

Children's and Adults' Care and Education Committee

22 November 2018

Regionalisation of Adoption

Report by Joint Director of Children's Services

Call-in deadline 5pm on Thursday 6 December 2018 (ten working days after the meeting)

Purpose

To set out the approach to regionalising adoption arrangements for RB Kingston.

Recommendations of the Portfolio Holder for Children's Services

To resolve that:

1. the Council enters into regional adoption arrangements as part of Adopt London South;
2. staff and finances (likely 2.2 FTE and a budget of £126 000) are transferred or seconded dependent upon whether it is agreed by the Authorities involved that TUPE applies, to the London Borough of Southwark who will be hosting Adopt London South on behalf of ten South London boroughs;
3. the Council's statutory Director of Children's Services is given delegated authority to make more detailed decisions around the implementation of this proposal including signing off the inter-authority agreement, staff transfer agreement and any other agreement required to implement the regional adoption agency between Kingston and Southwark; and
4. growth of £79,400 due to the loss of adoption income that was previously received when Kingston parents adopted children from other boroughs. [LM4]

Benefits to the Community:

The regionalisation of adoption will be of benefit to children waiting to be adopted, adoptive families and others who may access adoption services, such as families of previously adopted children.

Context

1. It is proposed that a new Adopt London South Regional Adoption Agency (RAA) is created by combining the adoption services of the ten South London Boroughs of Croydon, Greenwich, Kingston, Wandsworth, Lambeth, Lewisham, Merton, Richmond, Southwark, and Sutton. These agencies wish to build on the success of their existing services and improve performance in meeting the needs of those children who require permanence through adoption, by bringing together the best practice from each authority within the RAA. This proposal forms part of an overarching project to develop four RAAs across London.
2. The establishment of a single agency will allow the ten authorities to provide more cohesive and efficient services with improved practice and better use of resources which will benefit children waiting to be adopted, adoptive families and others who may access adoption services such as birth families of previously adopted children. It is proposed that the London Borough of Southwark will host the RAA, the cost of development to be funded by the Department for Education (DfE). This document sets out how the RAA will work with its partners to deliver adoption services.

3. In March 2016, the government announced changes to the delivery of adoption services setting a very clear direction that all local authorities' adoption services must be delivered on a regionalised basis by 2020. This followed a range of national policy changes since 2012, including the 2015 'Regionalising Adoption' paper by the DfE that sought improvements in adoption performance. Following the general election in June 2017, the Minister of State for Children and Families reaffirmed commitment to this policy. In March 2018, the DfE commenced the legislation that allows them to direct a local authority into a RAA if there is no progress being made.
4. The premise of regionalisation is to:
 - increase the number of children adopted.
 - 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 and effectiveness.
5. The South London RAA will be known as Adopt London South (ALS) and will build upon the previous positive practice established within the two South London consortia – South London Adoption and Permanence Consortium (SLAPC) and South West Consortium which have both acquired good reputations for delivering effective services.

Proposal and Options

6. The remainder of this report sets out the issues and detailed proposals for delivering ALS.
7. The business case is founded on a number of key assumptions:
 - There is one host for the ALS RAA and it is proposed this is Southwark; however, it is expected that staff will be located across all ten LA sites; and that there is a host site for the South West in Merton.
 - There is one lead responsible officer and centrally located functions- it is likely senior management, performance, commissioning and back office functions will be located in Southwark.
 - Wherever possible practice and processes will be the same across all south London boroughs; however, there is a recognition that the scale of the ALS RAA (it is larger than all other RAAs in the country) will require some localised tailoring and as such delivery will be based within two spokes that reflect the existing consortia (Merton, Sutton, Kingston, Wandsworth and Richmond in the South West and Southwark, Lambeth, Lewisham, Greenwich and Croydon in the South East).
 - All agencies have the resources available to actively lead on and participate in agreed work streams and achieve the deliverables within agreed timescales set out in the plan.
 - ALS will share case work responsibility for the child at the earliest possible point, at the discretion of each Agency Decision Maker, but in most cases at the point of the Placement Order being granted.
 - Staff affected will retain their existing Terms and Conditions, including pension rights, holiday entitlements and sick pay policies. Staff will be transferred to the host authority under the Transfer of Undertakings (Protection of Employment) regulations (TUPE). In Kingston at this stage, and subject to

formal consultation 2.2 FTE staff have been identified as potentially in scope for TUPE.

