
REPORT FOR: CABINET

Date of Meeting:	13 September 2018
Subject:	Regional Adoption Agency
Key Decision:	Yes
Responsible Officer:	Paul Hewitt, Interim Corporate Director of People
Portfolio Holder:	Councillor Christine Robson, Portfolio Holder for Young People and Schools
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Annexe A – Role of the Lead Authority Annexe B – Funding Model

Section 1 – Summary and Recommendations

This report sets out proposals for Harrow to enter into agreements to establish a Regional Adoption Agency (RAA) with 5 other Local Authorities and procure a provider.

Recommendations:

Cabinet is requested to:

1. Agree to Harrow Council's participation in establishing a Voluntary Adoption Agency to deliver the Regional Adoption Agency services and to act as lead authority in overseeing the commissioning of the services and monitoring the contract on behalf of partnering Local Authorities.
2. Following consultation with the Portfolio Holder for Young People and Schools and Portfolio Holder for Finance and Resources; delegate authority to the Interim Corporate Director of People to enter into a Memorandum of Understanding and an Inter Authority Agreement with the participating authorities and to award a contract to appoint a Voluntary Adoption Agency on behalf of all Local Authorities who decide to partner with Harrow.

Reason: (For recommendations)

The Government requires local authorities to improve adoption practices through the formation of Regional Adoption Agencies by 2020.

Section 2 – Report

Introductory paragraph

1. This report outlines the approach that Harrow is proposing to establish a Regional Adoption Agency (RAA) in accordance with the Government's requirements. It details the partnership model and arrangements with other local authorities, the role of Harrow as the Lead Agency and the procurement timeline.
2. Since 2006 Harrow has commissioned a Voluntary Adoption Agency to operate its adoption services. This includes the recruitment and approval of adopters, their preparation and training, early permanence, and matching a child to a suitable adoptive family and adoption support services. The service is operated on a co-location basis in Harrow and has proved to be an effective and efficient way to deliver services.

3. Harrow has on average up to 20 children per annum requiring adoption from the population of 200 looked after children.
4. In 2015, the Government set out a requirement to improve adoption practices across the country through the formation of new Regional Adoption Agencies (RAAs) by 2020. The Secretary of State is being invested with new legal powers to act to ensure this happens.
5. As a result of this requirement, Harrow Council with London Boroughs of Redbridge and Bromley, City of London and Slough Children's Trust submitted a proposal for the formation of a RAA in Round 3 of submissions to the DfE. This was approved by the Minister for Children in February 2018 with project funding from April 2018. A development programme is underway supported by a DfE policy lead and a Deloitte coach, using RAA development funding.
6. The proposal is to develop a RAA through the participating local authorities commissioning a Voluntary Adoption Agency (VAA) to deliver adoption services on a regional basis.

Background

National Context

7. Adoption is a way of providing new families for children who cannot be brought up by their biological parents. It is a legal process in which all parental rights and responsibilities are transferred to the adoptive family. Once an adoption has been granted, it cannot be reversed. Alternative permanency options include special guardianship orders (SGOs) and long term fostering.
8. 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 in care with significant issues that contribute to poor outcomes; however, 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 year's experiences which lead to an adoptive placement.
9. In order to improve outcomes for children in care, the Coalition Government introduced *An Action Plan for Adoption: tackling delay* with legislative changes to the monitoring of the adoption process through an Adoption Scorecard. This set targets for Local Authorities to speed up the adoption process. In many authorities, those targets have not been met and the speed of adoption remains a local corporate parent and central government concern.

10. The Department for Education (DfE) paper, *Regionalising Adoption* proposed the move to regional adoption agencies in order to:
- Speed up matching
 - Improve adopter recruitment and adoption support
 - Reduce costs
 - Improve the life chances of vulnerable children.
11. The government has reinforced their policy ambition through provisions in the Education and Adoption Bill. The DfE's ambition is for **all local authorities** to be part of a regionalised service by 2020.
12. Through *Adoption: a vision for change*, the Department highlighted the need to draw on the best of both the statutory and voluntary sectors to ensure that systems are designed around the needs of children. It also reinforced the vision to ensure that the voice of children and adopters is at the heart of policy making and service delivery.
13. As well as placing children for adoption, local authority adoption functions also include advising, assessing and recruiting potential adopters and providing post adoption support as required for children and adopters. There is also a duty of support for families coming into Harrow who are adopters and adoptees from other areas of the country.

