

# Cabinet

## Wednesday 21 March 2018

### 10.00 am Luttrell Room - County Hall, Taunton



To: The Members of the Cabinet

Cllr D Fothergill (Chairman), Cllr D Hall (Vice-Chair), Cllr A Groskop, Cllr D Huxtable, Cllr C Lawrence, Cllr F Nicholson and Cllr J Woodman

All Somerset County Council Members are invited to attend meetings of the Cabinet and Scrutiny Committees.

Issued By Julian Gale, Strategic Manager - Governance and Risk - 13 March 2018

For further information about the meeting, please contact Michael Bryant or Scott Wooldridge or 01823 357628 [swouldridge@somerset.gov.uk](mailto:swouldridge@somerset.gov.uk)

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)



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# AGENDA

Item Cabinet - 10.00 am Wednesday 21 March 2018

**\*\* Public Guidance notes contained in agenda annexe \*\***

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of Cabinet Member interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the meeting held on 18 February 2018 (Pages 7 - 20)**

4 **Public Question Time**

The Chair will allow members of the public to present a petition on any matter within the Cabinet's remit. Questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

5 **Adopt SW, Regional Adoption Agency (RAA) (Pages 21 - 84)**

To consider the report.

6 **Somerset Rivers Authority (SRA) Enhanced Programme of Flood Risk Management Works and the SRA Memorandum of Understanding and Constitution (Pages 85 - 118)**

To consider the report.

**Possible exclusion of the press and public**

**PLEASE NOTE:** Although the main report for this item not confidential, supporting appendices available to Members contain exempt information and are therefore marked confidential – not for publication. At any point if Members wish to discuss information within this appendix then the Cabinet will be asked to agree the following resolution to exclude the press and public:

**Exclusion of the Press and Public**

To consider passing a resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to exclude the press and public from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of Schedule 12A to the Local Government Act 1972:

Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

7 **Any other urgent items of business**

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The Chair may raise any items of urgent business.

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# Agenda Annexe

## THE MEETING – GUIDANCE NOTES

### 1 **Inspection of Papers or Statutory Register of Member's Interests**

Any person wishing to inspect reports or the background papers for any item on the agenda or inspect the Register of Member's Interests should contact Scott Wooldridge or Mike Bryant on (01823) 359048 or 357628 or email [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

### 2 **Notes of the Meeting**

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Cabinet will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Scott Wooldridge or Mike Bryant on (01823) 357628 or 359048 or email [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk)

### 3 **Public Question Time**

At the Chairman's invitation you may ask questions and/or make statements or comments about **any matter on the Cabinet's agenda**. You may also present a petition on any matter within the Cabinet's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about any matter on the agenda for this meeting may be taken at the time when each matter is considered.

**If you wish to speak at the meeting or submit a petition then you will need to submit your statement or question in writing to Mike Bryant by 12.00pm on Friday prior to the meeting.** You can send an email to [mbryant@somerset.gov.uk](mailto:mbryant@somerset.gov.uk) or send post for attention of Mike Bryant, Community Governance, County Hall, Taunton, TA1 4DY.

You must direct your questions and comments through the Chairman. You may not take direct part in the debate.

The Chairman will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chairman may adjourn the meeting to allow views to be expressed more freely.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred because you cannot be present at the meeting.

**Remember that the amount of time you speak will be restricted normally to two minutes only.**

#### **4 Hearing Aid Loop System**

To assist hearing aid users, the Luttrell Room has an infra-red audio transmission system. This works in conjunction with a hearing aid in the T position, but we also need to provide you with a small personal receiver. Please request one from the Committee Administrator and return at the end of the meeting.

#### **5 Emergency Evacuation Procedure**

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

#### **6 Cabinet Forward Plan**

The latest published version of the Forward Plan is available for public inspection at County Hall or on the County Council web site at:  
<http://www.somerset.gov.uk/irj/public/council/futureplans/futureplan?rid=/guid/505e09a3-cd9b-2c10-89a0-b262ef879920>.

Alternatively, copies can be obtained by telephoning (01823) 359048 or 357628.

#### **7 Excluding the Press and Public for part of the meeting**

There may occasionally be items on the agenda that cannot be debated in public for legal reasons (such as those involving confidential and exempt information) and these will be highlighted in the Forward Plan. In those circumstances, the public and press will be asked to leave the room while the Cabinet goes into Private Session.

#### **8 Recording of meetings**

The Council supports the principles of openness and transparency, it allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

## THE CABINET

Minutes of a Meeting of the Cabinet held in the Luttrell Room, County Hall, Taunton, on Wednesday 18 February 2018 at 10am.

### PRESENT

Cllr D Fothergill (in the Chair)

Cllr A Groskop  
Cllr D Hall  
Cllr D Huxtable  
Cllr C Lawrence  
Cllr F Nicholson  
Cllr J Woodman

Junior Cabinet members:  
Cllr C Aparicio Paul  
Cllr Fraschini  
Cllr G Verdon

**Other Members present:** Cllr S Coles, Cllr H Davies, Cllr L Leyshon, Cllr J Lock, Cllr T Lock, Cllr D Loveridge, Cllr T Munt, Cllr W Wallace, Cllr R Williams

**Apologies for absence:** Cllr F Purbrick

#### 69 **DECLARATIONS OF INTEREST** – agenda item 1

Members of the Cabinet declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr A Groskop	South Somerset District Council
Cllr J Woodman	Sedgemoor District Council

Junior Cabinet Members declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr C Aparicio Paul	South Somerset District Council
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#### 70 **MINUTES OF MEETINGS OF THE CABINET HELD ON 17 JANUARY 2018** - agenda item 2

The Cabinet agreed the minutes and the Chair signed these as a correct record of the proceedings.

#### 71 **PUBLIC QUESTION TIME (PQT)** – agenda item 3

There were a number of members of the public who wished to speak about agenda items 5 and 6 regarding the Learning Disability and Provider Service (LDPS) and who had submitted questions by the deadline. The chair noted that their questions would be considered as a part of the relevant agenda items.

72 **DEVELOPMENT OF A FAMILY SUPPORT SERVICE FOR SOMERSET – PHASE 1** - agenda item 5

The Cabinet Member for Children and Families, Cllr Frances Nicholson, introduced the report, highlighting: the consultation results and equalities impact assessment; the importance of working with partners; ensuring support is easily accessible; and the importance of integrated services.

The Director of Children's Services, Julian Wooster, added to the points raised by Cllr Nicholson, noting: the independent consultation completed by Dialogue; building strong children; that last year 30% of children did not show good development at the early years foundation stage; the move to integrated delivery; bringing together Public Health nursing and Get Set services; the importance of understanding communities differing needs; and meeting needs as early as possible. The Director further highlighted that the proposals should allow for available resources to be better invested in service delivery and the importance of children's well-being.

The Managing Director of Dialogue, John Woodhouse, outlined a summary of the consultation report and responses to the Cabinet: the importance of ensuring peoples voices are heard; that workshops had been provided for vulnerable people; the responses to an on-line questionnaire had been analysed; more than 1000 people had contributed to the consultation; there was support for the idea of an integrated service, but less enthusiasm for the de-designation of Children's Centres; the reduction in services from 5 – 7 years ago; the removal of buildings was thought by some people to result in a reduction in service delivery; the continued need for local solutions; the importance of information being available on-line, as opposed to on-line service delivery; the importance of targeted services; ensuring services link to schools; and the importance of consistent and reliable support.

The Assistant Director – Commissioning and Performance, Phillipa Granthier, further noted: the importance of a detailed community offer; that any decision taken today would be subject to a period of implementation; and that nursery's which operate from Children's Centres will continue unchanged.

The Chairman invited the public speakers to put their questions and statements to the Cabinet.

The Committee heard from Nigel Behan, who raised a number of questions regarding: risk implications, costs, benefits and issues logs; the views of parents; ensuring the consultation responses are taken into account; and improving trust.

In response to the points raised by Nigel Behan, Cllr Frances Nicholson responded, noting: the importance of ensuring the availability of the right support; the end of the Health Visiting Partnership contract in March 2019; budget reductions; ensuring support is appropriate to need; accepting that there have been some previous reductions; the importance of voluntary bodies and groups; the importance of people not buildings; and that



feedback will be used to help form the development of services.

The Committee heard from Katherine See who raised a number of points including: the cost of the consultation; taking the views of the consultation into account; the perceived lack of detail in the Council's proposal; providing the public with assurances; de-designating centres; and justifying changes in light of increasing child poverty and decreasing social mobility.

In response to the points raised by Katherine See, Cllr Frances Nicholson highlighted: the importance of: ensuring issues are addressed; ensuring the continued availability of support; and ensuring services meet local needs.

The Committee heard from Siobhan Lennon-Patience who raised a number of points including: her son has a disability; services have been cut from Get-Set provision; she had set-up the Jump Start group for parents of children with additional needs; and that there is no requirement for de-designated centres to provide detailed records.

In response to the points raised by Siobhan Lennon-Patience Cllr Frances Nicholson responded, noting that the consultation focused on universal services as opposed to specific support. Cllr Nicholson further applauded Siobhan work setting up the Jump Start group.

The Chair highlighted the Report from the Chair of the Scrutiny for Policies, Children and Families Committee on Family Support Services.

Cllr Nicholson undertook to provide full written responses to all public questions in consultation with the Director of Children's Services.

Further points raised in debate included: the requirement for parents to travel to services; working with One Public Estate; parking at Reckleford Children's Centre; and reconsidering provision in Chard.

The Chair summarised the points raised in debate noting: discussion of the consultation feedback; that buildings are not always in the most appropriate location; and the aim to achieve better outcomes for children and that services would not be reduced.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices, the Scrutiny Committee for Polices, Children and Families report and discussion the Cabinet RESOLVED to:

- Consider the consultation report and the council response as outlined in appendices 1 and 2
- Agree to proceed with the original proposals and to implement Phase 1 of the proposed integrated Family Support Service (subject to capital funding being allocated by Full Council in February 2018) and specifically:
- Consider the Family Support Service offer providing support and

services across Somerset as detailed in appendix 3, noting that the service offer is regularly reviewed and responds to the needs of the local community.

- Approve the revenue funding proposals to deliver the Family Support Service, including the Children's Centres that retain their Sure Start designation as outlined in section 1.5.3 and appendix 4.
- Approve the development of plans for future consideration by Cabinet regarding Minehead, Wellington, Chard and Yeovil as outlined in appendix 4.
- Approve the changed status of the following buildings by de-designating the following buildings as Sure Start Children's Centres, and the proposed management changes noting that they continue to provide early childhood services as shown in section 1.5.4 below and appendix 4:
  - Victoria Park, Bridgwater
  - Hamp, Bridgwater
  - Brock House, Norton Fitzwarren
  - The Hollies, Taunton
  - Wellington
  - Bishop's Lydeard
  - Alcombe, Minehead
  - Little Vikings, Watchet
  - Birchfield, Yeovil
  - Oaklands, Yeovil
  - Chard
  - Little Marsh, Ilchester
  - Balsam Centre, Wincanton
  - The Bridge Centre, Frome
  - The Link Centre, Coleford
  - The House, Shepton Mallet
- Agree to delegate any further decisions regarding the operational implementation of the proposals in this report to the Director of Children's Services and Director of Public Health, with support from the Commercial and Business Services Director.
- Request that the Director of Children's Services and the Director of Public Health report back to Cabinet to seek approval for Phase 3 of the proposals.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

73 **FAMILY SUPPORT SERVICE – PHASE 2 DELIVERY APRIL 2019 ONWARDS** – agenda item 6

The Cabinet Member for Public Health and Wellbeing, Cllr Christine Lawrence introduced the report highlighting: the options appraisal work and liaison with the current provider of these services; the importance of better outcomes for children; ensuring the right support is available in the right location at the right time; the current Health Visiting and School Nursing Contract ends in 2019; and that it was felt that bringing services together was the best way forward.

The Director of Public Health, Trudi Grant, added to the points raised by Cllr Lawrence, noting: using this opportunity to strengthen services; the consideration of both in-house and external options; the in-house option offered the greatest flexibility; the importance of considering social and environmental impacts on health; the importance of mitigating against any risks; the importance of robust clinical governance arrangements; and discussions with the Clinical Commissioning Group (CCG) to deliver a service that remains connected to health services.

The Chairman invited the speakers to put their questions and statements to the Cabinet.

The Committee heard from Penina Caswell, who raised a number of questions regarding ensuring the professional integrity of Health Visitors and School Nurses, further noting that she had worked for the NHS since 1985 and had been a health visitor since 2004. Penina Caswell further highlighted: work with other organisations; caseload allocations based on geographical boundaries as opposed to Doctors surgery's; and that her work was regulated by the Nursing and Mid-Wifery Council.

In response to the points raised by Penina Caswell, Cllr Christine Lawrence responded, noting that Public Health Nurses would be able to retain their profession registration, and the Council would enable re-validation with professional bodies.

The Committee heard from Tracey Milton, who raised a number of points including: that Public Health nurses proactively identify health issues for the whole family; and the importance of protecting the Public Health Nursing budget.

In response to the points raised by Tracey Milton, Cllr Christine Lawrence highlighted that the Council had honoured the ring fence of the Public Health Grant.

The Committee heard from Julia Smith, who highlighted that she was both a parent and a health visitor, and questioned if proposed changes had been shared with partner agencies.

In response Cllr Christine Lawrence noted that the proposals had been shared with various other bodies and the CCG had endorsed the approach.

The Committee heard from Sharon Petit, who informed the committee that: she was a Health Visitor with 25 years' experience; the consultation only included a very small percentage of the population; and the consultation did not specifically include Public Health nursing staff transferring into Somerset County Council. In summary Sharon Petit questioned if the consultation was fair and accurate.

