


Report for: Cabinet, 12 March 2019

Title: Adopt London North: a North London regionalised adoption service

Report authorised by: 
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Ward(s) affected: All

**Report for Key/
Non Key Decision: Key decision**

1. Describe the issue under consideration

- 1.1 The regionalisation of adoption services forms part of the government's policy to improve adoption performance, promote cost efficiency and share expertise.
- 1.2 At its meeting on 13 December 2016, Cabinet agreed in principle to the development of the London Regional Adoption Agency and also agreed in principle to join the proposed London Regional Adoption Agency, subject to the detailed business case and financial analysis.
- 1.3 It was agreed that a further report to Cabinet on the details of the proposed arrangements be brought back, including the business case, financial analysis, arrangement for consultation with staff and other stakeholders and related legal documentation for a final decision on joining the London Regional Adoption Agency.
- 1.4 This report sets out the proposals and business case for developing a new regional adoption agency for the North London Region to be known as 'Adopt London North' that will consist of the London Boroughs of Haringey, Barnet, Camden, Enfield, Hackney and Islington. The Boroughs working in partnership will combine their adoption services to create a regional adoption agency for North London that will be hosted and led by the London Borough of Islington.
- 1.5 This report seeks Cabinet approval for the business case (that includes the proposed operating and financial model) for Adopt London North Regional Adoption Agency (RAA) and for the London Borough of Haringey to be part of the new North London Regional Adoption Agency.

2. Cabinet Member Introduction

- 2.1 Every child deserves to enjoy a happy childhood, in a safe and secure home, where they are supported to reach their potential. For some children and young people that may be best achieved through adoption. However, it can be difficult for individual local authorities to find a pool of prospective adopters with the range of experience and diversity needed to meet local needs, and this sometimes results in delays in finding permanent homes for children and young people. At the end of March 2018 there were 54 children and young people in North London with a placement order who were not matched to adopters. The average time between children and young people becoming looked after and being placed with an adoptive family in North London was 564 days – far longer than the national average of 457 days.
- 2.2 The Education and Adoption Act 2016 requires all local authorities to join a regionalised adoption agency (RAA) by 2020. In March 2018 the Department for Education commenced implementation of the legislation, allowing the Government to direct a local authority into a RAA if no progress has been made.
- 2.3 Following an in principle decision by Cabinet in December 2016 the Council has worked in partnership with the London Boroughs of Barnet, Camden, Enfield, Hackney and Islington to develop proposals for a new RAA, to be known as ‘Adopt London North’, and to be hosted by the London Borough of Islington. The Council already works with these local authorities as part of the North London Consortium, and the proposed RAA would seek to enhance this by better targeting the recruitment of prospective adopters, speeding up the matching and placement of children for adoption, and providing high-quality adoption support for families. In doing so, it would bring together best practice from across the member local authorities, create a more consistent approach to adoption across North London, and result in improved outcomes for children and young people and their families.
- 2.4 ‘Adopt London North’ would also work collaboratively with the three other RAAs across London: Adopt London West (Ealing); Adopt London South (Southwark); and Adopt London East (Havering). This is a major step in achieving a London-wide approach for adoption which will place the best interests of children and their adoptive families at the forefront of decision-making.

3. Recommendations

Cabinet is asked to agree:

- 3.1 The Business Case for the new Adopt London North Regional Adoption Agency that includes the proposed operating and financial model and attached as Appendix 1.
- 3.2 That the London Borough of Haringey enter into the Adopt London North Regional Adoption Agency partnership arrangement that will comprise the London Boroughs of Barnet, Camden, Enfield, Hackney, Haringey and Islington. A draft copy of the Partnership Agreement is attached as Appendix 2.
- 3.3 That the London Borough of Islington host the Adopt London North Regional Adoption Agency and to delegate the Council’s adoption functions to the

London Borough of Islington for the purposes of these arrangements and as set out in Schedule 2 of the draft Partnership Agreement.

- 3.5 To give delegated authority to the Director of Children's Services in consultation with the Lead Member for Children, Education and Families to implement the arrangement for Adopt London North including entering into and signing off the Partnership Agreement and any other agreement between the London Borough of Haringey and the other participating authorities, in order for the regional adoption arrangement to be implemented in July 2019.

