

Report No.

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: Executive

Date: 21st May 2019

Decision Type: Non-Urgent Executive Key

Title: REGIONALISATION OF ADOPTION SERVICES

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Chief Officer: Janet Bailey Director Children Services

Ward: (All Wards);

1. Reason for report

- 1.1 The Education and Adoption Act 2016 obliges local authorities to deliver adoption services on a regional basis through Regional Adoption Agencies (RAA). The Department for Education (DfE) may direct a local authority to join a RAA where progress has not been made to join one by 2020.
 - 1.2 On 11th January 2017, Executive agreed in principle to join a London RAA and delegated authority to the Director of Children's Services to develop suitable arrangements.
 - 1.3 In November 2017, the Portfolio Holder for Education, Children and Families, in agreement with the Director of Children's Services, agreed to pursue the development of the 'Ambitious for Adoption, CORAM Capital' RAA as its preferred RAA model, in partnership with the local authorities of Harrow, Redbridge, Hillingdon, Slough, Waltham Forest and City and the delivery partner CORAM. This model was approved by DfE on 1 November 2018 and will go live on 10th May 2019 with Bromley going live in June.
 - 1.4 This paper seeks approval from Executive to formally enter into the 'Ambitious for Adoption, CORAM Capital' RAA arrangement, via a joint contract between the participating local authorities and CORAM for a six year contract with two extension options of two years (6+2+2). The annual value of the contract for Bromley is £386k with a whole life value of £3.86M.
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2. RECOMMENDATIONS

2.1 Executive is recommended to:

- i) Approve that Bromley Council enter into the 'Ambitious for Adoption, CORAM Capital' RAA arrangements via a joint contract with participating local authorities for a period of six years with two extension options of two years each, commencing 1 June 2019 at an annual value of £386k and a whole life value of £3.86M;**
- ii) Delegate authority to the Director of Children's Social Care, in consultation with the Portfolio Holder, the Director of Corporate Services, the Director of Finance and the Assistant Director Governance & Contracts, to finalise suitable contractual arrangements (including any relevant TUPE requirements) between the participating boroughs and the service provider to form the RAA; and to approve the available extension options at the due time.**

Impact on Vulnerable Adults and Children

1. **Summary of Impact:** The arrangements for regionalising adoption services are designed to ensure that vulnerable children (where adoption is considered to be in their best interest) achieve permanency without delay. The RAA model will therefore strengthen the current process for placing our children for adoption and will avoid/prevent drift and delay in obtaining adoptive placements for our children.
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Corporate Policy

1. Policy Status: New Policy
 2. BBB Priority: Children and Young People
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Financial

1. Cost of proposal: £386,050
2. Ongoing costs: £386,050 per annum on a 6+2+2 basis
3. Budget head/performance centre: Adoption Service 833110
4. Total current budget for this head: £1,216k
5. Source of funding: Core

Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: 1 Team Manager, 4 Senior Practitioners
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Applicable:
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Procurement

1. Summary of Procurement Implications: N/A
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 In March 2016, the Government announced intended changes to the delivery of adoption services, setting a clear direction that all local authorities' adoption services **must** be delivered on a regional basis no later than 2020. This followed a range of national policy changes since 2012, including the 2015 'Regionalising Adoption' paper by the Department for Education (DfE) that sought improvements in adoption performance.
- 3.2 Following the General Election in June 2017, the Minister of State for Children and Families reaffirmed commitment to this policy, through provisions made in the Education and Adoption Act 2016.
- 3.3 In March 2018, the DfE commenced implementation of that legislation allowing them to direct any local authority into a Regional Adoption Agency (RAA) if no progress is being made by the LA in becoming part of a RAA.
- 3.4 There will be five RAAs across London, these being:

Adopt London South
Adopt London East
Adopt London West
Adopt London North
Ambitious for Adoption, CORAM Capital

- 3.5 The Key policy objective of the Regional Adoption Agencies aims to:

