

Bath & North East Somerset Council

DECISION	Cabinet	
DECISION	17th March 2022	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3340
TITLE:	Adoption West Contract Extension - E3340	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 Schedule 1 – Variations - Financial Mechanism</p> <p>Appendix 2 Variation Agreement relating to Adoption West</p> <p>Appendix 3 Adoption West Regional Adoption Agency Service Specification</p>		

1 THE ISSUE

- 1.1 As part of the national regionalising adoption agenda, Bath and North East Somerset Council, along with five other Local Authorities, set up a Regional Adoption Agency (RAA) named Adoption West (AW). Adoption West commenced operation on 01 March 2019.
- 1.2 Adoption West was created as a wholly owned local authority company, limited by guarantee, for the delivery of adoption services on behalf of the six participating authorities (Bath and North East Somerset Council, Wiltshire Council, Bristol Council, Gloucestershire County Council, North Somerset Council and South Gloucestershire Council). It is unique in being the only regional adoption arrangement using this vehicle as its delivery model.
- 1.3 The contractual commissioning agreement for the provision of an Integrated Adoption Support Service comes to an end on 28 February 2022. All 6 Local Authorities agreed to a temporary 3-month extension of the contract in December 2021 to ensure stability of Adoption West pending Executive support to the contract extension. B&NES approved the contract extension via delegated authority on January 21st, 2022, extending the contract from February 28th 2022 to May 28th 2022.
- 1.4 This report seeks approval to extend the existing arrangements for a further five years until 28 February 2027. The original Commissioning Agreement (as defined) provides an option to extend its term for a period of up to 5 years

commencing 01 March 2022, subject to the agreement of the participating local authorities.

- 1.5 This report also seeks approval to amend the current financial agreement (as defined) for a period of 5 years and expiring on 28th February 2027.
- 1.6 This report also seeks approval to replace the current service specification (schedule 2) to the Commissioning Agreement (as defined) with the Service Specification set out in schedule 1 to the Attached draft variation agreement.

2 RECOMMENDATION

The Cabinet is asked to;

- 2.1 Note that all other 5 Local Authority owners of Adoption West have approved the contract extension through their respective Executives.
- 2.2 Approve the extension of the Commissioning Agreement with Adoption West for the delivery of services as per the original contractual specification, by 5 years until 28 February 2027; and delegate to the Director Of Children's Services and Education in consultation with the Directors of Finance, and Legal and Democratic Services and in consultation with the Cabinet member for Children's Services and Education to agree in writing, in accordance with clause 3.2 of the Commissioning Agreement, a five year contract extension and execute any and all related documents required to implement that extension.

3 THE REPORT

- 3.1 To seek agreement for the original Commissioning Agreement (as defined) to extend its term for a period of up to 5 years commencing 01 March 2022. The original agreement allows for this extension and the Adoption West Board, which includes all 6 Local Authorities, including B&NES Council; is in support of this.
- 3.2 The services provided by Adoption West on behalf of B&NES Council are central to the Council's Corporate Strategy. The Council's priorities in respect of 'Improving People's Lives' and 'Focusing on Prevention' are intrinsically linked. The successful delivery of adoption services in B&NES is a statutory obligation, and a requirement in supporting children to fulfil their potential; be protected and become part of strong communities.
- 3.3 The participating authorities entered into a Members' Agreement which clearly sets out the purpose of the collaboration and assigns roles and responsibilities to each of the participating authorities. It also deals with the governance and issues such as dispute resolution.
- 3.4 In addition to the Members' Agreement each of the participating authorities has a Commissioning Agreement in place to commission services from the Regional Adoption Agency.

3.5 The management of Adoption West is headed by a Service Director with overall responsibility for operations and strategic leadership and is supported by hub managers.

3.6 A Board of Directors is established which further fulfils the oversight and ownership responsibilities.

4 STATUTORY CONSIDERATIONS

4.1 The statutory framework governing the delivery of the integrated service as provided by the RAA is set out in detail in paragraphs 4.2 to 5.3 of the Service specification (Appendix 3).

4.2 The key objectives shared jointly by the RAA and partnering local authorities are:

1. To provide children with the right adopters at the right time, approving those equipped to meet the needs of children waiting.
2. To minimise changes of plan away from adoption.
3. To reduce delay and improve timescales for matching and placement for all children – working with care planning processes in each LA to improve early identification / twin track planning and to achieve best practise and consistency across the region.
4. To improve earlier permanency planning.
5. To form strong and productive partnerships with:
 - Adopters
 - Adoptees
 - Voluntary sector providers
 - Health and education
6. To ensuring that customer feedback and the views of service users are obtained and considered in the development and future operation of the service.

4.3 The Integrated Service will at all times maintain an appropriately qualified and skilled workforce that is sufficient to fulfil all of its statutory duties as an adoption agency, as well as any specific requirements, targets and outcomes of this specification.

