| Cabinet

24 June 2020	TOWER HAMLETS
Report of: Debbie Jones, Corporate Director Children and Culture	**Classification:**
Unrestricted
Update on the Regional Adoption Agency (Adopt London East)	

Lead Member	**Councillor Danny Hassell , Cabinet Member for Children and Young People**
Originating Officer(s)	Richard Baldwin/Lissa-Marie Minnis
Wards affected	All
Key Decision?	No
Forward Plan Notice Published	19 May 2020
Reason for Key Decision	N/a
Strategic Plan Priority / Outcome	**Children remain safe**

Executive Summary

This report provides an update on the launch and initial impact of the Regional Adoption Agency since its launch in October 2019.

In Government re-affirmed their desire to see the creation of Regional Adoption Agencies through the directives contained within the 2016 Education and Adoption Act. Since this time we have been working with colleagues from across other London Councils to develop this. London now has four RAA's (North, South, East and West). Our particular partners in the East RAA are Barking and Dagenham, Newham and Havering. Havering are the "host" authority for the RAA.

This report provides an update on the initial months of the RAA, and highlights some of the current challenges and the focus of future work.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note the progress made in establishing the new Regional Adoption Agency, and the review of practice and performance in the first six months of operation.

1 REASONS FOR THE DECISIONS

1.1 To provide an update on the initial months of the RAA, and highlights some of the current challenges and the focus of future work.

2 ALTERNATIVE OPTIONS

2.1 Not applicable

3 DETAILS OF THE REPORT

3.1 The report notes the progress in the launch of the RAA, and performance over the first six months of operation.

3.2 National Context

In March 2016, the government announced intended changes to the delivery of adoption services, setting a clear direction that all local authorities' adoption services must be delivered on a regional basis no later than 2020. This followed a range of national policy changes since 2012, including the 2015 'Regionalising Adoption' paper by the Department for Education (DfE) that sought improvements in adoption performance. Following the general election in June 2017, the Minister of State for Children and Families reaffirmed commitment to this policy, through provisions made in the Education and Adoption Act 2016. In March 2018, the DfE commenced implementation of that legislation allowing them to direct a local authority into a Regional Adoption Agency (RAA) where no progress had been made by the authority in becoming part of a RAA.

The regionalisation programme is founded on the belief that it will:
a. Increase the number of children adopted
b. Reduce the length of time children wait to be adopted
c. Improve post-adoption support services to families who have adopted children from care; and
d. Reduce the number of agencies that provide adoption services thereby improving efficiency & effectiveness.

3.3 London Context

Due to the size and nature of London it was agreed by the Association of London Directors of Children's Services (ALDCS) that Adopt London would be divided into four geographical hubs; Adopt London South; Adopt London East; Adopt London West; and Adopt London North. ALDCS delegated decision making to the Adopt London Executive Board to oversee the development of the four London RAAs. In 2018 the executive set out a number of key principles that would enable the formation of regional adoption across London. These principles were:

- 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;
- Adopt London will provide an overarching framework for enabling effective coordination, coherence and partnership working across London;
- Adopt London authorities, and the four RAAs will make sure that there is consistency of approach in relation to key strategic and operational decisions.
- Adopt London authorities are committed to working effectively together with Voluntary Adoption Agencies (VAAs), making sure that their unique and important contribution is maximised and that VAAs are involved in the development of the RAAs and Adopt London.

By the end of 2019 all four RAAs had gone live. The four RAAs across London are: Adopt London South; Adopt London East; Adopt London West; and Adopt London North.

3.4 Adopt London East

Adopt London East (ALE) comprises of four local authorities; Tower Hamlets, Newham, Barking and Dagenham and Havering, with the latter being the host authority.

In January 2019, Tower Hamlets' Cabinet approved the business case outlining the budget, transferring of staff and devolving of its adoption services to ALE.

Throughout 2018/19 Tower Hamlets' staff from the adoption service, finance, legal and HR were involved in various work streams with workers from all the other local authorities to develop the foundations for ALE. On 1st October 2019 ALE became operational.

