



## Report

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Date: 20 July 2020

To Nuala Fennelly – Children, Young People and Schools

### **SOUTH YORKSHIRE REGIONAL ADOPTION AGENCY (SYRAA) IMPLEMENTATION**

| <b>Relevant Cabinet Member(s)</b>                   | <b>Wards Affected</b> | <b>Key Decision</b> |
|---|-----------------------|---------------------|
| Nuala Fennelly,<br>Children, Young People & Schools | All                   | Yes                 |

#### **EXECUTIVE SUMMARY**

1. Local Authorities were directed to join a Regional Adoption Agency through the Education and Adoption Act 2016 by 2020. The key principle behind the regionalisation of adoption services is that, on a national level, children are waiting far too long to be matched and placed with their adoptive families. By pooling resources, adoption agencies are more likely to increase the choice of prospective adopters and therefore identify matches more quickly and thus reduce the time that these children remained looked after in the care of the local authority. As a result, the driving force for the initiative was very much to improve the outcomes for looked after children with a permanence plan of adoption.
2. It was agreed in 2016 by the Directors of Children Services that the South Yorkshire Local Authorities, i.e. Barnsley, Rotherham, Sheffield and Doncaster should endeavour to form the South Yorkshire Regional Adoption Agency (SYRAA). A representative project group was set up to drive implementation. The Doncaster Children Services Trust (DCST) was identified as the host agency at the start of the process given that it was the only Adoption Service rated as being “Outstanding” by Ofsted at that time.
3. The operating context changed several times prior to a local decision could be taken, i.e. two of the four Local Authorities wavering re their commitment to join SYRAA and the change in status of the Doncaster Children Services Trust becoming a wholly owned company of DMBC. Despite the changing landscape the project group continued to make progress in relation to a comprehensive business case, i.e. V15 (Appendix 1).
4. During April 2020 the four South Yorkshire Local Authorities reconsidered their position and have come to an agreement to commit to the implementation of the SYRAA, hosted by DCST by January 2021. Project support has been secured through the Department of Education and a ‘Coach’ has been appointed by the DfE to support all developments. It should be recognised that 75% of local authorities have already implemented a regional model of adoption. Therefore, given the delays in South Yorkshire it is a reasonable assumption to make that the DfE could impose a model if services are not aligned and this could result in a

far more significant transfer of resources to the SYRAA in real terms.

5. The business case that the report is based on represents a model that poses the least risk to all Local Authorities in relation to critical areas of finance and human resources.

## **EXEMPT REPORT**

6. None.

## **RECOMMENDATIONS**

7. For the Cabinet Member for Children, Young People and Schools to:
  - a) Agree that Doncaster adoption services should join the South Yorkshire Regional Adoption Agency with Barnsley, Sheffield and Rotherham local authorities.
  - b) Agree that Doncaster Children Services Trust can act as lead organisation and host of the South Yorkshire Regional Adoption Agency.
  - c) Mandate to proceed to the detailed implementation phase for the South Yorkshire Regional Adoption Agency (SYRAA) over the next 6 months with an anticipated 'go live' date of 01/01/2021.
  - d) Delegate authority to the Director of Children Services and the Director of Social Work (DCST) in consultation with the Cabinet Member for Children, Young People and Schools, to take strategic decisions in relation to the implementation of the SYRAA.

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

8. The introduction of a SYRAA is designed to improve the quality and timeliness of the adoption process for looked after children and prospective adopters the outcomes for those children should be improved.

## **BACKGROUND**

9. It has taken 2 years to reach a position where the 4 local authorities are supportive of the business case attached and are fully committed to the setup of the SYRAA, satisfied that the specification will meet the following 3 criteria:

- **No reduced performance**
- **No increased costs**
- **No negative impact on the Terms and Conditions of our employees**

## **KEY PRINCIPLES AND DELIVERY MODEL**

10. A number of representative working groups have developed a comprehensive business case of which the following are some of the highlights:
  - 10.1 The stated objective of the SYRAA is to deliver 130 adopters and place 154 children annually across the SY region. Currently the finance work stream is looking to reduce the headline numbers so the first year targets are more attainable. Perhaps reducing these by 5% across the board. If the targets are not met the financial risk is minimal and reputational risk very low to each of the Local Authorities.
  - 10.2 In respect of the impact on staff, this will be minimal as none of the adoption teams will move from their current location and they will remain employees

of each of the local authorities. Within the business case there is a clear delineation between a central function within the SYRAA and those unique to the statutory responsibility and individual case decisions within Local Authority adoption services. It is reasonable to assume that performance within the SYRAA is likely to surpass that of each individual authority given the opportunities to have shared recruitment meetings, joint recruitment campaigns and marketing opportunities and the potential to reach a wider target audience by sharing marketing ideas.

