

PROPOSAL TO ESTABLISH 'CORAM CAMBRIDGESHIRE ADOPTION': A NEW VOLUNTARY ADOPTION AGENCY WITH CORAM

To: **Cabinet**

Date: **15th April 2014**

From: **Executive Director: Children, Families and Adults**

Electoral division(s): **All**

Forward Plan ref: **2014/011** *Key decision:* **Yes**

Purpose: **To outline the case to approve (in part retrospectively for the reasons provided in the report) the establishment of a new voluntary adoption agency with Coram, 'Coram Cambridgeshire Adoption' (CCA).**

Cabinet are also asked to approve the subsequent proposed transfer of certain Council functions in the area of adoption to CCA and the transfer of County Council staff (subject to the outcome of consultation).

Recommendation: **Cabinet is recommended to:**

To consider the report contents and ratify:

- a) The formation of a new voluntary adoption agency with Coram**

Consequent to this, Cabinet is recommended to approve:

- b) The transfer of the specific CCC functions in the area of adoption to CCA**
- c) The proposed Transfer Of Undertakings (Protection Of Employment) Regulations (TUPE) transfer of Adoption Service staff to CCA (also subject to the outcome of an ongoing staff consultation on TUPE)**
- d) The delegation of authority to the Cabinet Member for Children and Young People's Services in consultation with the Executive Director: Children, Families and Adults to finalise the transfer arrangements.**

<i>Officer contact:</i>		<i>Member contact:</i>	
Name:	Niki Clemo	Name:	Councillor David Brown
Post:	Service Director: Children's Social Care	Portfolio:	Children and Young People's Services
Email:	Nicola.Clemo@cambridgeshire.gov.uk	Email:	David.Brown@cambridgeshire.gov.uk
Tel:	01223 727989	Tel:	01223 699173

1. BACKGROUND

- 1.1 Cambridgeshire County Council (from now on referred to as “The Council”) acts as an Adoption Agency to provide adoption services as required under the Adoption and Children Act 2002. The Council’s Adoption Service aims to provide a comprehensive and effective adoption service for children who are looked after and who need adoptive families, as well as for adults applying to become adoptive parents, and other adults affected by adoption.
- 1.2 In 2011, the Council began working in partnership with leading children’s charity, Coram, on adoption to help reduce delays and make improvements to the adoption process. Coram is a voluntary adoption agency (VAA) of nationally recognised expertise and consistent excellent practice.
- 1.3 This partnership has been highly successful as evidenced by a recent independent evaluation. The Council is one of only a few local authorities to meet demanding targets for speeding up the adoption process for children needing a permanent home. Statistics published by the Government show that the Council is consistently ranked amongst the highest in the country. The Council placed 46 children with adoptive families in 2013/14, compared to the 39 children placed in the previous year 2012/13.
- 1.4 The Department for Education (DfE) has introduced new funding for the start-up of voluntary adoption agencies (VAAs) as part of wide sweeping national reforms to the adoption system. This measure is one of many initiatives intended to address the national shortfall of adopters and find loving, stable homes for the rising number of children awaiting adoptive placements more quickly.
- 1.5 The DfE funding consists of four grants of up to £500,000 in value each awarded in 2013/14 to support the creation of new VAAs. The grant is intended to cover the cost of establishing, registering and operating a voluntary adoption agency including the costs of staffing, registration and other operating costs. Applications were invited between August and September 2013 and successful applicants notified at the end of October 2013.
- 1.6 Coram’s application for this funding was successful and Coram, with the Council as contributing partner, is in receipt of a DfE VAA start-up grant. The new DfE funding has provided an opportunity for the Council and Coram to further build on and consolidate the current successful partnership. The grant has been used to set up a new voluntary adoption agency together called Coram Cambridgeshire Adoption (CCA) which will begin its duties from 1st April 2014. The intention is that the Council will transfer functions in the area of adoption across to CCA.
- 1.7 It is important to note that that the focus of this proposal is to provide the best adoption service possible for Cambridgeshire children and adopters. The development of CCA ensures this and the Council will continue, as a key partner invested in CCA and as a corporate parent, to be actively involved in how adoption services are delivered and will quality assure the service provided to Cambridgeshire’s children.

