

Subject:	Adoption South East		
Date of Meeting:	10th October 2019		
Report of:	Executive Director for Families, Children & Learning		
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Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To update the Committee on the statutory requirement for every local authority adoption service to be part of a Regional Adoption Agency (RAA) by 1st April 2020 as per the Department for Education publication of 'Adoption for Change' paper published in March 2016.
- 1.2 To update the Committee on the development of Adoption South East, a RAA comprising of adoption services from Brighton & Hove City Council; East Sussex; West Sussex and Surrey County Councils.
- 1.3 To seek agreement for Brighton & Hove City Council's Adoption Service to become part of Adoption South East.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the arrangement for Brighton & Hove City Council's Adoption Service to join a partnership arrangement with East Sussex; West Sussex and Surrey County Councils in forming Adoption South East, a RAA.
- 2.2 That the Committee give delegated authority to the Executive Director of Families Children & Learning, in consultation with the Lead Member for Children and Skills to implement the arrangements for Adoption South East, including entering into and signing off the Partnership Agreement and any other agreement between Brighton & Hove City Council and the other participating authorities, in order for the RAA to be implemented in April 2020.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Department for Education (DfE) published 'Adoption - A Vision for Change' on 27th March 2016 (<https://www.gov.uk/government/publications/adoption-a-vision-for-change>) setting out reforms designed to address delay in the adoption process for children by requiring all local authorities to become part of a RAA by 1st April 2020. This vision became statute in the Education & Adoption Act 2016. From 1st April 2020 Brighton and Hove City Council can no longer operate an adoption service in isolation and is required to join with other local authorities to become a regional adoption agency.
- 3.2 A report was presented to Policy, Resources and Growth Committee on 29th March 2018 when an in-principle decision was given to the development of Adoption South East.
- 3.3 Adoption South East is a partnership arrangement with East Sussex; West Sussex and Surrey County Councils. The four local authorities have worked closely together for many years, as part of Adoption South Central Consortium. The entire consortium included 9 local authority adoption agencies and 2 voluntary adoption agencies, but the geographical spread was too large to develop into one Regional Agency. Brighton & Hove has worked with its nearest neighbours to form Adoption South East.

Delivery Model & Governance

- 3.4 There are a number of operational structures currently in operation or development across RAAs all of which are underpinned by the DFE requirement to have:
- a single line of accountability with the ability to act on behalf of the individual authorities i.e. a Head of Service
 - robust governance arrangements
 - pooled funding into a single RAA budget
 - responsibility for recruitment, matching and support functions
- 3.5 The proposal is for Adoption South East to operate a Hub and Spoke model, with a "slim" Hub hosted by East Sussex and 4 spokes, based within the respective local authorities. This allows for continuity of service in each of the local areas with the centralised Hub coordinating and operating shared services and setting direction and strategy, in agreement with the governing body. The Head of Service for Adoption South East will be based in the Hub.
- 3.6 Brighton and Hove will retain sovereignty of staff, who will continue to be employed on Brighton & Hove terms and conditions. They will report into Adoption South East management structures.
- 3.7 The delivery model will be subject to a Partnership Agreement which will be held and reviewed by a Strategic Partnership Board comprising senior representatives from all 4 local authorities. The Board will act as the intermediary between the local authorities and Adoption South East and oversee the Adoption South East annual Business Plan.

Finances

- 3.8 As the host of the Hub, the proposal is for East Sussex to manage the pooled budget arrangements. Work is on-going to finalise the financial arrangements for Adoption South East based on activity levels and costs over the past 3 years.
- 3.9 The 19/20 Adoption Service budget is £1.076M – this comprises staffing costs together with inter-agency adoption fees. There is an understanding that the Adoption South East budgetary contribution cannot exceed existing budget allocations and that year on year opportunities for savings must be considered, in line with changes in activity levels relating to the number of children who need to be placed for adoption. There is also an expectation that forming Adoption South East will deliver efficiencies in the medium to long term. Scrutiny and agreement regarding pooled budgets will be overseen by the Strategic Partnership Board.
- 3.10 A breakdown of the 4 local authorities 19/20 adoption budgets are detailed below:

Brighton and Hove	Surrey	East Sussex	West Sussex	Total
£1.076M	£1.429M	£1.297M	£1.880M	£5.682M