10.3 Formal governance of the SYRAA will be provided through the South Yorkshire Regional Adoption Agency Implementation Board that will be responsible for providing oversight and challenge in respect of the impact of any co-operation agreement. The aforementioned agreement will be developed over the coming month and legal advice will be critical to this phase.

10.4 Furthermore, by being more cost effective (e.g. reduced Panel overheads) there will be the potential to facilitate larger scale savings through the following changes to operations:

- Shared duty, initial contact and visits which will provide a more responsive approach
- A clearer and more focussed marketing strategy
- Quicker assessment process
- Shared training
- Clarity and Consistency with adoption fees
- The end of interagency fee's
- Shared agreement of exchange of adopters for hard to place children
- Pooling of all recruited adopters
- A shared tracking of children would improve timeliness of permanency
- Shared learning from Best Practice to ensure that the SYRAA becomes a more efficient and effective service in the region

10.5 The financial model proposes that each Local Authority and the Trust virtually pools the 2021/22 Adoption budgets adjusting for the identified savings within the arrangement. The SYRAA Partnership Board will be ultimately responsible for managing the budget of the SYRAA through the partnership agreement.

## **OPTIONS CONSIDERED**

11. 1) Do nothing – this is not an option since the Local Authority is required to join a Regional Adoption Agency.
- 2) Fully integrate current adoption teams and TUPE over – This is not an option as the LA's and Unions felt it was too great a risk to staff retention.
- 3) Convening of SYRAA with joint management structure and pooled budget – this is the preferred option

## **REASONS FOR RECOMMENDED OPTION**

12. The model proposed in this version of the business case is the only current viable mode identified after an extended period of consideration and negotiation.

## IMPACT ON THE COUNCIL'S KEY OUTCOMES

13.

|   | <b>Outcomes</b>   | <b>Implications</b>  |
|---|---|--|
| 1 | <p><b>Doncaster Working:</b> Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future.</p> <ul style="list-style-type: none"> <li>• Better access to good fulfilling work</li> <li>• Doncaster businesses are supported to flourish</li> <li>• Inward Investment</li> </ul>   | No implications  |
| 2 | <p><b>Doncaster Living:</b> Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time.</p> <ul style="list-style-type: none"> <li>• The town centres are the beating heart of Doncaster</li> <li>• More people can live in a good quality, affordable home</li> <li>• Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>• Everyone takes responsibility for keeping Doncaster Clean</li> <li>• Building on our cultural, artistic and sporting heritage</li> </ul> | No implications  |
| 3 | <p><b>Doncaster Learning:</b> Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling.</p> <ul style="list-style-type: none"> <li>• Every child has life-changing learning experiences within and beyond school</li> <li>• Many more great teachers work in Doncaster Schools that are good or better</li> <li>• Learning in Doncaster prepares young people for the world of work</li> </ul>  | Adoption in the latter stages will improve life chances for children of Doncaster.   |
| 4 | <p><b>Doncaster Caring:</b> Our vision is for a borough that cares together for its most vulnerable residents.</p> <ul style="list-style-type: none"> <li>• Children have the best start in life</li> <li>• Vulnerable families and individuals have support from someone they trust</li> <li>• Older people can live well and independently in their own homes</li> </ul>  | Adoption rates will improve; matching will speed up, children older than the average 3 year 10 months will be adopted more. BAME children will be adopted quicker. Children with disabilities will be matched quicker. There will be less adoption breakdowns. |