- 1.8 Cabinet are asked to provide retrospective approval to the formation of CCA and the associated transfer of Council functions. It is recognised that this is a significant change which requires Cabinet endorsement. The reasons for requesting retrospective approval are set out below:
- Decisions had to be made quickly to develop CCA in line with the timescales set out by the DfE. These were such that it was not possible to bring this decision to Cabinet at an earlier date in sufficient detail. The outcome of the bidding process was not known till late October 2013 but the grant conditions made clear that the new VAA must be registered with Ofsted by 31st March 2014. Ofsted registration can only be achieved by meeting certain criteria which meant that plans had to be worked up rapidly to achieve this.
 - This is an innovative development nationally. No other partnership between a local authority and voluntary sector organisation of the nature of the CCA has been created. The creation of CCA was enabled by the DfE funding and has meant that both the Council and Coram have had to develop the proposed new arrangements without a template for doing so and therefore the timeline for agreement has not been clear.
 - It was felt that the opportunity to improve and invest in our adoption services should be seized, particularly when considering the predicted pressures on services in the future.
- 1.9 Although retrospective approval is requested, it is important to note that elected members have been kept informed as the VAA arrangements have been developed and the proposal has been discussed informally with Cabinet and Children's Spokes. The Lead Member for Children and Young People's Services has been actively involved in shaping the new VAA.
- 1.10 Should Cabinet approve the formation of CCA, there are a number of further significant decisions required which also require Cabinet approval:
- The proposed TUPE of Adoption staff across to the new CCA
 - The future legal implications regarding our adoption functions.

2. BUSINESS CASE FOR THE TRANSFER OF SERVICES TO CCA

- 2.1 There is a strong business case to support the transfer of the majority of our adoption services to CCA and to continue and develop further our partnership with Coram:
- CCA will have access to experience and expertise from both the Council and Coram, which translates into improved outcomes for children and young people placed for adoption and potential adoptive families
 - The formation of CCA with Coram puts the Council at the forefront of innovative change and solution finding in the adoption world, taking the lead in responding to government policy changes
 - Coram are nationally recognised as leaders in the adopter sector and are highly regarded for their expertise and therefore well placed to accept a transfer
 - The pool of talented staff will be retained, offering continuity and benefits for the service and the community

- The Council, as a partner in CCA, will continue to have oversight and input into how our adoption services are delivered.

2.2 Critically, this arrangement will enable us to find adoptive families for Cambridgeshire children much more quickly. Although the Council performs well in the area of adoption compared to other local authorities, we need to improve even further if we are to meet future projected needs:

- Demographic projections show that 150 more children are likely to enter care and a growing proportion with an adoption plan within the next three years
- There are currently 35 children with plans for adoption or a dual plan for adoption
- Six children with placement orders have been waiting over 20 months for an adoptive family
- Only 29 adopter householders were approved during 2013/14.

We will not be able to meet the level of demand using our own resources alone. Delays in adoption can have a severe impact on the health, emotional and educational development of children. The profile of children's complex circumstances with backgrounds of abuse and neglect and often significant developmental needs makes it imperative that the progress made in Cambridgeshire continues and is strengthened to meet higher demand levels in the next three years.

2.3 CCA's key aim is to deliver a minimum of 100 adoptive placements for Cambridgeshire children over a three-year period and this is a condition of the DfE grant. Current projections suggest that CCA will exceed this target and recruit more families for the Council than the required 100 (see Section 6.1.1). Recruiting more adoptive families will reduce the delays in placing children for adoption, helping us to ensure that children in Cambridgeshire who are in need of a permanent, loving home are found one as soon as possible. In the long term, this will also impact on the total number of looked after children (LAC) in our care.