- Speed up the matching process for children where adoption is the plan and to increase the numbers of children adopted
- Improve Adopter recruitment for harder to place children (*older children, larger sibling groups, disabled children, those with special educational needs, and children from black and other ethnic minority backgrounds*)
- Reduce the length of time children wait to be adopted
- Improve post-adoption support services to families who have adopted children from care;
- Reduce the number of agencies that provide adoption services thereby improving efficiency & effectiveness.
- Enhance the adoption support provision

- 3.6 A number of possible models were explored and Bromley Council formally agreed to join 'Ambitious for Adoption, CORAM Capital' in November 2017.

- 3.7 'Ambitious for Adoption, CORAM Capital' will consist of 7 Local Authority Adoption Services and one Voluntary Adoption Agency, these being:

Harrow	City of London	Bromley
Redbridge	Slough children's Trust	Waltham Forest
Hillingdon	CORAM	

3.8 Each borough and agency is committed to building on the success of their existing services and seeks to improve performance further in relation to children whose needs will be best met through adoption by bringing together the best practice from each authority within the RAA. 'Ambitious for Adoption' will be efficient and effective use of resources and development of practice to the benefit of children, adopters and stakeholders.

Progression

- 3.9 'Ambitious for Adoption, CORAM Capital' is a RAA commissioned from the established outstanding voluntary adoption agency, Coram Capital. All RAA must have a lead Local Authority. The London Borough of Harrow is the lead for the participating LA's (Harrow, Bromley, Redbridge, City of London, Waltham Forest, Hillingdon and Slough Children's Trust). Due diligence in procurement and legal advice led to the award of the contract to Coram Capital on the 21st November 2018, as the legal entity to mobilise/provide the RAA service.
- 3.10 'Ambitious for Adoption, CORAM Capital' is planned to go live with the first Local Authorities on the 10th May 2019 with Bromley and Slough migrating shortly after in June.
- 3.11 The current transition/project costs are borne by the Department for Education.

4. SUMMARY OF THE BUSINESS CASE

- i) All Local Authorities must be part of an RAA by 2020.
- ii) This paper seeks approval to join the Ambitious for Adoption, CORAM Capital RAA.

4.1 SERVICE PROFILE/DATA ANALYSIS

4.1.1 Ambitious of Adoption CORAM Capital, will deliver the following main services across the regions:

- Recruitment, preparation and assessment of adopters
- Adoption and matching panel framework
- Early permanence delivery
- Family finding & Matching
- Adoption support services pre and post placement
- International adoption by subcontract from the RAA

4.1.2 The following functions will remain within each Local Authority and are currently out of scope of the RAA

- The ADM decision for the child will remain with Bromley's Director of Children's Services
- Adoption Allowances remain with each individual local authority
- Special Guardianship and support of special SGO placements
- Non-Agency Adoptions

Restructure

4.1.3 Prior to commencement of the RAA, it was recognised that the service was in need of a full restructure to support the new service provision. A restructure of the Adoption, Fostering and Connected Person service within the Council's Education, Care and Health

Services Department, following a management review of the strategic functions of the service commenced in March 2019.

4.1.4 The proposed new structure was designed to enable services to strengthen and provide better value for money and to ensure that the entire service is fit for purpose in going forward.

4.1.5 The new Permanency Service is summarised below, with a summary of functions and the staffing establishment.

New Permanency Service

Functions

- Strategical oversight of the RAA
- Family finding
- Financial assessments and payments
- Out of Hours support
- Non- Agency Adoption
- Fostering recruitment
- Fostering Support
- Fostering project development
- Early Permanency
- SGO support
- Connected Persons Support
- SGO court assessment
- Birth family support
- Therapeutic services

4.1.6 The new restructure is outlined below and comprises of 41 posts.

New Permanency Staffing Establishment

- 1 x Head of Service
- 2 x Group Manager
- 4 x Team Manager
- 16 x Senior Practitioners
- 10 x Social workers
- 4 x Social Work Assistants
- 3 x Business Support Officers
- 1 x Finance officer