The work within ALE is divided into three teams; Recruitment and Assessment of Adopters; Family Finding; and Adoption Support. Each team has a team manager with four social workers in the recruitment and assessment team and three social workers in the other two teams. Social workers in the family

finding and adoption support team are co-located across the four local authorities.

Currently the ALE has 15 Permanent staff in place and 3 interim social workers. Recent recruitment has filled three posts previously held by interim social workers who interviewed for and accepted permanent positions. All work is overseen by the Head of Service for Adoption, Sue May who has recently been appointed as the permanent manager.

Tower Hamlets has one adoption support worker and one family finder, both working four days a week allocated to the work generated from the authority.

Governance for ALE operates through an Executive Board which consists of senior representatives from each local authority with executive voting powers. The chair of the board is currently Robert South, Director for Social Care, Havering. Both Richard Baldwin, Divisional Director for Children's Social Care and Lissa-Marie Minnis, Service Manager for Regulated Services and Resources are board members representing Tower Hamlets. ALE is seeking to adopt a non-executive advisory representative from one of the Voluntary Adoption Agencies (VAA) an adopters and an adoptees. ALE will continue to be accountable to each council's corporate parenting board and overview and scrutiny committee.

3.5 TRANSITION & PROGRES

Worker Transition

Following the scoping of adoption work based on demand in 2018/19, it was calculated that four posts would transfer to the RAA. After intensive Union negotiations, one staff member and three vacant posts transferred over to ALE.

3.6 Workload Transition

In order to ensure consistency of service, Social Workers transitioning with allocated work have continued to work on their allocated caseload. As only one worker from adoption support transferred from Tower Hamlets to ALE, this by an agency worker in late November 2019. The PAST team continues to support ALE in family finding in order to reduce delay to children being with their adoptive families.

Since go live in October 2019, Tower Hamlets has transferred 16 adopter assessments, 22 adoption support cases and 28 family finding cases.

Panel functions are currently retained in each Local Authority. One central ALE panel will be developed in phase 2 of go-live. It is expected that ALE will have a fully operational panel by the end of March 2020. This panel may meet in a number of locations and will have a large central list and will be chaired by the same person. The panel will meet approximately every 2

weeks in order to support timeliness. The panel will make recommendations in respect of both adopter approval and child matches. Decisions in respect of child matches will continue to be made by the Agency Decision Maker in the LA with responsibility for the child.

3.7 Case Work Progress

Transition from four Local Authorities to one integrated service has been complex and challenges have been felt in respect of pre-transition performance; service staffing; casefile information transition and demand for adoption support services.

In common with most regional adoption agencies, the performance of adoption services in East London local authorities was affected by the transition to a regional adoption agency. Some workers chose to leave adoption services and were not replaced and an interim decline in timeliness of both adopter approval and placement of children will be noted in all local authorities in quarters one and two of 2019/20. Since service go-live on 1st October 2019 performance in all service areas has improved.

3.8 Performance

Performance declined in all Local Authorities in the 6 months prior to Adopt London East go-live. Decline in performance is linked to a number of factors including: adoption service staff leaving; higher levels of sickness absence; caseload transitions and a delay in operational go-live.

Adoption performance is measured over one and three year cycles and improvements therefore take time to be fully captured in the data returns to the Adoption and Special Guardianship Leadership Board (ASGLB). Early indicators are monitored closely within the Executive Board.

Performance in respect of child matches has improved considerably since October across the four local authorities. Adopter approvals are predicted to decline further in Q3 and 4 due to the decline in adopters in early stages of approval. Early stage applications have though increased from month to month and improvements are predicted for 2020/21.

3.9 Adopter Level Data

Four LAs combined and ALE

Adopters	18/19	19/20	Comment
Approved	30	20	Slow down especially in early stages
Waiting to be matched		24	Some legacy cases
Not yet approved		18	

Tower Hamlets

Adopters	2017-18	2018-19	As at Q2 2019-20
Adopters approved in the year	10	20	5
Adopters matched in the year	13	19	4

3.10 Child Level Data

	Havering			Tower Hamlets			LBBD			N
Year	17/18	18/19	19/20	17/18	18/19	19/20	17/18	18/19	19/20	17
ADM	11	4	1	18	14	16	21	20	19	29
Placed	7	11	4	19	10	8	13	21	5	27
Adoption order	7	6	12	8	16	9	12	15	13	17
% Leaving care	6	5	0	4	10	5.4	6	8	7.4	0

