

TELFORD & WREKIN COUNCIL

CABINET - 2 JANUARY 2020

TOGETHER4CHILDREN REGIONAL ADOPTION AGENCY

REPORT OF THE ASSISTANT DIRECTOR: CHILDREN'S SAFEGUARDING & STRENGTHENING FAMILIES

LEAD CABINET MEMBER – CLLR SHIRLEY REYNOLDS

PART A – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1.** The formation of the “Together4Children Adoption Agency” formerly working title North Midlands Regional Adoption & Permanency Partnership, combines the expertise of the four Local Authorities. Working together to find local, caring, stable and loving homes for Looked After Children who require permanence, giving a child a sense of stability, continuity, commitment and identity.
- 1.2.** The Partnership is a unique arrangement, creating a sustainable system which operates on a regional footprint, maximising resources, capacity and flexibility, which leads to improvements in service delivery, effective practice and long-term outcomes for children, whilst maintaining the independence of each individual Local Authority.
- 1.3.** There is an opportunity to share the progress of the partnership with cabinet, and for cabinet to delegate key decisions to the formation of the “Together4Children Regional Adoption Agency to the Director of Children & Adults. Further, cabinet are invited to consider the approval of the Financial Formula which sets the basis for Telford & Wrekin Councils contribution to the Adoption Agency.

2. RECOMMENDATIONS

2.1 Cabinet acknowledge the progress made in respect of the formation of the Together4Children Regional Adoption Agency (RAA) between Telford & Wrekin Council, Staffordshire County Council, Stoke-on-Trent City Council and Shropshire Council

2.2 Cabinet delegates further key decisions in relation to the formation of the Together4Children Regional Adoption Agency (RAA) to the Statutory Director of Children's & Adults Services in consultation with the Cabinet Member for Children, Young People & Education Cllr Shirley Reynolds. This includes authority to enter into the final interagency Permanency Partnership Agreement.

2.3 Cabinet approves that the, Together4Children Regional Adoption Agency (RAA), Regional Financial Formula for 2020/21 and 2021/22 is set on the basis that each Partner contributes 100% of “in scope” budgets (Adoption Services), as disaggregated from the 2019/20 budget.

2.4 Cabinet continues to be committed to the ambition of Telford & Wrekin Council, Staffordshire County Council, Stoke-on-Trent City Council and Shropshire Council to go beyond adoption and develop a regional model of wider permanence which includes Fostering, Connected Persons and Special Guardianship Orders (SGO).

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	In line with the council's priority of putting children and young people first.
	Will the proposals impact on specific groups of people?	
TARGET COMPLETION/DELIVERY DATE	Regional Adoption Agency – March 2020. Permanency Hub is a four year programme.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	<p>Government legislation requires Councils to be part of a Regional Adoption Agency by 1 April 2020. In order to support this requirement, additional Government grant has been allocated. The Together for Children Regional Adoption Agency has been allocated up to £610,000 for the period until 2020. This has enabled the preparations for the partnership to commence, with Staffordshire County Council employing the project leads. The government grant has been allocated specifically to cover costs of setting up the regional agency, rather than its running costs.</p> <p>The intention is that the partnership will deliver a range of financial benefits, including better value for money through economies of scale and a decrease in the number of children requiring specialist, intensive and costly placements/services.</p> <p>It is being recommended that the Regional Financial Formula for 2020/21 and 2021/22 is set on the basis that each Partner contributes 100% of "in scope" budgets (Adoption), as disaggregated from the 2019/20 budget. Telford and Wrekin are currently contributing £687,000 (excluding Corporate charges) to the Joint Adoption service with Shropshire.</p> <p>It is also stated that there will be no further recourse to any Local Authority in the Partnership, in respect of services in scope of the Phase One Regional Adoption Agency (RAA). The partnership will be organised around a central hub, made-up, with one exception, of seconded staff from the partner authorities.</p> <p>The one exception is the Regional Head of Operations, towards which T&W will contribute 25% of the costs. Whilst partners have agreed that this budget would not be identified within the Adoption spend, as the post has a wider span of responsibility</p>