4.1.7 Bromley aims to move forward into the new RAA which will allow the following benefits to be achieved:

- Better timeliness of adoption matching with central tracking of children and adopters.
- Reduction in bureaucratic processes so they are not replicated numerous times in each local authority. Centralised management and administration of adoption panels, including health.
- Recruitment will be driven by the needs of a larger cohort of children who are waiting to be matched. Family finding social workers will be clearer about the adopters who are available and the children requiring placement across a wider cohort.
- Social workers will have immediate access to a larger pool of adopters when carrying out the matching process. This is likely to speed up the matching and maintain adopted children in their regional areas.
- There is increased choice, consistency and availability of support services in relation to post adoption support.

4.1.8 Mechanisms will be established which will provide an overview of those children coming into the care system and this will provide an opportunity to develop early planning with protocols.

Risks

- 4.1.9 The development of a regional adoption agency risks dislocating adoption services from the social work teams which work with children. Services may become fragmented leading to delay for children. All participating councils are aware of this risk; close engagement of social work teams for children is planned and will be over seen by the Head of Service - Permanency.
- 4.1.10 Close monitoring of adoption delay and rates of adoption is now in place at national, regional and council level to closely track any changes. Bromley's Head of Service of Permanency and the Agency Decision Marker (ADM) will retain responsibility for **our** children when the care plan is Adoption.
- 4.1.11 The Council currently has direct control over its adoption service; regionalisation has the potential to dilute this.
- 4.1.12 Disruption during the period of transition when managers/staff could become focussed on the change process rather than service delivery which may lead to delays in plans for children.
- 4.1.13 Adopters may lose confidence during the change process resulting in the potential for fractured relationships and breakdown in service delivery.
- 4.1.14 There are likely to be a number of legal issues and risks regarding contracts, procurement and transfer of functions into the RAA.
- 4.1.15 Key risks and issues will be identified as part of the future project planning.

4.2 OPTIONS APPRAISAL

- 4.2.1 Doing nothing is not a viable option. The DfE has made it clear that regionalisation will become mandatory. Any local authority not part of an RAA by 2020 will risk a direction being made for its services to be provided by another local authority or adoption agency. This would remove any choice of a Local Authority to deliver services which best meet its profile.

- 4.2.2 Joining another RAA, other than Ambitious for Adoption, is another option. The only other option in London is to join the other London Regional Adoption Agency arrangements which are a hub and spokes model based on current London consortiums as detailed in paragraph 3.4. However Bromley chose not to take this route due to the large number of Local Authorities which would dilute its bespoke service to children and potential adopters.
- 4.2.3 A further option is create our own model. Any new agency being developed would have the same timescale requirements and would need to access development funding independently. A subdivided London would lose the benefit of the wider pool of adopters and the standardisation of service offering. In addition it is not certain that sufficient other local authorities would join us in the development of an alternative model given that every other London borough has already been involved in the development of the option developed by LRAA or CORAM.
- 4.2.4 The final option is to join the Ambitious for Adoption RAA run by CORAM. This RAA will be small in comparison to the LRAA with just 6 local authorities and CORAM meaning a more manageable transition for Bromley's Adoption services.

4.3 PREFERRED OPTION

- 4.3.1 The preferred option is join the Ambitious for Adoption RAA due to the following reasons

The Ambitious for Adoption RAA delivery model is a Hub and Spoke, with co-location of services across the authorities delivered by a registered Voluntary Adoption Agency (Coram) by direct award. Coram is one of the oldest children's charities and a leading voluntary adoption agency, judged Outstanding in all categories by Ofsted. It operates from the historic 3.5 acre Coram Campus at the heart of the Capital as the hub to distributed local centres (*in Harrow, Slough, Redbridge/Waltham Forest, Hillingdon and South London/Bromley*). Building on established relationships and best practice standards, the RAA is characterised by a focus on early placement delivery, timely family finding across agency boundaries, and proactive and preventive adoption support delivering outcomes for children in the upper quartile of national performance.

