

Wiltshire Council

Cabinet

14 December 2021

Subject: Adoption West Arrangement Extension

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children's Service's, Education and Skills

Key Decision: Key

Executive Summary

As part of the national regionalising adoption agenda, Wiltshire Council, along with five other Local Authorities, set up a Regional Adoption Agency (RAA) named Adoption West (AW).

Adoption West commenced operation on 01 March 2019. The contractual Commissioning Agreement for provision of an integrated adoption service comes to an end on 28 February 2022. This report seeks approval to extend the existing arrangements for a further five years until 28 February 2027.

Adoption West was created as a wholly owned local authority company, limited by guarantee, for the delivery of adoption services on behalf of the six participating authorities (Wiltshire Council, Bath and North East Somerset Council, Bristol Council, Gloucestershire County Council, North Somerset Council and South Gloucestershire Council). It is unique in being the only regional adoption arrangement using this vehicle as its delivery model. The original Commissioning Agreement (as defined) provides an option to extend its term for a period of up to 5 years commencing 01 March 2022, subject to the agreement of the participating local authorities.

The AW Board, which Martin Davis, Director of Families and Children's Services is part of; is unanimously supportive of the contract extension. This recognises that Adoption West is realising its potential, and delivers a good quality, consistent offer for children and adoptive families across its operational footprint. This is demonstrated in the annual Adoption Report which is also being shared with Cabinet on today's date. This in addition to the July 2019 Ofsted Inspection report which rated Children's Social Care Services in Wiltshire as Good across all judgement areas. The report specifically refers to AW stating, "The arrangements for finding children adoptive parents are a strength. The new relationship with Adoption West, the Regional Adoption Agency (RAA) is working well and has been seamless for both children and carers. Children in Wiltshire are waiting less time than ever to move in with their adoptive family. The scrutiny of the performance of the RAA is thorough and challenging".

The data the AW Board receives evidences an organisation with a confident grip on the quality and impact of its services, with a clear direction of travel for future service development.

The Regional Adoption Agency has allowed the local authorities to provide a more cohesive, efficient, and effective use of resources and development of practice.

The significance of the contract value requires Cabinet's approval of such on-going financial spend.

Proposal(s)

That Cabinet resolves to:
approve the extension of the Commissioning Agreement with Adoption West for the delivery of services as per the original contractual specification, by 5 years until 28 February 2027; and
directs the Director Families and Children in consultation with the Directors of Finance, and Legal and Democratic Services and in consultation with the Cabinet member for Children's Services, Education and Skills to agree in writing, in accordance with clause 3.2 of the Commissioning Agreement, a five year contract extension and execute any and all related documents required to implement that extension.

Reason for Proposal(s)

The existing arrangements and contract with Adoption West is delivering services as statutorily required, performance is good, and our adoption scorecard is favourable. There is a robust body of evidence to demonstrate this arrangement is both effective in terms of practice and the desired outcomes for children being achieved; as well as financially advantageous in terms of the regional approach and alliance to delivering services (as set out in the original paper agreeing the commencement of a Regional Adoption Agency in May 2017).

Terence Herbert
Chief Executive

Wiltshire Council

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1. Purpose of Report

To seek agreement for the original Commissioning Agreement (as defined) to extend its term for a period of up to 5 years commencing 01 March 2022. The original agreement allows for this extension and the Adoption West Board, which includes all 6 Local Authorities, including Wiltshire Council; is in support of this.

2. Relevance to the Council's Business Plan

The services provided by Adoption West on behalf of Wiltshire Council are central to the Council's Business Plan. The Council's priorities in respect of 'strong communities' and 'protecting those most vulnerable' are intrinsically linked. The successful delivery of adoption services in Wiltshire is a statutory obligation, and a requirement in supporting children to fulfil their potential; be protected and become part of strong communities.

3. Background

3.1 The Government set out their proposals to move to Regional Adoption Agencies by the end of 2020. The paper included an emphasis on getting adoption/permanence right for harder to place children whilst ensuring adoption support is available and accessible to these adoptive families and set out three key aims:

- To speed up matching and improve the life changes of neglected children
- To improve adopter recruitment and adoption support
- To reduce costs (through quicker placements for looked after children)

3.2 The participating authorities entered into a Members' Agreement which clearly sets out the purpose of the collaboration and assigns roles and responsibilities to each of the participating authorities. It also deals with the governance and issues such as dispute resolution.

3.3 In addition to the Members' Agreement each of the participating authorities has a Commissioning Agreement in place to commission services from the Regional Adoption Agency.

3.4 The management of Adoption West is headed by a Service Director with overall responsibility for operations and strategic leadership and is supported by hub managers.

- 3.5 A Board of Directors is established which further fulfils the oversight and ownership responsibilities.

4. Main Considerations for the Council

The Regional Adoption Agency has allowed the local authorities to provide a more cohesive, efficient and effective use of resources and development of practice.

