

Manchester City Council Report for Resolution

Report to: Children and Young People Scrutiny Committee – 10 November 2021
Executive – 17 November 2021

Subject: Adoption Counts – Regional Adoption Agency

Report of: Strategic Director Children and Education Services

Summary

In 2015, the Government announced its intention to legislate to ensure that all local authority adoption services have merged with neighbouring services to form larger regional adoption agencies (RAA) the target date set for this was 2020 at the latest. In 2017, the Senior Management Team (SMT), Executive Member for Children's and Education Services and Executive supported a proposal from the Strategic Director of Children's Services for Manchester's adoption service to merge with four other local authorities (Stockport, Trafford, Salford, and Cheshire East) and two voluntary adoption agencies (Adoption Matters and Caritas) to form a regional adoption agency which is known as 'Adoption Counts'.

Stockport were nominated as the host organisation for the regional adoption agency, and it was agreed in 2017 to temporarily second adoption staff from Manchester, Trafford, Salford and Cheshire East into Stockport whilst the RAA was established and developed.

This report seeks approval to formally and permanently transfer staff from Manchester into Stockport Council (host organisation) under TUPE regulations.

Recommendations

1. The Children and Young People Scrutiny Committee is asked to comment on the report and endorse the recommendation to the Executive.
 2. The Executive is recommended to agree the adoption service for MCC to being integrated into the Regional Adoption Agency 'Adoption Counts', approves the transfer of the service and notes that staff who are assigned to the service will transfer to Stockport under TUPE regulations.
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Wards Affected: All

Environmental Impact Assessment - the impact of the decisions proposed in this report on achieving the zero-carbon target for the city

Manchester Strategy Outcomes	Summary of the Contribution to the Strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Effective Children and Education Services are critical to ensuring our children are afforded opportunities and supported to connect and contribute to the city's sustainability and growth.
A highly skilled city: world class and home-grown talent sustaining the city's economic success	Ensuring children and young people are supported and afforded the opportunity to access and achieve in the City; empowered and supported by the delivery of a strong and cohesive system that works for all children.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	Improving education and social care services that are connected to the wider partnership build the resilience of children and families needed to achieve their potential and be integrated into their communities
A liveable and low carbon city: a destination of choice to live, visit, work	Improving outcomes for the children and families across the City, helps build and develop whole communities and increases the livability of the City
A connected city: world class infrastructure and connectivity to drive growth	Successful services support successful families who are able to deliver continuing growth in the City

Full details are in the body of the report, along with any implications for

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

The Regional Adoption Agency (RAA) budget for the financial year 2021/22 totals £4.6m. The RAA budget is made up of the costs of the staff which includes both seconded staff from partner local authorities and staff employed by the RAA, as well as running costs. The agreement of the RAA is for each partner makes a proportionate contribution. The Council's contribution totals £1.8m, the contribution to the RAA is based on activity.

In addition to the financial contribution 10.5 full-time employees (FTE) are employed by Manchester City Council and then seconded to the Regional Adoption Agency. Currently the cost of the seconded staff is passed in full to the RAA. Once the TUPE transfer is actioned a recharge of seconded staff will no longer apply contributing to overall efficiency. There are therefore no financial implications associated with TUPE transfer.

Financial Consequences – Capital

There are no capital financial consequences.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

Establishing a Regional Adoption Agency – Executive May 2017
https://democracy.manchester.gov.uk/Data/Executive/20170517/Agenda/4_Regional_Adoption_Agency.pdf

1.0 Background and Overview

- 1.1 In June 2015 the Government published a national policy paper, 'Regionalising Adoption', which set out their plans for all local authority adoption services to merge into larger regional adoption agencies. In addition, the Government subsequently legislated to provide powers in the Education and Adoption Act 2016 to require local authority adoption services to regionalise where they were not making voluntary plans to do so by 2017.
- 1.2 In line with the Government agenda 'regionalisation', and following approval from the Strategic Management Team, Executive Member for Children's and Education and the Executive, Manchester City Council's Adoption Service merged with four other local authorities and two voluntary agencies to form one regional adoption agency (RAA) in April 2017- Adoption Counts.
- 1.3 The four other local authorities are Stockport, Trafford, Salford, and Cheshire East. The two voluntary adoption agencies are Adoption Matters and Caritas.
- 1.4 Manchester City Council has been part of the regional adoption agency since April 2017. The performance of the agency has been positive, this is detailed in section 5. The Board, who scrutinise monitor and support the work of the RAA, which consists of senior representatives from each organisation and is currently chaired by the Deputy Strategic Director from Manchester, have supported a proposal for staff to be formally transferred into the host organisation (Stockport) to further the identity of the Regional Adoption Agency.

