

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**21<sup>st</sup> March 2019**

**Report of the Strategic Director – Children’s Services**

**COMMENCEMENT OF THE INTER AUTHORITY AGREEMENT FOR ADOPTION EAST  
MIDLANDS AND THE DELEGATION OF ADOPTION FUNCTIONS TO  
NOTTINGHAMSHIRE COUNTY COUNCIL**

**(1) Purpose of Report**

To approve the formal delegation of designated adoption functions to Nottinghamshire County Council to host and operate Adoption East Midlands.

**(2) Information and Analysis**

A detailed report was presented to Cabinet on 17<sup>th</sup> May 2018 regarding the proposals for the creation of a regional adoption agency. Cabinet noted the information regarding regionalisation, considered the work and analysis undertaken and agreed the recommendations below:

- that Derbyshire joins a shared regional adoption agency, D2N2 RAA, with Derby City Council, Nottingham City Council and Nottinghamshire County Councils
- that Nottinghamshire County Council hosts the regional adoption agency on behalf of the other local authority partners.
- that subsequent decision-making for the ensuing model and business case, including approval for TUPE transfer if necessary, is delegated to the Strategic Director for Children’s Services in consultation with the Cabinet Member for Young People, following consideration of a further report prepared by the strategic leads from each local authority.
- That staff from each of the four local authorities who are in scope for the regional adoption service are seconded or transferred by TUPE to the host local authority or D2N2 RAA.

The proposed model which is to be utilised for the creation of the regional adoption agency, Adoption East Midlands, involves a delegation of functions to Nottinghamshire County Council in relation to the following areas :-

1. The provision of adoption advice and support in accordance with the Adoption and Children Act 2002, including the approval of adopters and the matching of adopters and children.
2. In due course Adoption East Midlands may undertake the assessment of prospective special guardians (as defined by Section 14A of the Children Act 1989).

Derbyshire County Council will retain responsibility for the determination as to whether a child should be placed for adoption and for seeking the appropriate court orders to support such a decision. Derbyshire County Council will also retain responsibility for non – agency adoptions (e.g. step – parent adoptions). In order to commence the arrangement as anticipated on 1<sup>st</sup> April 2019, as anticipated by all four authorities and their staff, a decision confirming the formal delegation of functions is sought.

The Strategic Director, in accordance with the permissions above has agreed the arrangements for the TUPE transfer of 17.5 FTE members of staff (23 employees) under a TUPE arrangement, affected staff would be employed directly by the host authority on their existing terms and conditions of employment. Consultation and due diligence processes as required under TUPE legislation have been undertaken.

The Agency, which was initially referred to as D2N2 RAA (Regional Adoption Agency) is to be named ‘Adoption East Midlands.’

### **(3) Financial Considerations**

Lead Members across the East Midlands clearly stated that regionalising adoption cannot cost any more for individual Councils than current expenditure. The project budget is therefore reflective of this requirement to deliver Adoption East Midlands within the current funding envelope for staffing for recruitment, matching and adoption support services. The total budget for the D2N2 regional group is in the region of £6.2m per annum (Derbyshire £1.3m, Derby £1.1m, Nottingham £1.8m, Nottinghamshire £2m).

The financial contribution from Derbyshire for the first year is confirmed as £1,288,517, payable on 1<sup>st</sup> April 2019.

**(4) Legal Considerations**

The Director of Legal Services has confirmed that a formal decision regarding the delegation of functions should be obtained by Cabinet in order for Adoption East Midlands to become operational on 1<sup>st</sup> April 2019.

**(5) Social Value Considerations**

The development of Adoption East Midlands is aimed at improving adoption for some of Derbyshire's children in care who need a permanent family and thus improve outcomes for some of the most vulnerable children in the Council's care. Longer-term improved outcomes will enable more children to be discharged from care, young people to be positively engaged in Education, Training or Employment, and thus can help tackle poverty and deprivation and their associated costs within public spending.

**(6) Key Decision** Yes

**(7) Call-In** Is it required that call-in be waived in respect of the decision proposed in the report? Yes

**(8) Background Papers** Cabinet report of 17<sup>th</sup> May 2018.

**(9) OFFICER'S RECOMMENDATION**

(1) That Cabinet approves the delegation of the Council's adoption functions to Adoption East Midlands hosted by Nottinghamshire County Council from 1<sup>st</sup> April 2019;

(2) That Cabinet gives approval to the Strategic Director of Children's Services in consultation with the Cabinet Member for Young People and the Director of Legal & Democratic Services and the Director of Finance, to conclude the contractual arrangements on behalf of the County Council for the provision of the delegated function from 1<sup>st</sup> April 2019, to Adoption East Midlands.

(3) Cabinet notes the support expected from Adoption East Midlands from 1<sup>st</sup> April 2019 will include the provision of adoption advice and support in

accordance with the Adoption and Children Act 2002 and supporting regulations and guidance, including the approval of adopters and the matching of adopters with children and young people; and

- (4) That approval is given to the Strategic Director of Children's Services in consultation with the Cabinet Member for Young People and the Director of Legal & Democratic Services and the Director of Finance to determine which other related functions pursuant to the Children Act 1989 and other associated legislation and guidance could be undertaken by the Adoption East Midlands following implementation on 1<sup>st</sup> April 2019

**Jane Parfremment**  
**Strategic Director – Children's Services.**

