

	<p style="text-align: center;">Children, Education & Safeguarding Committee</p> <p style="text-align: center;">13 March 2019</p>
<p style="text-align: right;">Title</p>	<p>Business Case for the Regional Adoption Agency in North London</p>
<p style="text-align: right;">Report of</p>	<p>Chairman of the Committee, Councillor David Longstaff</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>Yes</p>
<p style="text-align: right;">Enclosures</p>	<p>Appendix 1: Adopt London North –Regional Adoption Agency Business Case Appendix 2: Details of the arrangements to be covered in the partnership agreement</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Brigitte Jordaan, Operational Director – Family Services brigitte.jordaan@barnet.gov.uk</p>

Summary
<p>In June 2015, the Department for Education (DfE) published a paper, ‘Regionalising Adoption,’ setting out the proposals for the establishment of Regional Adoption Agencies (RAAs). The paper confirmed the Government commitment to all local authorities being part of a regional adoption agency and provided details of start up funding for those authorities interested in making early progress.</p> <p>The Education and Adoption Act 2016 amended the Adoption and Children Act 2002, giving the Secretary of State the power to direct one or more local authorities to make arrangements for specified adoption functions to be carried out by one of those authorities or one or more other adoption agencies.</p> <p>This report presents a Business Case for Barnet joining with Camden, Enfield, Hackney, Haringey and Islington to form Adopt London North. Councillors are asked to consider the business case and approve.</p>

Recommendations

1. That the Committee approves the Business Case for Adopt London North (attached to this report as Appendix 1).
2. That the Committee recommend to Council the following decisions:
 - That the functions referred to in section 5.4 are delegated to the London Borough of Islington from the date specified in the partnership agreement to be entered into for the purposes of setting up Adopt London North;
 - That delegated authority is given to the Director of Children's Services to negotiate and sign a partnership agreement to effect the establishment of the Adopt London North Regional Adoption Agency.

CONTEXT – REGIONAL ADOPTION AGENCIES

- 1.1 In June 2015, the Department for Education (DfE) published a paper, 'Regionalising Adoption,' setting out the proposals for the establishment of Regional Adoption Agencies (RAAs). The role of RAAs was proposed to focus on the recruitment, vetting and training of potential adopters, and the matching of children with potential adoptive parents. The rationale for the change was that by doing these roles at a regional – rather than Local Authority – level, regional agencies could speed up the matching process between child and potential adopter, improve adopter recruitment and support, reduce costs and to improve the life chances of some of our most vulnerable children.
- 1.2 Following the white paper, the Education and Adoption Act 2016 was passed, amending the Adoption and Children Act 2002. This amendment gives the Secretary of State the power to direct one or more local authorities to make arrangements for specified adoption functions to be carried out by one of those authorities or one or more other adoption agencies.
- 1.3 The predecessor to CES, the Children's, Education, Libraries and Safeguarding Committee, on 17th November 2016, agreed:
 - in principle, for the council to join a London Regional Adoption Agency, and
 - gave delegated authority to the Commissioning Director, Children and Young People (Director for Children's Services) to progress arrangements relating to the development of the detailed financial analysis and the implementation of the London Regional Adoption Agency model.

ADOPT LONDON NORTH AND IMPLICATIONS FOR BARNET

- 1.4 Following the decision by CELS, work has progressed on developing the detailed proposal for a RAA for London, as well as sharing Adoption practice between the London boroughs ahead of a potential formal merger. The programme for the London RAA has been overseen by the RAA London Board, which includes representation from the London Borough of Barnet.
- 1.5 Overall, it is proposed that four agencies are created for London. These are proposed to be:
 - Adopt London South – hosted by Southwark
 - Adopt London East – hosted by Havering

- Adopt London West – hosted by Ealing
- Adopt London North – hosted by Islington

1.6 It is proposed that the London Borough of Barnet would be part of Adopt London North, alongside the London Boroughs of Enfield, Camden, Hackney, Islington and Haringey.

1.7 A formal Business Case has now been prepared for Adopt London North, this is attached to this report as Appendix 1. It is currently undergoing a ratification and sign off process with each of the London boroughs included in paragraph 1.6.