- Any applicable redundancy costs will be underwritten by the current employing LAs as this will not be funded by the DfE or the host.
- ALS will be delivered from office bases in all ten locality areas. This will ensure: continuity of provision as far as possible; close working relationships with children's social workers and easy access for local communities to a service within their community. A small number of workers undertaking central functions (mainly senior management and back office staff) will work from a central base in the host authority Southwark, and some functions will be delivered from the South West site of Merton. To ensure the new ALS team is established with a cohesive and single culture it is expected that, particularly in the early stages, staff will be based for team building events, conferences, team meetings at Southwark's Tooley Street offices.

Principles of Adopt London

8. The principles that this business case has followed were agreed by the Adopt London Executive Board which was delegated by the Association of London Directors of Children's Services (ALDCS) to oversee the development of the four London RAAs. These principles have been endorsed by the DfE:

- Local authorities involved in Adopt London and each of the four RAAs are committed to collaborating adoption arrangements so that the best interests of children and their adoptive families are secured and kept at the forefront of decision-making.
- Adopt London will provide an overarching framework for enabling effective coordination, coherence and partnership working across London.
- Adopt London authorities and the four RAAs will make sure that there is consistency of approach in relation to key strategic and operational decisions, e.g. about whether staff are transferred under TUPE arrangements or seconded. Project teams in the four RAAs and RAA governance arrangements should reflect the ambition to promote such consistency of approach.
- We are committed to working effectively together with Voluntary Adoption Agencies (VAAs), making sure that their unique and important contribution is maximised and that VAAs are involved in the development of the RAAs and Adopt London.

9. The focus of work over the next 18 months will be to establish the four RAAs; in phase two, developmental work on the Adopt London hub will progress. We will use the Adopt London Executive Board to operate a virtual Hub in the coming period, with a view to exploring options for joint commissioning across London, maintaining common design principles for the spokes, and exploring opportunities for further development of the Hub in phase two.

Scope and delivery model

10. The decision to pursue four RAAs in London was agreed by ALDCS, and endorsed by the DfE in May 2018. This report does not revisit that decision, but provides more detail about how the agreed delivery model will work in south London.
11. Whilst a number of options were considered early on including the creation of a new single entity to deliver adoption services across South London, the preferred option is

to combine the ten London boroughs with one borough becoming the host authority. Creation of new single entities is time consuming and costly and not a preferred option elsewhere with RAAs already live.

12. Governance of the RAA will operate through a board comprising of senior representatives from all LAs with executive voting powers with non-executive advisory representation from Voluntary Adoption Agencies (VAAs), adopters and adoptees. The RAA will continue to be accountable to Corporate Parenting Boards and other Local Authority bodies.
13. The RAA will aim to provide a high-quality service to adopted children with improved outcomes; taking the best models of delivery from each of the ten services and considering the best level of geography on which to deliver (sub-regional, regional or pan-London). The RAA will also aim to provide savings through economies of scale.
14. It is important to note that each of the other London RAAs has between five to seven local authorities, and no other RAA has gone before nationally which combines such a large number of LAs. Therefore, ALS will be implemented as two spokes with the South West comprised of Sutton, Merton, Wandsworth, Richmond and Kingston (with Merton acting as a spoke office) and the South East comprised of Southwark, Lewisham, Greenwich, Lambeth and Croydon (with Southwark acting as both spoke office and overall hub).
15. The delivery model for the RAA addresses the five areas set out by the DfE as their minimum expectations of an RAA:
 - a single line of authority with the ability to act as a single service and a head of service in place.
 - transfer of staff into the organisation.
 - inclusion of core adoption functions of recruitment and assessment of adopters, early permanence and family finding, and adoption support.
 - pooled funding from local authorities into the RAA.
 - pan-regional approach to matching i.e. one pool of children and adopters.
16. Adopt London South will work collaboratively with 3 other RAAs across London namely:
 - Adopt London West – hosted by Ealing.
 - Adopt London North – hosted by Islington.
 - Adopt London East – hosted by Havering.
17. Approximately 50-60 FTE LA staff, many of whom work part time, are expected to become part of the new organisation to deliver the following main services across South London:
 - Recruitment and Assessment – to provide the prospective adopters;
 - Permanence Planning – ensuring that children identified as requiring adoption achieve a placement;
 - Matching and Placement – to match prospective adopters with children in need of adoption;
 - Adoption Support – to help all affected by adoption.