|   |   |   |
|---|---|---|
| 5 | <p><b>Connected Council:</b></p> <ul style="list-style-type: none"> <li>• A modern, efficient, and flexible workforce</li> <li>• Modern, accessible customer interactions</li> <li>• Operating within our resources and delivering value for money</li> <li>• A co-ordinated, whole person, whole life focus on the needs and aspirations of residents</li> <li>• Building community resilience and self-reliance by connecting community assets and strengths</li> <li>• Working with our partners and residents to provide effective leadership and governance</li> </ul> | <p>Adoptions may be quicker due to consolidation of staffing services and specialisms. Upskilling of staff to meet the needs of the service will be key. Within the business case, significant savings have been identified. Consolidation of services on 2022/23 will provide more savings.</p> <p>Four LA's are working together.</p> |
|---|---|---|

## RISKS AND ASSUMPTIONS

14. There is a risk that if the SYRAA is not progressed in an appropriate manner then the DfE may impose a model on the region which does not meet the needs of looked after children in South Yorkshire. Furthermore, it may impose a more formal arrangement, which will be disruptive to staff and practice and be less likely to meet the three essential criteria as set out in the main body of this report. However, since no Local Authority has had a model imposed upon them no data is available as to the detail. It is therefore imperative that the proposed model is taken forward at pace.
15. There is a risk that the SYRAA will not meet the performance targets in respect of adopters recruited and children adopted and that this will therefore present all the LA's with an additional financial burden. Doncaster adopted 32 children last year, this year there is forecasted an increase of two adoptions, and applications have increased therefore reducing the risks of financial burden. The pooling of resources and sharing of good practice in conjunction with robust oversight in the coming year will mitigate against this risk, within the business case it outlines that on a basic level £60K can be saved by reducing adoption panels for example ( See 10.4).

## LEGAL IMPLICATIONS [Officer Initials...ND..... Date.....19.06.20]

16. 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*) 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.
17. Section 15 of the education and adoption act 2016 inserted section 3za to the adoption and children act 2002 which provides under sub section 1 that the secretary of state may give directions requiring one or more local authorities in England to make arrangements for all or any of their adoption services specified

within subsection (3) to be carried out on their behalf by another authority or one or more adoption agencies. A direction under this provision may specify who is to carry out the functions, or require the local authority or authorities to determine who is to carry out the functions.

18. The functions specified within sub-section (3) 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.
19. The government now requires all local authorities to be part of a regional adoption agency by 2020 otherwise the powers under the education and adoption act 2016 will allow the DFE to impose such arrangements.
20. Doncaster Children's Services Trust is a separate arms-length management organisation ("ALMO") wholly owned by the Council. The company was originally established following a direction of the secretary of state for education and because of that DCST performs adoption services on behalf of the Council who retain the overall statutory duty to maintain within its area an adoption service as defined in the aca 2002. At the point that DCST was established the DMBC staff performing adoption services were transferred to DCST.
21. DCST is an adoption agency and a 'public contracting authority' for the purposes of the regulations. The report details that Barnsley, Rotherham and Sheffield councils have taken external legal advice that they may rely on an exemption to the regulations set out in regulation 12(7) on the proviso that specific requirements set out in the regulation and in case law are met. These requirements include there being no private sector party to the agreement; the co-operation between the parties is governed solely by considerations and requirements relating to the pursuit of objectives in the public interest; the character of the agreement is of real cooperation aimed at the joint performance of a common task as opposed to a normal public contract and payment is related to reimbursement of costs rather than generation of profit. The requirements should be routinely monitored to ensure ongoing compliance.
22. The South Yorkshire adoption agency will be subject to a partnership agreement between the four participating authorities and DCST. The terms of the agreement are yet to be finalised but will include the duration of the agreement, appointment of DCST as the host agency, delegation of adoption functions and services, financial arrangements and contributions, staffing arrangements and management and governance arrangements. The timing of this agreement is due for September 2020, but the legal work stream across all parties are seeking to finish this early if possible. As directed by the DfE, the Partnership Agreement does not need to be completed before the "go live" date, as many other RAA's have not finalised. However, good practice would dictate that the Partnership Agreement would need to be completed before moving forward, but this will cause undue delay again and the Implementation group have full confidence in the legal work stream to complete a robust analysis of any issues and correct.
23. The staffing proposal indicates that the staff performing these services in Barnsley, Rotherham & Sheffield will remain employed by their respective local

authorities, which mean that for the majority of staff, there are no implications because of the proposal. It is suggested that DCST should be separately legally advised as to the consequences of this proposal.