Cllr Lawrence responded to the points raised by Sharon Petit noting that the public consultation had been live for 10 weeks through various channels.

The Committee heard from Sheralynn Bigwood who informed the Committee that: she was a nurse who had worked for the NHS for 36 years; she worked out of a GP surgery; that Health Visitors visit every baby in Somerset, and identify the health needs of their community; that parents trust Health Visitors; and that she believes Health Visitors need to be a part of the NHS to retain their effectiveness.

Cllr Lawrence responded to the points raised noting the good work in Minehead, and her appreciation of Sheralynn's work

The Committee heard from Louise Webb who spoke on behalf of Sarah House noting: the work of Health Visitors; and joined up multi-professional working. Louise Webb further questioned if the consultation was impartial and open.

In response to the points raised, Cllr Christine Lawrence highlighted that the Council fully appreciates the work of Health Visitors and the Get Set Service.

Cllr Lawrence undertook to provide full written responses to all public questions in consultation with the Director of Children's Services and the Director of Public Health.

Further points raised in debate included: responsibility for Public Health nursing; Devon County Council contracting services to Virgin Care and them now taking the decision to now bring these back in house to LA; working in partnership with the NHS; ensuring clinical governance and commissioning is robust; ensuring ring-fenced grants continue to be honoured; business rates retention; the importance of supporting community groups; ensuring Health Visitors can continue to prescribe medicines and access medical records; ensuring Somerset Partnership release the required equipment; and Public Health financial savings targets.

In response to the points raised in debate, officers noted: the importance of strengthening clinical governance arrangements; the benefits of community and universal services being accessible in the same locations as early help services; the national consultation regarding nurse prescribing; support to re-validate with professional bodies; and the recent reduction in monies paid to Somerset Partnership for adult Mental Health budget overheads.

The Chair summarised the points raised in debate noting: the recommendation to internalise Public Health Nursing Services; the importance of reassuring staff; and the fear of change.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices, and discussion the Cabinet RESOLVED to:

1. In principle to support bringing Public Health Nursing Services into Somerset County Council and develop the new Family Support Service in-house, from existing Getset Services and public health nursing, on the basis outlined in this report and the options appraisal (Appendix 1).
2. Authorise officers to complete all necessary work in order to report back the Full Business Case to the Director of Public Health and the Director of Children's Services, in consultation with the Cabinet Members for Children and Families and Public Health and Well-Being, to enable the preferred option to be progressed and to develop a detailed implementation plan with our partners for delivery of the Family Support Service
3. Agrees the case for exempt information for Appendix 3 to be treated in confidence, as public disclosure of the commercially sensitive data contained within would prejudice the Council's position in ensuring competitiveness of future tender processes.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**74 2018/19 CAPITAL INVESTMENT PROGRAMME – agenda item 7**

The Cabinet Member for Resources and Economic Development introduced the report, highlighted: the significant investment in schools and highways; growth in the Somerset Economy; and proposed borrowing and associated low interest rates.

The Director of Finance and Performance noted that: the programme included planned expenditure for 3 years; there had been a considerable reduction in Department for Education grants; and that a cautious approach had been adopted for future years forecasting.

Further points raised in debate included: investment in schools; capital receipts targets; third party contributions to new school developments; traffic signals expenditure; library service redesign; the cost of new borrowing, and comparisons with the interest rate paid on existing debt; the future use of A block; the Walton and Ashcott by-pass; allowing community and voluntary groups to re-use the Council's old IT equipment; and ICT investment.

In response to the questions regarding library service redesign, Cllr David Hall highlighted that the Library Services consultation was on-going.

The Chief Executive, Patrick Flaherty, noted that new road building schemes required packages of funding, and that as such it was not possible to proceed with the Walton and Ashcott by-pass proposal at the current time.

The Chair summarised the points raised in debate noting that it had been a difficult choice to recommend increasing the Council's borrowing, but this would enable delivering the Council's priorities and support the necessary investment required to in 24 new schools.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices, and discussion the Cabinet RESOLVED to approve:

1. A Capital Investment Programme for 2018/19 of £91.973m shown in Appendix A. Full details of individual schemes are available online as background papers;
2. That the Chief Executive and relevant Senior Leadership Team Officer(s) following appropriate consultation and after giving due regard to the information contained within any associated impact assessments, are given delegated authority to decide on the specific individual projects to be delivered within generic approvals for their area of control and to secure any necessary decisions in order to implement the projects;
3. Prudential Code Indicators as shown in Section 5 & Appendix C.
4. That the statement on the Minimum Revenue Provision be endorsed for the 2018/19 financial year (section 4)

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

## 75 **2018/19 – 2021/22 MEDIUM TERM FINANCIAL PLAN** – agenda item 8

The Cabinet Member for Resources and Economic Development introduced the report, highlighting: the consultation with the Scrutiny Committees; the impact assessment; that over several years of Government funding reductions the Council's revenue budget had been reduced by in excess of £100m; the proposed 5.99% increase in Council tax including a 3% Adult Social Care precept; the proposed £10.6m savings targets; and future savings requirements.

The Director of Finance and Performance further highlighted an additional £2m of funding including a £1.5m Adult Social Care support grant and a £500k un-ringfenced rural services delivery grant.

The Leader of the Council thanked the Somerset MPs who had worked with the Council regarding local government funding.

Further points raised in debate included: the importance of rural services; ensuring savings targets are achieved; addressing the 2017/18 budget overspend; staffing impacts of budget reductions; the concerns of the Scrutiny for Policies and Place committee regarding meeting budget savings targets; and ICT infrastructure resilience.

In response to the points raised in debate, officers noted: staffing reductions would primarily be managed through voluntary redundancy and the removal of existing vacant posts; the £100k investment in information governance; and on-going work to upgrade the Council's ICT network and servers, and the increased security and resilience of a cloud hosted approach.

The Chair summarised the points raised in debate: noting the savings targets; the proposed Council Tax increase and continued efforts to lobby central government regarding Council funding.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices and discussion the Cabinet RESOLVED to approve and recommend to Full Council:

1. The 2018/19 Revenue Budget which sets:
  - a. Net Revenue Budget of £316,881,900;
  - b. Council Tax Requirement of £230,250,000;
  - c. A Council Tax increase of 5.99% (including a 3% precept for Adult Social Care) giving a Band D value of £1,192.16;
  - d. Specific savings targets as shown in Appendix A after having due regards to the potential impacts identified in this report and its appendices
2. Continuing the Council Tax precept of £12.84 within the base budget for the shadow Somerset Rivers Authority (representing no increase). This results in a Council Tax Requirement of £2,506,900;
3. Delegation of powers to the Leader of the Council and the Section 151 Officer to finalise budget proposals and recommendations to Full Council on the 21st February 2018 if changes are required to reflect the Final Local Government Financial Settlement and ensure that a balanced budget is considered at Full Council.

Cabinet further noted that whilst the Council is able to present a balanced budget for 2018/19, it is on the basis that all savings proposals included are achieved.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

76 **TREASURY MANAGEMENT STRATEGY 2018/19** – agenda item 9

The Cabinet Member for Resources and Economic Development introduced the report noting the requirement for Full Council to approve the Treasury Management Strategy alongside the Council's budget at its meeting on 21 February.

Further points raised in debate included derivative investments. The Director of Finance and Performance confirmed that the Council's does not use derivative investments and any future use would require full Council approval.

Cllr Liz Leyson and Cllr Tessa Munt paid tribute to the work of officers.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices and discussion the Cabinet RESOLVED to endorse the following and recommend approval by Council on 21<sup>st</sup> February 2018:

- The adoption of the Treasury Management Strategy (as shown in Section 2 of the report).
- The approval of the Annual Investment Strategy (as shown in Section 3 of the report) and proposed Lending Counterparty Criteria (attached at Appendix B to the report).

The Cabinet further RESOLVED to:

- Note the Prudential Treasury Indicators at point 4.8.
- Note the current Treasury Management Practices (TMPs) attached at Appendix D to the report.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

77 **PROPOSED NEW SECONDARY PROVISION FOR SELWORTHY SCHOOL ON THE FORMER ST AUGUSTINES SCHOOL SITE** – agenda item 10

The Cabinet Member for Children and Families introduced the report highlighted that the expansion of Selworthy School was much needed, and the importance of having the right SEND provision.

The Project Manager – Communications & Social Values, Carol Bond, and the Service Manager – Specialist Provision & School Transport, Phil Curd, added to the points raised by Cllr Nicholson noting: the expansion included 10 new classrooms and therapy spaces; that the first floor accommodation was only for staff and administration use; the importance of ensuring all spaces are useable and accessible to pupils; that the application would be taken to the 5<sup>th</sup> April 2018 Regulation Committee for planning approval; the



proposed development would provide sufficient SEND places for the next 10 – 15 years; and that space had been set aside for a future phase 2 if required.

Further points raised in debate included: the importance of natural light in classrooms; ensuring sufficient places are available for future need; the proposed use of a flat roof; environmental considerations including solar panel and ground source heat; allowing future pupils to visit and observe the site; and contingency funding.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report and discussion the Cabinet RESOLVED to:

1. Approve the appointment of Willmott Dixon through the Scape Framework to proceed with the delivery of the secondary provision for Selworthy School, Taunton for September 2019 at a gross maximum project cost.
2. Approve the gross maximum project cost of £9 million.
3. Delegate authority to the Head of Corporate Property to finalise contract negotiations and to instruct the County Solicitor to execute all necessary contractual documents in order for SCC to enter into contract with the selected contractor.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

78 **ADMISSION ARRANGEMENTS FOR VOLUNTARY CONTROLLED AND COMMUNITY SCHOOLS FOR 2018/19 – agenda item 11**

The Cabinet Member for Children and Families introduced the report, noting: the hard work of officers; and the importance of having the right admission arrangements for Somerset.

The Head of Outcomes and Sufficiency, Dave Farrow, added to the points raised by Cllr Nicholson noting: the requirement to review the admission arrangements on an annual basis; and that there had been no responses to the public consultation.

Further points raised in debate included: using the child benefit receipt as proof of address; and considering the proximity to existing schooling arrangements when allocating places.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report and discussion the Cabinet RESOLVED to agree the determination of the Admission Arrangements for all Voluntary Controlled and Community Schools for 2019/20 as set out in the report.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

79 **QUARTER 3 2017/18 CAPITAL BUDGET MONITORING REPORT –**  
agenda item 12

The Cabinet Member for Resources and Economic Development introduced the report, noting that £0.6m had been brought forward to accelerate ICT improvements.

Further points raised in debate included the level of capital receipts from the sale of County Farms during 2017/18. The Director of Commercial and Business Services undertook to confirm this to Cllr Hall and Cllr Munt.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices and discussion the Cabinet RESOLVED to approve a virement of £0.6m from the Core Council Programme to ICT as per section 2.3.3 of this report.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

80 **QUARTER 3 2017/18 REVENUE BUDGET MONITORING REPORT –**  
agenda item 13

The Cabinet Member for Resources and Economic Development introduced the report noting: the low level of reserves held by the Council; and the importance of ensuring savings delivery.

Further points raised in debate included the importance of robust budget monitoring.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report and discussion the Cabinet RESOLVED to:

1. Note the contents of this report and specifically the Forecast Outturn Position for the year (section 3-9), the current Aged Debt Analysis (Section 10) and the projected delivery of the MTFP savings (Section 11).
2. Approve the drawdown from earmarked reserves as specified in sections 4 and 7 and Appendix A.
3. Approve £0.093m transfer from earmarked contingency for the Local Assistance Scheme (Section 4.3).

4. Approve the transfer of £5.888m from contingency to support the additional spend in Children’s Services (Section 8.1).
5. Approve the use of the flexibilities on capital receipts to fund £1.068m of transformational costs in Learning Disabilities and the planned overspend element of the Core Council programme of £1.173m (Section 7).
6. Approve the transfer of £1m from the revenue backed Capital Fund and £0.958m from other earmarked reserves to support the in-year position.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

**81 QUARTER 2017/18 PERFORMANCE UPDATE – agenda item 14**

The Cabinet Member for Resources and Economic Development introduced the report noting that the two areas rated as red, Safer Children and Better Care and Managing Our Business were both stable, and that following the recent OFSTED inspection Safer Children and Better Care would be upgraded. The Cabinet Member further highlighted the LED street light replacement programme; and the increase in the number of apprentices working for the Council.

The Chair further highlighted the improvement in the theme Safer Children and Better Care.

The Chair highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report, appendices and discussion the Cabinet:

1. Considered the information contained within this report specifically those areas identified as a potential concern under Section 3.0 of this report and the “issues for consideration” section of Appendix A.
2. Considered that the proposed management actions are adequate to improve performance to the desired level.
3. Agreed this report and Appendix A as the latest position for Somerset County Council against its County Plan.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

82 **RETENDERING FOR INSURANCE COVER FOR ALL EXTERNAL POLICIES** – agenda item 15

The Cabinet Member for Resources and Economic Development introduced the report noting: the importance of having appropriate insurance arrangements in place to manage risks; work to assess assets and values; the reduced premium costs; and flexibility regarding potential contract extension periods.

Further points raised in debate included: potential contract extension options; school's insurance; ensuring sufficient financial cover

The Strategic Manager – Finance Governance noted that the contract extension options offered the greatest possible flexibility, and was at a lower cost to the Council than existing cover arrangements.

The Chair thanked officers for their work, and highlighted that there was support for the proposal and both the junior cabinet members and cabinet members were in consensus.

Following consideration of the officer report and discussion the Cabinet RESOLVED to agree:

1. The case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the attached Appendix A in confidence, as it contains commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.
2. The successful tenderers for each Lot as set out in Appendix A are appointed to provide insurance cover.
3. That authority is delegated to the Director of Finance, Legal and Governance to complete any necessary steps to complete the procurement and contractual process and put in place insurance cover from 1<sup>st</sup> April 2018, including the possible contract extensions for the periods set out in this report and its appendix.