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 There is a legal requirement for Brighton and Hove to be part of a RAA from 1st April 2020 and work has taken place with East Sussex, West Sussex and Surrey County Councils to develop Adoption South East.
- 4.2 From a practice perspective, Brighton and Hove will benefit from being part of an RAA. As a unitary authority, Brighton and Hove typically place over half of its children in need of adoption outside of its geographical boundaries. This is due to the limited numbers of adoptive families available for recruitment given the geographically small, densely populated city and the safeguarding issues associated with placing children for adoption in the same vicinity as their biological families from whom they have been removed.
- 4.3 Were Brighton and Hove not part of a RAA it would struggle to place children for adoption as going forward adopters will only be available for the children from their respective RAAs. Due to the relatively small size of the city Brighton and Hove places a significantly higher proportion of its children for adoption outside of the city with adopters approved by other local authorities. This means that the proportion of spend on inter-agency placements is significantly greater than that of the neighbouring authorities.
- 4.4 Alternative structures for Adoption South East have been considered:
- A fully hosted model with one of the four local authorities acting as host – this option was discounted given the requirement to transfer all staff under TUPE arrangements into the host local authority.

- Development of a separate organisation into which staff would be seconded. The costs of creating and servicing a new organisation together with attendant legal costs would result in significant increase in costs for all local authorities.

4.5 The proposed development of a Partnership arrangement with a “slim” hosted hub and a spoke in each local authority avoids additional costs and enables the RAA to establish itself as a legal entity and to meet DfE requirements. This proposed option enables Brighton and Hove to retain sovereignty for its staff

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Two full day stakeholder engagement events were held in July 2018 and May 2019. A third event is planned for November 2019. These are opportunities for affected staff and other stakeholders to participate and contribute to the planning of the RAA.

5.2 The Adoption South East Project Board has appointed two Adopter Champions from across the region who are adoptive parents to engage with the range of adoption related communities around the development of the RAA. They are currently consulting with adoptive parents across the region through online surveys and meeting with established adoption interest groups.

6. CONCLUSION

6.1 Under the Education and Adoption Act 2016 local authorities are unable to unilaterally operate as an adoption agency from the 1st April 2020.

6.2 Brighton and Hove, in partnership with East Sussex, West Sussex and Surrey County Councils, has been working to develop a regional adoption agency, Adoption South East, to be in place from 1st April 2020. This will deliver all adoption functions across the four local authorities.

6.3 The proposed model is a slim hosted hub with four spokes, one in each local authority area. This model will be subject to a Partnership Agreement which will be held and reviewed by the Strategic Partnership Board. The Strategic Partnership Board will consist of senior representatives from the 4 local authorities.

6.4 A requirement of all RAAs is for there to be a pooled budget and a single management line of accountability. The proposed model for Adoption South East enables compliance with statutory requirements whilst retaining sovereignty of Brighton and Hove staff.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 7.1 There is an agreement that the individual Adoption South East partners will monitor and report against their own budgets with a view to working towards confirmation of the budgetary starting position for the RAA 2020/21.
- 7.2 The budgetary contribution to Adoption South East from Brighton & Hove cannot exceed the existing budget commitment of £1.076m. There is an understanding that year on year consideration is given in respect of opportunities for savings and to the impact of any future budget pressures arising.
- 7.3 Regular financial and activity monitoring data will be provided to Adoption South East Executive Board throughout 2019/20 to ensure that decisions made in respect of ongoing financial commitments are subject to significant ongoing scrutiny and agreement. Further updates will be provided to the Board throughout the year pending agreement to an adoption of the 'pooled' budget arrangements for 2020/21

Finance Officer Consulted: Name: David Ellis

Date: 09.08.19

Legal Implications

- 7.4 The report sets out the legal requirement for adoption services to be provided within a Regional Adoption Agency by 1 April 2020. In due course further detailed legal advice will be required regarding the governance arrangements and heads of agreement as between the authorities who will be members of the RAA envisaged. The legal duties of BHCC to support and provide adoption services will remain unchanged, the Adoption South East RAA will be the vehicle for delivering them.

Lawyer Consulted: Natasha Watson

Date: 17.08.19

Equalities Implications

- 7.5 An EIA will be completed prior to Adoption South East going live

Sustainability Implications

None

Any Other Significant Implications

None

SUPPORTING DOCUMENTATION

None

