sandwell MBC and Sandwell Children's Trust, and a direct arrangement pertaining to the operational business between Sandwell Children's Trust and the RAA.
- 4.11 A Services Contract will contain the Service Specification detailing the services to be delivered, the payment terms and performance monitoring arrangements, as well as other relevant Schedules and documents. An Outcomes and Performance Monitoring Framework will be developed to monitor the performance of the RAA against the agreed Contract. Other agreements will also be in place, in particular, information sharing between the LAs/Trust and the RAA in line with Data Protection and security.
- 4.12 Councils will be discharging their statutory responsibility to provide adoption services by allowing for the delivery of certain functions to be contracted out to the RAA, and will want to continue to exercise a scrutiny

role over the delivery of those services. It is proposed that for each individual LA this function will be fulfilled by each LA's Scrutiny Committee and/or Corporate Parenting Board.

- 4.13 Additionally, a Lead Members' RAA Board, consisting of the Lead Member from each of the four Councils, will be put in place to ensure Cabinet members collectively discharge their responsibilities regarding outcomes for children in care. They will receive regular reports prepared via the RAA Strategic Commissioning Board on RAA performance.
- 4.14 An RAA Management Board will oversee the functioning and performance of the RAA at an operational level, ensure the full participation of a range of key stakeholders, and provide an interface between the RAA and the Strategic Commissioning Board.
- 4.15 The 'plan on a page' description of the RAA deliverables is set out in Appendix 1.
- 4.16 The governance and accountability structure is set out in Appendix 2.
- 4.17 The development of an RAA will not absolve each local authority of its statutory responsibilities, but will allow for certain functions to be delegated to facilitate the operation of an RAA. For this purpose, it is necessary for each council to agree a technical delegation of functions under Section 3ZA subsection 3 (c) (the approval of prospective adopters) to the City of Wolverhampton Council.
- 4.18 Each local authority will also continue to be registered as an adoption agency as it will retain the Agency Decision Maker (ADM) responsibility for the child along with its care planning responsibilities. This function will continue to sit within Sandwell Children's Trust. The ADM for adopter approval and matching will sit with the RAA.
- 4.19 Accountability and responsibility for remains with the individual LA and therefore inspection will be of LA adoption services, and not inspection of the RAA. It is therefore vital that each LA retains a lead officer for adoption that can have sufficient oversight of service delivery. Each LA's Responsible Officer for adoption services will sit on the RAA Management Board. In Sandwell, this function will be carried out by Sandwell Children's Trust and Sandwell MBCs contract with the Trust will be amended to ensure that the accountabilities are clear.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 A stakeholder engagement strategy is in place and there has been active consultation with stakeholders, including staff and adopters, throughout the project to inform the detailed model presented in this report. Voluntary

Adoption Agencies (VAAs) are actively involved, in line with DfE expectations.

5.2 Staff consultation arrangements are set out in paragraph 8. below.

6 **ALTERNATIVE OPTIONS**

Alternatives to moving to a Regional Adoption Agency hosted by City of Wolverhampton Council have been considered as follows:

- (a) To continue with the current arrangements:
This would not fulfil the government requirement that all LAs are operating their adoption services within an RAA by 2020. Those LAs not in an RAA arrangement of their own choice by that time will be directed into an arrangement and this may not be the best match for them.
- (b) To move to a Regional Adoption Agency hosted by one of the other partner LAs:
Whilst Dudley MBC expressed an interest in hosting and the due diligence process found greater confidence in the City of Wolverhampton's submission.
- (c) To continue to develop a Regional Adoption Agency as an LATC:
It was concluded that this option was a costlier arrangement and would carry greater risk.

7 **STRATEGIC RESOURCE IMPLICATIONS**

- 7.1 The cost of establishing the RAA is being funded by the Department for Education (DfE) in the form of a ring-fenced grant. The total grant allocation is £1.1 million. This grant will also be used to fund one-off implementation costs associated with setting up the RAA, for example, the cost of the case management recording system.
- 7.2 Funding of the RAA will be apportioned between the Councils based on an agreed funding formula determined by the projected number of placements required by each LA/Trust each year. There will be provision for the spot purchase of additional placements if requirements exceed the number of placements agreed and budgets are available as overseen by the Strategic Commissioning Board. The total budget for the RAA, based on the number of placements required, will be £4.092m and this will be provided by the LAs/Trust transferring their current budgets to Adoption@heart.
- 7.3 The budget required from Sandwell MBC to transfer into the RAA is £875,856. This is made up of the current value of funding for adoption

services transferred to Sandwell Children’s Trust of £694,573, and an additional amount of £181,283. The budget estimates for each LA have been apportioned according to the number of adoptions required based on demand: this is 31 adoptions for Sandwell and equates to 21.2% of the RAAs business. The current budget provided by Sandwell MBC to Sandwell Children’s Trust for adoption services equates to 18.4% of the RAAs business, and therefore additional funding totalling £181,283 is required to enable the RAA to secure 31 adoptions for Sandwell children.

