

# **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

2nd June 2016

## **Report of the Head Children and Young People's Services – Andrew Jarrett**

### **Matter for Decision**

#### **Wards Affected:**

All wards

## **REGIONAL ADOPTION SERVICE INTER AUTHORITY AGREEMENT**

### **Purpose of the Report**

To update on the progress on the formulation of the Western Bay regional Adoption Service Inter Authority Agreement and to agree in principle the final Inter Authority Agreement for the Western Bay Adoption Service that meets statutory requirements.

### **Executive Summary**

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.

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.

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.

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.

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.

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.

The Inter Authority agreement provides the legal framework through which the regional collaborative will operate and fulfil its responsibilities in delivering an adoption service.

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)

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.

## **Background**

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.

## **Financial Impact**

The first year budget required for the Regional Adoption Service was £2845.5 Million made up of £1379k for staffing, £295k for other fixed costs and £1172.50k for variable costs (independent commissioned placements)

The financial contribution of each of the Local Authorities for 2015/16 was £1.053 million from NPT and Swansea, and £740.4k from Bridgend based on pro-rata recourse to adoption placements needed by each Local Authority.

It is proposed that the contributions for the financial year 2016/17 are split 3 ways with each Local Authority contributing an equal share of the proposed pooled budget based on the anticipated number of adoption placements by each Local Authority for the next financial year.

## **Equality Impact Assessment**

An Equality Impact Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. The screening has concluded that the delivery of the Adoption services through a Regional Collaborative has equality considerations at its core; therefore a full EIA assessment report is not required (appendix C)

The Proposals within the Collaboration will not have a negative impact in service provision. 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 envisioned 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.

## **Workforce Impacts**

There are no workforce impacts associated with this report.

## **Legal Impacts**

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.

The host authority legal service has taken the lead in finalising the inter Authority Agreement in consultation with legal representatives from all partners. The inter Authority Agreement represents the formal arrangements between the three Authorities that it legally binding and provides assurance and protection to each individual Authority in Committing to these arrangements.

The agreement will set out amongst other things:

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

## **Risk Management**

The risks of NPT not adopting the Inter-agency agreement would be that the collaborative arrangement as required as part of the Welsh Governments expectations on delivering a sustainable social services would not be achieved along with the functional model required to deliver the National Adoption Service across Wales.

The Agreement facilitated the amalgamation of the 3 adoption services in a single integrated team and outlines the arrangements for the governance, pooled funding, staffing and resources.

## **Consultation**

There is no requirement under the Constitution for external consultation on this item.

## **Recommendations**

It is recommended that

- Agreement is made to accept and adopted the Inter Agency Agreement.
- To Authorise the lead social services officer to make any further amendments to the Agreement (in conjunction with the Head of Legal and Democratic Services) necessary following the Agreement being presented to the respective Cabinet meetings of Bridgend County Borough Council and the City and the County and Swansea County.
- To authorise the lead social services officer to sign the Inter Authority Agreement on behalf of the Council.

## **Reasons for Proposed Decision**

To provide an Inter-Agency Agreement for the Western Bay Adoption Service that meets statutory requirements.

## **Implementation of Decision**

The decision is proposed for implementation after the three day call in period

## **Appendices**

Appendix A – Adoption and Children Act 2002  
(Joint Adoption arrangements)

Appendix B - Adoption Services Collaboration Agreement

Appendix C - EIA Partnership Agreement

## **List of Background Papers**

None

## **Officer Contact**

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