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| <b>Report to:</b>              | <b>EXECUTIVE</b>                                   |
| <b>Relevant Officer:</b>       | Diane Booth, Director of Children's Services       |
| <b>Relevant Cabinet Member</b> | Councillor Lynn Williams, Deputy Leader (Children) |
| <b>Date of Decision</b>        | 23 March 2020                                      |

## THE IMPLEMENTATION OF THE LANCASHIRE AND BLACKPOOL REGIONAL ADOPTION AGENCY.

### 1.0 Purpose of the report:

1.1 Blackpool Council and Lancashire County Council have been working together since May 2018 to design and develop the 'Adoption Lancashire and Blackpool' Regional Adoption Agency, with Lancashire being the Host Authority. The purpose of this report is to agree the final steps on behalf of Blackpool Council including confirmation of the pooled budget.

### 2.0 Recommendation(s):

2.1 To confirm, in line with previous decisions, to merge the delivery of the Council's Adoption Agency to form a Regional Adoption Agency with and hosted by Lancashire County Council from 1 April 2020.

2.2 To agree to transfer the current Blackpool Council funding of £997,816 for running the Council's Adoption Services into the Regional Adoption Agency pooled budget.

2.3 To delegate authority to the Head of Legal Services to sign off any required legal agreement on behalf of the Council.

### 3.0 Reasons for recommendation(s):

3.1 In May 2015, the government announced changes to the delivery of adoption services. These changes stated that by 2020 all adoption services would need to be delivered on a regional basis through Regional Adoption Agencies (RAAs). This proposal for Blackpool and Lancashire forms part of these changes and reforms. These reforms are designed to improve sufficiency of adopters across local authorities thus improving adoption outcomes for children by developing:

- A system where children are matched with the most suitable adopters as quickly as possible
- Ensuring recruitment takes place at an efficient scale to provide a pool of 'adopter ready' adopters large enough and well enough matched to the needs of children waiting
- Improvement of adoption support services nationwide

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

No other alternatives at the present time. The decision in principal for a Local Authority hosted model and that Lancashire County Council would host the Regional Adoption Agency was agreed by Blackpool Borough Council by officer decision on the 28 October 2018.

#### **4.0 Council priority:**

4.1 The relevant Council priority is: "Communities: Creating stronger communities and increasing resilience".

#### **5.0 Background information**

5.1 Since May 2018, Lancashire County Council and Blackpool Council have been working together to design and deliver a new Regional Adoption Agency (RAA), 'Adoption Lancashire and Blackpool'. Grant funding to set up the Regional Adoption Agency was approved by the Department for Education in early 2018 and a multi-disciplinary project team setup in May 2018.

5.2 On the 24 October 2018, a decision was taken to approve the proposed options for the legal model for Blackpool and Lancashire's Regional Adoption Agency (RAA) to inform decision making in order to progress with the development and implementation of the Regional Adoption Agency (RAA) and the Lancashire County Council hosted model agreed. The agreement was for a Local Authority hosted model and that Lancashire County Council would host the Regional Adoption Agency on behalf of both Blackpool Council and Lancashire County Council

5.3 The proposed model for Adoption Lancashire and Blackpool will include delivery of the following services in addition to the Department for Education minimum criteria:

- Recruitment, assessment and support of early permanence carers
- Adoption panels
- Family finding for Blackpool and Lancashire children awaiting adoption.

If approved the proposed Regional Adoption Agency would go live with all the above functions from 1 April 2020.

5.4 Decisions have been made around the Regional Adoption Agency's design by a board comprising of:

- Chair of the Board – Blackpool's Director of Children's Service
- Service Decision Makers – Heads of Services from Blackpool and Lancashire
- Finance leads from Blackpool and Lancashire

- Deputy Head of Legal from Blackpool
- Commissioning Lead from Lancashire
- A Voluntary Sector Representative
- A Department for Education Coach

5.5 Other people who attend the board include the project team, and representatives from communications and branding, Human Resources and ICT as required.

