

Report of the Chief Social Services Officer

Cabinet – 16 June 2016

WESTERN BAY HEALTH AND SOCIAL CARE PROGRAMME

REGIONAL ADOPTION SERVICE INTER AUTHORITY AGREEMENT

Purpose:	To update on the progress of the formulation of the Western Bay Regional Adoption Service Inter Authority Agreement.
Policy Framework:	Sustainable Social Services for Wales: A Framework for Action.
Reason for Decision:	To agree in principle the final Inter Authority Agreement for the Western Bay Adoption Service that meets statutory requirements.
Consultation:	Legal, Finance and Access to Services.
Recommendation(s):	<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none">1) Agree in principle the content of the draft final Inter Authority Agreement.2) Authorise the Chief Social Services Officer to make any further amendments to the Agreement (in conjunction with the Head of Legal and Democratic Services) necessary to finalise the draft prior to signature.3) Authorise the Chief Social Services Officer to sign the Inter Authority Agreement on behalf of the Council.
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1.0 Introduction

- 1.1 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.
- 1.2 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.
- 1.3 The Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions came into force on 13th 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.
- 1.4 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.
- 1.5 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.

2.0 Progress to date

- 2.1 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.
- 2.2 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.

- 2.5 The Inter Authority agreement provides the legal framework through which the regional collaborative will operate and fulfil its responsibilities in delivering an adoption service.
- 2.6 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)
- 2.7 The Inter Authority Agreement includes 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.

3.0 Governance and Scrutiny Arrangements

- 3.1 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.
- 3.2 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.
- 3.3 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.

4.0 Equality and Engagement Implications

An initial EIA screening has been undertaken and has concluded that the delivery of adoption services through a Regional Collaborative has equality considerations at its core, therefore a full EIA assessment report is not required. (Appendix C) 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.

5.0 Financial Implications

- 5.1 The first year budget required for the regional adoption service was £2846.5k made up of £1379k for staffing, £295k for other fixed costs and £1172.50k for variable costs (independently commissioned placements).
- 5.2 The proposed financial contribution of each local authority for 2015/16 was £1.053m from NPT and Swansea and £740.5k 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.
- 5.3 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.

6.0 Legal Implications

- 6.1 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.
- 6.2 The host authority's legal service has taken the lead in finalising 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 is legally binding and provides assurance and protection to each individual authority in committing to these arrangements.
- 6.3 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

Background Papers: The Previous Cabinet papers in relation to the Western Bay Adoption Service dated April 2014 and December 2014.

Appendices: Appendix A – The Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions

Appendix B– Legal Partnership Agreement

Appendix C - EIA Screening Form