4. Reasons for decision

- 4.1 The decision seeks to implement the government's policy and legislative agenda of promoting regional adoption agencies, with the aims of better targeting the recruitment of prospective adopters and speeding up the matching and placement of children for adoption. This is a mandatory requirement and one which if not progressed risks intervention from government.

5. Alternative options considered

- 5.1 The Department for Education (DfE) noted in its evaluation of Regional Adoption Agencies (RAAs) that local authorities were free to decide the size and makeup of the RAAs and to choose from one of four broad models:

- a) a single local authority hosting on behalf of other local authorities;
- b) a joint venture between the local authorities and voluntary adoption agencies creating a new voluntary adoption agency;
- c) a joint venture between the local authorities and voluntary adoption agencies under a local authority trading company; and
- d) outsourcing service delivery to an existing voluntary adoption agency.

- 5.2 Additionally, the delivery model for the RAA must address the DfE minimum expectations of RAAs as outlined below:

- a) a single line of accountability with the ability to act on behalf of the individual authorities;
- b) core functions transferred to the RAA;
- c) a pan-regional approach;
- d) functions transferred to the RAA need to include recruitment, support and matching;
- e) a head of service with line management responsibility for staff;
- f) pooled funding; and
- g) partnership with the voluntary sector.

- 5.3 Delivery model options were considered early in the process, including the creation of a new single entity to deliver adoption services. However, creation of new single entities is time consuming and costly and has not been a preferred option elsewhere where regional adoption agencies have been established.

- 5.4 All options considered assumed governance of the RAA through a board comprising senior representatives from all local authorities with representation

from voluntary adoption agencies, adopters and adoptees.

- 5.5 The preferred option for adoption services across North London is the combining of the six London Boroughs' adoption services with one Borough becoming the host authority. This preferred model for North London addresses DfE requirements and proposes to work collaboratively with the three other RAAs across London – namely Adopt London West (Ealing), Adopt London South (Southwark), Adopt London East (Havering).

6. Background information

- 6.1 In June 2015 the Department for Education published a paper, 'Regionalising Adoption', setting out proposals for the establishment of RAAs. The paper gave a very clear directive to local authorities that it was the expectation for all authorities to be part of a RAA by 2020. In March 2016 the government announced intended changes to the delivery of adoption services. This followed a range of national policy changes since 2012. Section 15 of the Education and Adoption Act 2016 gave the Secretary of State the power to give directions requiring one or more local authorities in England to make arrangements for all, or any, of certain of their adoption functions to be carried out on their behalf by one of those authorities, or one or more other adoption agencies. Following the general election in 2017, the Minister of State for Children and Families reaffirmed commitment to this policy through provisions made in the Education and Adoption Act 2016. On 7 March 2018, section 15 of the 2016 Act was brought into force, with the result that the DfE now had the power to direct a local authority into a RAA if no progress was being made. This move towards the creation of regional adoption agencies is led by a national agenda to target better the recruitment of prospective adopters and speed up the matching and placement of children for adoption.
- 6.2 Successive governments have raised concerns that children in care may experience poorer outcomes due to a low rate of adoption as well as delays in the process. Children in care are more likely to be unemployed, to experience mental health problems, to become homeless and to have their own children removed from them. It should be noted that children in care often arrive with significant issues that contribute to poor outcomes and a poor care experience can exacerbate rather than remedy these issues. Conversely, a well-timed and good placement match can make a significant and positive difference to the long-term outcomes of children who have difficult and damaging pre-birth and early years' experiences which lead to an adoptive placement.
- 6.3 The aims of the regional adoption agency proposals were that local authorities and/or voluntary adoption agencies would come together to operate at a larger scale which would mean:
- a) services had a clear sense of responsibility and accountability for getting the right adopters in and recruitment would be driven by the needs of a larger number of children waiting;
 - b) social workers would have immediate access to a larger pool of adopters when matching. This is likely to speed up the process, which would reduce delays for children;