2.4 In the event that the need for adoption placements within Cambridgeshire has already been met, CCA could then offer inter-agency placements (where additional adoption placements are "sold" to other local authorities). This would help find families for children across the country still waiting to be placed and provide a source of income for CCA. This would only occur in the context of a surplus of adopters and the placement needs of the Council would always be prioritised.

2.5 The new arrangement is also expected to deliver the following benefits:

- Provide consistently high quality Social Work practice to Cambridgeshire children and adopters whilst making the most of Coram's expertise in the recruitment, assessment and training of prospective adopters
- Increase the use of concurrent planning (where a baby or child in care under the age of two is found suitable foster carers who are ready and willing to adopt them later, if adoption is decided to be their best option); or, fostering for adoption arrangements where it is assessed there is no or limited likelihood of a children returning to birth or kinship care and placed

with a dually approved carer who will adopt offering continuity to the child. These form part of early permanence policies to reduce delays in finding permanent families

- Widen placement choice and options for children
- Build on existing adoption networks in the region to share best practice and identify further opportunities to recruit more adoptive families.

2.6 It is proposed that the following functions currently provided by our Adoption Service would transfer over to CCA:

- Family finding - identifying suitable adoptive families able to meet the needs of Cambridgeshire children who have a Placement Order and the court's permission for placement for adoption
- Adopter recruitment and assessment - managing the adopter's transition from the point of enquiry through to their training, assessment, approval and matching with a child. This team also supports placements whilst an Adoption Order is in the process of being made
- Post adoption support - providing a range of services including the support of adopted children, their adoptive families, and birth families, birth relative counselling and intermediary and birth records counselling.

A robust transition plan has been developed to manage this complex process and it has been agreed that these functions will move across in stages.

2.7 There are a number of specific areas of work which we propose should not transfer to CCA. Inter-country adoption is a highly specialised area of adoption therefore the decision has been made to maintain the existing service level agreement with the charity Parents and Children Together (PACT). This agreement is cost effective given the small number of inter-country enquiries received each year and will maintain a level of access to specialist legal advice on inter-country adoption. Other areas that will not transfer include step-parent adoptions and Special Guardianship support. Both of these areas of work are more closely aligned to the Kinship Team and responsibility for these areas would transfer to this team following the proposed transfer of staff to CCA.

2.8 CCA will start carrying out its duties from 1st April 2014 and we intend to start working in the new way as much as possible from this date. However, given the complexity of this project, the first six months will be a transition period with full implementation expected by 1st September 2014. This will be the point at which we expect CCA to be fully operational.

3. PROPOSED TUPE TRANSFER OF CCC STAFF TO CORAM CAMBRIDGESHIRE ADOPTION

3.1 The transfer of certain functions within our Adoption Service to CCA has significant implications for employees currently employed by the Service.

3.2 Legal and Human Resources (HR) advice was sought on the transfer of employees to the new VAA and whether a secondment approach would be possible. Legal and HR advice has confirmed that TUPE would apply to the transfer of Adoption Service staff to CCA and therefore ruled out the proposal for long term secondments.

3.3 TUPE regulations stipulate that any staff transferring from one employer to another under these regulations have certain rights protected. If a TUPE transfer takes place, all existing contractual terms and conditions of employment will transfer to the new organisation and will be protected. These include:

- The right to continue to be employed by the new employers on the same terms and conditions of service
- The right to continuity of employment
- The right to be informed and consulted about the transfer
- The right to be protected against dismissal for a reason connected with the transfer.

TUPE will enable us to protect our employees' rights should they move to a new organisation and ensure that they are treated equitably during the transition.

3.4 Alongside the development of CCA, the Council's Adoption Service consulted staff and key stakeholders in January 2014 on proposals to restructure the service, receiving 34 written submissions.