1.8 The Business Case outlines the detail about what functions Adopt London North will potentially takeover from the Local Authority bodies, however, broadly it will lead on/deliver:

- Recruitment and Assessment – to provide the prospective adopters;
- Permanence Planning – to ensure that Local Authorities are supported to identify children requiring adoption and achieve placement (the Local Authority retains case management responsibility in relation to the child)
- Matching and Placement – to match prospective adopters with children in need of adoption;
- Pre and Post Adoption Support – to help all affected by adoption.

1.9 The London Borough of Barnet will need to enter into a Partnership Agreement (alongside the other London Boroughs forming Adopt London North). The agreement will cover the aims of the RAA, how the RAA will operate, details of the functions to be covered by the host borough (Islington) and service standards. This will include merging all the six Adoption Panels (one in each borough) into one Regional Adoption Panel. Barnet will continue to retain Agency Decision Maker responsibilities in relation to placement of children with adopters, and will make the final decisions on which children should be placed for adoption. The partnership agreement is still in draft format, however Appendix 2 sets out the broad arrangements to be covered.

1.10 To effect the RAA, it is necessary for each Borough to delegate certain statutory functions to the host borough. The functions to be delegated are as follows (full detail is provided in the legal section below):

- (1) functions associated with the linking and matching process, excluding the decision to place a child with specific adopters;
- (2) completion of adoption placement reports and organising matching panel;
- (3) recruitment of adopters;
- (4) central enquiry process;
- (5) Stage 1 and Stage 2 functions for adopter recruitment;
- (6) ADM decision making for all approvals of adopters, including managing Adoption panel;
- (7) assessment of adoption support needs, excluding financial assessment;
- (8) adoption support assessment and plan;
- (9) Adoption panel including independent panel chairs.

- 1.11 On a day to day operational basis, Adopt London North will report into the Director of Safeguarding, London Borough of Islington. Islington will report to the Quality Assurance Group, which will include the London Borough of Barnet, on the effective running of the service, and Barnet will have a crucial role in ensuring that relationships with Social Workers in Barnet are continued, and that support and challenge is given to the RAA to enable it to operate successfully. Performance on adoption will continue to be reported to Councillors via the normal performance reporting mechanisms.
- 1.12 The contribution from each borough to the running of Adopt London North has been calculated using the current staffing costs of Adoption services in each borough. The proposed running costs and contributions are laid out below. 2019/20 prices have been calculated using assumptions about national pay awards. More detail on the financial arrangements is found in Section 5 of Appendix 1 and Appendix 2

Borough	2018/19 prices			2019/20 Prices		
	Total pay and non-pay contribution	Existing contribution to North	Total	2019/20 Inflation uplift (pay)	2019/20 Total	Pro-rata from go-live (9/12ths)
		London Adoption Consortium				
	£	£	£	£	£	
Islington	421,805	29,366	451,170	7,306	458,476	343,857
Hackney	391,582	29,366	420,947	6,555	427,502	320,626
Haringey	415,294	29,366	444,659	7,595	452,254	339,190
Enfield	226,963	29,366	256,329	3,834	260,163	195,122
Camden	285,646	29,366	315,012	5,415	320,426	240,320
Barnet	332,361	29,366	361,726	5,438	367,164	275,373
	2,073,650	176,193	2,249,843	36,143	2,285,985	1,714,489

- 1.13 If approved, the move to Adopt London North will also mean that staff currently working for London Borough of Barnet will be subject to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (otherwise known as TUPE), as their roles will move to London Borough of Islington. This will affect between 6-8 staff (6-8 FTE).
- 1.14 Formal consultation will need to take place with the staff affected and will commence following sign off of the business case by all the participating London Boroughs. It is not anticipated that there will be any need for staff redundancies. If this position changes during the staff consultation, Barnet will avoid any redundancies at all costs through redeployment of staff into other roles. The Adoption Team have been part of the informal consultations and planning process that have contributed to the development of the RAA.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Members are asked to review the business case and agree the recommended option of joining the Adopt London North Regional Adoption Agency, and recommend to Full Council that certain statutory functions are delegated to the London Borough of Islington. This is recommended as it is the option that will provide the best value and most effective option for delivering adoption services on a regional basis.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 If the London Borough of Barnet does not make progress towards joining a RAA, then the Secretary of State for Education has to power to direct the London Borough of Barnet to

join a RAA arrangement.

- 3.2 A number of alternative options for delivery have already been reviewed, these are contained in section 2.3 of the business case attached to this report as Appendix 1. This option is recommended as it is forming a more formalised adoption organisation with existing consortium partners that we have had successful working relationship with for 14 years.