ALTERNATIVE OPTIONS CONSIDERED: As set out in the officer report

REASON FOR DECISION: As set out in the officer report

83 **ANY OTHER URGENT ITEMS OF BUSINESS** – agenda item 16

There was no other business.

**(The meeting ended at 13.48am)**

**CHAIR**

Decision Report – Key decision

- 21<sup>st</sup> March 2018

**AdoptSW, Regional Adoption Agency (RAA)**

Cabinet Member(s): Cllr Frances Nicholson – Cabinet Member for Children and Families

Division and Local Member(s): All

Lead Officer: Julian Wooster, Director of Children’s Services

Author: Julian Wooster

Contact Details: jwooster@somerset.gov.uk

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	9.3.18
	Monitoring Officer	Scott Wooldridge	8.3.18
	Corporate Finance	Kevin Nacey	9.3.18
	Human Resources	Chris Squire	9.3.18
	Property / Procurement / ICT	Not applicable	n/a
	Senior Manager	Julian Wooster	9.3.18
	Cabinet Member	Cllr Frances Nicholson	8.3.18
	Opposition Spokesperson	Cllr Jane Lock	8.3.18
	Relevant Scrutiny Chairman	Cllr Leigh Redman	8.3.18
<b>Forward Plan Reference:</b>	FP/18/02/10		
<b>Summary:</b>	<p>This report requests approval to enable the transition from 4 separate local authority adoption services to a single Regional service hosted by Devon with effect from October 2018</p> <p>Somerset County Council, Devon County Council, Plymouth City Council and Torbay Council are proposing to address the Government’s requirement for adoption services to be consolidated into a single Regional Adoption Agency by forming the Adopt South West Regional Adoption Agency.</p> <p>The attached business case describes-</p> <ul style="list-style-type: none"> <li>• the improved outcomes and financial benefits of 4 Authorities coming together as a regional service</li> <li>• options considered for the RAA model and the preferred outcome</li> <li>• what this means for Devon as the host authority and the functions delegated to Devon</li> <li>• the staffing transferred to enable delivery of services, and the related budget</li> <li>• the apportionment of the budget across the 4 authorities &amp; financial risk management</li> <li>• the core content of the legal Inter Authority Agreement required</li> </ul>		

	<p>Approval of the business case by the Authority Cabinets will enable transition from 4 separate adoption services to a single local authority hosted [Devon] Regional Adoption Agency by October 2018.</p> <p>The business case describes the background and context of the National Regional Adoption Agency programme, outlining the models defined by the Department for Education and considered by the partner Local Authorities and the Voluntary Adoption Agencies and the subsequent selection of a Devon hosted model.</p> <p>The goals of the hosted RAA are outlined and then operationalised with clear targets described that are both transparent and measurable. There follows a description of constituent service elements delivered by the RAA and the treatment of existing contracts.</p> <p>The supporting governance arrangements to maintain accountability and scrutiny are set out together with the planned organisation of the RAA and staff management arrangements.</p> <p>The ability of RAA staff to operate as a single service across the region drives the need for technology solutions as well as a specific information governance agreement. There is a description of key principles adopted in defining appropriate office bases i.e. that retain the key interfaces with child care social workers, and that are accessible to the public for required meetings with potential adopters to support them through the Adoption journey. The details of who works where will be finalised through consultation with staff and Trades Unions as part of the TUPE work following approval of the Business Case by all authorities.</p> <p>An Inter Authority Agreement (IAA) between the 4 Local Authorities will need to address issues highlighted in the attached document, including, but not limited to the adoption functions to be delegated to Devon County Council and those to be retained by each local authority; the governance arrangements; the financial arrangements; staffing and information governance.</p>
<p><b>Recommendations:</b></p>	<p><b>That the Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Approves the recommendations within the attached Business Case attached at Appendix A for establishing a Regional Adoption Service (Adopt South West Regional Adoption Agency)</b></li> <li><b>2. Approves the delegation of the County Council’s statutory and legal functions relating to adoption services (as set out in Appendix 2 of the attached Business Case) to Devon County Council which will host the proposed Adopt South West Regional</b></li> </ol>

	<p><b>Adoption Agency. As host authority Devon County Council will provide:</b></p> <ul style="list-style-type: none"> <li>• <b>Leadership for all adoption services across the RAA</b></li> <li>• <b>Recruitment, assessment and training of adopters</b></li> <li>• <b>Post Adoption support for all children within the designated boundaries.</b></li> <li>• <b>Oversight of Adoption Support Fund applications</b></li> <li>• <b>Family finding and matching child with adopter</b></li> <li>• <b>Agency Decision Maker for the adopters</b></li> <li>• <b>Adoption support for any child that moves out the RAA area, for a period of 3 years.</b></li> <li>• <b>Quality assurance framework for adoption</b></li> <li>• <b>Accountability for the adoption service aspect of a Local Authority Ofsted inspection framework.</b></li> <li>• <b>Any associated procurement activity required by the Regional Adoption Agency</b></li> </ul> <p><b>3. Authorises the Director of Children’s Services and Director of Finance, Legal and Governance to finalise and agree the proposed Inter Authority Agreement and any other appropriate legal agreements with Devon County Council, Plymouth City Council and Torbay Council in order for the proposed services set out within this report and its appendix to be provided by the Regional Adoption Agency.</b></p> <p><b>4. Agrees to the transfer of Staff under TUPE regulations to Devon County Council and authorises the Director of Children’s Services and HR &amp; OD Director to complete all necessary actions that required to support the delivery of the adoption services by the Regional Adoption Agency.</b></p> <p><b>5. Notes the retained functions as set out in Appendix 2 of the attached Business Case and that the commissioning of the adoption services will still be undertaken by the Director of Childrens Services.</b></p> <p><b>6. Notes that an annual report on the performance of the Regional Adoption Agency will be provided to the Cabinet Member for Children and Families and the Scrutiny Committee for Children and Families.</b></p>
<p><b>Reasons for Recommendations:</b></p>	<p>Adopt South West is one of 19 such groups funded to achieve a Regional Adoption Agency, and one of the early decisions required was which delivery model to select. The DfE prescribed four possible options for a delivery model for a Regional Adoption Agency and provided a national scoring system as a tool to aid discussions, the purpose of which was to examine the desirability, feasibility and viability of each option.</p>

**DfE Prescribed Options:**

1. A Local Authority single host, on behalf of several Local Authorities e.g. Aspire, Dorset hosts services for three Local Authorities.
2. Joint Venture between Local Authorities; a new public sector owned Local Authority Trading Co. E.g. Achieving for Children, Kingston and Richmond's Children's Services.
3. A new Voluntary Adoption Agency; possibly a Joint Venture with flexibility for public & third sector ownership, e.g. Entrust Schools Service in Staffordshire.
4. Existing Voluntary Adoption Agency; Local Authorities involved commission an existing Voluntary Adoption Agency to deliver the RAA, e.g. Coram.

**Proposed Option**

The six partners in the Adopt South West adoption agency partnership scored the benefits of each option against an agreed set of assessment criteria. This was completed by the Regional Adoption Agency project governance group, consisting of the Local Authorities Director/ Heads of Service, Executives of Families for Children and Barnardo's Voluntary Adoption Agencies and Chaired by the Director of Children's Services from Somerset.

Following consideration of each possible model, the preference was for Option 1: A Local Authority single host on behalf of several Local Authorities. See the attached business case for more detail. There has been consideration of this arrangement as an interim step to considering Option 2 further, however this has been further reflected upon drawing on others experience and DfE learning from the broader National RAA Programme in the autumn of 2017 and is not to be progressed.

The clear benefit of the Local Authority Hosted model identified would be to achieve the integration of the four Local Authority adoption services into one service, providing a best practice model that maintains and develops the current relationship with Voluntary agencies established in the delivery of the Adopt South West partnership.

Further to this, it was proposed that Devon County Council host the Regional Agency Adoption as Devon:

Operates an adoption service rated Good (noting that Somerset County Council also operates a service rated as Good);  
Has successfully innovated in many areas (e.g. foster to adopt, young people's engagement);

Has the capacity to deliver given the size of the agency and the Local Authority;



	<p>Has the experience of developing other services that Devon hosts for the region;</p> <p>Is centrally placed geographically within the RAA.</p>
<b>Links to Priorities and Impact on Service Plans:</b>	<p>This proposal links directly with Programme 6 of the Children and Young People's Plan 2016-19 – Achieving Permanence for Children in Care and Care Leavers with reference to:</p> <ul style="list-style-type: none"> <li>- Achieving early permanence for all children in care.</li> <li>- Commissioning sufficient local care placements for Somerset children.</li> </ul> <p>Taking an active part in developing AdoptSW and increase the pool of adopters available to children waiting to be adopted.</p>
<b>Consultations undertaken:</b>	<p>The establishment of Regional Adoption Agencies has been consulted on nationally. Affected staff and the relevant Trade Unions have been briefed about the RAA proposals.</p>
<b>Financial Implications:</b>	<p>Finance staff have worked jointly with colleagues from the other authorities to ensure a robust consistent approach to the formulation of the RAA.</p> <p>From an SCC perspective, the proposals included in this report represent costs that are broadly in line with current spend and as such do not represent a material risk for this authority.</p> <p>In the longer term, we anticipate savings being generated as the new service structure and delivery evolves.</p> <p>Further work will continue with colleagues across the region in the run up to go-live in order to ensure that all financial aspects are robust and fit for purpose.</p> <p>The Business case shows the detail in respect of SCC budgets and spend. The final re-refresh of the financial picture approaching Octobers live date, used to inform the Inter Authority Agreement approval, will finalise these arrangements.</p>
<b>Legal Implications:</b>	<p>The concept of regional adoption agencies was enacted in the Education and Adoption Act 2016 and gave the Secretary of State a new power to direct one or more named Local Authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the Local Authorities named or by another agency.</p> <p>The proposed delegation of the County Council's statutory functions to Devon County Council (see Appendix 2 of the attached Business Case) will be in accordance with the Local Authorities (Arrangements for the Discharge of Functions)</p>

	<p>(England) Regulations 2012. Approval to the discharge of these executive functions by Devon County Council is required from the Cabinet prior to entering into the Inter-Authority Agreement.</p> <p>It is proposed that any existing contracts will either be novated to Devon County Council as host of the RAA or ended and then re-tendered. The most cost-effective approach will be taken dependent on individual contract terms and conditions.</p> <p>While SCC may delegate the delivery of its Adoption Agency functions it is still responsible for these functions.</p>
<p><b>HR Implications:</b></p>	<p>If Devon is accepted as Host for the RAA, there will be a transfer of all in-scope employees from the Council to Devon County Council under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). This will need to be appropriately planned and resourced by the Council, Devon County Council and RAA.</p> <p>TUPE will afford protection to staff with regard to their terms and conditions of employment, and continuous service.</p> <p>Briefings have already taken place within Children’s Joint Consultative Committee (JCC). Consultations will take place within the JCC and with staff and Trade Unions, prior to TUPE.</p> <p>Devon would be required to provide details of any measures that it envisages taking following the transfer that will affect staff. SCC has a legal duty to consult with the recognised Trade Unions and affected employees on any such measures.</p> <p>Staff are likely to feel unsettled by the proposals and this will have to be carefully managed to ensure that there is no impact on the delivery of services to Children and Families during the transition period.</p> <p>Some adoption work including elements of Business support will not transfer to the RAA. This includes Special Guardianship support, Agency Decisions for the Child and some aspects of planning and support to Social Workers for children with a plan for adoption. As a result, there is a likely impact that these areas will be subject to a restructure. Any such proposals will require consultation with the recognised Trade Unions and affected employees.</p> <p>The location of offices across the region will also be consulted upon. It is anticipated that there will be bases in Somerset. Office locations may require staff to move office base and possibly work in a larger geographical business area. This could have an impact on staff and in particular an equalities impact as the majority of staff are female who could have additional caring responsibilities and be on a low income.</p>

	<p><b>Pensions</b> All staff will be able to continue their membership within the Local Government Pension Scheme.</p>				
<p><b>Risk Implications:</b></p>	<p>The key risks are identified in section 10 of the Business Case, in summary these are:</p> <ul style="list-style-type: none"> <li>- Pace of change and innovation - The Local Authority Hosted model may not offer the same opportunities for pace of innovation and change if the adoption agencies are still subject to Local Authority control, because of the complexity of sign off processes in large organisations.</li> <li>- External Funding - The Local Authority Hosted model may not offer the same opportunities to attract additional external funding that setting up an independent sector social enterprise would offer.</li> <li>- Performance - Opting for a Local Authority hosted model may detract from better performers, rather than improving the poorer performers. This may impact the Host seeing a decline and the partner Local Authorities not seeing required improvement.</li> <li>- Voluntary Adoption Agency Involvement - The Local Authority hosted model may reduce the benefit of the Voluntary Adoption Agencies involvement in service design and practice improvement. Voluntary Adoption Agency involvement in Regional Adoption Agencies such as Adopt South West is a requirement by DfE</li> <li>- Cost: <ul style="list-style-type: none"> <li>- Devon as the Host of the RAA will attract additional costs e.g. corporate service functions such as IT and HR</li> <li>- Local Authorities may see increase in cost of service</li> <li>- The cost of a second development to the final model</li> </ul> </li> <li>- Staffing: <ul style="list-style-type: none"> <li>- Devon as Host Local Authority may see vacancies arise as staff employment arrangements are completed.</li> <li>- Local Authorities may see staff leaving their adoption services in anticipation of changes to their work bases and practice</li> </ul> </li> <li>- Ofsted - Local Authorities may see the change as untimely if Ofsted inspections are due</li> </ul>				
	<p><b>Likelihood</b></p>		<p><b>Impact</b></p>		<p><b>Risk Score</b></p>

<b>Other Implications (including due regard implications):</b>	<p><b><u>Equalities Implications:</u></b> An Equalities Impact Assessment has been completed and it is attached at Appendix B. The Cabinet is asked to consider this</p> <p><b><u>Community Safety Implications:</u></b> No implications.</p> <p><b><u>Sustainability Implications:</u></b> No implications</p> <p><b><u>Health and Safety Implications:</u></b> No implications.</p> <p><b><u>Privacy Implications:</u></b> No implications.</p> <p><b><u>Health and Wellbeing Implications:</u></b> No implications</p>
<b>Scrutiny comments / recommendation (if any):</b>	Not applicable.