		<p>in respect of Permanence, the 25% contribution does therefore represent additional costs to T&W.</p> <p>There is a commitment that during 2020/21 and 2021/22 no additional “Corporate Recharges” will be incurred by the Central Regional Permanency Hub, but the implication is that additional charges could be incurred after this, at a potential additional cost to T&W.</p> <p>Partner Local Authorities will also remain responsible for additional cost pressures arising from, for example, significant increases in predicted demand for services, or issues arising from under-recruitment of adopters. These potential cost pressures are an existing risk, not a new risk arising from the regional arrangements.</p> <p>All Local Authorities will share the risk of an underperformance of the Central Permanency Hub but the methodology or format of such a risk share has not yet been determined and so it is not possible to assess the possible financial impact of this.</p> <p>The Partnership will begin to look for efficiencies as soon as it is implemented and also through phases 2 and 3 of the process, so there could be economies of scale that will financially benefit T&W.</p>
<p>LEGAL ISSUES</p>	<p>Yes/No</p>	<p>Section 15 of the Education and Adoption Act 2016 came into force on 7th March 2018 inserting a new Section 3ZA into the Adoption and Children Act 2002 to enable the Secretary of State to give directions to local authorities to make arrangements for one regional adoption agency to carry out a wide range of 2002 Act adoption functions on behalf of a number of local authorities. This supported the Government’s reform and regionalisation plans for adoption which have been in development since March 2012 and further the Government’s ambitions set out in the Department for Education’s paper “Regionalising Adoption” in June 2015. The Government’s ambitions for regional adoption agencies does not expressly include fostering. However, the DFE is supportive of proposals that further regionalise their services in respect of all looked after children.</p> <p>Local Authority fostering [including connected persons fostering] functions are undertaken further to the Children Act 1989 and Care Standards Act 2000 [as amended], regulations made thereunder including The Fostering Services (England)</p>

		<p>Regulations 2011, statutory guidance including the Fostering Services National Minimum Standards and practice guidance.</p> <p>Special Guardianship functions are undertaken under the 1989 Act [as amended], the Special Guardianship Regulations 2005 and statutory guidance.</p> <p>In order to ensure that there is a clear understanding of the responsibilities of both the Regional Adoption Agency and the Joint Adoption Service, the agreement between Telford & Wrekin Council and Shropshire Council will need to be reviewed. This will ensure that the JAS continues to meet the needs of both authorities following the creation of the Regional Adoption Agency.</p> <p>The current proposal is that the Regional Adoption Agency, in itself, will not be a decision-maker but, rather, that each member authority will have a representative on the Management Board which will take a collective approach to making decisions regarding adoption functions. That being the case, it will be necessary for each authority, including Telford & Wrekin, to ensure that their respective representatives have the necessary delegations from their authority to make decisions with regards to the discharge of adoption functions. As the Regional Adoption Agency is developed to include more functions, it will be necessary to ensure that the delegations are expanded to incorporate those functions.</p> <p>AL 21/11/2019 and 28/11/19</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	N/A.
IMPACT ON SPECIFIC WARDS	No	N/A.

PART B) – ADDITIONAL INFORMATION

4. Background

- 4.1.** Most children will have their need for stability and nurturing met by their birth parent(s) and will not require support from or come to the attention of Local Authority Children’s Services. A small number of children will come into the care of the Local Authority and will require long term provision away from their birth parent(s).
- 4.2.** Where children require long term care, Local Authority Children’s Services will prioritise the achievement of permanency. Permanence, in the context of Children’s Social Care, is defined as a framework of emotional (attachment), physical (stability) and legal permanence (in respect of who discharges parental responsibility).