- 4.1 The key objectives shared jointly by the RAA and partnering local authorities are:

- To provide children with the right adopters at the right time, approving those equipped to meet the needs of children waiting.
- To minimise changes of plan away from adoption
- To reduce delay and improve timescales for matching and placement for all children – working with care planning processes in each LA to improve early identification / twin track planning and to achieve best practise and consistency across the region.
- To improve earlier permanency planning using:
 - Concurrent Planning
 - Fostering for Adoption
 - To take innovative approaches to placing 'hard to place' children. e.g.
 - Linking children with adopters from enquiry stage onwards where appropriate, thoroughly preparing child and family for placement
 - To reduce the likelihood of placement breakdown through timely and improved making, preparation and adoption support
 - Providing a range of pre and post adoption support and intermediary services in conjunction with statutory and voluntary sector providers
 - Establishing effective working links with key partnership agencies (e.g. schools and health providers)
- To form strong and productive partnerships with:
 - Adopters
 - Adoptees
 - Voluntary sector providers
 - Health and education
- To ensuring that customer feedback and the views of service users are obtained and considered in the development and future operation of the service

- 4.2 The Integrated Service is responsible for providing a service to:

- Children who require adoption
- Adults who wish to adopt
- All adoptive families living in the region eligible for adoption support

- Adopted adults
- Facilitate contact between adoptive and birth family members
- Birth parents and former guardians eligible for adoption support
- Independent support to birth parents who risk losing their child to adoption

4.3 Service delivery

- 4.3.1 The Integrated Service operates on a full-time basis providing core services flexibly, as required by the needs of services users.
- 4.3.2 The Integrated Service will at all times, maintain a volume of service that is sufficient to fulfil all of its statutory duties as an adoption agency, as well as any specific requirements, targets and outcomes of this specification.
- 4.3.3 The Integrated Service will at all times maintain an appropriately qualified and skilled workforce that is sufficient to fulfil all of its statutory duties as an adoption agency, as well as any specific requirements, targets and outcomes of this specification.
- 4.3.4 The Integrated Service will have in place a detailed contingency plan to deal with workforce absence caused by planned leave, sickness and vacancies that is cost effective and causes minimum disruption to service delivery.
- 4.3.5 The Integrated Service will at all times comply with safe employment practice including statutory background checks, confirmation of identity, confirmation of entitlement to work in the UK, disclosure and barring checks, employment and personal references.
- 4.3.6 The Integrated Service will at all times put the needs of users at the heart of service delivery and maintain a system that ensures their involvement in service design and delivery, as well as decision making.
- 4.3.7 The Integrated Service will at all times maintain a system for the management of complaints and representations that complies with minimum standards for timeliness, transparency and information sharing.
- 4.3.8 The Integrated Service will at all times maintain a system for data protection and handling that complies with the Data Protection Act, as amended from time to time.

5. Financial Arrangements

- 5.1 The contract was originally set up in 2019 based on the budget held by each local authority. In order to allow Adoption West set up costs and time to embed new procedures and ways of working; no efficiencies were removed prior to centralising and activity data was not used to indicate an appropriate level of contribution from local authorities. In addition, the Board agreed to a permanent increase in staffing for family finding and business admin in July 2020.

- 5.2 The intention was always to move towards a fairer and more transparent financial arrangement and finance and operational officers met virtually in 2020 to discuss and decide on a better model moving forward. This model is based on adoption and adoption support activity and, in order to provide a level of protection against large swings in activity, the new model phases in changes equally over a 5-year period. Wiltshire's share of the cost decreases overtime by £0.023M ignoring inflation. The model continues to reinvest any underspend back into Adoption West reserves and support any overspend however, this is closely monitored by the Board and every effort is made to avoid this.
- 5.3 Due to the way Adoption West is constituted and funded it is important for reserve funding to be available. Access to funds enables flexibility within contract periods and for the organisation to respond in a timely way to manage risks and issues as they arise and to capitalise on opportunities in the best interests of the local authorities as both owners and commissioners.
- 5.4 For Wiltshire, the contract value has increased for inflation as we would expect but the proportionate share of costs has reduced due to activity levels.

	22-23	21-22	20-21
Adoption WEST (new modelling)	£0.809M <i>(includes pay award & CPI estimate)</i>		
Adoption WEST (original modelling)		£0.801M	£0.101M <i>underspend reinvested to support working from home technology during the pandemic</i>

6. Overview and Scrutiny Engagement

The Joint Scrutiny Committee, chaired by Cllr Jon Hubbard, discussed this proposal and endorse the contract extension as proposed.

7. Safeguarding Implications

- 7.1 Adoption West is registered with Ofsted as a Voluntary Adoption Agency. Adoption West has not yet been inspected by Ofsted. An inspection was anticipated before the Covid-19 pandemic effectively suspended all Ofsted inspection activity, but this has now resumed. Adoption agencies are inspected every 3 years and thus we anticipate an inspection of Adoption West within the next 12 months.
- 7.2 A suite of key performance indicators against which Adoption West are expected to report is in place. These include a range of indicators that enable member councils to monitor the effectiveness of the safeguarding arrangements in place. This is undertaken through quarterly reporting to

the Adoption West Board, in addition to an annual report to Cabinet which is being presented on the same date as this report.