18. The table in **Annex 1** of the report sets out how the RAA and LAs will work together, summarising roles and responsibilities for each.

Options Considered

19. Entering into these regional adoption arrangements through a RAA hosted by Southwark is the only option being considered which meets the requirements of regionalisation as set out in the legislation.
20. It is anticipated there will be approximately 30-40 FTE social worker positions within Adopt London South, and approximately 50-60 FTE in total including management, administration, performance, commissioning, panel advisor and administration capacity. 2.2 FTE from Kingston have been identified as in delivering services in scope. One third of the capacity in the new RAA will be focused on adoption in the South West (Sutton, Wandsworth, Kingston, Richmond and Merton), as this is where one third of the adoption work happens. Funding from the South West also accounts for around one third of the RAA budget.
21. It is proposed, in order to ensure clarity and maintain and improve timeliness, that specialist teams will operate in each of the spokes (a recruitment, assessment, family finding and matching team, and a post adoption team).

Consultation

22. There are a complex and wide-ranging set of engagement, consultation and co-design mechanisms in place to ensure that stakeholders have been able to shape the proposed ALS approach. These have included:
 - establishing pan-agency project organisation and project governance arrangements including establishment of a Project Board and operational group;
 - eight separate practice workshops have been held, and task and finish groups set up to engage a wide range of staff and stakeholders in the practice approaches to be applied in ALS;
 - staff conferences are scheduled in October and January 2019;
 - elected Members and Portfolio Holders have been consulted in all local authorities. Portfolio holders have had the opportunity to attend a conference in October 2018;
 - London VAAs and London-wide unions have been engaged at a pan London level through the Adopt London executive board;
 - continued stakeholder engagement through web-based surveys, staff newsletters and face to face events including detailed engagement work with adopters and adoptees (see the table of key milestones);
 - an options appraisal and evaluation of delivery model options, including obtaining independent external legal advice on the options available;
 - baseline statistical data has been obtained to inform the development of a target operating model; and
 - ongoing and regular liaison with the DfE and DfE appointed coach.

Timescale

23. It is proposed that following formal endorsement of the delivery model and budget at the ten cabinets and committees over the autumn/ winter 2018 that the structure for the proposed ALS RAA will be subject to formal consultation through winter and spring 2019.
24. Phased implementation will begin from the point that the decision is formally endorsed (autumn 2018) and run through until summer 2019 with the majority of aspects of the service going live from the new financial year (April 2019).
25. The first key implementation task will be to appoint the leader of the RAA.
26. A phased implementation is being pursued because the logistics of setting up ALS are greater and more complex than any other RAA given that 10 boroughs are being brought together.
27. The table below summarises the key milestones for delivery:

STAGES	DELIVERABLES
Stage 1: mobilisation and ongoing project management	March- May
This stages ensures that there is an established rationale for integration whilst putting in place the building blocks for defining and scoping the change	<ul style="list-style-type: none"> ● Lockdown scope ● Set up PMO function ● Project team in place ● Project plan signed off ● Workstreams developed and leads identified
Stage 2: vision and design	April- May
This stage involves working with senior stakeholders to understand and develop the vision for these integrated services and articulate the 'end state'	<ul style="list-style-type: none"> ● Establish clear design features and evaluation criteria ● Agree key outcome measures and anticipated benefits ● Articulate vision for the new service
Stage 3: service analysis- measure and understand (as is)	May- July
The stage involves refining the scope of the project, identifying the cohort to work with and measuring the current situation (the 'as is') and understanding the level of change required to achieve the defined aims and objectives. This is important in providing a solid evidence base for the 'to be' model and developing options for the services and functions in scope	<ul style="list-style-type: none"> ● Analysis of current position ● Stakeholder engagement ● HR analysis of workforce-implications and options ● Review benefit profiles ● Complete current position statement ● Identify opportunities for change and improvement