2.0 Objectives of the Regional Adoption Agency

- 2.1 The regional adoption agency is branded as 'Adoption Counts' which is collaborative adoption agency, bringing together the professional expertise and specialist skills of five local authorities to deliver adoption services. The objectives of Adoption Counts is;
 - To provide children with the right adopters at the right time, assessing, approving, and supporting adopters equipped to meet the needs of children waiting.
 - To ensure that adoption is secured for children where it is assessed as in their best interests.
 - To avoid any unnecessary delay and ensure timely matching and placement for all children –working with care planning processes in each local authority to improve early identification / twin track planning and to achieve best practice and consistency across the region.
 - To improve earlier permanency planning using:
 - i) Concurrent Planning
 - ii) Fostering for Adoption

- To take innovative approaches towards placing 'hard to place' children, linking children with adopters from enquiry stage onwards where appropriate, and thoroughly preparing child and family for placement.
- To reduce the likelihood of placement breakdown through timely and improved matching, preparation and adoption support.
- To ensure the service offers value for money over time through economies of scale and a regional approach to inter agency adoption.
- Support all permanence options for children including Special Guardianship Orders.
- Reduce the number of parents who have successive children placed for adoption.

3.0 The Structure of the Regional Adoption Agency

3.1 The structure of the Regional Adoption Agency is based on a 'hub and spokes model' as follows:

- A centralised marketing function.
- A centralised team to receive recruitment enquiries.
- A central register of children and carers.
- A data & performance management function.
- Centralised administration of adoption panels.
- Commissioning of larger contracts from other agencies.
- Centralised tracking of children and carers.
- Centralised linking & matching functions.
- A strategic plan for the delivery of adoption support across the region.

4.0 Reporting and Governance

4.1 The Adoption Counts Board was established in 2017. The RAA Board is the governance body which meets regularly to scrutinise monitor and support the RAA delivery of services and performance against key indicators. The Board is chaired by Manchester's Deputy Strategic Director of Children's Services. The operational group which consists of representatives from the local authorities includes Manchester's Principal Social Worker reports to the board on all operational matters. It is planned the Operations Group will also continue to meet and report to the Adoption Counts Board. This will ensure there is a strong operational and performance link between Manchester Children's Services and the Board.

Both groups will scrutinise Adoption Counts performance monthly on:

- Recruitment activity
- Number of enquiries
- Number of on-going assessments

- Number of new adoptive families approved
- Number of children waiting adoptive families
- Securing adoption and timeliness for harder to place children
- Number of approved families awaiting a match compared to children waiting
- Timeliness – how quickly they match children following a Placement Order
- The extent to which adoption placements outside the RAA are still required
- The number of children who have their plan changed away from adoption because a family cannot be identified
- Number of disruptions in adoption placements
- The extent to which the RAA is linking with and supporting children’s social workers to understand the child’s adoption journey and to move the child in a timely fashion towards adoption

4.2 The Head of Service for permanence and Heads of Localities within Manchester’s Children’s Services will continue to monitor and track Manchester children’s adoption journey/performance to ensure performance is maintained and improved further. Adoption performance, including the percentage of Manchester looked after children adopted and the timeliness of adoption will be reported and scrutinised within our well-established monthly performance clinics. In addition, adoption performance will continue to be monitored via the Director of Children Services ‘Performance Clinic’. Regular reporting to Manchester’s Corporate Parenting Cooperative and to the Children’s Scrutiny Committee via an annual report will also continue. These governance structures will play a key role in continuing to influence the delivery of the service and the monitoring of outcomes for children.

4.3 Adoption Counts will be expected to lead the family finding function of the Adoption process and therefore the Council will hold Adoption Counts (RAA) to account for the number and percentage of our children with an adoption plan for whom they provide a suitable adoptive family, and the timeliness with which that is achieved.