## 1. Background

The Government's view is that structural change will improve the process for children and adopters. The Department for Education expects the Regional Adoption Agency programme to deliver consistently good and more innovative adoption practice that ensures improved life chances for children, through:

- Improved adopter recruitment
- Improved timeliness of placing children
- More children achieving permanence through adoption
- Improved adoption support

The stated vision agreed by the partner authorities for the RAA to achieve improved outcomes for children and families is to-

- Create a system where children are matched with the most suitable adopter as quickly as possible.
- Achieve sufficient scale of Adopter recruitment to provide a pool of adopters, well prepared and well matched to the needs of children waiting.
- Offer sufficient, high quality adoption support services; effective short-term interventions, signposting and enabling access to appropriate support

This will be achieved with a value for money service that

- encourages innovation in practice;
- actively listens to and learns from children, adopters and staff to develop and improve the services provided;
- draws on the best practice across the region and make this the standard; and
- delivers consistently across the region.

The RAA will create a system where recruitment takes place at a sufficient scale to provide a pool of 'adoption ready' adopters who are well matched to the needs of children waiting; that is large enough so that children are matched with the most suitable adopter as quickly as possible and that offers an adoption support service that is of a high quality.

## **Outcomes**

The key outcomes set for the RAA reflect DfE intentions for the Regional Adoption Agencies programme, national performance standards as well by what a successful adoption service looks like as told by partners, children and adopters-

- Improved life chances for children
- Developing services with adopters to achieve better outcomes for children
- Reduced delays for children and adopters throughout the adoption journey
- Taking what we do best and making it consistent across the region;
- Taking opportunities for innovative practice across the spectrum
- A cost-effective service for all Local Authorities
- Improved practice and support, regardless of the permanence option
- Improved support for adopters, birth parents and their families
- Place children with families more effectively and with minimal disruption
- The RAA will work together with voluntary adoption agencies, adopters and parents to improve practice

## **Success measures**

Each service area has a clear target set for Year 1 and a method of measurement identified and agreed. A further target is to improve the collection of key data to improve reporting across the service supporting managers in early identification of success or of areas for rapid improvement focus. The following measures being selected:

- Improved timescales for second time adopter assessments
- Higher conversion rate from enquiry to approval of prospective adopters
- Early identification of children with potential adoption plans
- More children placed on an Early Permanence (Fostering to Adopt) basis
- Reduction in the number of children with their placement order revoked
- More timely matching of approved adopters
- Reduced length of time from adoption placement to adoption order for children
- Improve the percentage of children adopted from care
- Fewer Adoption de-registrations because a match has not been identified for the family
- Fewer Adoption placement disruption
- Increase in birth family referrals
- Improved number and quality of adopters
- More timely step-parent adoption assessments
- Improvement in number of placements available for harder to place/ priority children
- Improved performance measurement and management across the service

These measures will deliver into the National Adoption Scorecard, Adoption Leadership Board records or act as quality markers for the RAA.

An Inter Authority Agreement (IAA) will need to deal with the issues highlighted in the attached document, including, but not limited to the adoption functions to be delegated to Devon and those to be retained by each local authority; the governance arrangements; the financial arrangements; staffing and information governance.

Following this, activity such as TUPE consultation can be undertaken to provide the detail of staffing, and final pension strain information to enable formal approval of the Inter Authority Agreement, to be achieved by 1<sup>st</sup> April 2018.

The Inter Authority Agreement includes, but not restricted to, the following:

<b>Agreement content</b>	<b>Status</b>
Legal and statutory responsibilities	Agreed- ready for IAA inclusion
Administrative arrangements and associated governance model	Agreed- ready for IAA inclusion
Funding model; risk management strategies	Agreed- ready for IAA inclusion
Use of assets, including property	Agreed- ready for IAA inclusion
Public procurement requirements and relevant exemptions	Agreed- ready for IAA inclusion
Future proofing the arrangements to account for any local government reorganisation, participation by additional local authorities and dissolution of the RAA	Agreed- ready for IAA inclusion
TUPE transfer of staff and related employment matters;	Requires completion of TUPE consultation, post Cabinet approvals
Information and data management/ sharing protocols	Requires IG agreement- in progress

## **2. Options considered and reasons for rejecting them**

- 2.1** In June 2015, the DfE published 'Regionalising Adoption' and asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Education and Adoption Act 2016 gave the Secretary of State a new power to direct one or more named Local Authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the Local Authorities named or by another agency. The attached Regionalising adoption sets out the Department for Education (DfE) proposal for regional adoption agencies and that regional adoption agencies 'should consider how all adoption functions can be formally carried out together'.
- 2.2** Somerset County Council is part of AdoptSW together with Devon County Council, Torbay Council, Plymouth City Council and voluntary adoption agencies Barnardo's and Families for Children. The DfE prescribed four possible options for a regional adoption agency delivery model; following consideration by AdoptSW Governance Board, consisting of the Local Authorities Heads of Service, Executives from the VAA's the preferred interim option was identified as a 'a Local Authority single host, on behalf of a number of Local Authorities'. Devon County Council is the host Local Authority for AdoptSW.

## **3. Background Papers**

- 3.1** Adopt South West Regional Adoption Agency Business Case
- 3.2** Somerset CC Impact Assessment

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**ADOPT SOUTH WEST  
REGIONAL ADOPTION AGENCY  
BUSINESS CASE  
March 2018**

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## RAA Business case

### 1 EXECUTIVE SUMMARY

The purpose of this business case is to outline the response to the Governments requirement for adoption agencies to come together and form Regional Adoption Agencies.

The business case describes-

- the Government drive to Regional Adoption Agencies
- the benefits of 4 Local Authorities, Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council, coming together as a regional service
- options considered for the Adopt South West Regional Adoption Agency (RAA) model and the outcome
- what does a “hosted model” mean for Devon as the host authority, for those Local Authorities delegating adoption services to Devon
- the staffing transferring to enable delivery of services, and the related budget
- the apportionment of the budget across the 4 authorities & financial risk management
- the core content of the required Inter Authority Agreement to support the RAA

Approval of the business case by the Authority Cabinets will enable transition from 4 separate adoption services to a single service hosted by Devon with effect from October 2018

#### 1.1 Benefits

The RAA will be pooling resources, knowledge and expertise of 4 Services, this means a the least the best practice from across the region can be adopted and in practice further improvements sought. Further, this will provide consistency to the adopter experience, a clear message from all involved in the process of adoption.

The RAA vision is that a “a good Regional Adoption Agency is”-

- focussed on the quality of work and the outcomes achieved for adopters and children at each stage of the adoption process.
- applying best practice consistently and encouraging further innovation
- a high performing service, evidenced in national reporting
- achieving value for money from contracts for services
- achieving transparent, consistent and efficient Adoption Panels
- improving recruitment level of adopters and preparing them well
- commissioning marketing and recruitment with clear requirements about volume and quality of adopters for hard to place children
- creating a system where children are matched with the most suitable adopter as quickly as possible
- more children achieving permanence through adoption
- providing sufficient, high quality adoption support services that meets demand
- making best use of the existing market and enabling the market to grow in scope and scale for sustainability of adoption support services

#### 1.2 Outcomes:

The outcomes required of the RAA services are to be monitored and reported through to each Local Authority to track performance. There are listed below:

- Improve the number of placements available for harder to place/ priority children through the cumulative impact of 5 strategies;
  - Improve timescales for second time adopter assessments with access to the original assessment and update the changes since the last approval. The target is to complete this in 3 months.
  - See a higher conversion rate from enquiry to approval of prospective adopters through a Marketing and Recruitment contract focussed on quality of adopters and the quality of early assessment to create a larger pool of quality adopters. The target is a 10% improvement in the conversion rate.

## RAA Business case

- Early identification of children with potential adoption plans through improvement and consistency in joint working, attending permanence planning meetings / gateway meetings / tracking meetings and regular consultation with Team Managers / Social Workers in the authorities to identify children at the earliest opportunity. The target is for children to be linked with a prospective adopter within 1 month of a Placement Order being made.
- More children placed on an Early Permanence (Fostering to Adopt) basis through improvement in the interface with authorities' teams, every child will be considered for a Fostering for Adoption placement
- Reduction in the number of children with a Placement Order revoked by the improved quality of adopters identified through the marketing and recruitment contract. The target is a 5% reduction
- Reduce the number [cost] of Inter Agency placements outside the RAA. There is significant challenge and also an opportunity in delivering to this target. Currently the 4 authorities spend more on placements outside the region than those achieved within the region.
- To improve the stability of placements and retention of recruited adopters through the cumulative impact of 5 strategies
  - More timely matching of approved adopters through improved processes and interfaces with the authorities, the target is for an adopter to be linked with prospective children within 1 month from the Authority Decision Maker (ADM) decision
  - Reduce the length of time from adoption placement to adoption order for children with early support offered to adopters prior to children being placed and reduction in delays of the Adoption Support Fund application being completed by the social worker.
  - Reduction in the number of placement breakdowns providing better early support for Adopters, for example identifying therapeutic support at the earliest opportunity. The target is a 5% reduction in breakdowns.
  - Fewer Adoption de-registrations because a match has not been identified for the family. Recruiting the adopters for the children we have waiting within the RAA through the Marketing and Recruitment contract; being transparent with adopters about the complexities children can bring and the range of support available. The target is a 10% reduction in de-registrations.
- Further improvements:
  - Increase in birth family referrals. By having one provider offering all the support to birth families, this is likely to increase birth family engagement as they only need to make one relationship. The target is a 10% increase.
  - More timely information, advice and counselling to Step-parents interested in adoption on the range of options available that may be more appropriate and enable the child relationship with the wider family to be maintained.
  - Should adoption be the preferred route then Step-parent assessments will set clear expectations on the completion date for submission of applications to the Court to minimise Court delays. The target is that assessments will be completed with 6 months of referral.
- Improved data collection for performance measurement and management effectiveness across the service; to have a system which accepts all key data required for reporting; minimise manual inputting; generates required reporting with minimal manual intervention; handles imported data safely and securely; supports matching.

### 1.3 Key features of the RAA proposal

- **Governance**

## RAA Business case

A single host Local Authority model means that adoption service functions for the partner authorities of Somerset County Council, Plymouth City Council and Torbay Council will be delegated to Devon County Council.

There will be an RAA Operational Board led by senior managers from the Local Authorities to oversee service performance and have responsibility for the annual plan and budget. There is also a Strategic Partnership Group, which has a broader more strategic role bringing together partners and key stakeholders, including Lead Members from the four Councils, to forge the strategic direction for improvement of the RAA, reflecting national policy as well as local considerations.

- **Structure and staffing**

The Devon hosted solution sees a RAA under one management structure. The structure has the required governance to focus both on the immediate operation and performance of the single service, whilst acknowledging the need to determine the most appropriate strategies for future development and improvement of adoption services.

The operational structure clearly defines the RAA Service Manager role with a focus on the future development and improvement and involving closer working with partners, for example in health and education. This role is supported by Locality Managers focussed on day to day management and operational performance of the hosted service.

Stability and assurance of outcomes is critical to success of the RAA and the greatest asset of any service is its staff. The option of secondments of staff from other authorities was considered, however this is normally used for short term or project assignments and key learning from other such situations is that whilst this approach can work it brings complexity and crucially does not encourage the feeling of being part of a new dedicated service, nor does it best prepare staff for changes that will be required of them, for example practice alignment. These are better addressed by providing a feeling of unity created by a single employer model.

Accordingly, it is proposed that the RAA operates with those staff transferring from Plymouth, Somerset and Torbay to Devon under TUPE delivering and supporting the adoption services being transferred<sup>1</sup>. TUPE will afford protection to the staff regarding dismissal and their terms and conditions of employment.

The staffing arrangement, to TUPE transfer staff from the partners to Devon County Council will ensure a consistent way of operating, processes, policies and practice to optimise performance. This also ensures any interface with the RAA by Children's social workers or Voluntary Agencies or indeed health and education sees a consistent response. This arrangement also responds to feedback from Adopters about a confusion of processes and paperwork and adoption panel procedures across the region with different guidance and support from across the region.

The staffing structure and allocation of staff across the region reflects the location of demand rather than historic arrangements, and will exhibit, commitment to opportunities for career progression, whilst acknowledging the reality of changing locations of operation.

- **Budget**

The principles of the financial arrangements are on the critical path to approval of the RAA. The challenge is how to balance the goals of the RAA to increase the number of adoptions, driving up demand on all aspects of the service (assessments, support) whilst all funding LAs' are under budgetary pressures. The commitment is that the base budget set for the RAA 'does not exceed the cumulative budgets 'of the constituent authorities, including costs attributable to the Host.

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<sup>1</sup> "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the undertaking or service they work for transfers to a new organisation.