4.4 The Integrated Service is responsible for providing a service to:

- Children who require adoption
- Adults who wish to adopt
- All adoptive families living in the region eligible for adoption support

- Adopted adults
 - Facilitate contact between adoptive and birth family members
 - Birth parents and former guardians eligible for adoption support
 - Independent support to birth parents who risk losing their child to adoption
- 4.5 The Integrated Service operates on a full-time basis providing core services flexibly, as required by the needs of services users.
- 4.6 The Integrated Service will at all times, maintain a volume of service that is sufficient to fulfil all of its statutory duties as an adoption agency, as well as any specific requirements, targets and outcomes of this specification.
- 4.7 The Integrated Service will at all times comply with safe employment practice including statutory background checks, confirmation of identity, confirmation of entitlement to work in the UK, disclosure and barring checks, employment and personal references.
- 4.8 The Integrated Service will at all times maintain a system for the management of complaints and representations that complies with minimum standards for timeliness, transparency and information sharing.
- 4.9 The Integrated Service will at all times maintain a system for data protection and handling that complies with the Data Protection Act.
- 4.10 These key objectives are mainly being met for children in B&NES, as evidenced through Operational Leads meetings, Adoption Tracker meetings and Local Liaison meetings to review performance and processes.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 5.1 The contract was originally set up in 2019 based on the budget held by each local authority. In order to allow Adoption West set up costs and time to embed new procedures and ways of working; no efficiencies were removed prior to centralising and activity data was not used to indicate an appropriate level of contribution from local authorities. In addition, the Board agreed to a permanent increase in staffing for family finding and business admin in July 2020.
- 5.2 The intention was always to move towards a fairer and more transparent financial arrangement and finance and operational officers met virtually in 2020 to discuss and decide on a better model moving forward. This model is based on adoption and adoption support activity and, in order to provide a level of protection against large swings in activity, the new model phases in changes equally over a 5-year period. The model continues to reinvest any underspend back into Adoption West reserves and support any overspend however, this is closely monitored by the Board and every effort is made to avoid this.
- 5.3 Due to the way Adoption West is constituted and funded it is important for reserve funding to be available. Access to funds enables flexibility within contract periods and for the organisation to respond in a timely way to manage risks and

issues as they arise and to capitalise on opportunities in the best interests of the local authorities as both owners and commissioners.

5.4 For B&NES, the contract value has increased for inflation as we would expect, and the proportionate share of costs has increased slightly due to activity levels from 20/21 to 21/22. In 21/22 the budget for the Adoption West contract payment is equal to the charges.

5.5

Forecast Adoption West Contract Costs for B&NES

Year	Forecast Contract Charges £	Budget £
21/22	269,498	269,583
22/23	284,927	279,583
23/24	300,627	289,583
24/25	316,601	299,583
25/26	332,855	309,583
26/27	338,680	319,583

N.B. Based on estimated 1.75% annual salary uplift, 20/21 actual data, plus estimated annual change in funding mechanism.

Budget based on current MTFs agreed for 22/23. By the end of the five-year contract extension, charges are forecast to exceed budget by £19,000. The funding of this would need to be addressed via future MTFs planning.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 The Joint Scrutiny Committee, chaired by Cllr Jon Hubbard, discussed this proposal and endorse the contract extension as proposed. Cllr Michelle O'Doherty represents B&NES on the Joint Scrutiny Committee and is supportive of the contract extension.

8 CLIMATE CHANGE

8.1 The RAA intends to provide a sustainable long term solution and environmental considerations will be factored into specific proposals relating to service delivery changes. There are no perceived explicitly environmental implications arising directly from this report.

9 OTHER OPTIONS CONSIDERED

9.1 The decision to extend the existing arrangements and contract for a further 5 years is the preferred option of all 6 Local Authorities and is supported by the Adoption West Board through an independent chair. The recommendation is that approval is given by Cabinet to extend the contract to its full term of 28 February 2027.

9.2 There is really only one viable alternative option and that would be for one of the 6 local authorities to take on responsibility and host the RAA. This was considered 3 years ago when the current model was agreed, and nothing has changed since then to suggest this model would now be more favourable. This will remain an option for consideration moving forwards; and will be considered in detail prior to the end of any contract extension.

10 CONSULTATION

10.1 The following people have been consulted in developing this report:

- (1) Legal and Democratic Services
- (2) Procurement
- (3) Section 151 Officer
- (4) Lead Member for Children Services and Education
- (5) Deputy Chair PDS, Joint Scrutiny Committee lead for B&NES
- (6) Head of Service Care Outcomes and B&NES Operational Lead Adoption West
- (7) Chief Operating Officer

Contact person	Mary Kearney-Knowles, Director of Children's Services and Education/DCS 01225 396289, Mary_Kearney-Knowles@bathnes.gov.uk
Background papers	Cabinet Approval to create Adoption West Regional Adoption Agency 12.04.2017 https://democracy.bathnes.gov.uk/ieListDocuments.aspx?CId=122&MId=4650&Ver=4
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