The Hub is to be integrated within the Voluntary Adoption Agency offices from a central London location providing core services.

The RAA provision will be headed up by a Service Lead for the RAA with oversight and contract accountability to the RAA Strategic Governance Board. The RAA Service Lead will take responsibility for the leadership and management of the RAA including:

Sufficiency planning.

Inspection readiness and reporting.

Adoption Panel Management and Administration.

Contract supervision for fulfilment of sub-contracted/commissioned services (including peer support, inter-country adoption and birth family support).

Operational compliance and resilience including GDPR for children.

RAA contract compliances and all statutory requirements associated with adoption services.

Staff leadership, supervision and case management.

4.4 MARKET CONSIDERATIONS

- 4.4.1 As set out in paragraph 3.5 there are 5 RAA's across London varying in size and make up. Currently each local authority has its own adoption team.
- 4.4.2 Joining the Ambitious for Adoption RAA will provide a wider pool of adopters along with a more efficient matching process.

5. STAKEHOLDER ENGAGEMENT

- 5.1 Throughout the process the Director of Children's Services has been heavily involved and has sat on the Strategic Development board.
- 5.2 The Portfolio Holder for Children and Families has also been engaged with and kept up to date with progress.
- 5.3 A Project Board has also been developed in order to aid the process of joining the RAA. The project board is chaired by the Head of Service - Adoption and consists of HR, IT, Information Assurance, Legal and Commissioning.

6. PROCUREMENT AND PROJECT TIMESCALES AND GOVERNANCE ARRANGEMENTS

- 6.1 **Estimated Contract Value** –£386,050 annual value, whole life value £3.86M
- 6.2 **Other Associated Costs** – n/a
- 6.3 **Proposed Contract Period** – 6 years plus 2 plus 2
- 6.4 Coram was awarded the contract by Harrow, as the lead borough, to act as a commissioned Voluntary Adoption Agency to develop and carry out the functions of a new RAA in August 2018. This was via a direct award covered by Section 32 of the Public Contracts Regulations (2015). Participating local authorities are now required to sign up to the contract as joint signatories.
- 6.5 A Procurement Board was established to manage this process in order to ensure it was carried out fairly and agreed by all boroughs. Bromley have been part of this process since the start.

7. SUSTAINABILITY AND IMPACT ASSESSMENTS

- 7.1 This decision has been judged to have no or a very small impact on local people and communities.

8. POLICY CONSIDERATIONS

- 8.1 Improving Bromley's capacity to provide more effective and appropriate adoption services is a key objective for Children's Social Care and contributes towards '*Achieving our Aspirations, Roadmap to Excellence*'.

9. IT AND GDPR CONSIDERATIONS

- 9.1 The Council shall undertake all necessary risk assessment and due diligence procedures mandated by data protection laws including the completion of a Data Protection Impact

Assessment for Bromley responsible and accountable functions within the RAA to append any centralised assessment for the overall structure

- 9.2. The Council shall ensure that there is adequate and proportionate governance procedures in place to protect the rights and freedoms of service users, council reputation and liability
- 9.3. The Council shall ensure that there are adequate and proportionate implementation of technical and organisational controls in order to protect information and prevent the abuse of physical and logical assets via access controls and that associated contracts, MOU's and sharing agreements protect Council interests.
- 9.4 The Council shall have in place suitable mechanisms to be able to comply with its statutory obligations under the GDPR and UK Data Protection Act including, but not limited to
 - Breach notification and reporting
 - Handling rights of the data subject
 - Records management

10. PROCUREMENT RULES

- 10.1 This report seeks agreement for Bromley's Adoption Service to join '*Ambitious for Adoption, CORAM Capital*' to form part of a Regional Adoption Agency and will consist of 7 Local Authority Adoption Services and one Voluntary Adoption Agency.
- 10.2 This action is permissible under the general waiver power of the Council (CPR 3.1). The Council's specific requirements for authorising this agreement are covered in CPR 13 with the need to seek Approval of the Portfolio Holder following Agreement by the Chief Officer, in consultation with the Assistant Director Governance & Contracts, the Director of Corporate Services and the Director of Finance, for a contract of this value.
- 10.3 The actions identified in this report are provided for within the Council's Contract Procedure Rules, and the proposed actions can be completed in compliance with their content.