## RAA Business case

The common starting point for the development of the budget is that-

- The RAA is stable and sustainable;
- An agreed funded budget with apportionment of that budget that is transparent and accepted by all.
- Corporate service overhead costs (titled 'new overheads') will be surfaced by creating the RAA budget e.g. finance, HR and other support functions, these costs will be apportioned as part of the overall budget; There will be corresponding reductions in each of the individual authorities and the opportunity exists to realise these as tangible savings, however each authority will need to consider the local issues to determine if they will be realised.
- Risk management mechanisms will be required to address budget overspend and underspend driven by significant variation in activity/ demand/ funding because of Local Authority initiatives/ strategies or Government policy/ direction
- Set up costs will be incurred;

The resulting budget is outlined below and shown over 2 full years of operations, it should be noted that the service plan and budget will be reviewed annually under the terms of the Inter Authority Agreement.

Table 1- RAA budgets 2018/19 and 2019/2020

Regional Adoption Agency			DRAFT BUDGET		2019/20	
Budget heading	2018/19 LA Budgets £	2018/19 Draft RAA Budget £	Change £	Draft RAA Budget £	Change 2018/19 to 2019/20 £	
Staffing costs	£3,561,467	£3,145,900	(£415,567)	£3,210,462	(£351,005)	
Other staffing related costs	£264,003	£217,063	(£46,940)	£217,063	(£46,940)	
Other Non Staffing Related Costs	£358,994	£358,994	£0	£358,994	£0	
Inter-Agency Fees (net)	£588,200	£601,815	£13,615	£601,815	£13,615	
Additional Adoption Panel Costs	£0	£89,338	£89,338	£64,240	£64,240	
New Overheads	£0	£253,154	£253,154	£254,389	£254,389	
	<b>£4,772,664</b>	<b>£4,666,263</b>	<b>(£106,401)</b>	<b>£4,706,963</b>	<b>(£65,701)</b>	

The full year comparison for the individual authorities is illustrated below; as the RAA will be implemented mid financial year there will be a final version refreshed prior to October 2018 to reflect the actual position at that time.

The proposed RAA budget and model in the first year as an RAA sees an overall full year reduction of £ 106,401 when directly comparing all four current Local Authority budgets for 2018/19 and £ 65,701 in 2019/20. Full detail is provided in section 8.

This also indicates

Table 2- RAA full year budget compared to individual authorities 18/19 budgets

	Revised budget based on a weighted formula approach	£ value change to 18/19 Budget	%age change to 18/19 Budget	Pressure	£ value change to 18/19 Budget plus pressure	%age change to budget plus pressure	Proportion of New Budget
Devon	1,695,361	(51,089)	-2.93%	0	(51,089)	-2.93%	36.33%
Plymouth	1,027,168	(46,022)	-4.29%	0	(46,022)	-4.29%	22.01%
Somerset	1,138,707	25,103	2.25%	61,080	(35,977)	-3.23%	24.40%
Torbay	805,026	(34,395)	-4.10%	0	(34,395)	-4.10%	17.26%
	<b>4,666,262</b>	<b>(106,402)</b>		<b>61,080</b>	<b>(167,482)</b>		

Table 3- funding formula summary- apportionment of RAA budget to Local Authority

## RAA Business case

The apportionment of the RAA budget across the local authorities is driven by an agreed formula, this is described in section 8.3 of the report and will be formalised in the Inter Authority Agreement created following approval of the RAA by each Local Authority Cabinet.

Authority	Revised budget based on a weighted formula approach	Proportion of New Budget
Devon	£1,695,361	36.33%
Plymouth	£1,027,168	22.01%
Somerset	£1,138,707	24.40%
Torbay	£805,030	17.26%
	<b>£4,666,266</b>	

There will be set-up costs of between £90,000 and £120,000. This is largely for DCC devices and phones for staff not already provided with DCC equipment, also the technical ability for RAA staff to operate out of any of the partner offices. There is also some work around RAA specific statutory reporting, and local reporting for partners to monitor performance of the RAA. There is also a small sum to handle removals and similar transition arrangements. This is covered by the full year savings, however the RAA is only operating for 6 months in the first financial year so arrangements will be made to manage this potential shortfall ahead of the October launch.

- **Legal agreement**

The Inter Authority Agreement is the legal representation of the form and function of the RAA and incorporates but is not limited to the following:

- arrangements that enable all partners to meet statutory duties & responsibilities
- operational responsibilities across the Local Authorities and RAA
- financial arrangements including the management of exceptions, short-fall or surplus
- entry and exit strategies for members of the RAA
- RAA governance, staffing and structure
- Information Governance to enable information sharing to support a “single service” operation and required national and statutory reporting.

### 1.4 Next steps

Following approval of the Devon hosted RAA by the partner Cabinets the summary actions are -

- April 2018 onwards- implementation of joint working in identified areas of practice e.g. Joint Panels, Joint Matching and other improvements identified so there is no “standing start” for the RAA, but that it is a continuation of improvements
- Apr - Jul 2018 commence the TUPE transfer process
- Jul - Sept 2018 preparation and transition to the new service, completing HR processes; office moves completed and IT rolled out
- **OCTOBER 2018- DfE “requirements of a RAA” achieved- pooled budget, joint practice under single management.**
- November 2018 first formal meeting of new Operation Board and Strategic Partnership Group

This concludes the executive summary.

## **RAA Business case**

### **2 PURPOSE**

The purpose of this business case is to outline the Devon County Council, Somerset County Council, Plymouth City Council and Torbay Council response to the Governments requirement for adoption agencies to come together and form Regional Adoption Agencies by forming the Adopt South West Regional Adoption Agency.

The business case describes-

- the benefits of 4 Authorities coming together as a regional service
- options considered for the RAA model and the preferred outcome
- what this means for Devon as the host authority and the functions delegated to Devon
- the staffing transferred to enable delivery of services, and the related budget
- the apportionment of the budget across the 4 authorities & financial risk management
- the core content of the legal Inter Authority Agreement required

Approval of the business case by the Authority Cabinets will enable transition from 4 separate adoption services to a single local authority hosted [Devon] Regional Adoption Agency by October 2018.

The business case describes the background and context of the National Regional Adoption Agency programme, outlining the models defined by the Department for Education and considered by the partner Local Authorities and the Voluntary Adoption Agencies and the subsequent selection of a Devon hosted model. The regional context is then set out describing the current Ofsted performance, scale of staffing and 2018/19 adoption budgets of the partner local authorities. The required budget for operation of the RAA is then outlined and a description of the variance to the Local Authority budgets and the management of the required set up costs.

The goals of the hosted RAA are outlined and then operationalised with clear targets described that are both transparent and measurable. There follows a description of constituent service elements delivered by the RAA and the treatment of existing contracts.

The supporting governance arrangements to maintain accountability and scrutiny are laid out together with the planned organisation of the RAA and staff employment arrangements.

The ability of RAA staff to operate as a single service across the region drives the need for technology solutions as well as a specific information governance agreement. There is a description of key principles adopted in defining appropriate office bases i.e. that retain the key interfaces with Child Care social workers, and that are accessible to the public for required meetings with potential adopters to support them through the Adoption journey. The details of who works where will be finalised through consultation with staff and Trades Unions as part of the TUPE work following approval of the Business Case by all authorities.

The Business Case then moves on in section 8 to describe the detail of the funding model and risk sharing protocols that will underpin a stable and sustainable arrangement, with section 9 providing the definition of the legal agreement that addresses statutory duties, responsibilities and accountabilities of the Regional Adoption Agency and the Local Authorities, the funding arrangements together with the exit strategy to reflect changes in policy or direction of travel at local or national level

### **3 BACKGROUND**

#### **3.1 National context**

In June 2015, the Department for Education (DfE) published 'Regionalising Adoption' and asked all adoption agencies in England to consider how to work much more closely together on a regional basis. The Adoption and Children Act 2002 makes provision for authorities and voluntary adoption agencies to join together to form Regional Adoption Agencies (RAA).



## RAA Business case

The Section 15 of the Education and Adoption Act 2016 once fully in force will give the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.

The Government's view is that structural change will improve the process for children and adopters. Key elements will be:

- service delivery has at its heart innovation and practice excellence;
- highly skilled professionals who make high quality, evidence based decisions and do not tolerate delay for children in their care; matches are made without unnecessary delay;
- Regional Adoption Agencies provide a large pool of adopters for every child in need of a new family;
- where a match is not immediately available within the Regional Adoption Agency, the search is extended nationally without delay;
- every adoptive family has access to an on-going package of appropriate support with a right to a high quality, specialist assessment of need. This support is delivered from day one and continues throughout childhood whenever it is required;
- the voice of adopters and their children is at the heart of national and local policy decision making and delivery of services.

The DfE expects the Regional Adoption Agency programme to deliver consistently good and innovative adoption practice that ensures improved life chances for children.

The National Adoption Leadership Board, who collate and analyse adoption statistics of all adoption agencies, reported the following trends<sup>2</sup>

- \* **Adoption numbers are falling.** Data suggest that the number of adoptions fell slightly between quarter 4 2015-16 and quarter 1 2016-17, from 1,120 to 1,060. 4,690 adoptions in 2015-16 is a decrease of 670 from 5,360 in 2014-15
- \* Data suggests that the **number of new decisions has continued to fall** from 1,850 in quarter 2 2013-14 to 1,080 in quarter 1 2016-17, a decrease of 42%
- \* Quarterly data also suggest **new placement orders granted have continued to fall** from 1,630 in quarter 2 2013-14 to 890 in quarter 1 2016-17, a decrease of 45%
- \* Projected uplifts suggest that new decisions and placement orders may have plateaued between quarter 4 2015-16 and quarter 1 2016-17
- \* The number of **adopter registrations decreased** by 14% between quarter 4 2015-16 and quarter 1 2016-17, from 840 to 730. The number of adopter approvals increased by 1% from 700 to 710.

Alongside the Regional Adoption Agency agenda, the national challenges facing the sector outlined through analysis by the National Adoption Leadership Board are:

- Since September 2013, the number of decisions for adoption has almost halved because of the impact of recent court cases.
- The number of Placement Orders granted has also declined nationally. The Government argues this “highlights weaknesses in the way permanence decisions are being made, and raises questions about whether social workers are being supported to develop the skills and knowledge they need to make and defend robust professional judgments”.
- Workforce development and close work between the Regional Adoption Agencies, the children's social care teams, and Local Family Justice Boards will be key to addressing this issue, and to the success of Regional Adoption Agencies.

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<sup>2</sup> ALB Headline Measures and Business Intelligence Ref: DFE-00038-2017 Accessed 16/03/2017 at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/584616/ALB\\_Business\\_Intelligence\\_Quarter\\_1\\_2016\\_to\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584616/ALB_Business_Intelligence_Quarter_1_2016_to_2017.pdf)

## RAA Business case

### 3.2 Regional Context

The Adopt South West regional adoption partnership was launched in April 2015. The adoption agencies in the Adopt South West partnership are Devon County Council, Plymouth City Council, Torbay Council, Somerset County Council, Barnardo's and Families for Children. The scope of the Adopt South West partnership has been the co-operation and co-delivery in marketing and recruitment of adopters and the running of information days and training events for adopters to develop the support available for adopters and improve the matching of children. All other adoption services remained within the discrete organisations.

### 3.3 Performance

It is not possible to compare the performance of the group of 4 Local Authorities to national performance more recently than 2015/16 due to the way that the National Adoption Leadership Board reports, current data is only available for 2015/16.

Across the Adopt South West region, between 2012 and 2017, there has been a 43% increase in the number of looked after children to 2,692 and a 31% increase in the number of adoptions; however, in line with national trends the number of adoptions over the past 3 years are declining, this is evidenced in Table 1 below that depicts the number of Children approved for placement and the number of Adopters approved over the past 3 years.

Table 1:

<b>Data for the Region</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>
<b>Children needing placements</b>	165	139	150	140
<b>Adopters approved</b>	126	127	104	74

It is evident that there is more capacity is required to increase the pool of adopters for children needing placement, as performance has dropped consistently across the area since 2015. This is an example where best practice will be sought out, looked at for improvement and then become standard practice across the area.

Over the past 3 years the number of Looked after Children has continued to increase whilst the number of Looked after Children adopted has reduced by 4.13% returning to levels seen in 2013/14 from a peak in 2014/15. This is in line with government expectations that no more than 10% of Looked After Children be adopted, with the majority supported to remain in the birth family environment.

**Table 2: Looked After Children adopted**

	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>% LAC adopted 3yr Variance</b>
<b>Plymouth</b>	10.13%	5.98%	7.30%	-2.83%
<b>Devon</b>	8.57%	3.72%	4.85%	-3.72%
<b>Somerset</b>	11.22%	6.99%	4.67%	-6.55%
<b>Torbay</b>	6.56%	7.50%	3.58%	-2.98%
<b>Total</b>	9.26%	5.59%	5.13%	-4.13%

Statistically the region overall is performing better than 3 years ago, and this trend will look to be continued.

Similar trends in statistical performance are being seen across the partners in the Adopt South West Region, however one of the key issues for the development of a RAA is the current differential in adoption performance across the Local Authorities with varying grades in Ofsted Inspection; Torbay, Plymouth 'Require Improvement' with Devon and Somerset judged 'Good'. None of the Adopt South West local authorities are rated 'outstanding' in this area, in

## RAA Business case

comparison to 1 in 10 nationally. The Voluntary Adoption Agencies in the region perform well and will remain an important partner of the RAA.

It is clear there is a need to secure best practice and outcomes and share this across the region, whilst guarding against any deterioration in performance for individual agencies. This is a key outcome for the RAA.

### 3.4 Current budgets 2018/19

The current position regarding budgets for Adoption Services across the Local Authorities is provided to illustrate the scale of spend involved in the RAA proposal.