3.5 A formal consultation response document was issued with supporting staff briefings on 6th March 2014 which confirmed the new structure. Some changes were made following the feedback received and staff commented that they felt they had been listened to and are pleased to see that their feedback has been taken into account. It is interesting to note that Coram and the Adoption Team's feedback were closely aligned. The final new structure for the Adoption Service is complementary to the new structure of the VAA and so roles are transferable across the two organisational structures.

3.6 Internal recruitment following the recent Adoption Service restructure needs to be completed in order to be clear as to the exact number of staff affected by TUPE but we estimate this to be approximately 17-20 staff.

3.7 We are fully committed to supporting and engaging our staff during this uncertain period and have communicated with them in a transparent way throughout this process. TUPE was openly discussed as a proposal with staff for the first time at the consultation response briefing on 6th March 2014 and a TUPE briefing and frequently asked questions document was circulated to all Adoption staff.

3.8 A 30-day consultation on the proposed TUPE transfer is scheduled to start in April 2014. HR support has been available to affected staff throughout and arrangements have been made for the BUPA Employee Assistance Helpline (part of Coram's employee support package) to accept calls from Cambridgeshire staff.

3.9 The Unison trade union representative has been engaged and active in meeting teams during the consultation process, and they are aware of the possibility of a TUPE transfer. No issues have yet been raised by the union

representative. The TUPE proposal will be on the agenda of the next Joint Consultative Negotiation Group (staff and union meeting).

- 3.10 If TUPE transfer is agreed, subject to Cabinet's approval and the outcome of the staff consultation, we anticipate that this would take effect on 1st June 2014 for the Adopter Recruitment and Assessment, and Family Finding teams. Adoption Support teams are anticipated to transfer at a later date but before 1st September 2014, as more time is needed to work with these teams to identify which elements of the work will transfer across and the impact of expected government policy changes.
- 3.11 It is important to note that whilst the proposed TUPE transfer will not take place until 1st June 2014, CCA will be a functioning adoption agency from 1st April 2014 and a core group of staff employed by Coram will be operating under this agency from this date, based in Castle Court and forging links with the Council's Adoption Services for the purposes of seamless delivery from the start. A comprehensive transition plan has been produced jointly by the Council and Coram to manage this change and ensure there is no dip in the quality of service provided whilst we move to the new structure. Measures include:
- A single point of contact for enquiries from 1st April 2014: all enquiries will be directed to a single phone number. The new VAA website will be launched on this date and our current websites will redirect to the new site
 - It has been agreed that ongoing assessments will be completed by the same staff after 1st April 2014 to ensure continuity of service
 - We have communicated with existing adopters about the proposed changes and will also communicate more widely with prospective adopters through the new website and press releases at the time of the launch
 - The standardisation of materials
 - The risk log and project plan are closely monitored throughout the transition period
 - Plans for co-location of Adopt Anglia, CCC staff and the newly appointed CCA staff from 1st April 2014 to enable team working and reduce the risk of variations in the service provided.

4. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

4.1 Developing the local economy for the benefit of all

The following bullet points set out details of implications identified by officers:

- This is an innovative way to deliver our future adoption services and create new opportunities to place more children with adopters
- A key facet is to remove barriers to business growth by shared expertise and market strategies aimed to reach a wider network of adopters for our children
- This proposal is in line with the Government's adoption reform agenda which envisages VAA's playing a greater part in a mixed economy of delivery and new types of partnerships

- The approach offers flexibility and responsiveness capable of adaption to new and emerging demands and changes within the sector.

4.2 Helping people live healthy and independent lives

The following bullet points set out details of implications identified by officers:

- More children coming into the care system require help to ensure their mental and physical health needs are supported. The new teams will have access to clinical (psychological) and health care support throughout the process of preparing children for adoption and afterwards through adoption support mechanisms. This is vital for the long-term wellbeing of children adopted and the contribution they may make in the future as adult citizens.

