

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Sue Chandler,

Cabinet Member for Integrated Children's Services

DECISION NO:

20/00076

For publication [Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]

Key decision: YES

Key decision criteria. The decision will:

- a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
- b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions – which will include those decisions that involve:
 - the adoption or significant amendment of major strategies or frameworks;
 - significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.

Subject Matter / Title of Decision

Regional Adoption Agency –Bexley, Kent & Medway

Decision:

As Cabinet Member for Integrated Children's Services, I agree to:

- Kent County Council's involvement in the establishment of Adoption Partnership south east in accordance with the Department of Education's regional adoption programme.
- Approve the Partnership Agreement subject to there being no significant changes and grant delegated authority to the Director of Integrated Children's Services (East) in consultation with General Counsel to approve any changes.

Reason(s) for decision:

1.1 The 2015 'Regionalising Adoption' paper published by the Department for Education set out proposals to move to regional adoption agencies by 2020 in order to make improvements in adoption performance. This was followed by the Education and Adoption Act 2016 which legislated for local authorities to no longer be required to maintain an adoption service within their area but enabled them to secure provision by other local authorities or registered adoption societies. Under this legislation, the Secretary of State may direct one or more local authorities to make arrangements for all or any of their adoption functions to be carried out on their behalf by another local authority or adoption agency.

2. Financial Implications:

2.1 The Partners are committed to the fair and equitable resourcing of Adoption Partnership south east while ensuring that the full cost of the Service is recovered and contained. Each Partner will be required to contribute its share of the agreed annual budget. The Partnership Agreement includes a Financial Schedule (5) outlining in detail the budget and the financial commitments by each Partner.

3. Budget:

- 3.1 The Partners are committed to the fair and equitable resourcing of Adoption Partnership south east while ensuring that the full cost of the Service is recovered and contained. Each Partner will be required to contribute its share of the agreed annual budget of the RAA.
- 3.2 The budgets for Adoption Partnership south east assume a full year contribution. Contributions for 2020-21 will need to be prorated from the first of the month proceeding the Finance Reference Date (01 November 2020) for the period from the 1st November to 31 March 2021.
- 3.3 After the Initial Period (1 April 2020 to 31 March 2021) the Financial Contributions will continue to be fixed for a further two years (up to March 2023). Any further changes to the total budget in year 2 & 3 (financial year 2021-22 and 2022-23) need to be unanimously agreed by the Partnership Board (i.e. pay award increases and/or savings) and any changes are anticipated to be prorated across the existing Financial Contributions unless there is a clear and exceptional basis for an alternative split. During year 3 (April 2022 onwards) the use of a demand led model as outlined in the business case will be revisited and Financial Contributions from 2023-2024 onward will be updated to reflect the outcome of this work, subject to the Partnership Board's approval. The Partnership Board will agree the approach to phasing the introduction of the activity-based costing model to ensure Partners have sufficient time to plan any resulting financial impact.
- 3.4 The budgets for Post Adoption Support Commissioned Services and income from the Adoption Support Fund will remain outside of the pooled budget until such time the Partnership Board unanimously agrees to this change.

4. Equality Implication:

A regional Staffing Equalities Impact Assessment has been completed and a KCC service Equalities Impact Assessment. The result of each identified a Low adverse impact.

<https://democracy.kent.gov.uk/documents/s98910/Item%206%20-%20Appendix%202.pdf>

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5. Legal Implications:

- 5.1 The arrangements for the exercise of adoption functions and operating practices of Adoption Partnership south east are documented in the legal partnership agreement that will be a signed by the three respective local authorities.
- 5.2 Adoption Partnership south east is not a separate legal entity but will provide adoption service functions to the Partners.
- 5.3 This is an equal partnership, with each Partner equally valued. To ensure effective operational delivery of the service, a 'Lead Partner' is identified with delegated responsibility for leading Adoption Partnership south east in relation to some services.
- 5.4 It is proposed that Kent County Council will be deemed the 'Lead Partner' from the commencement date of the Partnership Agreement until the Partners jointly agree to appoint another Partner as the Lead Partner. Services to be provided by the Lead Partner, and the functions delegated to the Head of Service and those to be retained by the Partners are outlined in the Partnership Agreement (schedule 2).

Cabinet Committee recommendations and other consultation:

This decision was considered and endorsed by the Children's and Young People Cabinet

Committee at its meeting on 22 September 2020.

Any alternatives considered and rejected:

A previous paper presented to CYPE Cabinet Committee in June 2019 outlined a plan to establish a RAA using a Local Authority hosted model. However, further discussions resulted in a move away from a hosted model to a Partnership Model. The Executive Board believe the desired objectives and outcomes of a RAA can be achieved by forming a partnership, which will be less disruptive to staff and allow them to remain working under their current employment terms & conditions.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None



Sue Chandler

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signed

25th September 2020

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date