The total adoption budget for Devon, Torbay, Plymouth and Somerset in 2018/19 is £16.01m, excluding corporate overheads. Generally, budgets remain under pressure across all four Local Authorities.

**Table 3: Combined budgets 2018/19**

	<b>18/19 Budget (Exc Overheads)</b>
Devon	1,746,450
Plymouth	1,073,190
Somerset	1,113,604
Torbay	839,421
	<b>4,772,664</b>

### 3.5 Current Staffing

At 31<sup>st</sup> December, the numbers of staff estimated to be specifically delivering adoption services to be delivered by the RAA within the 4 authorities is 84.75 FTE.

**Table 4: Combined staffing-**

<b>Existing FTE by Role</b>	<b>Devon</b>	<b>Plymouth</b>	<b>Somerset</b>	<b>Torbay</b>	<b>Total FTE</b>
Team/ Practice manager	1.86	2.00	1.56	2.00	<b>7.43</b>
Advanced Practitioner	0.00	1.60	0.00	0.00	<b>1.60</b>
Social Worker	18.61	7.68	12.74	3.23	<b>42.26</b>
Professional support	3.19	2.00	1.61	3.10	<b>9.90</b>
Business support	5.98	3.50	4.65	1.07	<b>15.20</b>
<b>Total Fte [rounded]</b>	<b>29.64</b>	<b>16.78</b>	<b>20.57</b>	<b>9.40</b>	<b>76.39</b>
<i>Senior Management attributed to Adoption services and Adoption Panel staff</i>					8.36
					<b>84.75</b>

- *Estimation is required due to the number of staff working in closely related children's services functions in each authority, figures will be further refined through the TUPE process*

## 4 2016 OPTIONS APPRAISAL

### 4.1 Model Options

The work began early in 2016 with an appraisal of the four models for a Regional Adoption Agency defined by Government, using the prescribed scoring tools. This was completed by the Director/ Heads of Service in Plymouth, Torbay, Somerset and Devon together with Families for Children and Barnardo's the leading Voluntary Adoption Agencies in the area and informed by engagement with adoption services staff, adopters and Adoption Panel Chairs.

## RAA Business case

The option preferred was a Single Local Authority Hosted Regional Adoption Agency with Devon identified as the most appropriate host. The submission to DfE for grant funding of the development of this solution by 1<sup>st</sup> April 2018 was accepted and £607,000 grant funding achieved for 2016/17 and 2017/18. The release of the allocation for 2017/18 was subject to acceptable progress being made by March 2017, this checkpoint was successfully achieved.

The Devon hosted model sees certain Adoption services transfer from Torbay Council, Plymouth City Council and Somerset County Council to Devon as the host of the Regional Adoption Agency. The “Adopt South West” brand has been retained as it is known and understood by adopters and the public; this was previously used for partnership arrangements between the local authorities and Voluntary Adoption Agencies for the purpose of marketing for, and recruitment of, Adopters that expired in March 2017.

Adopt South West is one of 19 such groups funded to achieve a Regional Adoption Agency, and one of the early decisions required was which delivery model to select. The DfE prescribed four possible options for a delivery model for a Regional Adoption Agency and provided a national scoring system as a tool to aid discussions, the purpose of which was to examine the desirability, feasibility and viability of each option.

### DfE Prescribed Options:

1. A Local Authority single host, on behalf of several Local Authorities e.g. Aspire, Dorset hosts services for three Local Authorities.
2. Joint Venture between Local Authorities; a new public sector owned Local Authority Trading Co. e.g. Achieving for Children, Kingston and Richmond’s Children’s Services
3. A new Voluntary Adoption Agency; possibly a Joint Venture with flexibility for public & third sector ownership, e.g. Entrust Schools Service in Staffordshire.
4. Existing Voluntary Adoption Agency; Local Authorities involved commission an existing Voluntary Adoption Agency to deliver the RAA, e.g. Coram.

### 4.2 Preferred Option

The six partners in the Adopt South West adoption agency partnership scored the benefits of each option against an agreed set of assessment criteria (for a summary see Appendix 1). This was completed by the Regional Adoption Agency project governance group, consisting of the Local Authorities Director/ Heads of Service, Executives of Families for Children and Barnardo’s Voluntary Adoption Agencies and Chaired by the Director of Children’s Services from Somerset.

Following consideration of each possible model, the preference was for Option 1: A Local Authority single host on behalf of several Local Authorities. See Appendix 1 for further detail.

There has been consideration of this arrangement as an interim step to considering Option 2 further, however this has been further reflected upon drawing on others experience and DfE learning from the broader Nation RAA Programme in the autumn of 2017 and is not to be progressed.

The clear benefit of the Local Authority Hosted model identified would be to achieve the integration of the four Local Authority adoption services into one service, providing a best practice model that maintains and develops the current relationship with Voluntary agencies established in the delivery of the Adopt South West partnership.

Further to this, it was proposed that Devon County Council host the interim Regional Agency Adoption as Devon;

- Operates an adoption service rated Good;
- Has successfully innovated in many areas (e.g. foster to adopt, young people’s engagement);

## RAA Business case

- Has the capacity to deliver given the size of the agency and the Local Authority;
- Has the experience of developing other services that Devon hosts for the region;
- Is centrally placed geographically.

The development of the RAA will not absolve each Local Authority of its statutory responsibilities but will allow for certain functions to be delegated to Devon as the host authority. Devon will then become responsible for the performance of those functions, on behalf of the partner Local Authorities, subject to the governance arrangements set out later in this document.

**By becoming the 'host' Devon allows for all relevant functions and resources of each Local Authority to be transferred to it as host in 2018 and** is responsible for ensuring effective arrangement for, and the transfer of, services to the RAA within the expected timescales as set out to the Department for Education.

### 4.3 Delegated functions

In summary after the required agreements are in place, the host becomes responsible for;

- Providing leadership for all adoption services across the RAA
- Recruitment, assessment and training of adopters
- Post Adoption support for all children within the designated boundaries.
- Oversight of Adoption Support Fund applications
- Family finding and matching child with adopter
- Agency Decision Maker for the adopters
- Adoption support for any child that moves out the RAA area, for a period of 3 years.
- Quality assurance framework for adoption
- Accountability for the adoption service aspect of a Local Authority Ofsted inspection framework.

Full detail of responsibilities remaining with the Local Authorities and those transferring to the Regional Adoption Agency can be found in Appendix 2 'Responsibility Matrix'.

The details of the functions being delegated to Devon by the other three authorities will be recorded in the Inter Authority Agreement.

## 5 VISION FOR THE DEVON HOSTED REGIONAL ADOPTION AGENCY

### 5.1 Vision

The Government's view is that structural change will improve the process for children and adopters. The Department for Education expects the Regional Adoption Agency programme to deliver consistently good and more innovative adoption practice that ensures improved life chances for children, through:

- Improved adopter recruitment
- Improved timeliness of placing children
- More children achieving permanence through adoption
- Improved adoption support

The stated vision agreed by the partner authorities for the RAA to achieve improved outcomes for children and families is to-

- Create a system where children are matched with the most suitable adopter as quickly as possible.
- Achieve sufficient scale of Adopter recruitment to provide a pool of adopters, well prepared and well matched to the needs of children waiting.
- Offer sufficient, high quality adoption support services; effective short-term interventions, sign posting and enabling access to appropriate support

## **RAA Business case**

This will be achieved with a value for money service, that

- encourages innovation in practice;
- actively listens to and learns from children, adopters and staff to develop and improve the services provided;
- draws on the best practice across the region and make this the standard; and
- delivers consistently across the region.

The RAA will create a system where recruitment takes place at a sufficient scale to provide a pool of 'adoption ready' adopters that are well matched to the needs of children waiting; that is large enough so that children are matched with the most suitable adopter as quickly as possible and that offers an adoption support service that is of a high quality.

### **5.2 Outcomes**

The key outcomes set for the RAA reflect DfE intentions for the Regional Adoption Agencies programme, national performance standards as well by what a successful adoption service looks like as told by partners, children and adopters-

- Improved life chances for children
- Developing services with Adopters to achieve better outcomes for Children
- Reduced delays for children and adopters throughout the Adoption journey
- Taking what we do best and making it consistent across the region;
- Taking opportunities for innovative practice across the spectrum
- A cost-effective service for all Local Authorities
- Improved practice and support, regardless of the permanence option
- Improved support for Adopters, Birth Parents and their families
- Place children with families more effectively and with minimal disruption
- The RAA will work together with Voluntary Adoption Agencies, Adopters and Parents to improve practice

The achievement of these outcomes for children and adults affected by adoption will see benefits for each Local Authority. There will be benefits reflected in LAC performance and budgets and there will be a clear link to the Early Permanence agenda and strategies.

Ofsted will not inspect the RAA as an entity but as the provider of services to the Local Authority being inspected.

### **5.3 Success measures**

The RAA will target improved performance in areas that will reflect the vision and outcomes described for the RAA at national and local level. The planned process of building RAA data from the ground up will ensure robustness of data provided for national reporting purposes.

Each service area has a clear target set for Year 1 and a method of measurement identified and agreed. A further target is to improve the collection of key data to improve reporting across the service supporting managers in early identification of success or of areas for rapid improvement focus.

The outcomes described in section 5.2 have resulted in the following measures being selected-

- Improved timescales for second time adopter assessments
- Higher conversion rate from enquiry to approval of prospective adopters
- Early identification of children with potential adoption plans
- More children placed on an Early Permanence (Fostering to Adopt) basis
- Reduction in the number of children with their placement order revoked
- More timely matching of approved adopters

## RAA Business case

- Reduced length of time from adoption placement to adoption order for children
- Improve the percentage of children adopted from care
- Fewer Adoption de-registrations because a match has not been identified for the family
- Fewer Adoption placement disruption
- Increase in birth family referrals
- Improved number and quality of adopters
- More timely step-parent adoption assessments
- Improvement in number of placements available for harder to place/ priority children
- Improved performance measurement and management across the service

These measures will deliver into the National Adoption Scorecard, Adoption Leadership Board records or act as quality makers for the RAA. This is detailed in Appendix 3

## 6 THE RAA OPERATING MODEL

### 6.1 Operating model

The operating model describes the services that will be delivered by the RAA. The services remaining the responsibility of the Local Authority are dictated by statute, namely responsibility for Special Guardianship work as well as responsibility for Life Story Books for the child (RAA will continue to contribute).

Table 5: Regional Adoption Agency functions

Service Area	RAA Service
<b>Marketing &amp; recruitment</b>	Recruitment
	Marketing
	Information days
<b>Assessment &amp; Training</b>	Assessment
	Step parent adoption counselling
	Adopter training
	Preparation
	Adoption Panel
<b>Matching &amp; Family Finding</b>	Matching
	Family finding
	Foster to adopt
<b>Adoption support</b>	Early placement support
	Post order support
	Birth Family work; post adoption contact; letterbox; counselling (Adoptees)
	Therapeutic support (ASF)
<b>Intercountry adoption</b>	Assessment

Note: **SGO Assessment & Support** is retained by LA's. **Life Story Books** responsibility retained in the LA's

Regional Adoption Agency and Local Authority respective responsibilities are further detailed in Appendix 2.

### 6.2 Service provision

Currently the Local Authority partners directly provide or commission various aspects of service in different ways. The agreed operating model for the RAA sees alignment of Adoption services that will be directly delivered and others that will be secured from the voluntary sector/ adoption services market.

In defining the source and scale of services commissioned, the focus on early support to Adopters by all Local Authorities will shape the future estimated of demand for post adoption support. There will also be consideration of improvements in accessing existing support such as CAMHS that can impact on the demand for commissioned service.

## RAA Business case

The interface and close working with local authority child social workers influence on the early permanence agenda will be reflected in the staffing structure proposed for the RAA.

### 6.3 Commissioning

Any existing contracts will either be novated to Devon County Council as host of the RAA or ended and then re-tendered. The most cost-effective approach will be taken dependant on individual contract terms and conditions.

A function delegated to Devon as the host is the commissioning of service elements from Voluntary Adoption Agencies, other voluntary organisations and the wider provider market. The focus of such contracts, in line with the outcome based strategy, will be on the outcomes to be achieved for each individual or family.

The timing of such commissions is to be assessed noting that some types of support services have not previously been sought from the market and will require early engagement and potentially partnership working to develop a market with requisite skills and capabilities.

The market place for therapeutic support services is more developed with an extensive network of therapists currently offering services across the RAA area. This market has not however been actively managed as a whole to date, this is to be addressed by an Adoption Support Framework arrangement with tender preparations now in the final stage.

## 7 RAA ORGANISATION

### 7.1 Governance

The Governance of the RAA will be arranged to ensure strategic roles for the Voluntary agencies, Local Authority Lead Members, Health and other partners and User Group representation, whilst also reflecting the operational oversight required by the host and partner authorities, through a Board structure.

There will be terms of reference developed for both forums reflecting responsibilities and accountabilities for the operation of the RAA, a summary is provided below.

- **RAA Operational Board:** consisting of Heads or Directors of service, with responsibilities agreed between the four authorities and documented in the Inter Authority Agreement.

Purpose: to oversee and approve the budget setting and annual business plan; accountable for the performance of the RAA, reporting to the relevant scrutiny panel of each participating authority.

This means that day-to-day operational decisions will be taken by the RAA Service Manager and other 'reserved' decisions (a strategic or financial nature) will be referred to the Operational Board. As participants on the Operational Board, each authority would need to make its own decision and therefore the Board could only act by unanimous agreement of the authorities. The Operational Board would only be able to make decisions to the extent that the members and officers on the Operational Board have the requisite authority from their appointing Local Authority. Certain decisions referred to the Operational Board may then be referred to each of the authorities for further consideration.