4. POST DECISION IMPLEMENTATION

4.1 Currently, the business case is undergoing a Member approval process in each of the six London Boroughs which will form Adopt London North.

4.2 Once the approval process has finished, Phase 2 of RAA set up will start. This will include:

- Recruitment to the post of Head of Service and locations of operation will be finalised.
- The staffing structure for the new service will be finalised, subject to consultation with affected staff and trade unions. The new staffing structure will be effective from July 2019
- Training and support for new ways of working in a single agency, as well as plans developed for on-going professional development.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 This supports the following Council's corporate priorities as expressed through the Corporate Plan for 2019-2024 which sets out the vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity, to make sure Barnet;

- Is a pleasant, well maintained borough that we protect and invest in;
- Residents live happy, healthy, independent lives with the most vulnerable protected;
- Has safe and strong communities where people get along well.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- A thorough review of each Boroughs financial spend on adoption services has been undertaken, resulting in challenges and peer-to-peer reviews. Boroughs have not been asked to contribute sums over and above their confirmed relevant spend on adoption.
- The £0.275m 2019/20 Pro-rata funding consists of existing adoption revenue budgets and relates to the functions which will be carried out by a new regional adoption agency.
- Further information on the financial arrangements are included in Appendix 1 and 2.

5.3 **Social Value**

- 5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.4 **Legal and Constitutional References**

- 5.4.1 Article 4 of the Council's Constitution reserves certain decisions to Full Council. This includes any decision to delegate functions to another council. Article 8.3 also confirms that decisions on delegation of functions to another council are reserved to a Full Council meeting.
- 5.4.2 Section 3 of the Adoption and Children Act 2002 requires a local authority to maintain an adoption service designed to meet the adoption needs of children who may be adopted, their parents and guardians, persons wishing to adopt a child and adopted persons, their parents, natural parents and former guardians. In connection with this duty, a local authority must provide facilities including making and participating in arrangements for the adoption of children and the provision of adoption support services. Such facilities may be secured via provision through another local authority or registered adoption society, but must be provided in conjunction with the local authority's other social services functions and with local adoption societies, so that help may be provided in a co-ordinated manner.
- 5.4.3 Section 3ZA of the 2002 Act provides the Secretary of State the power to direct that a local authority enters into arrangements for the delivery of all or some of its adoption services with another local authority or one or more other adoption agencies. This includes functions relating to (1) the recruitment of persons as prospective adopters, (2) the assessment of prospective adopters' suitability to adopt a child, (3) the approval of prospective adopters to adopt a child, (4) decisions as to whether a particular child should be placed for adoption with a particular prospective adopter, (5) the provision of adoption support services.
- 5.4.4 It is proposed that some of the adoption service functions will be delegated to the London Borough of Islington under a regional adoption service arrangement. Section 101 of the Local Government Act 1972 permits a local authority to arrange for the discharge of its functions by another local authority. This section also confirms that such a delegation does not prevent the original local authority from exercising its functions. This will allow the Council's officers to take decisions and undertake statutory functions where appropriate, including where there may be a conflict of interest that prevents the London Borough of Islington from undertaking the function. The functions currently envisaged to be delegated are as follows (any changes following further discussion with other authorities will be included in the report to Full Council):

Provision of information

- 5.4.4.1 Functions under Section 4B of the 2002 Act and Part 1 of the Adoption Support Services Regulation 2005 (the ASS Regs), including the duty to provide information to prescribed persons on adoption support services, right to request an assessment and availability of personal budgets

Provision of adoption support services

- 5.4.4.2 Functions under Section 2 of the 2002 Act and Part 2 of the ASS Regs, including prescribed services except as provided below, appointment of adoption support services

advisor

- 5.4.4.3 Excluded functions – assessment for and provision of financial support, including functions under Part 3 of the ASS Regs – decisions on financial support will remain with individuals' local authorities.

Assessments and plans

- 5.4.4.4 Section 4 of the 2002 Act and Part 4 and 5 of the ASS Regs including requirement to carry out assessment of prescribed person's needs for adoption support, provision of adoption support plan and review of need for support.

Preliminary requirements prior to adoption

- 5.4.4.5 Section 43 and section 44 – where an application has been made to court for an adoption order, the adoption agency must submit a report to the court on the suitability of the applicants and assist the court as directed and must investigate in cases of adoption not via the adoption agency.