Options considered

14. Initially a Pan-London approach to forming a RAA has been considered. This would be on a larger scale and forming new links, processes and relationships with working together with a larger group of Local Authorities.
15. The preferred option is to form a RAA with a smaller group of local authorities that currently have a shared process and framework which would be transferrable into a new model. This demonstrates the viability and benefit of local authorities working together across the geography of London and Slough utilising a shared centrally located hub, which reflects the transport network for maximum accessibility by adopters and young people and maximises the recruitment and engagement of staff.

Current situation

16. Following the publication of the DfE paper, *Regionalising Adoption* (June 2015), the Department invited Local Authorities and Voluntary Adoption Agencies to submit Expressions of Interest in becoming part of new regionalised arrangements.
17. An Expression of Interest was made by Harrow Council as lead Authority with four Local Authorities (City of London, Redbridge, Bromley, and Slough Children Trust) and a Voluntary Adoption Agency (VAA) strategic partner for the design, development and implementation of a Regional Adoption Agency (RAA).

18. Harrow is the commissioning lead for RAA development because it is the local authority in England with the longest experience of commissioned adoption services. This arrangement also builds on the established strengths of combining the different demographics and opportunities of the local authorities as evidenced in the previous contracts. The role of the lead authority is provided at Annexe A.
19. Together this grouping is using the RAA project title of “Ambitious for Adoption” to reflect the objective of the RAA for excellence in practice from Day 1 through delivering in conjunction with an outstanding voluntary adoption agency, embedding early permanence and preventive as well as therapeutic adoption support to ensure timely placement of all children and thereby secure best outcomes and best value.
20. In February 2018 the Department for Education approved the plan for Ambitious for Adoption to develop the new RAA, which will work towards full implementation by April 2019.
21. A Strategic Governance Board, chaired by the Harrow Interim Corporate Director, People Services, with Directors of Children’s Services from each of the partner local authorities, has been formed and has framed the intent for the RAA to apply a Hub and Spoke operating model with a VAA delivery and strategic partner.
22. An Operations Group has been formed and has started developing the operational model for formation of the RAA with shared Practice Model and common systems as piloted by Harrow, City of London and Redbridge. This group, along with representatives from Bromley and Slough Children’s Trust are working together to generate the design and inform the specification for the new RAA.
23. The next phase will finalise the commissioning scope for the RAA and this will be conducted by Harrow as the lead LA. The RAA will operate as a commissioned VAA for all services and employing all staff deploying them and functions in a Hub and Spoke model. The corporate parenting duty (and placement decision for children) will remain with the relevant local authority. The detail is being examined by the Operations Group.

Proposed Governance Structure of the RAA

24. The proposed governance structure is provided at Annexe B. The local authorities will sign a Memorandum of Understanding prior to commencement of any procurement to jointly commission a VAA. Once the provider has been appointed, the Strategic Governance Board will become the RAA Governance Board. It is proposed that all participating authorities will also enter into an Inter Authority Agreement (IAA) that will ensure that the financial and legal risks remain with each local authority and Harrow as Lead Authority will not be at risk of incurring any additional potential liability arising from this arrangement.
25. Within the contractual arrangements each local authority will have its own financial arrangements with the VAA. It is proposed that the funding model

has two elements: Fixed Costs which will include staff, and Interagency Fees.

Risk Management Implications

Risk included on Directorate risk register? Yes
Separate risk register in place? Yes

The key risks to Harrow are in two areas:

- Undertaking the Lead Authority role in commissioning the services and managing the contract post award;
- Partnering with other local authorities in the new RAA operating arrangements and dealing with governance arrangements;

Procurement Implications

Harrow Council is the Lead Authority and will procure the Regional Adoption Agency (RAA) on behalf of the participating boroughs, Redbridge, Bromley, Slough and the City of London. The proposed top level evaluation criterion is as follows:

Price: 40%
Quality: 50%
Social Value: 10%

Legal Implications

The Education and Adoption Act 2016 forms the basis for the legal framework concerning the regionalisation of adoption services. This legislation requires local authorities to join together to form regional adoption agencies. The new powers include provision for the Secretary of State to allow local authorities the flexibility to transfer their adoption functions to another authority or adoption agency. The functions are as follows:

- 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.