- 4.3. In June 2015, the Coalition Government prioritised the achievement of permanence through Adoption. “Regionalising Adoption”, published by the Department of Education (DfE), set out the Governments direction for the formation of Regional Adoption Agencies (RAA’s) by 2020.
- 4.4. In April 2017, the Partnership came together because of the four Local Authorities shared vision to create an arrangement which goes beyond Adoption (as required in the Education and Adoption Act 2016) and includes Fostering, Special Guardianship and Connected Persons. This Partnership focuses on working together to find local, caring, stable and loving homes for Looked After Children who require permanence, giving a child a sense of stability, continuity, commitment and identity.
- 4.5. In March 2019, Cabinet approved the formation of a Regional Permanency Arrangement (following the consideration of an Outline Business Case). To maximise the potential benefits of the new delivery model, and to manage the risks, Cabinet agreed to pursue a well organised and sequenced plan to achieve go live of Phase One (2018 – 2020), Phase Two (2020 – 2022) and Phase Three (2022 – 2024).
- 4.6. The Together4Children Regional Adoption Agency (RAA) continues to be developed in line with the decisions taken by Cabinet in March 2019. The development of this arrangement continues to be reflective of the Regional Outline Business Case (OBC) considered by Cabinet.
- 4.7. Statutory responsibilities relating to Looked After Children will continue to sit with Local Authorities (i.e. Corporate Parenting, Agency Decision Maker and Care Planning, Placement and Case Review).
- 4.8. In April 2019, the Partnership entered the Regional Permanency Transformation Programme (Phase One) which has initially focused on the development of a Regional Adoption Agency (RAA) by the 1st April 2020.
- 4.9. This Partnership is the first of its kind in the country and has received a significant transformation grant from the Department of Education (DfE) to pursue this new innovative way of working, which is focused on improving the long-term outcomes of all Looked After Children requiring permanency.

5. Progress

- 5.1. In coproduction with Stakeholders, the Partnership have developed the “Together4Children” regional brand. This regional brand reflects the vision, mission, values and strategic outcomes of the Partnership.
- 5.2. The Partnership have appointed a Regional Head of Operations who is responsible for the Regional Permanency Arrangement. The Regional Head of Operations has a single line of accountability to the Regional Management Board and undertakes a range of key functions across the four Local Authorities.

- 5.3.** The Regional Head of Operations is continuing to engage the Regional Permanency Partnership in broader opportunities for transformation and development. This includes representing the region to the Department of Education (DfE), at the National RAA Leaders Group and the West Midlands Regional Adoption & Special Guardianship Leadership Board.
- 5.4.** The Partnership have formed a Regional Senior Leadership Team (SLT) which brings together Service Leads responsible for Adoption, Fostering, Connected Persons and Special Guardianship from each Partner. The SLT demonstrates a shared purpose to deliver permanency services for families that are locally determined but at the same time have clear links to wider local, regional and national priorities.
- 5.5.** Information governance is integrated in all aspects of the Regional Permanency Arrangement and up to date and comprehensive intelligence and performance data is used regularly with partners to plan and assess impacts of the Partnerships decisions.
- 5.6.** Academic research and analyses is used to optimise performance and outcomes with automated analytical insight where possible. The Partnership is continuously adapting and improving using research as evidence in line with strategic objectives.
- 5.7.** Through funding provided by the Department of Education (DfE), a team of Regional Development Officers is continuing to embed new ways of working across the Partnership with a focus on innovation, effective practice and service improvement.
- 5.8.** A network of Regional Business Workstreams are established. These workstreams are focusing on aligning our infrastructure for Adoption. This includes activity relating to governance, legal infrastructure, finance, resources, workforce, I.C.T, digitalisation, information governance and strategic commissioning.
- 5.9.** The Partnership have also developed a network of Regional Practice Workstreams which are focusing on aligning our Adoption practice. This includes activity relating to adopter recruitment, adopter assessment, achieving early permanence, the child's permanency journey, permanency support, adoption decision making, adopter training and development and family finding. This includes the alignment of all policies, procedures, guidance, delivery structures, systems, processes and practice to enable our workforce from the four Local Authorities to work together.
- 5.10.** The Partnership have tested new ways of working, including the development of an Early Permanency Project, a Post Adoption Support Project and most recently the Partnership have received a DfE Grant to test new ways of working for Fostering through the Mockingbird Practice Model.