4.3 Supporting and protecting vulnerable people

The following bullet points set out details of implications identified by officers:

- This proposal is about improving our adoption services and finding more adoptive families for our looked after children. Looked after children are one of the most vulnerable groups in society and the establishment of CCA will have a direct benefit to optimise their welfare and protection and longer term security
- CCA has robust safeguarding policies in keeping with statutory requirements and a commitment to ensure each child is kept safe and adopters are supported
- Strong links will be made within the network of Cambridgeshire professional services including the Cambridgeshire Local Safeguarding Children's Board (LSCB)
- CCA will ensure that children are listened to and heard and their needs are of paramount consideration throughout the process.

5. WAYS OF WORKING

5.1 The following way of working is relevant:

Developing our Leadership role:

- We are working in partnership with renowned national charity Coram, experts in adoption, to improve adoption services for children and adopters in Cambridgeshire. We were one of the first Councils to establish a partnership with Coram and the establishment of CCA is another innovative step to deliver our plans to ensure a sufficient supply of suitable adopters for our children.
- Cambridgeshire will be a key shaper from the outset; will be part of the Trustee Board enabling continuous accountability for our children and no risk to the Council's corporate parenting role but a positive mechanism for fulfilling our duties.

6. SIGNIFICANT IMPLICATIONS

6.1 Resource and Performance Implications

6.1.1 Financial Implications

The following bullet points set out details of significant implications identified by officers:

- CCA is at the forefront of national market development plans which seek to increase adoption placements across the country with supported funding from DfE. It is not a cost saving exercise but may offer economy of scale savings in the longer term.
- The establishment of the Partnership will be part funded in the first year through accessing the Adoption Reform Grant from central government. With the grant only being confirmed for 2014/15 its use will need to be directed carefully and ensure any ongoing functions are self-sustaining in future years. Council resources will follow the work transferring across to CCA. Adoption reform grant money will assist in the transition.
- Revenue expenditure to fund the Adoption Team that will be TUPE transferred to CCA will remain at current levels as funded from the base budget for that team.
- CCA will use core funding to meet appropriate targets. CCA will act as a sustainable non-profit business from the start with scope for income generation through inter-agency placements. This would not impact on the service offered to the Council as such placements would only be agreed in the event of a surplus of adopters. This links to national strategy which encourages agencies to work together to ensure no child is kept waiting for a placement.
- Operational efficiency will be achieved by streamlining processes and exploiting economies of scale. Projections suggest that an extra eight placements in the 2nd year and a further four placements in the 3rd year of the agreement will be delivered in addition to the required 100 placements. These additional placements will enable the Council to respond to the increased numbers of children requiring adoption.
- The Council and CCA financial agreements have been scoped and no significant financial risks identified
- The Council and Coram are currently discussing the pension arrangements associated with the proposed TUPE transfer and these will be finalised before any agreement is signed off.

6.1.2 Property Implications

The following bullet points set out details of significant implications identified by officers:

- Castle Court has been identified as the initial base for the new voluntary adoption agency. The Council has agreed to vacate the Castle Court premises within a year and so a new office space will need to be found for the agency.
- Consideration needs to be given to how the need for a base for CCA will impact on plans to reduce the Council's property portfolio and further encourage flexible working and hotdesking arrangements, as we would

need to avoid multiple moves

- In parallel to proposed Council solutions, Coram is conducting a private property search releasing the revenues paid to the Council for use of Castle Court as part of this equation. This is a priority for the new agency.

6.1.3 HR Implications

The following bullet points set out details of implications identified by officers:

- As set out in the report above in Section 3, the proposal is for a maximum of 20 Council staff to transfer to CCA
- If Cabinet approve the TUPE transfer, a detailed legal framework agreement would need to be drawn up.
- There is a risk that staff may leave during the transition phase. We aim to mitigate this risk through effective leadership during the transition period and open and honest communication with the staff teams affected
- Internal recruitment to the new Adoption Service structure may not be completed before the proposed TUPE transfer date. In this scenario, it may be that the remaining posts are recruited directly into CCA.