8. Public Health Implications

There are significant public health implications arising from the continued success of the Regional Adoption Agency. Positive outcomes for looked after children, and specifically improvements in adoption and permanence services, are more likely to result in positive contributions to society and less demand upon public services. Timely and successful adoption/permanence solutions are important and can have far reaching benefits, particularly in terms of the social impact on the lives of children, young people and their families.

9. Procurement Implications

The Integrated Service will continue to provide quarterly data submissions and associated reports to the Board of Directors. Additionally, in accordance with the terms of reference of the Management Board, the Integrated Service will be responsible for conducting an annual review of the quality of the service it provides. Mechanisms to monitor the quality and outcomes of the service will include:

- Effective line management, supervision, support and training of staff employed by the service
- A set of regional policies, procedures and practice standards
- A range of methods to obtain feedback on the functioning of the regional service from service users, local authorities and other stakeholders
- Systems to audit the performance of the service against performance indicators and compliance with legislation and standards;
- A system to monitor and manage complaints against the service

10. Equalities Impact of the Proposal

- 10.1 The RAA targets support for the most vulnerable young people and therefore has a positive impact on equalities. Research and data analysis continues to be undertaken to identify and agree actions to address potential equality impacts for service users and staff.
- 10.2 Equalities considerations and monitoring is an integrated part of our Joint Strategic Needs Assessment and Joint Health & Wellbeing Strategy process to help promote equality and discharge our responsibilities under the Public Sector Equality Duty.
- 10.3 The data analysis includes results by protected characteristics to ensure that the actions outlined in this report are targeted to those areas that require it the most. Ongoing service user consultation and monitoring of equality impacts will result in specific actions to address any identified issues.
- 10.4 The RAA significantly progresses equality of opportunity and advances equality for all groups of vulnerable young people across the region.

11. Environmental and Climate Change Considerations

The RAA intends to provide a sustainable long term solution and environmental considerations will be factored into specific proposals relating to service delivery changes. There are no perceived explicitly environmental implications arising directly from this report.

12. Risks that may arise if the proposed decision and related work is not taken

Wiltshire Council is statutorily required to be part of a Regional Adoption Agency. If the contract with AW is not extended the Local Authority would be unable to perform its statutory role.

13. Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

Should approval be given to extend the existing contract, there are no identified risks to be managed.

14. Financial Implications

The new methodology around distribution of cost to local authorities is fairer and transparent and provides small savings to Wiltshire year on year across the five-year model period. It is likely; however, these will be subsumed by staff pay inflation. The costs are within budget for 2021-22 financial year and pending the application of inflation to be approved in the Council's 2022-23 budget in February, should also be within budget moving forward.

15. Legal Implications

15.1 The Council has statutory duties to provide for children who require permanence through adoption. The Education and Adoption Act 2016 amends the Adoption and Children Act 2002 to include:

15.1.1 The Secretary of State may give directions requiring one or more local authorities in England to make arrangements for all or any of their functions within subsection (3) to be carried out on their behalf by:

- (a) one of those authorities, or
- (b) one or more other adoption agencies.

15.1.2 A direction under subsection (15.1.1) may, in particular—

- (a) specify who is to carry out the functions, or
- (b) require the local authority or authorities to determine who is to carry out the functions.

15.1.3 The functions mentioned in subsection (15.1.1) are functions in relation to—

- (a) the recruitment of persons as prospective adopters;
- (b) the assessment of prospective adopters' suitability to adopt a child;
- (c) the approval of prospective adopters as suitable to adopt a child;

- (d) decisions as to whether a particular child should be placed for adoption with a particular prospective adopter;
- (e) the provision of adoption support services.

15.2 The Public Contract Regulations (2015) allows contracts to fall outside of its scope (and thereby its requirement for tendering and re-tendering on expiry) where those contracts are awarded by public sector bodies to entities such as Adoption West that have: 1) its strategic direction controlled by the public sector bodies; 2) the majority of its work carried out for those public sector bodies; and 3) has no direct private capital participation. Adoption West and this contract extension therefore falls outside of the scope of PCR (2015).

16. Workforce Implications

There are no workforce implications arising from this paper.

17. Options Considered

There is really only one viable alternative option and that would be for one of the 6 local authorities to take on responsibility and host the RAA. This was considered 3 years ago when the current model was agreed, and nothing has changed since then to suggest this model would now be more favourable. This will remain an option for consideration moving forwards; and will be considered in detail prior to the end of any contract extension.

18. Conclusions

The current arrangements are meeting the terms of the agreement and contract in relation to key performance indicators and outcomes for children. A significant amount of scrutiny was undertaken prior to the forming of a RAA, as well as agreement to move forward with Adoption West as is. The decision to extend the existing arrangements and contract for a further 5 years is the preferred option of all 6 Local Authorities and is supported by the Adoption West Board through an independent chair. The recommendation is that approval is given by Cabinet to extend the contract to its full term of 28 February 2027.

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