5.11. The Partnership continues to be on track to deliver a Regional Adoption Agency (RAA) by the 1st April 2020.

6. Governance

6.1. The Partnership have established a Regional Governance System which is aligned to ensure Partners continue to have a demonstrable focus on achieving permanence for Looked After Children.

6.2. The Regional Management Board is accountable for the Regional Permanency Arrangement and continues to provide strategic leadership. The Board includes representatives of each Partner and takes decision by consensus.

6.3. The Board is chaired by a Director of Children's Services (on behalf of the four respective Local Authorities) and includes Assistant Directors and Strategic Leads responsible for permanency. Because Staffordshire County Council will be the legal entity and accountable body for the Regional Permanency Arrangement, the Board will not be chaired by a Staffordshire representative.

6.4. The Regional Governance System is underpinned by clear strategic plans in place to manage future demand, develop quality services, deliver value for money and achieve appropriate efficiencies and cost savings.

6.5. The Regional Governance System is developing a clear approach to using evidence and analysis to understand demand, regional sufficiency planning and inform future planning and commissioning of services, relating to permanency.

6.6. In addition, the Lead Cabinet Members for Children & Young People, along with Directors of Children's Services (DCS) have formed a Strategic Partnership Network. This network continues to provide political, member led leadership to the development of the Partnership and the Regional Permanency Arrangement.

7. The Regional Workforce

7.1. The Partnership is seeking to bring together a workforce of each Adoption Service to form the Together4Children Regional Adoption Agency (RAA). This workforce will continue to be based in the Local Authorities of the Partnership.

7.2. The workforce will adopt a common purpose which will be supported by an integrated delivery model. Staff from the four Local Authorities will have shared priorities and will be empowered to take personal responsibility and ownership to work across the regional boundaries. This will continue to be focused on improving outcomes for children.

7.3. Staff will continue to be employed within each Local Authority and will not be transferred to another alternative delivery vehicle at this time. The Partnership is however proposing to align the workforce in each Local Authority to enable regional working.

7.4. The Partnership is also proposing, where appropriate, to explore opportunities for secondments to the Central Regional Permanency Hub (hosted by Staffordshire County Council). The secondments will fulfil specific regional roles and functions within the Regional Adoption Agency (RAA).

- 7.5. The Partnership is intending to engage with staff (in scope of the Partnership) through appropriate locally agreed processes, including appropriate engagement with Trade Unions in early 2020.
- 7.6. Key decisions in relation to workforce alignment will be taken by the Statuary Director of Children's & Adult Services, in consultation with the Cabinet Member for Children Young People & Education.
- 7.7. The workforce will have access to the learning and development opportunities at the right time, including a range of evidence-based programmes and training from a range of Partners to support the formation of the Together4Children Regional Adoption Agency (RAA).

8. Financial Implications

- 8.1. In proposing the development of a Regional Permanency Arrangement, the four Local Authorities are clear that it provides an opportunity to achieve a range of financial benefits in the medium term, as outlined in the previous Cabinet Report and Regional Outline Business Case (OBC).
- 8.2. The four Local Authorities are clear that any future partnership arrangement cannot lead to increased financial costs or pressures because of the development of this Partnership. The four Local Authorities are also clear that no Local Authorities will be disadvantaged financially because of the development of this arrangement.
- 8.3. It is recommended (subject to Cabinet consideration) that the Regional Financial Formula for 2020/21 and 2021/22 is set on the basis that each Partner contributes 100% of "in scope" budgets (Adoption), as disaggregated from the 2019/20 budget.
- 8.4. It is also recommended (subject to Cabinet consideration) that there will be no further recourse to any Local Authority in the Partnership, in respect of services in scope of the Phase One Regional Adoption Agency (RAA). Partner Local Authorities will remain responsible for any additional cost pressures (through, for example, significant increases in predicted demand for services).
- 8.5. The Department of Education (DfE), stakeholders and other Local Authorities have identified regional finance and funding formulas as one of the most significant challenges facing Regional Adoption Agencies (RAA) across the country. Within the design of the proposed financial model, the Partnership have identified the best practice from Regional Adoption Agencies (RAA) that have gone live. The available evidence supports this as the best approach in terms of mitigating the potential for increased cost pressures.
- 8.6. The proposed approach will ensure financial certainty for the Partnership in the short term, whilst ensuring that Local Authorities are insulated from potential financial risk as a result of the new arrangement. Adopting this proposed arrangement will allow the Partnership and the four Local Authorities to take informed financial decisions in the medium and long term, ensuring the Regional Permanency Arrangement will achieve financial sustainability to meet the changing needs of Looked After Children and the challenges facing the four Local Authorities.