7.4 The table below shows each Council’s contribution for Year 1 and Year 2, based on 31 adoption placements each year. The total funding requirement in Year 1 is £875,856 and in Year 2 reduces to £868,775.

		Year 1		Year 2	
			%		%
Dudley	40	£1,128,172	27.57	£1,121,000	27.40
Sandwell	31	£ 875,856	21.41	£ 868,775	21.23
Walsall	35	£ 984,615	24.06	£ 980,875	23.97
Wolverhampton	40	£1,102,948	26.96	£1,121,000	27.40

7.5 There are some risks of overspending for the RAA, particularly in respect of the spend on inter-agency fees, and this will be subject to close monitoring under the proposed governance structure. It is recommended that Wolverhampton should maintain a multi-year budget arrangement and retain any budget underspend to accommodate overspending or to re-invest in the service.

7.6 As a balance to this, some efficiencies are anticipated from the design and operating model of the RAA, as well as the strategy to reduce the spend on interagency placement fees through a range of practice improvements which will enable more of the RAA’s own approved adopters to be matched with children in need of an adoptive placement. Savings are also anticipated in the medium to long term through reduced looked after children placement costs as children are placed for adoption more quickly.

8. Human resources

8.1 The operating model was developed in collaboration with current employees and stakeholders during the design phase. There will be one property acting as a ‘hub’ which will provide a base for some core staff and hot-desking for others, supplemented by remote and home working and flexible access to office accommodation in the four Councils/Trust buildings to keep staff and service user travel time to a minimum. The aim is to develop a shared culture across the workforce of the new Agency, whilst maintaining a local presence and enabling services to be delivered

consistently across the region. Different working arrangements for staff will be required to achieve this.

- 8.2 Following Cabinet approval by the four Councils, appropriate actions will be taken to transfer employees of each the LAs/Trust to the City of Wolverhampton Council, under the Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (“TUPE”), thereby negating the possibility of any staff redundancies as a direct result of the transfer. The TUPE timeline will ensure that all partners carry out their responsibilities regarding human resources and legal requirements in a time efficient manner. This will include exchange of information on the impact of the transfer on the affected staff, and any measures being proposed by the new agency. A formal consultation process with all affected staff and recognised Trade Unions and representatives will be led by the partner employers and supported by the RAA for all staff affected by the transfer. Sandwell’s adoption services employees are employed by Sandwell Children’s Trust; the Trust will liaise directly with the City of Wolverhampton Council on all TUPE matters and associated Trades Union consultations.
- 8.3 A due diligence review of the numbers, roles and Terms & Conditions (“T&Cs”) which currently apply to employees has been undertaken and is being continuously updated. Staff will transfer onto Wolverhampton’s terms and conditions. Due consideration will be given to the number of employees on long term sick leave or likely to be involved in industrial unrest in any one local authority/Trust, to ensure further provision does not have to be made by other authorities/Trust. The City of Wolverhampton Council will require an indemnity against any pre-existing employment claims that would otherwise transfer (by operation of law) and liabilities of the transferring LAs/Trust.
- 8.4 Appropriate 'pension protection' will need to be provided for employees who will transfer under TUPE from the local authorities/Trust to City of Wolverhampton Council as host of the RAA. Discussions will take place with the West Midlands Pension Fund, through which all four LAs/Trust are members of the Local Government Pension Scheme (“LGPS”), to ensure the transferring employees continue with their membership or entitlement to join following the transfer.
- 8.5 Mechanisms will be set out in the Collaboration Agreement as required to properly allocate liabilities, along with the arrangements for the sharing of risk between the councils. This will address the residual liability of the councils to underwrite any liabilities, cost, or losses which are generated by the operation of the RAA by the City of Wolverhampton Council if the RAA does not have the means to pay these itself from its income or capital

or the DfE's set up costs, or via Wolverhampton's insurance cover. The risk sharing arrangements would also apply if the RAA ceases to operate. Each council shall bear a financial risk in relation to any such residual costs, losses and liabilities which mirrors the proportion of their annual funding contribution to the RAA under the Funding Protocol (but excluding any costs and liabilities covered by the reciprocal indemnity which is to be given by the City of Wolverhampton Council).