5.6 As outlined in the reason for recommendation, the main aims are to develop:

- A system where children are matched with the most suitable adopters as quickly as possible
- Ensuring recruitment takes place at an efficient scale to provide a pool of 'adopter ready' adopters large enough and well enough matched to the needs of children waiting
- Improvement of adoption support services nationwide

5.7 The Board will monitor the achievement of these aims and the involvement of the Director of Children's Services as the Chair of the Board will ensure that this takes place. Where relevant reports will take place to the relevant Cabinet Member and the relevant Scrutiny Committee.

5.8 Does the information submitted include any exempt information? No

**5.9 List of Appendices:**

None.

**6.0 Legal considerations:**

6.1 Statutory guidance puts a duty on local authorities to provide Adoption services under the Adoption and Children Act 2002. The proposed Regional Adoption Agency model would meet these duties, ensuring high quality adoption services are available to meet the needs of Lancashire's and Blackpool's children. Statutory work around adoption will remain with the local authorities and ultimate responsibility for the children will remain as is and will not transfer to the Regional Adoption Agency.

6.2 In September 2018, the Regional Adoption Agency board agreed that Adoption Lancashire and Blackpool would be a local authority hosted model. At that point, all live Regional Adoption Agency were local authority hosted models. The rationale for this decision being is this is the most straight forward and cost-effective option.

6.3 In October 2018, it was agreed by the board and both Councils that Lancashire would be the host local authority for the Regional Adoption Agency. The role of the host authority was agreed to be as follows:

- Overall accountability to all Regional Adoption Agency members on adoption services.
- Day-to-day line management of Regional Adoption Agency staff.

- Provide the infrastructure and support services to support the Regional Adoption Agency (e.g. Legal, Finance, insurance, management structure, business administration, communications and marketing, etc.).
- Accountability for the performance of the Regional Adoption Agency.
- Ownership of policies and procedures, responsible for new ways of working.
- Be the legal entity for the purposes of the Regional Adoption Agency and lead on commissioning and procurement of services.
- To deliver the Regional Adoption Agency's services around adoption.
- To provide, advise on and support the ICT requirements of the Regional Adoption Agency. This may include providing new ICT equipment to the additional staff.
- To hold any agreed budget provision and/or manage implementation of the Regional Adoption Agency's budgetary requirements.

6.4 A legal agreement has been agreed between Blackpool and Lancashire's legal teams. This agreement will last for the duration of the Regional Adoption Agency. Either partner can terminate the contract with 12 months' notice.

6.5 Once the Regional Adoption Agency comes into operation in April 2020, the Regional Adoption Agency will continue to be governed by this board, which will meet every four weeks during the first six months of operation and every three months thereafter. The Head of Service responsible to the Regional Adoption Agency will report to the board on performance, finance and practice issues.

## **7.0 Human resources considerations:**

7.1 Staff across Blackpool and Lancashire's current adoption services were consulted on proposed staffing structures for the Regional Adoption Agency in May and September 2019. These consultations were carried out in conjunction with colleagues from each local authority's Human Resources teams, Senior Managers and Trade Union representatives

7.2 Blackpool Council staff were given the choice to be seconded into Lancashire as the host authority for the Regional Adoption Agency. Staff were given the option of whether they wanted to join the Regional Adoption Agency or transfer to other roles with the Council based in Blackpool. A number of staff chose voluntarily to move into other posts in Blackpool Council. The secondment therefore only applies to one part time member of staff. The staff member seconded will remain a Blackpool Council employee and retain current terms and conditions. There will be no impact to the employee's pension. A secondment agreement has been agreed between Lancashire and Blackpool and is appended as a schedule to the legal agreement. This agreement will be reviewed 12 months after the go live date, April 2021.

7.3 Staff joining the Regional Adoption Agency were potentially required to move location as Regional Adoption Agency services will mainly be delivered from a base in central Preston. However, staff will have the ability to work for some parts of their time within the offices at Bickerstaffe House, Blackpool and the other four district offices used by Lancashire's Fostering and Adoption teams.

7.4 The Regional Adoption Agency’s staffing model has been designed with aim of recruiting 100% of the number of adopters needed for Lancashire and Blackpool children. This would mean that the Regional Adoption Agency would become much less reliant on expensive adoptive placements with external agencies for our children. As a consequence some additional staffing posts have been created within the structure using current budgets at no additional cost. There have been no reductions in posts as a result of the Regional Adoption Agency and no potential redundancy implications.