- c) there would be opportunities to share and develop wider support services, including in partnership with health and independent providers;
 - d) consortia would be able to develop regional supervision models to provide cross-agency external support and challenge to develop excellent practice skills and behaviours to help to provide scrutiny and external challenge over permanence decision making, timeliness, missed matches, and reversals, in real time;
 - e) there would potentially be an opportunity to establish mechanisms to ensure a wider overview of the children coming in to the system, which would provide an opportunity to develop clearer transparency and protocols for early planning; and
 - f) there would be opportunities to share costs and to benefit from economies of scale, thereby reducing overall expenditure. As identified, speeding up matching not only markedly improves the life chances of neglected and damaged children, it relieves financial pressures on local authorities.
- 6.4 There will be four RAAs across London: Adopt London South, Adopt London East, Adopt London West and the one proposed in this report, Adopt London North. The proposal to pursue four RAAs in London was agreed by the Association of London Directors of Children’s Services (ALDCS), with endorsement given in May 2018 for this approach by the DfE. ALDCS delegated decision making to the Adopt London Executive Board to oversee the development of these four London Regional Adoption Agencies.
- 6.5 The Adopt London Executive Board set out several key principles that have shaped the formation of regional adoption for London. These have been endorsed by the DfE and include:
- a) 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;
 - b) Adopt London will provide an overarching framework for enabling effective co-ordination, coherence and partnership working across London;
 - c) 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. staffing issues and how transfers of staff from authorities will be appropriately managed within relevant employment legislation, and the design and delivery of operating models that suit each of London RAA’s needs; and
 - d) Adopt London authorities are committed to working effectively together with Voluntary Adoption Agencies (VAAs), making sure that their unique and important contributions is maximised and that VAAs are involved in the development of the RAAs and Adopt London.
- 6.6 The RAA will continue to be accountable to participating authorities’ corporate parenting boards and other bodies and will deliver the following main services across North London:
- a) Recruitment and assessment of prospective adopters including marketing and recruitment strategy; post approval training and matching and Agency Decision Maker for approval of adopters.

- b) Permanence planning including tracking and monitoring children possibly requiring adoption; support and advice to child social worker on the adoption process; sibling or other specialist assessments and direct work to prepare child prior to placement.
- c) Matching and placement including family finding; looked after child reviews; shortlist and visit potential families; direct work to prepare child prior to placement; support to family post placement and planning and delivery of adoption support; and support prospective adopters in preparation and submission of the application for Adoption Order including attending at court.
- d) Adoption support including assessment for adoption support; developing and delivering adoption support plans and funding applications to the Adoption Support Fund. Adoption support delivery including support groups, social events, support with ongoing birth relative contact and adoption counselling and training.

6.6A Therefore, the Council and other participating authorities must delegate the following adoption functions to the Host Authority of the RAA (i.e. London Borough of Islington): 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; and e) the provision of adoption support services.

Staffing

- 6.7 The staffing levels proposed in this business case have been based on actual demand experienced over the past three years. However because of the current difficulties in predicting the levels of activity (e.g. numbers of children with adoption plans) there is a risk that suggested staffing levels might not be consistent with demand.
- 6.8 The London Borough of Islington is working to the human resources process below. If the Transfer of Undertakings Protection of Employment (TUPE) Regulations 2006 apply, staff of the participating north London authorities (that currently undertake those authorities' relevant adoption services and are permanently assigned to the services being transferred) will transfer to the London Borough of Islington under the provisions of Transfer of Undertakings Protection of Employment (TUPE) where they meet the matching criteria. Formal consultation will form part of the Human Resources project plan.
- 6.9 The process that is currently being worked to is:
- a) Senior management – the Head of Service and Service Manager posts have been identified as falling out of scope of TUPE as they are not permanently assigned to the functions being transferred. The Head of Service role is being recruited to pan-London and the Service Manager role will be advertised as soon as Cabinet sign off is complete and will be open to all staff from any of the six boroughs who fulfil the requirements.
 - b) Phase 1: TUPE transfer– RAA specific job descriptions will be prepared and evaluated in Islington to reflect the specific nature of the roles within the RAA. Boroughs will individually consult with affected staff and identify who is permanently assigned to the transferring functions. Those identified as permanently assigned to the transferring functions will automatically be offered an RAA vacancy but may choose to express a preference to remain in their borough subject to internal reorganisation.
 - c) Phase 2: Expression of interest – all staff who currently work in adoption but who have not been offered an RAA post following the above process will be invited to apply for remaining RAA vacancies. A recruitment process involving a written expression of interest and a short interview will be undertaken for each borough by one borough representative and one London Borough of Islington representative.
 - d) Phase 3: Advertising externally- vacancies remaining after the above processes have been completed will be advertised externally as Islington posts.
- 6.10 It is not anticipated that there will be any need for staff redundancies as a result of regionalisation. Once all boroughs have approved the proposals in February/March the formal consultation with staff affected will commence.
- 6.11 All staff and the unions have been made aware of the proposed new model for delivering adoption services and know that a report will be put forward to