Children	2017-18	2018-19	As at Q3 2019-20
How many children made subject to ADM	18	14	16
How many children made subject to PO	9	12	8
How many children placed	19	10	8
How many children adopted	8	16	9

The number of children placed shows extreme variability from year to year. LBBD and Havering showed marked increases in placements in 18/19 though Tower Hamlets and Newham declined. All Local Authorities show a marked slow-down in placements in 19/20. Transitions into ALE affected both LA and early in ALE performance. ALE predictions expect 21 placements in total in Q3 and 4. This will considerably improve the current curve performance.
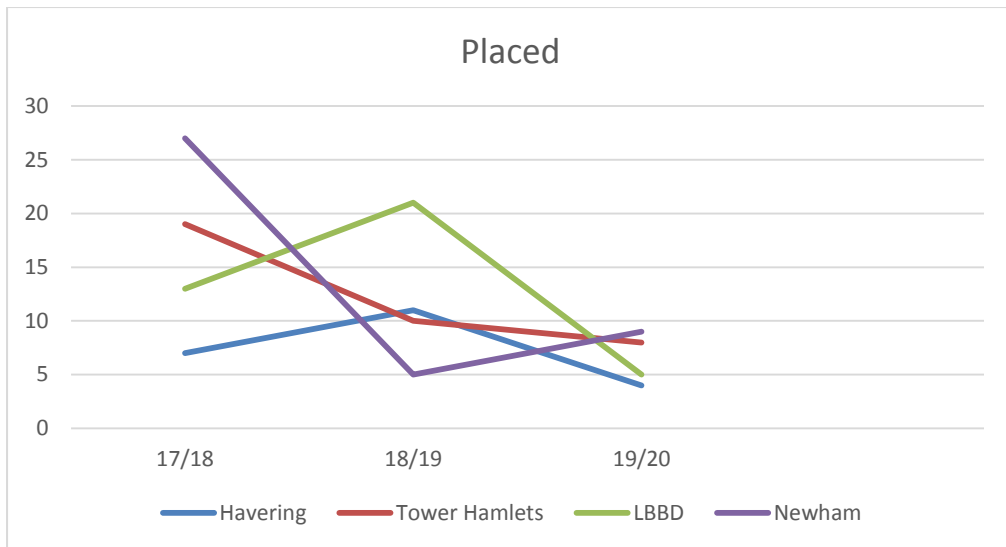
3.11 Child Timeliness

ALE Year to End of Q3

Target in ()	Havering	Tower Hamlets	LBBD	Newham
BLA to ADM (182)	173	178	216	197
BLA to place (426) A1	544	467	454	519
PO to Match (121) A2	372	257	261	87

Tower Hamlets

Adoption Scorecard: Children	Apr 2016 -Mar 2019	Apr 2018 -Mar 2019	Q1 Apr 2019 -Jun 2019	Q2 Jul 2019 -Sep 2019	Q3 Oct 2019 -Dec 2019		England Average	Stat. Neigh.
A1 - Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (days)	402 Days	401 Days	261 Days	364 Days	453 Days		486	556
A2 - Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (days)	206 Days	208 Days	164 Days	113 Days	-		201	243
A3 - The number and percentage of children who wait less than 14 months between entering care and moving in with their adoptive family	(43) 73%	(29) 71%	(17) 61%	(15) 54%	(19) 61%		56%	51%

All Local Authorities show areas of higher and lower performance. Havering and Tower Hamlets show better than target performance on BLA to ADM. Newham has exceptional performance in PO to match.

Although no LA achieves target performance in becoming looked after to placement, Barking and Dagenham has the best performance year to date.

Performance in all areas is subject to large fluctuations and a single hard to place child will affect performance.

Performance in timeliness may decline as a result of transitions into an RAA. Although development of an RAA has been seen to improve performance in the longer term, this is a consistent outcome in the early stages of RAA development.