- 8.6 Each of the 4 LAs will retain any liabilities which are associated with or arise out of their respective adoption services up to and including 31st March 2019. This includes liabilities and claims that relate to historical adoption cases that will not transfer to the City of Wolverhampton Council as the host for the RAA, or be funded by the RAA.

9. LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 The provision of an adoption service is a statutory requirement and the Council is required to monitor the provision of adoption services. The Adoption and Children Act 2002 provides the structure for this and, under section 3 of the Act, each council must continue to maintain within its area an adoption service designed to meet the needs of children who may be adopted, their parents, natural parents and former guardians. These services are referred to as the 'adoption service', meaning either a local authority or a registered adoption society may be referred to as an adoption agency (section 2(1) of the Adoption and Children Act 2002).
- 9.2 The development of an RAA will not absolve each local authority of its statutory responsibilities, but will allow for the delivery of certain functions to be contracted out which will facilitate the operation of a regional adoption agency. Section 15 of the Education and Adoption Act 2016 enables the development of Regional Adoption Agencies by amending the Adoption and Children Act 2002 to include joint arrangements by one or more local authorities for all or any of their functions to be carried out on their behalf by either: a) one of those authorities; or b) one or more other adoption agencies.
- 9.3 Each local authority/Trust will continue to be registered as an adoption agency as it will retain the Agency Decision Maker (ADM) responsibility for the child along with its care planning responsibilities. ADM for adopter approval will sit with the RAA.
- 9.4 Under regulation 5 of the Local Authority Adoption Service (England) Regulations 2003 each LA/Trust must appoint a Responsible Officer to manage the adoption service. Ultimately it is the LA/Trust that is responsible for the adoption service that it is required to maintain under s3 of the Adoption and Children Act 2002 and accountability and responsibility therefore remains with the individual LA/Trust. Inspections

and the Responsible Officer will continue to need sufficient oversight. Subject to Cabinet approval, the contract between Sandwell MBC and Sandwell Children's Trust will be amended to reflect this requirement.

- 9.5 The RAA arrangement will impact on current contract between Sandwell MBC and Sandwell Children's Trust. The contract for services will be between Sandwell MBC and the RAA. The contract between Sandwell MBC and Sandwell Children's Trust will be amended accordingly. Sandwell Children's Trust and the RAA will have a direct operational relationship as set out in a range of Schedules.

The following suite of legal documents for the RAA is in preparation:

- **Schedule 1** The Service Specification.
 - **Schedule 2** The Transfer Agreement (with TUPE list).
 - **Schedule 3** The Funding Protocol.
 - **Schedule 4** A Support Services and Accommodation Agreement.
 - **Schedule 5** An Information Sharing Agreement.
 - **Schedule 6** Data Processing Agreement.
 - **Schedule 7** Outcomes and Performance Management Framework.
- 9.6 The obligations and duties of Sandwell Children's Trust's Board of Directors is set out within the constitutional documents (the Memorandum and Articles of Association), and the protection of the Council as Shareholder is set out in the Companies Act and in the Constitution. There is no requirement for the Shareholder to agree the changes that will be required to the contract between Sandwell MBC and Sandwell Children's Trust, but there is a requirement for the 'Major Change' procedure to be enacted because of the new direction from the Secretary of State. Lawyers, Bevan Brittan, will manage the contractual change process on behalf of Sandwell MBC.

10. EQUALITY IMPACT ASSESSMENT

- 10.1 The development of an RAA has direct implications for looked after children with a plan for adoption.
- 10.2 Actions included in this report target support for the most vulnerable children and therefore will have a positive impact on equalities.
- 10.3 Sandwell Children's Trust, through the implementation of its own policies, will continue to identify children that require permanency and adoption services.
- 10.4 Each council involved in the development of the RAA has completed its own Equality Impact Assessment.

11. DATA PROTECTION IMPACT ASSESSMENT

- 11.1 Data protection and associated information sharing matters are referenced in paragraphs 4.6 and 4.11 of this report.
- 11.2 Schedule 6 of the Contract will set out the Data Sharing Agreement and this will be compliant with GDPR requirements.

12. CRIME AND DISORDER AND RISK ASSESSMENT

There are no crime and disorder risks associated with this report.

13. SUSTAINABILITY OF PROPOSALS

The development of Regional Adoption Agencies is required by government legislation. The sustainability of these new arrangements will be closely monitored through the governance arrangements for Adoption@heart.

14. HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 14.1 Achieving early permanence for looked after children ensures that their life chances are improved.
- 14.2 The recruitment of local residents to become adopters contributes to increased social value in Sandwell.

15. IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 15.1 The RAA Hub will be at Priory Green, Pendeford, owned by City of Wolverhampton Council, with a contribution to the lease and running costs made through the agreed support services element of the RAA budget. This will have full time desk space for approximately 20 Hub based staff, plus some further desking for practitioners to use on a “hot desk” basis.
- 15.2 RAA staff will also have flexible access to existing office accommodation within the four LAs to enable locality working, which will be provided by each local authority at no cost to the RAA. The properties that may be used in Sandwell are the operational bases used by Sandwell Children’s Trust and as such fall within the Contract between Sandwell MBC and Sandwell Children’s Trust.

16. CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 16.1 Legislation required local authorities to move into Regional Adoption Agency arrangements by 2020. Failure to do so will result in a direction from the Secretary of State.
- 16.2 The Black Country LAs have developed a proposal to move to a Regional Adoption Agency hosted by City of Wolverhampton Council. Cabinet approvals from all four Black Country LAs is required to progress this proposal. Cabinet meetings are taking place during November and December; the Sandwell MBC Cabinet meeting will be the last in this meeting schedule.
- 16.3 In order that Sandwell can move into the RAA arrangement, the DfE has confirmed that the Secretary of State has agreed a change in 'Direction' to Sandwell MBC that will enable the current contract with Sandwell Children's Trust to be amended. This constitutes a 'major change' and the legal procedure will be enacted via lawyers Bevan Brittan.
- 16.4 The local authority/Trust will continue to be directly accountable for high quality adoption services and will actively participate in the proposed governance arrangements and continue to identify a named Responsible Officer for adoption services.

17. BACKGROUND PAPERS

- 17.1 Education and Adoption Act 2016
<https://services.parliament.uk/bills/2015-16/educationandadoption.html>

18. APPENDICES:

Appendix 1 - Description of the RAA deliverables.

Appendix 2 - governance and accountability structure.



Lesley Hagger
Executive Director for Children's Services



*Our Vision is that **adoption@heart** will:*

- find a permanent, stable family as swiftly as possible for all children who need it
- ensure all adopters are fully prepared and supported
- support birth parents to understand why adoption is best for their children.



5 planned Outcomes

1. **Adopters are found to meet the needs of children with a plan for adoption**
2. **Adopted children move into a permanent stable family as swiftly as possible**
3. **Adopters are fully prepared and supported to sustain a stable family life**
4. **Birth parents are supported to understand why adoption is the plan for their children.**
We will also support our LAs/Trust to ensure that
5. **Children have a plan of adoption wherever this is in their best interests.**

8 Priorities in Our First Year

1. Develop the use of early permanence placements
2. Develop relationships with LAC teams to promote ambition in adoption and excellence in permanence planning
3. Recruit and assess sufficient numbers of adopters to meet the needs of our children
4. Develop our in house adoption support services
5. Develop approaches to ensure the voice of adopters, children, young people and birth parents is embedded in the delivery of the agency
6. Implement a strategy for the commissioning of Inter Agency placements and achieving an overall reduction.
7. Develop our staff team and panel members to build a culture of excellent practice and customer service
8. Create new partnerships with organisations that will help us achieve our planned outcomes.



How we will do it

- Promote excellent social work practice**
Put children's needs at the centre of decision making
- Promote ambition in adoption**
Value our staff - retain, attract and develop the people we need to succeed
- Act with openness, honesty and integrity** with all our families and stakeholders
- Work in co-production** with adopters, children, young people & birth parents in the delivery of the agency and empower them to shape services
- Strong and effective leadership and governance**
- Monitor and act** on performance data and feedback to continuously improve our service
- Deliver excellent value for money** through a strong and effective financial strategy and monitoring arrangements
- Seek ways to achieve greater efficiency and income generation**
- Maintain excellent collaborative relationships** with the commissioning Local Authorities

The Benefits we are committed to

- Improving permanence planning so that children are identified for adoption wherever this is in their best interests
- Increasing the number of local adopters recruited - improving placement choice and reducing the use of inter- agency placements
- Timely matching and placement of children with their adoptive family, reducing spend on fostering placements
- Fewer children for whom the permanence plan changes away from adoption
- Providing a wide range of high quality support services for adoptive families, promoting stability and a thriving family life

Adoption@Heart Governance Arrangements – Hosted Model