Cabinet for agreement in March 2019. The following events have taken place:

- a) a London wide event was held for lead members and senior officers on 5 October 2018.
- b) staff engagement events open to all staff working in adoption in the six North London boroughs have been held on 21 June 2018, 25 September 2018, and 4 November 2018 with a further event planned for April 2019.
- c) unions have been consulted with as the plans for the RAA have become clearer and a meeting of Union representatives from all boroughs took place on 5 February 2019 with a further meeting planned for 12 March 2019.

6.12 Once a formal decision has been taken by Cabinet there will be consultation with staff and the Unions in relation to the proposed staffing structures.

Stakeholder consultation

6.13 Consultation with stakeholders is an integral part of the RAA project and the following have taken place:

- a) task and finish groups with practitioners across North London have taken place to acquire the views and experience of staff and the adopters they work with;
- b) specific 'Listening and Sharing' events have been and continue to be instrumental in ensuring the views of staff and adopters are being sought to inform the development of the service model; and
- c) a London wide adopter consultation process was undertaken by Adopter Voice, which included consultation groups specifically for North London and their views have been taken into account when developing the service specification and have informed agenda items at task and finish groups.

Risks

6.14 A forensic analysis of each borough's financial spend on adoption services has been undertaken and boroughs have not been asked to contribute sums over and above their confirmed relevant spend on adoption. Total confirmed contributions will sufficiently fund the proposed new service.

6.15 There is a risk to all local authorities who fail to join a regional agency as the Secretary of State could direct them using his powers under section 15 of the Education and Adoption Act 2016. Such a direction could include central government directing how services should be delivered.

6.16 Major reorganisation of adoption services in the region may have an impact on service delivery in the short term. To mitigate these risks, performance measures and regular monitoring arrangements will be established between the host and non-host authorities.

6.17 There is risk, even regionally, of not being able to recruit adopters able to meet the needs of the children waiting, leading to more interagency placements and financial viability issues. More coordinated and targeted recruitment activity is expected to address this and scope for enhanced recruitment and assessment

has been built into the delivery model.

- 6.18 Major change and proposed changes to ways of working could lead to a risk that Adoption London North may find it challenging to retain its existing experienced and qualified workforce. The engagement of staff directly involved in the delivery of adoption services, and the involvement of current service users will be essential mitigation alongside keeping colleagues in partner organisations informed. The project team have been engaging with staff to ensure they are informed about the opportunities in a joint agency.

7. Contribution to strategic outcomes

- 7.1 This proposal supports our vision of a 'Haringey where strong families, strong networks and strong communities nurture all residents to live well and achieve their potential'. Additionally, it supports the following outcomes in the Borough Plan:

- Best start in life: the first few years of every child's life will give them the long-term foundations to thrive;
- Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities;
- Every young person, whatever their background, has a pathway to success for the future; and
- All residents will be able to live free from the fear of harm.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance

The budget set aside for this service in 2019/20 is £496k and the proposed budget for the transferred service is no more than £443k plus £9k for 2% salary inflation uplift (total £452k). The service is to be formally transferred from 1 July 2019 and therefore a pro-rata value of £339k will be paid over in 2019/20. These budgets are fully funded.

8.2 Procurement

- 8.2.1 The requirement for Regional Adoption Agencies is prescribed by the Education and Adoption Act 2016, it also mandated various methods for achieving it, including a single borough leading and hosting for the other authorities involved as set out in 6 above.