Stage 4: service redesign work stream initiation (future state)	July- November
This stage involves designing the 'to be' model, understanding and developing the options available in order to achieve the desired outcomes and identify the level of change required	<ul style="list-style-type: none"> ● Service design model options ● Legal appraisal of options and impacts ● Agree support service functions ● Completed business case ● Sign off and permission to proceed ● Complete transition and full implementation plan
Stage 5: monitoring, evaluation and benefits	August- September
This stage reviews the initial benefit profiles and puts in place monitoring and evaluation measures for testing and implementation phases	<ul style="list-style-type: none"> ● Agree on evaluation approach ● Set performance measures/ KPIs for new service ● Review benefit profiles and produce realisation plan
Stage 6: transition arrangements/ shadow and testing phase	October- November
This stage involves working with operational teams to prototype and test out the agreed implementation model/ option and monitoring effectiveness of it. This stage allows for refinement to confirm the solution as correct/ optimum before changes are mainstreamed	<ul style="list-style-type: none"> ● Policies/ procedures, referral routes agreed ● Functions and structure agreed ● Systems tested ● Legal requirements for new entity in place ● Future model governance and SLAs agreed
Stage 7: implementation	November- August 2019
Subject to evaluation of stage 6, this stage involves fully implementing the new model and associated improvements	<ul style="list-style-type: none"> ● Organisation review process ● Engagement and change management process ● Fully implement the new model ● Go live with new service

Resource Implications

28. The budget for the RAA has been built through each of the 10 authorities considering the agreed scope and outcomes for the RAA and identifying the existing budget available to deliver these activities. LAs have ensured that sufficient resource is retained to deliver the activities which will remain the responsibility of the local authority. These figures are currently subject to due diligence and review by independent auditors.
29. Kingston has identified a budget of £126,000 which will transfer to Southwark to host ALS. No more than 10% of this will be used to cover hosting charges incurred by Southwark (for example HR, IT, legal, finance, facilities and buildings, insurance etc.), the remainder will be used to resource ALS.

30. The proposal is for the LA to transfer the interagency adoption function to the RAA without any corresponding budget. As Kingston receives more adoptions into the borough than out, this would reduce the budget remaining for the retained services, by £79,400. Given the pressures on children's social care budgets it would not be possible to absorb this loss through staff reductions. The Council is therefore recommended to consider providing budget growth of £79,400 if alternative funding can not be negotiated with the RAA.
31. Data has been collected on boroughs' adoption allowances, including the proportion funded by Adoption Support Fund (ASF) and the proportion funded by LAs. However, this is not included in the proposed base budget which will be transferred to Southwark as it will be retained by the boroughs. However, expertise in securing ASF will sit within the RAA and the RAA will have a role in the future in reviewing the approach to allowances across 10 boroughs.
32. In total the approximate budget for ALS to deliver all the services within scope is likely to be in the region of £3-£3.5 million.

Legal Implications

33. Under the Adoption and Children Act 2002 (ACA 2002) the Council is required to maintain an adoption service.
34. Under section 3ZA of ACA 2002, the secretary of state may give directions requiring one or more local authorities to make joint arrangements for the function of their adoption services.
35. If the Council decide to proceed with the implementation of the Regional Adoption Agency (RAA) they will need to:
 - a) approve the proposed governance arrangements for RAA along with all of the other participating boroughs;
 - b) enter into an inter-authority agreement with the host borough and other subscribing authorities;
 - c) delegate its powers to maintain the adoption service to the host authority;
 - d) And affected staff may be either subject to a TUPE transfer to the London Borough of Southwark as the host authority or a secondment arrangement whichever is appropriate to deliver the service. .