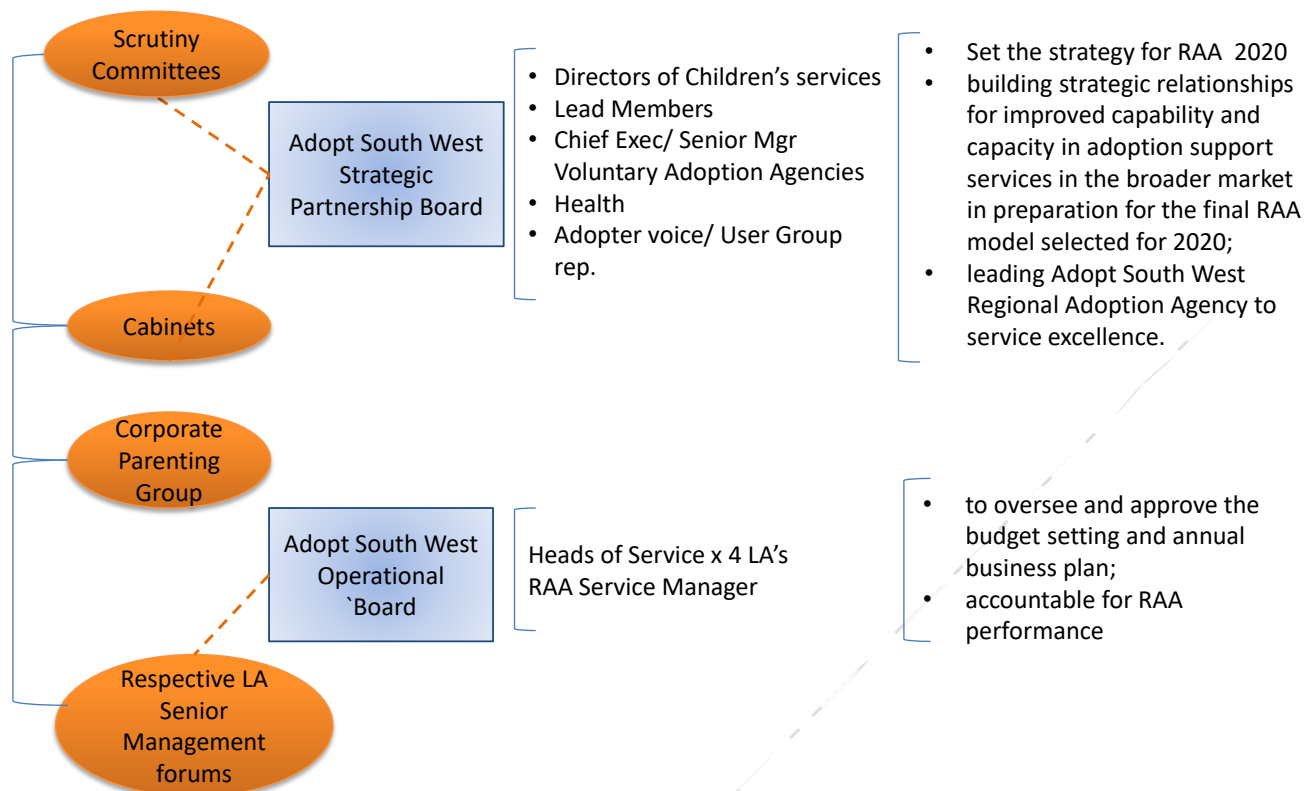
- **RAA Strategic Partnership Board:** comprising the relevant executive officer and Cabinet member for each authority, involving Voluntary Adoption Agency and User group representation and other strategic partners e.g. health.

Purpose: To set the strategy for RAA 2020, building strategic relationships for improved capability and capacity in adoption support services in the broader market, reflecting national priorities and leading Adopt South West RAA to service excellence.



## RAA Business case

### Illustration 6: Summary view of RAA Governance



## 7.2 Staff employment arrangements

As host Local Authority of RAA Devon County Council will be assuming many responsibilities for service delivery. Stability and assurance of outcomes is critical to success and the greatest asset of any service is its staff.

The ability to determine when to recruit, who to appoint, to have clear lines of management for the staff, and a consistent way of working, is required. Achieving change is always a challenge, so a clear leadership statement of commitment to the RAA by each of the Local Authorities is important to help staff adjust to new ways of working and create a "single service" identity.

The option of secondments of staff from other authorities was considered however this is normally used for short term or project assignments rather than long term arrangements. There are also complexities with continued commitment to existing Local Authorities whilst operating on behalf of another. Key learning from other such situations is that whilst this approach can work it brings complexity and crucially does not encourage the staff feeling part of a new dedicated service, nor does it best prepare staff for changes that will be required of them whether to practice, or organisational and management arrangements. These are better addressed by providing a feeling of unity created by a single employer model.

Accordingly, it is proposed that the RAA operates with those staff transferring from Plymouth, Somerset and Torbay to Devon under TUPE delivering and supporting the adoption services being transferred<sup>3</sup>. TUPE will afford protection to the staff regarding dismissal and their terms and conditions of employment.

<sup>3</sup> "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the undertaking or service they work for transfers to a new organisation.

## **RAA Business case**

This will see staff equivalent to an estimated 45 FTE transfer to Devon as the host of the RAA. At this point the FTE number is estimated as the detail of staff currently undertaking split roles needs to be worked through as part of the formal TUPE process.

### **7.3 Structure and locations**

The structure and location of offices will be finalised in consultation with the staff and Trade Unions. The key principles of the structure will reflect best practice and support innovation, these include-

- listening to Adopters and Children's wish to have consistent support throughout [ the end to end adoption journey]
- application of the 'right skills for the right work'
- maintaining key interfaces with Child Care Social Workers
- flexibility; proportionate response to demand
- support consistency and embed quality in practice;
- providing staff development opportunities
- a career progression pathway
- outcome based commissioning

The corporate support functions of Finance, IT and HR will be provided by DCC as host, and operate out of Exeter where they are currently located.

### **7.4 Technology and estates**

The local authorities operate a range of children's service systems and multiple spreadsheets to support the adoption service activity. It is not feasible or practical to effect a whole scale integration of four Children's social care systems.

The agreed practical solution is that the Regional Adoption Agency case management system will be Devon's Eclipse system.

The principles adopted to support the interim working arrangements are as follows-

- all RAA staff to receive and operate Devon devices
- on site secure access to relevant Child Services systems across Local Authorities for named RAA staff is to be enabled
- ability for RAA staff to access Eclipse and Devon email from partner authorities named premises
- physical space/ work stations enabled for RAA staff to work out of named partner authority premises, or hot desk, as required

There are precedents for these arrangements across the Local Authorities and/ or Health partners.

### **7.5 Information Governance**

Data and information will be required for the day to day operation and management of the RAA.

The information governance implication has been recognised by Government and there will be new legislation introduced in April 2018 to support and simplify RAA operations.

Nationally

- Ofsted
- Adoption Leadership Board
- Department for Education

Management Information also is required to be presented to:

- the RAA management team
- the RAA Operations Board and Strategic Partnership Board
- Local Authority senior managers and elected members

## RAA Business case

An initial data transfer from Local Authority systems of live Adopter cases will be required; historic data will remain with the Local Authorities. Similarly, current case paper records will transfer to the RAA and historic records retained and archived by the Local Authorities.

An Information Governance agreement is being developed to enable Adopt South West Regional Adoption Agency staff to operate effectively and within legislation e.g. transfer of historic and current Adopter records, view and view/edit access to Child records.

This will be completed and approved by the Caldicott Guardians and then incorporated into the Inter Authority Agreement before the RAA becomes operational.

## 8 RAA BUDGET

### 8.1 2018/19 position

The current position regarding budgets for Adoption Services across the Local Authorities is provided to illustrate the scale of costs involved in the Adopt South West Regional Adoption Agency proposal.

**Table 7: Combined budgets 2018/19**

<b>Budget heading</b>	<b>2018/19 LA Budgets £</b>
Staffing costs	£3,407,767
Other staffing related costs	£347,650
Other Non Staffing Related Costs	£429,047
Inter-Agency Fees (net)	£588,200
	<b>£4,772,664</b>

Note: There are current budget pressures that have also been reflected appropriately in the preparation of the Regional Adoption Agency budget, see table 11.

### 8.2 Budget for Adopt South West RAA from 2018

The Adopt South West Regional Adoption Agency budget is produced based on a principle of 'no additional Adoption revenue budget cost to any Local Authority or the Host', for example with inflation and staff pay awards addressed through delivery of efficiencies.

The proposed budget for the RAA operation has been defined reflecting the planned operating model and staffing structure, also recognising corporate overheads not normally applied in the Adoption budgets but now exposed and attributed to Devon as the RAA Host that include but are not constrained to-

- HR support services for staff; local authorities will transfer budget to the host e.g. additional Payroll activity, Pensions overheads, related to the staff transfer
- Training and professional development of staff
- IT, the requirement of Devon equipment for all transferred staff; set up and training and ongoing costs associated to furnishing laptops/Desktop/ Phones and for staff to be able to access Devon's network from other Local Authority premises.
- Estates, any addition/ change to infrastructure e.g. work stations, for Adopt South West Regional Adoption Agency staff to operate effectively from other Local Authority premises.
- Finance support for Adopt South West Regional Adoption Agency operation
- Legal support for Adopt South West Regional Adoption Agency operation, assumed minimal as this largely fall on the local authorities as it does now

## RAA Business case

- Insurance for Adopt South West Regional Adoption Agency operation; assumes Devon will not incur any additional costs for insurance and can absorb the costs within current arrangements
- Pension liabilities, future pension cost liabilities transfer to Devon as the Host of Adopt South West Regional Adoption Agency as staff are TUPE'd over, any past deficit liabilities will remain with the Local Authorities

There are also one off set up costs, primarily IT and Estates related. The budget plus set up costs are subject to the agreed funding formula.

The costs of running a Devon hosted Regional Adoption Agency includes budget for the 2018/2019 financial year, and a projection for 2019/2020 using estimated inflation indicators, based on the standard approach taken by all four Local Authorities in setting their budgets. As with any service area the Medium Term Financial Plan will be provided with a 5-year horizon.

There are also clearly stated intentions of the Regional Adoption Agency reflected in the budget:

- Staffing adjustments to reflect efficiencies of a single service and the service strategies and intentions; estimated 2% pay award included in 2018/19 and 2019/20.
- Acknowledging that overheads previously "below" the line become exposed in a hosted model and corresponding efficiencies within each authority may not be easily realised
- Inter agency fees and a target reduction [6 cases] to reflect improved working between the constituent Authorities
- Support post adoption orders will be short term interventions, sign posting and supporting access to services.
- Contracts- estimated; some efficiencies may be achieved by going out as 4 authorities in the RAA, but this has not been assumed as market rates for 18/19 are not known and may negate efficiencies.
- Improvement to Adoption Panel operations supporting more timely adoptions

**Table 8: Adopt South West Regional Adoption Agency budget**

Regional Adoption Agency		DRAFT BUDGET	
Budget heading	2018/19 LA Budgets (excl overheads) £	2018/19 Draft RAA Budget (incl overheads) £	Change £
Staffing costs	£3,561,467	£3,145,900	(£415,567)
Other staffing related costs	£264,003	£217,063	(£46,940)
Other Non Staffing Related Costs	£358,994	£358,994	£0
Inter-Agency Fees (net)	£588,200	£601,815	£13,615
Additional Adoption Panel Costs	£0	£89,338	£89,338
New Overheads	£0	£253,154	£253,154
	<b>£4,772,664</b>	<b>£4,666,263</b>	<b>(£106,401)</b>

This excludes:

- Set up costs impacting 2018/19 only; relating primarily to IT devices, a Case Management system accessed from any partner office, reporting requirements and basic transition costs such as removals - estimated £90,000-£120,000.

Project costs to October 2018 are separately funded by the Department for Education grant

### 8.3 Funding model

The learning from other Regional Adoption Agencies has been collated by the DfE and identifies that a simple approach is best, to agree and allocate a % contribution per Authority model.

## RAA Business case

The proposed funding has been produced by reflecting the budgets for 18/19 as 50% of the formula, the remaining 50% consists of weighting 4 key activity criteria [3 years historic trend information]. Inter Agency Fees are included as a weighted criterion to better reflect Authority budget pressures

### Criteria

- LAC 9 and under [a nationally published statistic]
- ADM decisions [a nationally published statistic]
- Adoption Support instances [locally recorded statistic]
- Inter Agency Fees [locally recorded statistic]

**Weighted Criteria** - The breakdown of the criteria weightings is outlined below:

**Table 9: Funding apportionment under the agreed formula**

Total Budget	4,666,263	Budget Weighting 50%	Activity Weighting 50%				Revised budget based on a weighted formula approach
		2,333,132	699,938	699,941	349,969	583,283	
		100%	30%	30%	15%	25%	
	18/19 Budget (Exc Overheads)	18/19 Budget	Children in care 9 & under in year	Number of ADM decisions in year	Adoption Support - open cases	Inter Agency "Other" Exp 3 Year Avg	
Devon	1,746,450	853,757	234,952	261,498	139,010	206,144	1,695,361
Plymouth	1,073,190	524,632	154,450	168,966	62,869	116,251	1,027,168
Somerset	1,113,604	544,389	185,661	189,054	121,546	98,057	1,138,707
Torbay	839,421	410,353	124,875	80,423	26,545	162,830	805,026
	<b>4,772,664</b>	<b>2,333,131</b>	<b>699,938</b>	<b>699,941</b>	<b>349,970</b>	<b>583,282</b>	<b>4,666,262</b>

**Resulting model-** The formula applied to the RAA 2018/19 budget results in the following apportionment of full year funding to each of the Authorities [rounding issue]

**Table 10: Funding model**

Authority	Revised budget based on a weighted formula approach	Proportion of New Budget
Devon	£1,695,361	36.33%
Plymouth	£1,027,168	22.01%
Somerset	£1,138,707	24.40%
Torbay	£805,030	17.26%
	<b>£4,666,266</b>	

The challenge of estimating demand sees the need for regular reporting of the budget position and of budget arrangements as outlined in the Inter Authority Agreement.