Officers have considered the procurement options available and the preferred procurement route to commission these services is to directly award the contract to the incumbent provider, Coram, in accordance with Regulation 32 of the Public Contract Regulations 2015. As officers have concluded that Coram's knowledge and expertise cannot be matched by any other potential provider to the standard required under the contract. The services can only be performed by them for "technical reasons" This is subject to officers being able to demonstrate that no other provider has the technical capability offered by Coram.

Coram will still need to undergo an evaluation process to ensure that they meet the criteria required to run the service for the participating local authorities.

Legal Services will draft and complete the Memorandum of Understanding and the Inter Authority Agreement and ensure that any internal governance requirements and all statutory requirements, including but not limited to TUPE, are complied with.

Financial Implications

Harrow's budget for adoption services is as follows:

Core contract (staffing):	£153k
Interagency adoption fees:	£225k

It is expected that staffing will be transferred to the provider. These will contribute to the core costs of the service. The interagency adoption Fees will be paid to the provider based number of adoptive placements per year.

Harrow Council is the Lead Authority and will procure the Regional Adoption Agency (RAA) on behalf of the participating boroughs, Redbridge, Bromley, Slough and the City of London. The overall annual value of the contract is expected to be as follows

Core contract:	£1.202m
Interagency adoption fees:	£0.813m
Total annual value:	£2.015m

It is proposed that all participating authorities will enter into an Inter Authority Agreement (IAA) that will ensure that the financial and legal risks remain with each local authority and Harrow as Lead Authority will not be at risk of incurring any additional potential liability arising from this arrangement. London Living Wage. The London Living Wage is currently £10.20. Staff on this contract would be paid higher than this due to their grading.

Equalities implications

26. An initial EqIA has been undertaken and it has not identified any negative impacts. The service specification will require the provider to meet the needs of the diversity of Harrow.

Council Priorities

27. The Council's vision: Working Together to Make a Difference for Harrow .

28. The decision to give authority to the London Borough of Harrow Children Services to be part of the development and implementation of a new Regional Adoption Agency will meet the Council's priorities of making a

difference to families and vulnerable children and young people and theme Protect the Most Vulnerable and Support Families.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 2 August 2018		
Name: Stephen Dorrian	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 1 August 2018		

Section 3 - Procurement Officer Clearance

Name: Nimesh Mehta	<input checked="" type="checkbox"/>	Head of Procurement
Date: 2 August 2018		

Ward Councillors notified:	No as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	A.Dewsnap. Divisional Director, Strategic Commissioning

Section 4 - Contact Details and Background Papers

Contact: Johanna Morgan, Divisional Director People Services
Strategy 0208 736 6841

Background Papers: None

**Call-In Waived by the
Chair of Overview and
Scrutiny Committee**

NOT APPLICABLE

[Call-in applies]

Role of the Lead Authority

The key functions of the Lead Agency are:

- Appointing a project manager and administrator to enable effective delivery of the RAA programme in accordance with the vision and submission to Dfe
- To be responsible for commissioning and procurement in accordance with decisions of the Strategic Management Board
- To chair the Operations Workstream made up of Heads of Service for Adoption Services across partners to the RAA and to liaise with finance, procurement and legal teams to ensure all agencies understand the key mission of the RAA and their roles and responsibilities.
- Mapping the optimal model working to the objectives of the RAA project and in consultation with all partners.
- To chair the Strategic Governance Board in accordance with the Terms of Reference for the board taking oversight of the programme delivery and reporting exceptions for decision by the Board.
- To be responsible for the commissioning and procurement in accordance with decisions of the Board
- To ensure that the financial modelling underpinning the key delivery assumptions of the RAA are well founded and realistic to the expectation of the service and rises and falls including interagency fee expectancy.
- To ensure LBH has the political and organisational agreement to fulfil the role
- To adopt a facilitative and collaborative approach across all participating agencies and the commissioned VAA
- To enable a workable approach for staffing and staff communications that will provide a robust starting point for the RAA and its continuing development and be motivational and inspiring to all who work for the RAA
- To enable co-production so that the RAA will flourish with the information and support of adopters and young people who understand key tenets of coproduction and the benefits realisation for services
- Oversight of risks, issues and mitigations throughout the programme and ensuring that solutions are expedited to enable the fulfilment of the project aims

- Once the Regional Adoption Agency is set up and the chosen VAA is under service management contract to deliver the RAA function by contract and a service framework this – the role of the Lead Agency will be to ensure the contract as signed by the parties is complied with and upholding standard project monitoring terms.