4.4 In relation to national performance indicators for example, we will be holding the RAA to account for performance on the “A2” measure, the number of days that a child takes on average from being made subject to a Placement Order, to the decision on a match with a family. We expect on average that they will meet the government target of 121 days or less. It should be noted that Manchester’s performance currently is 142 days and improving.

5.0 Performance of the Regional Adoption Agency

5.1 The performance of the RAA is scrutinised, supported and challenged via the RAA Board and Operations Group which is detailed in section 4 of the report.

5.2 The performance of the RAA is positive in the context of operating within national adoption challenges and the impact of COVID-19. Since joining the RAA,

Manchester has been able to access an expanded pool of adoptive families spread across the five local authorities which has improved the timeliness of which we support children and young people to become adopted and we have access to a greater range of families which ensures we are better placed to meet the specific needs of our children and young people. Last year's annual performance report evidences that children have been matched, placed and adopted in a timely manner with a high number of children joining their permanent families within / under the recommended thresholds. 44 children were placed during the period with 26 children within the A2 threshold (national performance indicator that measures the time from the making of a placement order to a child being placed with their adoptive parents) and a further 6 children placed within six months of their Placement Order. This is an excellent outcome in a year where we were unable to place children for a period of time due to COVID restrictions. Many children have therefore still been able to gain stability and permanence by joining a family who can meet their needs with minimum delay and at the earliest point possible.

6.0 Workforce Implications

- 6.1 Currently, staff are seconded from Manchester City Council to Stockport Council via a secondment agreement. Whilst on secondment, the staff remain employees of Manchester City Council. This arrangement was always subject to review and the secondment agreements include the provision for Manchester to exercise the following options: extend secondment agreements (which is not recommended to be a long-term arrangement within employment law) TUPE transfer to the host authority or termination of secondment agreement and revert to the original authority.
- 6.2 The day-to-day management, leadership and operation of Manchester's adoption staff is currently undertaken by Adoption Counts who are in turn supported by Stockport Council as the host organisation. The proposal to formally transfer the staff into the host organisation is expected to further improve management support and oversight, organisational performance, organisational identity and relationships as all the staff working in the RAA will become part of a single organisation and no longer have to experience a set of temporary organisational arrangements.
- 6.3 The formal transfer of the service from Manchester City Council to Stockport Council will result in, if agreed by Committee, a transfer of staff under TUPE regulations.
- 6.4 There are 10.5 (FTE) staff currently employed by Manchester that are working for the Regional Adoption Agency and are therefore likely to be in-scope to transfer under TUPE regulations.

- 6.5 Staff that are in-scope of the transfer will have their terms and conditions of employment protected indefinitely in-line with TUPE regulations.
- 6.6 The Deputy Director of Children's Services has engaged with staff and Trade Unions to inform them of Manchester's proposal and whilst these discussions have been cordial, formal consultation with staff and Trade Unions will commence following approval from the Executive.

7.0 Legal Implications - Contractual Arrangements

- 7.1 Each organisation that contribution to the RAA entered into an Integrated Services Agreement (ISA) and a linked Services Contract to establish the integrated 'Adoption Counts' service from 2017 to 2020.
- 7.2 The draft ISA and Services Contract for 2020 to 2023 have been amended to account for the transfer of staff under TUPE from the individual Authorities to the Adoption Counts Service and incorporate new legislative requirements.
- 7.3 The ISA and Services Contract set out the roles and responsibilities of the participating Authorities in relation to the continuance and governance of the RAA. Under the contract, the organisations are required to cooperate with and contribute to the leadership/governance arrangements. It should be noted these arrangements have been productive and successful since the inception of Adoption Counts; it is therefore reasonable to expect this to continue.
- 7.4 It should be noted the ISA makes provision for members of the RAA/Adoption Counts to withdraw from the Agreement at will at any time, on 12 months written notice. If the provision of the RAA were to become inadequate and could not be rectified, Manchester City Council would reevaluate its membership and options. A potential outcome of this would be the Authority could withdraw from Adoption Counts and seek an alternative arrangement for the provision of its Adoption Service.

