

## OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

**Decision Reference No: 2021030**

**BOX 1****DIRECTORATE: LOCYP****DATE: 17<sup>th</sup> December 2020****Contact Name: Riana Nelson****Tel. No.: 01302 737800**

**Subject Matter: South Yorkshire Regional Adoption Agency (One Adoption South Yorkshire)**

**BOX 2****DECISION TAKEN**

To approve the completion of the South Yorkshire Regional Adoption Agency ("SYRAA") Agreement enabling the implementation of a Regional Adoption Service hosted by the Doncaster Children's Services Trust for Doncaster, Barnsley, Sheffield and Rotherham local authorities. The Service to be known as One Adoption South Yorkshire or "OASY".

This decision is in accordance with a Key Decision on the 21<sup>st</sup> July 2020 for the Cabinet Member for Young People, Children and Schools to:

- a) Agree that Doncaster adoption services should join the South Yorkshire Regional Adoption Agency (SYRAA) with Barnsley, Sheffield and Rotherham Local Authorities;
- b) Agree that Doncaster Children's 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 over the next 6 months with an anticipated 'go live' date of 01/01/2021; and
- d) Delegate authority to the Director of Children's 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.

### **BOX 3**

#### **REASONS FOR DECISION**

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.

It has taken 2 years to reach a position where the four local authorities are supportive of the business case (as approved by the Key Decision Report) 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 staff.

The financial implications were covered in depth within the July 2020 Key Decision report and outline that the cost of the SYRAA will be funded by the pooled budgets of the four local authorities, and any underspend or overspend allocated equally.

The impact on staff 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.

Formal governance of the SYRAA will be provided through the South Yorkshire Regional Adoption Agency Governance Board that will be responsible for providing oversight and challenge to the regional arrangements.

It is understood that Cabinet approvals from all Local Authorities are in place.

### **BOX 4**

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

Options considered:

1. Do nothing – this is not an option since the Council is required to join a Regional Adoption Agency.
2. Fully integrate current adoption teams and TUPE transfer staff over to the Trust or a separate entity hosting the arrangement – This is not an option as the Authorities 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.

## **BOX 5**

### **LEGAL IMPLICATIONS**

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) 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.
2. 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.
3. 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.
4. Section 101 of the Local Government Act 1972 enables an authority to make arrangements for the discharge of any of their statutory services by a committee, sub- committee or officer or the Authority or by another Authority.
5. 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.
6. Doncaster Children's Services Trust ("DCST") 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 and by virtue of a Services Contract with the Council, 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 Council staff performing adoption services were transferred to DCST.
7. DCST is an adoption agency and a 'public contracting authority' for the purposes of the Public Contracts Regulations 2015 ("the Regulations"). 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.

8. The South Yorkshire Regional Adoption Agency (SYRAA) is to be subject to a Partnership Agreement between the four participating authorities and DCST. The terms of the Agreement include the duration of the agreement, appointment of DCST as the host agency, discharge of adoption services by DCST, financial arrangements and contributions, staffing arrangements and management and governance arrangements.
9. The Agreement will contain voluntary termination provisions to allow termination by any of the Authorities upon a written period of notice following which detailed exit arrangements would need to be followed. It is proposed that the Parties undertake a planned review of the term of the Agreement commensurate with the Council serving notice as to whether to extend its existing Services Contract with the Trust which expires on the 30<sup>th</sup> September 2024 unless extended.
10. 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.
11. A change control notice is to be completed in relation to the current Services Contract between DCST & the Council authorising DCST to undertake these proposed arrangements.
13. In originally establishing the DCST, the Secretary of State for Education used legal powers under Section 497A(4) of the Education Act 1996 to issue a Direction instructing the Council to transfer the delivery of children's safeguarding functions to DCST. That Direction still exists until such time as the Secretary of State may revoke it. The changes envisioned by this report are consistent with the terms of that Direction.
14. Furthermore, the DfE have recently confirmed that no change in the direction is needed before the SYRAA goes live on the basis that their interventions unit are engaging with ministers on removing the direction in the new year.
15. In accordance with the 21<sup>st</sup> July 2020 Key Decision Report, an Equalities Impact Assessment (Due Regard Statement) should be completed prior to the SYRAA going live.

**Name: Paula Coleman Signature: [REDACTED] Date: 17<sup>th</sup> December 2020**

Signature of Assistant Director of Legal and Democratic Services (or representative)

## **BOX 6**

### **FINANCIAL IMPLICATIONS:**

Doncaster Children's Services Trust adoption budget allocation is £1.163m which they receive via the contract with the Council, and this will be virtually pooled with the three other local authorities (Barnsley, Rotherham and Sheffield) adoption budgets.

Additional Central Hub resources to be funded by the four partners of the SYRAA (South Yorkshire Regional Adoption Agency) are required costing, including on costs, as follows: Head of Service £80k, Performance Analyst £30k, and One Adoption contract £25k. There may also be a

requirement for a Business Support Manager £30k. The funding of the additional hub resources will be offset by anticipated savings across the partnership in subscriptions, advertising and other efficiencies to be identified from having a regional adoption agency. The funding of the additional Central Hub resources will be pooled and held by DCST as the host agency with the three other local authorities paying their contributions quarterly in advance.

Each Local Authority's proportion of the whole of the SYRAA budget (including Central Hub), will be determined and based on the current size and contribution of their existing adoption service budget. Such proportions will be used to allocate in proportion any budget under spends or over spends as agreed by the SYRAA Governance Board who will be responsible for managing the virtual pooled budget.

In exceptional circumstances where an under or overspend has occurred due to local decisions these will be borne by said local authority.

**Name:** Aaron Bathgate

**Signature:** 

**Date:** 19/12/20

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

#### **BOX 7**

##### **OTHER RELEVANT IMPLICATIONS**

N/A

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

#### **BOX 8**

##### **EQUALITY IMPLICATIONS:**

The SYRAA model proposed is designed to meet the rights to a family life for more looked after children from all local authorities.

Ensuring that we are providing good services to vulnerable children and their families will ensure that some of our most disadvantaged children are effectively supported to maximise their life chances.

A Due Regard Statement has been undertaken indicating that the changes to be made are to the way services are organised to enable children to be adopted sooner. Therefore, continued compliance with the Public Sector Equality Duty will be maintained in accordance with the Equality Act 2010.

**BOX 9****RISK IMPLICATIONS:** (To be completed by the author)

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.

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).

**BOX 10****CONSULTATION**

The proposal has been written collaboratively between RMBC, DMBC, DCST, SCC and BMBC as led by the project manager 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.

**BOX 11****INFORMATION NOT FOR PUBLICATION**

**To be published in full redacting signatures only.**

**Name: Riana Nelson    Signature**



**Date: 01/03/2021**

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12****BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR - Yes

(If YES please list and submit these with this form)

**2021030 SYRAA Due Regard Statement**

**BOX 13  
AUTHORISATION**

**Name:** Riana Nelson **Signature:**  **Date:** 01/03/2021

Chief Executive/Director/Assistant Director of Learning opportunities, Skills and Culture

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES/NO**

**If yes please authorise below:**

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Chief Executive/Director/Assistant Director of \_\_\_\_\_

**Consultation with Relevant Member(s)**

**Name:**   Nuala Fennelly   **Signature:** \_\_\_\_\_ **Date:**  
\_\_\_\_\_

**Designation** \_\_\_\_\_

(e.g. Mayor, Cabinet Member or Committee Chair/Vice-Chair)

**Declaration of Interest YES/NO**

**If YES please give details below:**

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.

It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.