6.1.4 Performance Implications

The following bullet points set out details of implications identified by officers:

- It is critical that Coram Cambridgeshire Adoption delivers on the benefits outlined in the report for children and prospective adopters. The Council will actively monitor the performance of CCA and the following measures have been put in place to monitor performance:
 - (a) A memorandum of understanding has been agreed and signed by both organisations setting out what is expected and how we will work together.
 - (b) CCA will be governed by a Board. This Board will have formal co-opted representation from the Council and legal, financial, HR and adopter expertise. There will be the freedom to co-opt as required.
 - (c) The Cambridgeshire based Adoption Partnership Advisory Board (which has agency representation including the Children and Family Court Advisory and Support Service (CAFCASS), and the Judiciary) will continue in its strategic role to promote best practice locally.
 - (d) There will be quarterly reports to DfE on achievement milestones including lessons learned so the sector can learn from and benefit from our experiences throughout the period.
 - (e) Voluntary Adoption Agencies are subject to strict regulatory control and a first Ofsted inspection is likely from within 7-12 months of operating.
 - (f) We will hold regular focus groups with our adopters to gain their feedback on how well the new structure is working.
 - (g) An independent evaluation will be commissioned to report on the progress of the new CCA and capture benefits to children.
 - (h) All agreements will be on the basis of expert legal advice and include the necessary clauses to protect the reputational and other interests of both parties and exit arrangements part way or after the first three years.

6.2 Statutory, Risk and Legal Implications

The following bullet points set out details of significant implications identified by officers:

- A framework agreement will need to be produced should the proposed TUPE transfer be approved
- Council Legal officers/representatives are in discussions with Coram's Legal department regarding any possible role which Council officers or elected members may play in CCA's governance arrangements.
- Further work is required to consider the long term legal implications of a transfer of any further adoption functions over and above those set out in paragraph 2.6 above.
- Key risks and issues have been identified. A risk and issues log has been produced and will be regularly monitored and updated

6.3 Equality and Diversity Implications

The following bullet points set out details of significant implications identified by officers:

- TUPE legislation protects employees' terms and conditions and will ensure that our staff are treated equitably.
- The service builds on existing networks and approaches and aims to grow and increase. In this way, there should be no diminishing of service.
- The service to particular groups including black, minority ethnic and disabled children and larger sibling groups should be improved by increasing the diversity of adults coming forward for adoption and placing more children who traditionally fell into categories of 'difficult to place' by promotional strategies.
- A Community Impact Assessment (CIA) has been completed and is available on request.

6.4 Engagement and Consultation

We have actively consulted with both staff and current adopters on the proposals:

Staff engagement

- Please see paragraphs 3.4-3.9 for information on how staff have been engaged.

Adopter engagement

- A letter was sent out to all adopters in January 2014 making them aware of the plans to set up a VAA and inviting comments.
- A focus group was held for current adopters on 25th February 2014: three households attended. There was general support for the formation of CCA and our existing partnership with Coram and a good understanding amongst the group of how both local Councils and VAAs operate. No concerns about the formation of CCA have been raised by any current adopters. Further focus groups will be held to ensure adopters in assessment have the opportunity to ask questions and can continue to be

- consulted as CCA is launched
- Communications have been sent out to existing adopters and those undergoing assessment about the changes, and a press release and new website have been prepared ready for the launch.

Source Documents	Location
<u>Adoption Service Statement of Purpose (2013-14)</u> Coram Cambridgeshire Adoption Memorandum of Understanding (2013) Coram Cambridgeshire Adoption Project Plan (2014) Community Impact Assessment	Tracy Collins Head of Looked After Children, Box No: C1005, Castle Court, Shire Hall, Cambridge