3.12 Adoption Support

All new regional adoption agencies have noted increased demand for adoption support services due to the increasing complexity of adopted children's needs, publicity about service provision and Local Authority held waiting lists for adoption support. ALE has faced the same pressures. All families requiring adoption support have been subject to initial assessment and prioritisation of need an initial offer has

now been made to all families.

Upon the point of transferring work over to ALE, Tower Hamlets transferred 25 adoption support cases. In order to ascertain the level of support required ALE is currently assessing the family's needs.

	Tower Hamlets	Havering	Newham	LBBD	Total
Assessment	23	18	19	7	67
Unassessed support	0	17	0	5	22
Direct contact	15	0	21	22	58
letterbox	119	249	279	282	929
total	157	284	319	316	1,076

3.13 Performance Summary

Demand for adoption services can fluctuate considerably from year to year. The business case for the establishment of ALE was based on an assumption of an overall steady demand in all service areas with some capacity to respond to additional demand. Demand for support service has increased considerably as has the number of children requiring an adoptive family. In the last reporting year, a total of 57 children were placed. It is likely less children will be placed this year due to the slowdown in quarters one and two however a total of 167 children are currently receiving a family finding service.

Performance and demand will be closely monitored by the Board as well as at a local level. Saving made from an increase in the number of available adopters may be reinvested into service improvement to ensure the service is able to meet increased demands and improve overall delivery.

3.14 FINANCE & POTENTIAL RISKS

The adoption service budget contribution was approved by Tower Hamlets' Cabinet on 30th January 2019. The financial contribution for the period between October 2019 and end of March 2020 is £ 173,557.00.

The table below shows each local authority's financial contribution for 2019/20 and 2020/21.

Partner	2019/20 Financial Contribution	2020/21 Financial contribution with 2% salary uplift
Havering	£360,929.00	£370,927.31
Barking & Dagenham	£451,646.00	£463,041.35
Tower Hamlets	£327,566.00	£337,050.52
Newham	£468,042.00	£479,689.85
Total	**£1,608,183.00**	**£1,650,709.02**

The partnership agreement which agreed in September 2019 provides the mechanism for annual and in year review of the budget. The agreement stipulates that a local authority could be asked to make a greater financial contribution based on increased level of demand.

There has already between a discussion between ALE and Tower Hamlets about a potential increase of financial contribution being made in 2020/21. However this has been challenged by Tower Hamlets on the grounds that demand has not increased in comparison for the scoping year of 2018/19. This has been accepted and no further financial contribution is expected in 2020/21. However by nature of the partnership agreement in year 3 the budget will be reset based on the level of demand originating from Tower Hamlets and other partners.

3.15 ALE **Governance**

The governance arrangement for ALE ensure that there are strategic roles within the Local Authorities through their own Scrutiny Committees and Cabinets, whilst reflecting the operational oversight through the ALE Executive Board consisting of key representatives from the host and partner authorities. Further ALE will be presented on the PAN London Executive Board which will have overreaching oversight of the embedding, impact and operations of the four RAAs.

3.16 OUTCOMES **& IMPACT**

As noted, performance across the four local authorities dipped leading up and during implementation of the RAA. This was not unexpected considering the complexities involved in amalgamating staff, systems and practices from each organisation into one. The quarter 3 and the predicted quarter 4 data will show a significant improvement especially in terms of adopter approval and adopter and child matches. Despite the ongoing challenges, there are a number of early emerging advantages. The most notable and favourable outcome of the creation of ALE thus far has been the widened pool of prospective adopters available for children needing to be adopted, especially for those children considered to be harder to place. For example larger siblings group or those children with more challenging needs. Further ALE works very close with the whole London RAA, which mean there is greater availability and easier access to adopters.

In turn this promotes a better adopter experience as there are more children

available for adoption. There has been an increased number of information sharing session across London where profiles of adopters and children are shared. This will lead to greater and timelier matches as information is freely shared and the matching criteria are known at the beginning of the process.

Over the coming months the emerging impact will be quantifiable in four key areas:
- Recruitment of adopters;
- Speed of matching with adopters;
- Adoption support services; and
- Processes and timeliness.

This is being closely monitored in a number of forums; the permanency summit, the Divisional Director's performance surgery and ALE/LBTH tracking meetings. As well as at a strategical level by the Executive Board.