11. FINANCIAL CONSIDERATIONS

- 11.1 The total annual cost of this proposal will be £386,050. However this is made up of controllable and non-controllable costs as detailed in the table below:-

New RAA Budget	
Expenditure Type	2019-20 full Year budget £'000
Staffing costs	262
Promotion of Foster Care	5
Adoption Panel Expenses	22
Other RAA running costs	46
CONTROLLABLE TOTAL	335
Insurances	1
Administration Buildings	11
Computer Charges	29
Strategic & Business Support Services Recharge	10
NON CONTROLLABLE/CORPORATE RECHARGE	51
TOTAL BUDGET	386

11.2 The funding transferred to Coram would amount to £335k, which would cover staffing and running expenses, etc. However there would be other costs incurred by Coram by being situated within the LBB civic centre site buildings. These costs amount to an estimated £51k. This brings the total value of the arrangement to £386k.

11.3 This figure would be subject to change if staffing were to relocate, etc

11.4 This cost will be met from existing resources within the current Adoption Team 2019-20 revenue budget. The actual cost for 2019-20 will be for a part year, with the start date expected to be 1st June 2019 (subject to confirmation).

12 PERSONNEL CONSIDERATIONS

12.1 The key Personnel considerations are as follows. Currently there are 47 posts in the service of which 5 posts, 1 x Team Manager and 4 x Senior Practitioner, were subject of a TUPE transfer to the RAA. As a result of the restructure outlined in 4.1.3, and with the agreement of the transferee (RAA), four of these post holders including the Team Leader, have elected to be assimilated into the remaining New Permanency Service.

Therefore only one person at a Senior Practitioner level will be transferring to the RAA with the agreement of the individual and the RAA. These arrangements are consistent with the provision of TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended (2014) and will be managed in accordance with Council policies and procedures and with due regard for the existing framework of employment law.

13 LEGAL IMPLICATIONS

13.1 The recommendations to this report are seeking approval to join the Ambitious for Adoption, CORAM Capita Regional Adoption Agency (RAA).

13.2 The Council have various legal powers to join the RAA in particular by virtue of the Education and Adoption Act 2016 as explained elsewhere in this report. The report at paragraph 1.3

confirms this RAA Model has been approved by the Department of Education on the 1st November 2018.

- 13.3 Under paragraph 12 of the report Personnel Considerations, officers have set out the staffing implications and the position under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as amended (2014) (TUPE Regulations).
- 13.4 Officers have been developing this RAA model with other partners under an updated Memorandum of Understanding dated 10th October 2018. Paragraph 3.9 of the report confirms an award of an initial contract to Coram Capital on the 21st November 2018. Paragraph 6.4 to this report confirms the award being compliant with CPR's and the exemption to allow a direct award under Regulation 32 of the Public Contracts Regulations 2015. The RAA model requires a new service contract for the 6 years (2 plus2) which is to be with the same service provider and the same exemptions under the Regulations and CPR's. Any Tupe transfers of staff will be to the service provider Thomas Coram Foundation For Children (Coram) under the service contract. Given the very tight timescales, details of the service contract need to be considered and agreed by Officers and any TUPE Information and Consultation required under the TUPE Regulations is complied with together with the issues mentioned in paragraph 4.1.14 Risks section of this report. Such decisions are intended to be in accordance with the specific officer delegations set out in the Recommendations to this report.

Non-Applicable Sections:	
Background Documents: (Access via Contact Officer)	