Risk Assessment

36. A full risk assessment is reviewed monthly by the project board overseeing the development of Adopt London South. This Council is represented by Alison Twynam on the project board.
37. Each month a highlight report, outlining the major risks to the programme and to children and families is discussed at the project board and shared with the Adopt London executive board, which is overseeing the implementation of all four Adopt London RAAs. If needed, risks are escalated to the executive board, and if necessary to the DfE.

Equalities Impact Assessment

- 38 There is likely to be a positive equalities impact as a result of the implementation of these proposals. Regionalisation is intended to improve:
- post-adoption support
 - family recruitment for harder to place children (older children, larger sibling groups, substance addicted babies, disabled children, those with special educational needs, and children from black and other ethnic minority backgrounds)
 - adopter experience across south London from initial contact and recruitment through to training and post-adoption support.
- 39 These aims should particularly benefit children and families from ethnic minority groups, with disabilities and complex needs who have historically waiting longer for adoptive placements.
- 40 An Equalities Impact Assessment will be undertaken as part of the formal consultation process to understand and mitigate where possible and disproportionate impacts on staff.

Health Implications

- 41 There are anticipated to be positive physical and mental health benefits to adopted children, birth families and adoptive families as a result of regionalisation. A single regional adoption agency is planned to improve the timeliness of medical and dental checks. A more consistent post-adoption service is being designed to support children and families, particularly with complex children, to reduce the chances of adoption breakdown and to support teenagers and adopted adults through peer support, therapeutic support as they understand their life stories.

Environmental, Air Quality and Road Network Implications - None

Background papers

- None other than those referred to in this report

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Annex 1

The table below sets out how the Regional Adoption Agency and Local Authorities will work together, summarising roles and responsibilities for each:

Function	Regional Adoption Agency	Local Authority
RECRUITMENT AND ASSESSMENT		
Marketing and Recruitment Strategy	x	
Adopter Recruitment and Enquiries	x	
Assessment of Prospective Adopters – all Stage One and Stage Two functions	x	
Completion of Prospective Adopter Report	x	
Agency Decision Maker for approval of adopters	x	
Post approval training	x	
Matching	x	
Post Placement training for Prospective Adopters	x	
PERMANENCE PLANNING		
Early identification of a child possibly requiring adoption		x
Tracking and monitoring the child possibly requiring adoption	x	x
Support and advice to child care social worker on the adoption process	x	x
Sibling or other specialist assessments if commissioned by LA	x	x
Direct work to prepare child prior to placement	x	x
Preparation of the Child Permanence Report		x
Agency Decision Maker for “Should be placed for Adoption” decisions		x
Case management prior to the point agreed by the LA ADM		x
Case management from point agreed by the LA ADM		x
MATCHING AND PLACEMENT		
Family finding	x	
Looked After Child reviews	x	x
Shortlist potential families	x	
Visit potential families	x	x
Organising child appreciation day	x	
Ongoing direct work to prepare child prior to placement	x	
Adoption Panel administration and management	x	

Agency adviser role	X	
Agency Decision Maker for Matching prospective adopters and child		X
Placement Planning meeting administration and management of introductions	X	
Support to family post placement and planning and delivery of adoption support	X	
Ongoing life story work and preparation of Life story book	X	X
Independent Review Officer monitoring of quality of child's care and care plan		X
Support prospective adopters in preparation and submission of application for Adoption Order – including attending at court	X	
Preparation of later life letter	X	X
ADOPTION SUPPORT		
Assessment for adoption support	X	
Developing and delivering adoption support plans	X	
Agree and administer financial support to adoptive families pre and post Adoption Order		X
Adoption support delivery including: <ul style="list-style-type: none"> • Support groups • Social events • Post adoption/special guardianship training • Independent Birth Relative services • Support with ongoing birth relative contact • Adoption counselling and training 	X	
Financial support to adopters including adoption allowances		X
NON-AGENCY ADOPTIONS		
Step parent/partner adoption assessments	X	
Inter-country adoption assessments and post approval and post order support	X	