8.0 Information Technology

- 8.1 Staff deployed to Adoption Counts are using equipment supplied by Stockport Council, along with Microsoft accounts provided by Stockport Council, who are the Adoption Counts IT provider. As a result, there isn't any IT work associated with the transfer; staff may have MCC email account (as they are currently employees) and therefore arrangements should be made for them to be removed with licenses redeployed.
- 8.2 Adoption Counts staff will continue to access Manchester City Council's Children's Social Care System and there is a well-established process and arrangement in place for partners and commissioned services to access such systems.

8.3 The Deputy Strategic Director for Children's Services is responsible for ensuring that Adoption Counts use MCC's Children's Social Care System in accordance with our requirements (that this is the system for recording), and that any staff with access to the system, that leave Adoption Counts, are removed from MCC systems to mitigate any data breaches.

9.0 Commissioning

9.1 In respect of any commissioning activity, Adoption Counts will undertake its own commissioning via Stockport Council's commissioning and procurement arm, which is also a member of the GM procurement arrangements. For example, Adoption Counts may commission specialist adoption support services or IT systems. The costs of any commissioned services and commissioning and procurement costs and risks will be managed by Stockport MBC and met from Adoption Counts core funding from the four local authority partners.

10.0 Risks/Mitigation

10.1 As noted in section 4 of this report, there are robust governance arrangements in place to monitor the performance of the RAA however, there is an exit clause in the integrated services agreement which enables the Council to exit the RAA with 12 months' notice should performance become unsatisfactory.

11.0 Financial Implications

11.1 In 2021/22 the total RAA budget is £4.6m. Manchester's 2021/22 financial contribution to the RAA in 2021/22 is £1,808,471 in total. This is made up of the costs of the staff that are in scope for transferring to the RAA, running costs, the inter-agency adoption placements budget and the cost of adoption support services. In years one and two of the agency, funding was based on the amount that each participating authority had spent on adoption services prior to integration. The overall budget is set by the Board. For determining the split of local Authority contributions (to fund the budget requirement) in 2019/20 an activity-based model replaced the previous historic budgets approach.

11.2 Currently the cost of the seconded staff is recharged in full to the Regional Adoption Agency. Once the staff have TUPE this recharge will no longer be required. There are no financial implications associated with TUPE transfer.

11.3 Being able to place more children for adoption within the RAA will reduce the need to purchase adoption placements from other local authority or voluntary adoption agency services. The increased efficiency and expanded pool of adoptive families has enabled the service to place Manchester children for adoption without increasing our inter-agency placement budget, as otherwise would likely be required.

12.0 Summary

- 12.1 The Regional Adoption Agency is well-established since its creation in 2017 and we expect that the organisation will continue to improve with the formal transfer of staff under TUPE regulations.
- 12.2 We remain positive about the benefits of a regional adoption agency, and this is in line with the Government agenda. There is a very strong steer from central Government that all local authorities should regionalise their adoption services by 2020. As indicated in section 1 above, the Government has legislated to provide powers in the Education and Adoption Act 2016 to 'require' local authority adoption services to regionalise where they are not making voluntary plans to do so with those plans aimed at regionalisation by 2020, and the Government has said that they will consider using these powers. (Adoption: A Vision for Change, DfE, March 2016)
- 12.3 Furthermore, not participating in the formal transfer of staff with the other partner organisations after over 4 years will diminish the pool of prospective adoptive carers. Not joining the RAA and instead remaining as a stand-alone service will mean competing in the recruitment of adoptive families with surrounding regional adoption agencies, who are likely to have gained a competitive advantage from becoming larger regional agencies. This may negatively impact on our ability to recruit adoptive families, which would necessitate the need to purchase more inter-agency placements (placements from other providers) creating additional budget pressures.

13.0 Conclusion and Recommendations

- 13.1 We believe that there is more benefit to Manchester's children and the adoptive parents to be part of the Adoption Counts RAA. The reasons for this are, it is a larger specialist organisation with significant reach and greater *attraction* to prospective adoptive carers, the organisation has developed a good reputation supported by strong performance against national performance indicators and is in a better place to meet the needs of Manchester's children who require adoption. We believe this success could potentially be compromised should the ongoing complex and fragmented staffing arrangements that currently exist continue.
- 13.2 In conclusion it is recommended Manchester City Council Adoption Service remains a member of the Regional Adoption Agency and participates in the formal transfer of staff under TUPE regulations in-line with the partner organisations.