Adoption agency arrangements

- 5.4.4.6 Requirements under the Adoption Agencies Regulations 2005 (the AA Regs) in relation to Adoption Panels, including maintaining the central list, constituting and arranging meetings of the Adoption Panel, maintaining written policies and procedures, appointment of agency advisor and medical advisor, provision of legal advisor.

Duties where child is to be considered for adoption

- 5.4.4.7 Functions under Part 3 of the AA Regs including maintaining a child's case record, identifying prospective adopters, provision of counselling and information to a child, parent or guardian, obtaining information about a child, preparing child's permanence report,
- 5.4.4.8 Excluded functions – the individual LAs will retain responsibility for maintained the child adoption file, however information will be shared between the individual LA and the RAA.

Duties towards prospective adopters

Stage 1 – pre-assessment process

- 5.4.4.9 Functions under Part 4 of the AA Regs including preparation of a Stage 1 plan, case record, provision of counselling, information and preparation for adoption, undertaking appropriate checks, obtaining pre-assessment information and pre-assessment decision.

Stage 2 – assessment decision

- 5.4.4.10 Functions under Part 4 of the AA Regs including preparation of assessment plan, prospective adopter's report, agency decision and notification, submission of information to an independent review panel, ongoing review and decision on termination of approval, preparation of prospective adopter matching plan

Duties in respect of proposed placement of child

- 5.4.4.11 Functions under s.4 of the 2002 Act and Part 5 of the AA Regs including provision of permanence report, information and support to prospective adopters, assessments for adoption support services, preparation of adoption placement report, supporting the

relevant local authority with a recommendation to the Adoption Panel, communication of decision to child and maintenance of child's case record.

- 5.4.4.12 Excluded functions – recommendation on whether to place a child for adoption and ADM decision making on placement.

Placement and review

- 5.4.4.13 Functions under Part 6 of the AA Regs including provision of adoption placement plan, notifying professionals about adoption, maintenance of child's case record, maintaining statutory visits and undertaking reviews.

- 5.4.4.14 Excluded functions – independent reviewing officer functions.

Case Records

- 5.4.4.15 Functions under Part 7 of the AA Regs including maintenance and storage of case records, access and disclosure of records in accordance with legal requirements.

Post adoption family contact

- 5.4.4.16 Section 54 of the 2002 Act and Part 8 of the AA Regs including determining contact arrangements.

5.5 Risk Management

- 5.5.1 The strategic risks relating to the move to a RAA are outlined in section 2.6 of Appendix 1. It is worth noting that all Local Authorities who are moving to a RAA arrangement will experience the same risks. Risk management of the programme is retained at a regional level, and London Borough of Barnet works closely with the Adopt London programme team to ensure that risks are mitigated.

5.6 Equalities and Diversity

- 5.6.1 The 2010 Equality Act outlines the provisions of the Public-Sector Equalities Duty which requires Public Bodies **to have due regard** to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

- 5.6.2 One of the benefits of moving to a RAA will be improved adopter recruitment. Whilst there has been growth in adopter recruitment there are too few adopters willing and able to adopt 'priority' children. This means that currently, some children are waiting too long for a permanent arrangement. These children tend to be older, be in sibling groups, and from some specific ethnic, religious or cultural backgrounds. Recruitment from a wider geographical base than an individual local authority, that takes account of the needs of children across a number of those local authorities in a regional recruitment strategy and uses specialist techniques for recruiting adopters for hard to place children, would potentially lead to fewer children waiting.

5.7 Corporate Parenting

- 5.7.1 Finding a suitable, nurturing, permanent home for children and young people who are

unable to live at home with their birth family is critical to ensure that these children and young people can go on to live happy and positive future lives. Work on adoption placements follow the same core principles as Corporate Parenting work, namely:

1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
2. to encourage those children and young people to express their views, wishes and feelings;
3. to take into account the views, wishes and feelings of those children and young people;
4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work; and;
7. to prepare those children and young people for adulthood and independent living.

5.8 Consultation and Engagement

- 5.8.1 The proposed RAA model and future operation was developed using consultation and engagement with staff in the Barnet Adoption Team, as well as current and future adopters.

5.9 Insight

- 5.9.1 Insight data will be used to inform the strategy for its future delivery, as well as track the impact of the RAA.

6 BACKGROUND PAPERS

- 6.1 CELS, London Regional Adoption Agency, 17th November 2016,
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=697&MId=8687&Ver=4>