24. It is advised that a change control notice be completed in relation to the current contract between DCST & the council authorising DCST to undertake these proposed arrangements.

#### **FINANCIAL IMPLICATIONS [OFFICER INITIALS...AB.....DATE...19.06.20]**

25. DCST adoption budget allocation is £1.240m which they receive via the contract with the council.
26. Additional central staff resources to be funded by the four partners of the south Yorkshire regional adoption agency are required costing, including on costs, as follows: head of service £82k, performance analyst £35k, and business support manager £30k. The funding of the additional posts will be offset by anticipated savings across the partnership in subscriptions (£32k), panel costs (£60k), recruitment process (£30k) and other efficiencies (£25k) from having a regional adoption agency.
27. The proposal is for the four authorities to virtually pool their adoption budget allocations. The value of the budgets will be after the identified savings stated above to fund the central staff resources have been deducted. The funding of £147k for the additional central staff resources will be pooled and held by DCST as the host agency. The south Yorkshire regional adoption agency board will be responsible for managing the virtual pooled budget but any under spends or over spends will be allocated to the four members equally as agreed in 2019.

#### **HUMAN RESOURCES IMPLICATIONS [OFFICER INITIALS...RH... DATE 19.06.20]**

28. There are no immediate HR implications associated with this decision, however any future changes impacting on staff should be discussed with the relevant HR teams and follow required policies and procedures.

#### **TECHNOLOGY IMPLICATIONS [Officer Initials...PW..... Date.....18.06.20.....]**

29. There are no anticipated technology implications or immediate changes as each area adoption team within the SYRAA will continue to use their own IT systems. Any new technology requirements to support the SYRAA will need to be discussed with ICT and where applicable a proposal will be needed for consideration and prioritisation by the Technology Governance Board (TGB).

#### **HEALTH IMPLICATIONS [Officer Initials.....CW.....Date 17.06.2020]**

30. It is well documented that looked after children are more likely to suffer poor health and wellbeing outcomes than their peers. Adoption can provide children with a stable home environment and trusted adults in their life, both of which are key to child development and to mitigating the effects of childhood trauma. The model described should result in more children being adopted; adoption places found quicker; and less likelihood of adoption breakdown. All these elements should lead to better outcomes for more looked after children in Doncaster. This is of particular importance for groups where there is intersectionality of disability and/or being from an ethnic minority.

## **EQUALITY IMPLICATIONS [Officer Initials...JM..... Date.....18/06/20]**

31. The SYRAA model proposed is designed to meet the rights to a family life for more looked after children from all LA's. The next 15 weeks of project work will produce both the detailed design of the model. At present, it is not possible to complete an equalities impact assessment as it relies having information on the above. A completed equalities impact assessment will be ready when the SYRAA "goes live".

## **CONSULTATION**

32. This proposal has been written collaboratively between RMBC, DMBC, DCST, SCC and BMBC as led by the project manager Alasdair Kennedy appointed by DCST and funded by the DfE. In addition, the DfE have been fully consulted to ensure that the proposed model fits their requirement for a regional model. There have also been regular meetings held with all Adoption Teams to update them with any progress of the developments and the Trades Unions have been fully consulted and updated throughout the process. Furthermore, adoptive parents have been involved in the consultation process throughout the development of the model to ensure it would best meet the needs of people undergoing the adoption route.

## **BACKGROUND PAPERS**

33. RAA Business Case Appendix 1 (attached)

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

SYRAA - South Yorkshire Regional Adoption Agency  
LA - Local Authority  
DfE - Department for Education  
HR - Human Resources  
ICT - Information, Communications, Technology.  
TGB - Technology Governance  
RMBC – Rotherham Metropolitan Borough Council  
SCC – Sheffield City Council  
BMBC – Barnsley Metropolitan Borough Council  
DCST – Doncaster Children's Services Trust  
DCS - Director of Children's Services

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