8.7. The proposed model allows the Partnership to be able to adjust the Regional Financial Formula to take account of further functions coming into scope, as previously set out in the previous Cabinet Report and Regional Outline Business Case (OBC).

9. Legal Implications & Analysis

9.1. In order to form the Together4Children Regional Adoption Agency (RAA), the Partners will be required to enter a formal interagency agreement. This agreement is currently under development in coproduction with Legal & Governance Representatives of each Partner.

9.2. Commencement of the above agreement will be the 1st April 2020. The agreement will have a three-year term, until 31st March 2023, with the option to extend. Any extension will be agreed, subject to each Partner's respective internal governance decisions, on or before September 2022 to avoid automatic expiry.

9.3. The above agreement will expire on the 31st March 2023 unless an extension is agreed (see above). Any Partner can issue twelve months no fault termination notice which is only effective at the end of a Financial Year. Therefore, the Partners are locked into the agreement for a minimum of 12 months from the commencement date.

9.4. In the unlikely event that a Partner leaves the Together4Children Regional Adoption Agency (RAA), the Partners will consider the feasibility of continuing with the Partnership.

9.5. The costs of exit (including any redundancy costs (subject to mitigation measures) will be met by the Partner exiting the Partnership whether due to their decision to exit or due to their default or between the Partners equally upon mutual termination.

9.6. There is a detailed exit plan backed up with exit information to ensure the twelve-month termination period can be practically implemented and is effective for all Partners.

9.7. The Regional Legal & Information Governance Workstream have provided a legal analysis which is set out in **Appendix A**.

10. Next Steps

10.1. The Regional Permanency Transformation Programme (Phase One) will continue with a continued focus on delivering the Together4Children Regional Adoption Agency (RAA) by the 1st April 2020.

10.2. The Regional Legal & Information Governance Workstream will continue to work in coproduction to finalise the interagency agreement which will commence on 1st April 2020.

10.3. The Partnership will engage with staff (in scope of the Partnership) through appropriate locally agreed processes, in respect of any proposed workforce alignment.

- 10.4.** The Together4Children Regional Adoption Agency (RAA) will “Go Live” on or before the 1st April 2020.
- 10.5.** The Partnership will continue to engage stakeholders, including the workforce, Looked After Children, Adopters, Foster Carers, Special Guardians, Designated Family Judges, Family Justice Boards and CAFCASS, partners, residents and other stakeholders to co-produce the development of this operating model which focuses on permanence.
- 10.6.** The appropriate scrutiny committee and Corporate Parenting Panel will continue to be asked to scrutinise the design and implementation of the Regional Permanency Arrangement.
- 10.7.** On the 1st April 2020, the Partnership will move into the phase two of the Regional Permanency Transformation Programme. Fostering, Connected Persons and Special Guardianship will be prioritised in the second phase of the Regional Permanency Transformation with the vast majority of functions in respect of Long Term Fostering, Connected Persons and Special Guardianship going live before the 1st April 2022.
- 10.8.** The Partnership will return to the Cabinets of Telford & Wrekin Council, Staffordshire County Council, Stoke-on-Trent City Council and Shropshire Council in respect of phase two during 2020.

11. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

None

12. PREVIOUS MINUTES

None

13. BACKGROUND PAPERS

See appendix – Outline Business Case

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