7.5 New or vacant posts being created within the Regional Adoption Agency will be advertised both internally and externally on Lancashire County Council’s terms and conditions as the host authority. All vacant posts within the Regional Adoption Agency will be appointed on Lancashire County Council’s terms and conditions.

**8.0 Equalities considerations:**

8.1 The Regional Adoption Agency would continue to provide universal services for all its children and families, including promoting adoption to potential adopters with protected characteristics and to meet the needs of children that wait longer for adoptive placements.

8.2 The Regional Adoption Agency model would continue to meet the statutory duties under section 149 of the Equality Act.

8.3 All Human Resources processes would be undertaken in line with Equalities legislation and guidelines. It has been determined that an Equality Impact Assessment is not required as the Regional Adoption Agency should not have an adverse impact on protected characteristics groups of members of staff, adopters or families

**9.0 Financial considerations:**

9.1 The setup of the Regional Adoption Agency until go-live is funded by department for education grant funding, which has been provided to both local authorities. Once the Regional Adoption Agency is operational in April 2020 it must have its own pooled budget in place.

9.2 The following six financial principals have been agreed between the two authorities:

| No | Principles:   | What this Means:   |
|----|---|--|
| 1  | We will commit to a minimum amount for the budget on an annual basis to give stability. | Councils will pay a minimum amount to the Regional Adoption Agency every year to ensure the Regional Adoption Agency has enough money to run. In the first year this will be no less than the current spend. |
| 2  | Annual commitment to number of posts in teams and that vacancies will be filled.        | Councils will commit to dedicating a specified number of posts to the Regional Adoption  |

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|---|--|---|
|   |  | Agency. There will be no staffing reductions in an agreed initial period from the Regional Adoption Agency going live.  |
| 3 | We will put transitional arrangements in place to accommodate for a part-year start to the Regional Adoption Agency              | Both Councils will adopt an interim model for ease and practicality due to the Regional Adoption Agency going live part way through a financial year.                                 |
| 4 | There will be no interagency fees between Local Authorities who are members of the Regional Adoption Agency.                     | The Councils will not pay or receive income for interagency adoptive placement fees within the allocated quota and agreed 9% margin, for placing children with each other's adopters. |
| 5 | There will be interagency fees paid to our Voluntary Sector Partners.  | We will continue to pay our voluntary agency partners interagency fees for placing our children with their adopters.  |
| 6 | Overhead costs of running the service will need to be shared amongst members of the Regional Adoption Agency on an agreed basis. | We will agree to split overhead costs (i.e. HR, ICT, accommodation, etc.) between the LAs to ensure this is shared fairly and the host does not single headedly carry this burden.    |

9.3 The Regional Adoption Agency financial model adopted by the Regional Adoption Agency is that both Councils contribute to the Regional Adoption Agency pooled budget by paying in current/average expenditure levels on delivering adoption services. These figures were calculated as an average expenditure of the last three financial years, except for staffing budgets which were calculated on current year expenditure.

9.4 The financial contribution to the Regional Adoption Agency from each Council is as follows:

|                                | Lancashire Contribution | Blackpool Contribution | Total     |
|--------------------------------|-------------------------|------------------------|-----------|
| TOTAL:                         | 1,884,622               | 997,816                | 2,882,438 |
| Proportional Contribution (%): | 65                      | 35                     | 100       |

- 9.5 On 19 December 2018, the Regional Adoption Agency board agreed that financial contributions to the Regional Adoption Agency will be determined by each Council paying an amount of money into the Regional Adoption Agency based on the current/average expenditure levels.
- 9.6 These contributions have been calculated by the Regional Adoption Agency Project Team based on the average expenditure over the last three financial years, working closely with colleagues from Finance in both Local Authorities. The exception to this is that staffing cost contributions have been calculated using the 2020/2021 salary scales using an 80:20 ratio of the salary scale.
- 9.7 Any surplus that is not reinvested in the Regional Adoption Agency will be returned to each local authority on a proportional basis (calculated as the overall percentage financial contribution made by the authority to the RAA. (65% Lancashire and 35% Blackpool).
- 9.8 The rationale for the Regional Adoption Agency project has not primarily been driven by the need to make financial savings. However, the resulting economies of scale, coupled with a more strategic approach could mean that financial savings are realised once the Regional Adoption Agency has become established. It is important to note that the formation of the Lancashire and Blackpool Regional Adoption Agency utilises existing budgets and should not cost either Authority any more than they already spend on adoption services. This may be a challenge in year one due to the time required to establish the service, for this reason a risk share arrangement has been included in the formal agreement. The Regional Adoption Agency will have regular Board meetings at which Finance will be a standing agenda item, if it becomes apparent that there are financial pressures that are unable to be managed/mitigated by the pool then this pressure will be incorporated into the Council's standard budget monitoring process based on the agreed 65:35 (Lancashire County Council/Blackpool) risk share.

