

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

7 JUNE 2016

### REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

#### REGIONAL ADOPTION SERVICE INTER AUTHORITY AGREEMENT

#### 1. Purpose of Report.

- 1.1 To update Cabinet on the progress of the formulation of the Western Bay Regional Adoption Service Inter Authority Agreement and to agree, in principle, the content of the final Inter Authority Agreement for the Western Bay Adoption Service that will meet statutory requirements.

#### 2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 The report links to the following priority in the Corporate Plan:
- Helping people to be more self-reliant;
  - Smarter use of resources.

#### 3. Background

- 3.1 From previous reports Members will be aware that the creation of a National Adoption Service is one of the key policy strands of the Welsh Government, as enacted in the Social Services and Well-Being (Wales) Act 2014. This Act provides powers, under Section 9, for Ministers to direct local authorities to collaborate in relation to adoption services and to prevent any local authority from withdrawing from these collaborations in the future.
- 3.2 This report has been produced for Members in order to inform them of the progress made in relation to the completion of the final Inter Authority Agreement for the Western Bay Regional Adoption Service and to advise on the Council's statutory obligation in respect of this.
- 3.3 The Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions came into force on 13<sup>th</sup> March 2015. (**Appendix A**) The primary purpose of these Directions is to ensure effective joint arrangements are in place between local authorities in Wales for the delivery of adoption services.
- 3.4 Paragraph 7 of the Directions sets out the requirement that each local authority must enter into a written partnership agreement with the other local authorities in the regional collaborative of which it is a part.
- 3.5 Schedule 1 of the Directions sets out which local authorities must collaborate with each other. For the Western Bay region the local authorities are Bridgend, Neath Port Talbot and Swansea, with Swansea being the host authority; this having been approved by Cabinets in all three local authorities in April 2014.

- 3.6 A further Cabinet report was presented to all three local authority Cabinets in December 2014 which agreed the model/structure for the Regional Service, the Regional pooled budget, the location and accommodation for the co-located Regional Service, the implementation of a Regional Adoption Panel and the Interim Legal/Partnership Agreement.
- 3.7 As the Service was in transition the legal advice provided at the time indicated that an Interim Agreement during the first year of the Service was the most practical way forward, with this being reviewed and revised to form a final Agreement for the future of the Service.

#### **4. Current situation/Proposal**

- 4.1 The Inter Authority agreement will provide the legal framework through which the regional collaborative will operate and fulfil its responsibilities in delivering an adoption service.
- 4.2 Paragraph 7.4 (a-u) of the Directions sets out the matters which must be contained in the Partnership Agreement and these are fully outlined within the final partnership agreement to ensure compliance. **(Appendix B)**
- 4.3 The Inter Authority Agreement will include the Service Specification, the financial model and the model/structure for Service delivery which has been negotiated and agreed by all three local authorities and as such requires formal approval by the Cabinets of all three local authorities.
- 4.4 Scrutiny arrangements will be in accordance with those agreed for the Western Bay programme as a whole. Annual reports on the performance of the regional adoption service will be presented to the three Scrutiny Committees within the local authorities.
- 4.5 The national and regional governance arrangements are set out in paragraph 8 of the Directions. This includes the establishment of a Governance Board, an Advisory Group and a regional Management Committee.
- 4.6 The reporting arrangements are laid out under paragraph 15 which includes the provision of information to the Director of Operations and the Governance Board in relation to the exercise of their partnership arrangements when requested.

#### **5. Effect upon Policy Framework and Procedure Rules.**

- 5.1 The arrangement operates under the Sustainable Social Services for Wales: A Framework for Action.
- 5.2 The arrangements, as set out in this paper, will satisfy the policy requirements of Welsh Government whilst ensuring that the statutory responsibilities of each local authority continue to be met.
- 5.3 The host authority's legal service has taken the lead in progressing the Inter Authority Agreement in consultation with legal representatives from the partner agencies. The Inter Authority Agreement represents the formal arrangements

between the three Authorities that will be legally binding and will provide assurance and protection to each individual authority in committing to these arrangements.

5.4 The agreement will set out amongst other things:

- Governance arrangements
- The terms of reference and membership of the Regional Management Board.
- The termination and exit provisions.
- The structure of the Integrated Service, staffing and employment arrangements.
- The apportionment of costs and liabilities between the parties and the provision of indemnities to the Host Authority to protect the Council when fulfilling its obligations under the Agreement.
- The financial management arrangements
- Provision to address matters such as disputes, variations, data protection/sharing of information and freedom of information

## **6. Equality Impact Assessment**

6.1 The aim of the collaboration in bringing the three local authority Adoption Teams together is to work in a more responsive, effective and efficient way and is therefore not significantly changing any aspect of the service. It is envisaged that the collaborative will promote equal opportunity for prospective adopters and those requiring support services by ensuring consistency of response and approach. The Collaborative will also increase placement opportunity and choice for children requiring adoptive placements.

## **7. Financial Implications.**

7.1 The first year budget required for the regional adoption service was £2.846 million made up of £1.379 million for staffing, £295,000 for other fixed costs and £1.172 million for variable costs (independently commissioned placements).

7.2 The proposed financial contribution of each local authority for 2015/16 was £1.053 million from NPT and Swansea and £740,500 from Bridgend based on the funding formula outlined within the Inter Authority Agreement and the pro-rata recourse to adoption placements anticipated to be required by each local authority. However, the actual contribution for Bridgend in 2015/16 was £593k, incurred on the basis of the actual number of adoptions required by each authority in 2015/16.

7.3 It is proposed that the contributions for the financial year 2016/17 are split three ways with each LA contributing an equal share of the proposed pooled budget based on the pro-rata anticipated number of adoption placements by each local authority for the next financial year.

7.4 Based on 2015/16 regional adoption budget, Bridgend CBC initial contribution in 2016/17 will be £949k. However, the actual; contribution is based on actual spend during the year apportioned by the actual number of adoptions required by each authority. Bridgend will fund the 2016/17 contribution from within existing resources together with contribution from the Looked after Children earmarked reserve. In future years the service will need to consider realigning budgets as the current budget held for this is only £526k.

## **8. Recommendation.**

- 8.1 To agree in principle the content of the Inter Authority Agreement for the Western Bay Adoption Service that meets statutory requirements and specifically to
  - 8.1.1 Agree in principle the content of the appended draft Inter Authority Agreement.
  - 8.1.2 Authorise the Corporate Director of Social Services and Wellbeing to make any further necessary amendments to the appended draft Agreement (in consultation with the Corporate Director – Operational and Partnership Services) and to approve its final terms. .
  - 8.1.3 Authorise the Corporate Director of Social Services and Wellbeing to arrange for the execution of the final Agreement.

**Sue Cooper**  
**Corporate Director, Social Services and Wellbeing**

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### **Background documents**

None