The report is for noting/information only.

4   EQUALITIES IMPLICATIONS

4.1   An EIA was completed as part of the original decision to proceed to join the RAA. All of the issues discussed in this document remain relevant at this point.

5   OTHER STATUTORY IMPLICATIONS

5.1   This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2   As highlighted above, the decision to move to a Regional Adoption Agency is linked to the requirement for LBTH to be compliant with the 2016 Social Work and Adoption Act.

6   COMMENTS OF THE CHIEF FINANCE OFFICER

6.1   This report provides an update on the progress of establishing the Regional Adoption Agency. There are no direct financial implications arising from this report.

6.2   The business case supporting the establishment of the RAA included anticipated benefits relating to reduced costs in the use of interagency placements. The next update report should include the level of financial benefits delivered with the implementation of the RAA.

7   **COMMENTS OF LEGAL SERVICES**

7.1   The Education and Adoption Act 2016 amends the Adoption and Children Act 2002, so that local authorities are no longer required to maintain an adoption service within their area but may secure provision by other local authorities or registered adoption societies. The Secretary of State may direct one or more local authorities to make arrangements for all or any of their adoption functions to be carried out on their behalf by another local authority or adoption agency, through the formation of regional or sub-regional adoption agencies ('RAA'). Although currently it is not compulsory for local authorities to form RAA's the Department for Education has strongly indicated that it expects all local authorities to make such arrangements to improve outcomes for children. Failure to enter into an RAA voluntarily may therefore result in the Secretary of State issuing directions to the Council to join a specific RAA.

Procurement Implications

7.2   The changes required by the Education and Adoption Act 2016 and referred to in this report have the effect of the Council buying back its own services from Havering. However, the Council is entitled to do this without competition as regulation 12 of the Public Contracts Regulations 2015 allows a local authority to enter into a collaboration agreement for the provision of services provided that the intention is for both authorities to satisfy the carrying out of a similar function. Therefore, the proposal is lawful for the purposes of European Procurement law.

7.3   However, such a collaboration agreement does not allow for the generation of profit although the input from the members of a collaboration does not need to be monetary only. This can include the input of staff, facilities and other elements common to both authorities.

7.4   The Council will still be responsible for ensuring that such a collaboration agreement represents Best Value and therefore benchmarking with other such arrangements should take place as well as appropriate monitoring of outcomes to ensure quality of service is maintained. The monitoring identified in the report will allow the Council to meet this legal obligation.

7.5 It may be that the RAA will need to purchase further services for use by the member boroughs. However, whilst it is likely that the RAA (Havering) will carry out the relevant competitive exercises prior to the purchase, this does not absolve this Council of its duty to comply with the Procurement Law. Therefore, this Council should have an input in the methodology of procurement of items which we will ultimately use as part of the service.

7.6 When deciding whether or not to proceed with these decisions Cabinet must also have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristics and those who do not (the public sector duty). An equality analysis will be required to consider the impact on staff, and as this will need to consider all of the staff impacted by the move to an RAA, Having will need to undertake this exercise to assess the overall impact, and the Council can then rely on their analysis

Employment and Equality Considerations

7.7 The transfer of this service will have staffing implications. It is very likely that TUPE will apply however the proposal to transfer staff to a location outside of the borough does raise some issues. Most employment contracts contain mobility clauses which provide that staff can be required to work at any of the Council's locations. Recent case law states that this can only relate to locations that were known to the employer and employees at the time of the contract. It did not and was not capable of including locations that became locations operated by the employer only after and as a consequence of the transfer.

7.8 This confirms the position that a change in location is potentially covered by the TUPE Regulations, although for each employee a view needs to be taken about whether the effect of the change is substantial enough to constitute a material detriment to the employee and therefore result in the employee being deemed to have been dismissed rather than transferred (and therefore entitled to a redundancy payment).

7.9 Care must also be taken to ensure that any proposed structure and reorganisation of staff includes all relevant staff in the scope of the organisation from all the boroughs in the scope of the reorganisation.

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Linked Reports, Appendices and Background Documents

Linked Report
- NONE

Appendices

- NONE

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012
- NONE.

Officer contact details for documents:
N/A