- 8.2.2 The need for this provision along with collaborative working cannot be overstated and should go some way to addressing unmet need in this area.

- 8.2.3 There are, however, no procurement implications in this process.

8.3 Legal

- 8.3.1 The Council's principal functions in relation to adoption services are set out in the Adoption and Children Act 2002 (ACA 2002). Section 3 (*Maintenance of Adoption Service*) of the ACA 2002 requires the Council to maintain within its area adoption services designed to meet the needs of:
- a) children who may be adopted, their parents and guardians;
 - b) persons wishing to adopt a child; and
 - c) adopted persons, their parents, natural parents and former guardians; and for this purpose, must provide requisite facilities.
- 8.3.2 Regulation 5 (*Arrangement for securing provision of services*) of the Adoption Support Services Regulation 2005, permits the Council to secure the provision of adoption support services by another local authority.
- 8.3.3 Adoptions services functions are the responsibility of the executive. Sections 9EA and 9EB of the Local Government Act 2000 (LGA 2000) and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, in particular, Regulation 5 (Discharge of an executive's functions by another relevant authority or another relevant executive) enables Cabinet to arrange for the Council's adoption services functions to be discharged by another local authority (i.e. London Borough of Islington).
- 8.3.4 Although these functions can be delegated to the London Borough of Islington, the Council would still retain its overall statutory duty to maintain within its area an adoption service as defined in the ACA 2002.
- 8.3.5 Section 15 of the Education and Adoption Act 2016 (*"Local authority adoption functions: joint arrangements"*) provides the Secretary of State with the power to direct the transfer of adoption functions of a local authority to another local authority or to one or more other adoption agencies. The functions specified are:
- 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; and
 - e) the provision of adoption support services.
- 8.3.6 A direction from the Secretary of State is necessary for this purpose.
- 8.3.7 Consideration will need to be given to whether the lead host authority arrangement with the London Borough of Islington will give rise to a relevant staff transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) (as amended). The adoption services to be transferred and/or the likely service provision changes are set out in Paragraphs 6.6 and 6.6A above. The proposed RAA arrangement will give rise to a relevant transfer and TUPE is likely to apply. It is envisaged that staff working on the Council's adoption function will transfer to London Borough of Islington as the Host Authority which will be delivering adoption functions for the Council and other participating authorities. The Council as the transferor and London Borough of Islington as the transferee must ensure they comply with their respective obligations under TUPE.

8.3.8 As indicated in the recommendation, the Adopt London North RAA arrangement will be subject to a Partnership Agreement between the six participating authorities. A draft copy of the Agreement is attached as Appendix 2. The final terms of the Agreement is yet to be agreed but will include the duration of the agreement, appointment of Islington as the Host Authority, delegation of adoption functions and services, annual service plan, financial arrangements and contributions, staffing, TUPE arrangements , pensions and management and governance arrangements. Delegated authority is required to sign off the final terms once agreed between the participating authorities.

8.3.9 As set out above, Cabinet have the legal powers to approve the recommendations in this report.

8.4 Equality

8.4.1 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.4.2 An equalities impact assessment of the proposal in Haringey has been undertaken and is attached at Appendix 3. The number of children affected by these proposals in Haringey is small. During 2017/18, the Adoption Panel considered matches for 14 children – this figure includes 12 children placed individually and one set of a sibling group of two. The equality impact assessment indicates that there will be no negative impacts as a result of this proposal. A number of positive impacts are noted and these are due to the Regional Adoption Agency having greater scope to scale up attempts to target recruitment and to consider family finding alliances with RAAs in other parts of the country. The RAA's ability to cover a greater geographical area will increase the scope for matching and ultimately increase placement opportunities. It is believed that this will be particularly helpful in assessing adopters for harder to place children such as those with a disability, those who are older and those from black and ethnic minority backgrounds.

8.4.4 As noted elsewhere the government's regionalisation policy is designed to be positive for vulnerable children and adopters.

9. Use of Appendices

Appendix 1 - Adopt London North Business Case

10. Local Government (Access to Information) Act 1985

- a. [Regionalising Adoption - June 2015](#)
- b. [Education and Adoption Act 2016 – Adoption](#)

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