#### **10.0 Risk management considerations:**

- 10.1 A local authority hosted model is considered a low risk option to establishing a Regional Adoption Agency. This has meant that the Councils involved in the Regional Adoption Agency have not had to setup a complicated arms-length organisation and has benefited from using the host authority's well-established infrastructure. This has reduced costs and risks around establishing a new organisation. To date, twenty Regional Adoption Agencies have been established using the hosted model.
- 10.2 The member of staff from Blackpool Council is being seconded into the Regional Adoption Agency for an initial period of 12 months. This ensures that the member of Blackpool Council staff is offered protection on their current employment contracts. The 12-month review period means that board members can allow the Regional Adoption Agency to 'settle' before considering any other options. This has reduced the risk of destabilising the workforce through changing terms and conditions.
- 10.3 The Regional Adoption Agency has been designed on a best practice model. There will be some disruption to current ways of working, however it is hoped this can be minimised and

there will be a clear improvement in service. As part of the design of the Regional Adoption Agency clear reporting mechanisms are being designed so that key performance indicators continue to be monitored at the board as the service goes live. Governance of the Regional Adoption Agency will comprise of monthly Board meetings for the first six months of operation and thereafter at three-month intervals. Monitoring service performance will be achieved through a performance dashboard. With this level of monitoring any deviation from expected performance can be picked up at an early stage and mitigating action put in place.

## **11.0 Ethical considerations:**

11.1 One of the distinct benefits of combining the Adoption services of two Local Authorities is that a co-ordinated service will be more efficient and increase the likelihood of our looked after children finding permanent families more quickly.

## **12.0 Internal/external consultation undertaken:**

12.1 Consultations have been held internally with staff in Blackpool's Adoption Service and Lancashire's Fostering and Adoption service. These consultations have been held at different points throughout the project's development. This staff consultation activity has included:

- Co-designing future practice processes in the Regional Adoption Agency in workshops
- Seconding staff into the temporary project team to develop the Regional Adoption Agency
- implementing a thorough communication plan whereby staff are given updates and the opportunity to air views and ask questions after each Regional Adoption Agency board meeting
- Formally consulting with staff around HR changes and proposed new staffing structures within the Regional Adoption Agency

External consultations have been held throughout the project's development with a range of stakeholders, such as:

- Running a dedicated children's climbing event for adopter children
- Involving Adopters in workshops to help design the branding and future processes
- Surveying service users, including birth families, on their experience of Adoption Services and how these could be improved
- Collaborating with independent panel members to design an improved panel experience for Adopters
- Local Voluntary Adoption Agencies have attended board meetings and other service design meetings.

All consultation feedback has been communicated to the Regional Adoption Agency Board and incorporated into the design of the Regional Adoption Agency. The name and logo design, for example, was wholly based on Adopter feedback.

**13.0 Background papers:**

13.1 Officer Decision on Regional Adoption Agency 24 October 2018  
<http://democracy.blackpool.gov.uk/ieDecisionDetails.aspx?ID=1280>

**14.0 Key decision information:**

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 16/2019

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

**15.0 Call-in information:**

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process?

15.2 If **yes**, please give reason:

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**16.0 Scrutiny Committee Chairman (where appropriate):**

Date informed: 13 March 2020 Date approved:

**17.0 Declarations of interest (if applicable):**

17.1

**18.0 Executive decision:**

18.1

**19.0 Date of Decision:**

19.1

**20.0 Reason(s) for decision:**

20.1

**21.0 Date Decision published:**

21.1

**22.0 Executive Members in attendance:**

22.1

**23.0 Call-in:**

23.1

**24.0 Notes:**

24.1

24.2