### 8.4 Risk sharing

The challenge of estimating demand also means risk sharing mechanisms are required, with clear triggers to action, to address the potential for surplus, or shortfall, in the budget.

The funding model proposed includes mechanisms to address the following instances:

- budget overspend or underspend
- significant variation in activity/ demand/ funding because of Local Authority initiatives/ strategies or Government policy/ direction
- any initial redundancy cost; future redundancy costs

## RAA Business case

The risk sharing will be applied using the core budget funding model outlined in 8.3 above. This arrangement will be recorded in the Inter Authority Agreement to be approved before the RAA goes live.

As part of the business planning process for the Regional Adoption Agency the funding arrangement is proposed to be regularly reviewed and the mechanisms for changes to funding will be built into the Inter Authority Agreement partnership within the funding model.

### 8.5 Summary of Financial arrangements

#### Comparison to 18/19 planned budget

The aim was to provide the RAA at 'no additional spend to each authority including to Devon as the Host'. This is challenging with overheads normally 'below the line' being exposed and the cost of equipping staff to operate as one service, achieve required access to children's records across the LA's and to operate effectively out of each other's offices.

There is also the pay award and incremental 'point' increases in staff pay to address. The staffing aspect has been addressed through assumed efficiencies.

The position for each individual Authority budget in 2018/19 and the overall RAA outcome is illustrated below:

**Table 11:**

	budget based on a weighted formula	£ value change to 18/19 Budget	%age change to 18/19 Budget	Pressure	change to 18/19 Budget plus	%age change to budget plus pressure	Proportion of New Budget
Devon	1,695,361	(51,089)	-2.93%	0	(51,089)	-2.93%	36.33%
Plymouth	1,027,168	(46,022)	-4.29%	0	(46,022)	-4.29%	22.01%
Somerset	1,138,707	25,103	2.25%	61,080	(35,977)	-3.23%	24.40%
Torbay	805,026	(34,395)	-4.10%	0	(34,395)	-4.10%	17.26%
	<b>4,666,262</b>	<b>(106,402)</b>		<b>61,080</b>	<b>(167,482)</b>		

The proposed RAA budget including overheads in the first full year of operation sees an overall reduction on 2018/19 planned budget, excluding overheads, of £ 167,482 this illustrates that in a full year the set-up costs estimated at £90,000 - £120,000 can be met.

However, with the RAA live date falling on the half year, yet set up costs required in full, there is the potential of a short fall of £6,000 to a maximum of £36,000, a minimal % of the overall budget involved. The risk is deemed low as it can be mitigated either by one, or more likely a mix of, the following:

- in year under spend April – October 2018- all LAs are carrying vacancies in Adoption
- deferring some IT capital cost to 2019/20 under agreement by Devon
- there is also opportunity in commissioning [new contracts not let until April 2019]
- a worst case RAA staff budget has been set, using an assumed maximum salary point in each role, by October the actual staff cost will be known following the TUPE process
- vacancies, likely to emerge following the TUPE process.

The final re-refresh of the financial picture approaching Octobers live date, used to inform the Inter Authority Agreement approval, will finalise these arrangements.

## 9 INTER AUTHORITY AGREEMENT

### 9.1 Scope of agreement

As indicated in the summary, lawyers from the participating authorities are in discussions on the terms of the Inter Authority Agreement. The IAA will need to deal with the issues highlighted in this document, including, but not limited to the adoption functions to be delegated to Devon and those to be retained by each Authority; the governance arrangements; the financial arrangements; staffing and information governance.

## RAA Business case

Following this, activity such as TUPE consultation can be undertaken to provide the detail of staffing, and final pension strain information to enable formal approval of the Inter Authority Agreement, to be achieved by 1<sup>st</sup> April 2018.

The Inter Authority Agreement includes, but not restricted to, the following

Agreement content	Status
Legal and statutory responsibilities	Agreed- ready for IAA inclusion
Administrative arrangements and associated governance model	Agreed- ready for IAA inclusion
Funding model; risk management strategies	Agreed- ready for IAA inclusion
Use of assets, including property	Agreed- ready for IAA inclusion
Public procurement requirements and relevant exemptions	Agreed- ready for IAA inclusion
Future proofing the arrangements to account for any local government reorganisation, participation by additional local authorities and dissolution of the RAA	Agreed- ready for IAA inclusion
TUPE transfer of staff and related employment matters;	Requires completion of TUPE consultation, post Cabinet approvals
Information and data management/ sharing protocols	Requires IG agreement- in progress

### 9.2 Final approval of Inter Authority Agreement

The finalisation of the agreement will require completion of the TUPE transfer of staff, at this point the final information on staff budget and pensions will be completed.

It is proposed the approval of the Inter Agency Agreement is delegated to the Directors of Children's Services, County Solicitors, Directors of Finance and Lead Members for Children's Services.

## 10 KEY RISKS

The key risks to Devon as host, to Plymouth, Somerset and Torbay as those delegating adoption functions, together with the mitigation activity are outlined below:

Ref	Risk description	Mitigation
1	<p><b>PACE OF CHANGE AND INNOVATION:</b> The Local Authority Hosted model may not offer the same opportunities for pace of innovation and change if the adoption agencies are still subject to Local Authority control, because of the complexity of sign off processes in large organisations</p>	<ul style="list-style-type: none"> <li>Devon as the Host Local Authority will have appropriate functions and decisions delegated by the Local Authorities under the Inter Authority Agreement.</li> <li>As work is progressed to standardise best practice a focus on opportunity for innovation is paramount; similarly, when considering best delivery mechanism for services innovation is a key consideration</li> <li>Appropriate and effective Governance arrangements</li> </ul>

## RAA Business case

Ref	Risk description	Mitigation
2	EXTERNAL FUNDING: The Local Authority Hosted model may not offer the same opportunities to attract additional external funding that setting up an independent sector social enterprise would offer	<ul style="list-style-type: none"> <li>• Risk share agreement to include a mechanism for addressing any reduction in funding streams;</li> <li>• Through Commissioning of services from Voluntary Adoption Agencies that do access external funding the RAA can benefit from innovation and improvement of services in the wider market</li> </ul>
3	PERFORMANCE: Opting for a Local Authority hosted model may detract from better performers, rather than improving the poorer performers. This may impact the Host seeing a decline and the partner Local Authorities not seeing required improvement.	<ul style="list-style-type: none"> <li>• Appropriate Staff employment arrangements;</li> <li>• Comprehensive change management will be undertaken to ensure all staff are engaged fully and committed to improving practice and outcomes for families and children.</li> </ul>
4	RESPONSIBILITIES: Devon will become accountable for statutory duties post adoption order. This may impact on reputation, or potentially attract a financial cost, for example if there are legal costs related to a complaint	<ul style="list-style-type: none"> <li>• Clear Governance and effective Inter Authority Agreement e.g. delegation and financial arrangements.</li> <li>• Ultimate responsibility for performance and inspection remains with the Childs Local Authority in the same way an authority retains responsibility for commissioned services.</li> </ul>
5	VOLUNTARY ADOPTION AGENCY INVOLVEMENT: The Local Authority hosted model may reduce the benefit of the Voluntary Adoption Agencies involvement in service design and practice improvement. Voluntary Adoption Agency involvement in Regional Adoption Agencies such as Adopt South West is a requirement by DfE	<ul style="list-style-type: none"> <li>• The governance arrangement ensures continued strategic partnership between the Local Authorities and Voluntary Adoption Agencies;</li> <li>• Voluntary Adoption Agencies continue to be fully included in the development of design &amp; practice;</li> </ul>
6	COST: Devon as the Host of the RAA will attract additional costs e.g. corporate service functions such as IT and HR	<ul style="list-style-type: none"> <li>• Funding Model has appropriate mechanisms so the Host does not wholly bear additional cost and</li> </ul>
7	COST: Local Authorities may see increase in cost of service	<ul style="list-style-type: none"> <li>• appropriate mechanisms to manage financial risks agreed by all authorities</li> </ul>
8	COST: The cost of a second development to the final model	<ul style="list-style-type: none"> <li>• Provide capacity in the structure and governance to lead the work;</li> <li>• Budget holders within governance to enable direction for resources required without further cost.</li> <li>• Agreement at outset that any surplus achieved will be pooled for future development</li> </ul>
9	STAFFING: Devon as Host Local Authority may see vacancies arise as staff employment arrangements are completed.	<ul style="list-style-type: none"> <li>• Leadership and commitment demonstrated in each Local Authority to the “single service” concept and strategy to staff to reduce likelihood of resignations</li> <li>• Early quantification of risk through robust HR processes; scope actual</li> </ul>



## RAA Business case

Ref	Risk description	Mitigation
		staffing requirement for the Regional Adoption agency; address any gap with intensive recruitment campaign
10	STAFFING: Local Authorities may see staff leaving their adoption services in anticipation of changes to their work bases and practice;	<ul style="list-style-type: none"> <li>• Early decision on Staff employment arrangements so staff are aware of the position;</li> <li>• Communication of the benefit of a “single” service for children and families and what this means for staff;</li> <li>• Transparent and timely consultation to inform working arrangement e.g. teams, locations, work base;</li> </ul>
11	OFSTED; Local Authorities may see the change as untimely if Ofsted inspections are due	<ul style="list-style-type: none"> <li>• Robust leadership and change management to establish a clear time table, raise staff awareness of what will change and when and the expectation of them in the interim</li> <li>• The DfE Regional Adoption Agency group and Ofsted are in discussion on the new reporting regime requirements and are using early Regional Adoption Agencies as a learning opportunity; both are aware of the risk any change programme poses to staff and authority performance</li> </ul>

## 11 EARLY IMPROVEMENTS

### 11.1 Approach

Throughout the Regional Adoption Agency Project there has been good engagement across the stakeholders, partners and staff

- **Adopters**

The Adopter’s feedback is that the first priority is to ensure adequate support is available throughout the whole adoption process and beyond. They also prioritise improving support on offer and awareness of adoption in schools and CAMHS services and would like to be recognised as experts on the needs of their children. Adopters also mentioned getting rid of the post code lottery across the region because of funding variations, and ensuring the RAA adds value, rather than an additional layer of bureaucracy.

- **Staff**

The staff group have, and continue to be, engaged with many events held. They have welcomed the opportunity to be involved in the plans for the development of an RAA. Staff from the Local Authorities and the two Voluntary Adoption Agencies are working together to design the service improvements.

The staff priorities are to have respect for the adopter at the forefront of the re-design of process and consideration of new/ different support services. The key benefit is the ease of looking for the best match for children and adopters in the region together with breaking down of barriers between organisations.

Early permanence and joint working with child care social workers will bring improved outcomes for the child and families and they are keen to work on breaking down any barriers to this whilst designing the Regional Adoption Agency way of working and protocols.

- **Adoption Panel Chairs**

## **RAA Business case**

The Adoption Panel chairs expect that the shift to a Regional Adoption Agency will lead to better outcomes for children and higher quality services. They welcome the opportunity to work together and focus on what works well e.g. foster carers updating the panel can bridge the gap between foster carer and adopter and what can be improved e.g. involvement in shaping plans for the child and focus on outcomes.

### **11.2 Joint Panels**

An outcome of this engagement across stakeholder groups is an agreement to progress with Joint Adoption Panels from October 2017 and arrangements to achieve this are well progressed. The Panels began operating paperless with a single IT solution in October 2017. An MOU and IG agreement is in place and the panels will begin to take any LA case from 1<sup>st</sup> March 2018 to speed the adoption process ahead of the RAA. Staffing arrangements remain unchanged pending the creation of the RAA.

### **11.3 Quick wins**

Similar simple and quick to apply improvements have been identified and a plan to roll these out across the Local Authorities is currently being implemented. This is important as it keeps staff engaged and working together to deliver improvement that is tangible.

End of report

## Appendix 1- Option Appraisal 2016-Summary of Regional Adoption Agency Model

<b>Assessment Criteria Options were assessed against whether the option for the delivery vehicle for the RAA can -</b>					
	<b>1. Hosted by a single Local Authority on behalf of a number of Local Authorities</b>	<b>2. Joint Venture between Local Authorities – a new public sector owned entity</b>	<b>3. Creation of a new Voluntary Adoption Agency</b>	<b>4 Outsourcing to an existing Voluntary Adoption Agency</b>	<b>5 No action</b>
	Score	Score	Score	Score	Score
Improve outcomes for children in all areas of Adopt South West region whether rural, urban, more affluent or deprived	420	420	310	250	80
Maximise opportunities for practice improvement across the area so that Adopt South West becomes a centre of excellence and Ofsted scores improve across the region	380	390	340	260	60
Improves adopter support	400	370	290	300	120
Creates an RAA that can deliver placements for harder to place priority children i.e. aged over 4, bme, siblings, disabled children	140	135	100	100	30
Facilitates an adequate level of partnership and control for the local authorities to manage risk to Local Authorities	105	70	55	45	45
Facilitates Voluntary Adoption Agency involvement	70	50	115	135	20
Facilitates recruitment and retention of skilled staff	130	120	85	85	45
Minimises service disruption in the transition period	140	65	55	55	55
Minimise risks (e.g. challenge, additional VAT costs for example)	140	95	55	55	40
Delivers value for money	135	105	85	90	30
Is an organisation willing to deliver this option or is there a market already?	95	70	40	80	45
Facilitates data and record sharing, with the potential to deliver IT compatibility	125	95	75	70	10
Has affordable set up costs	145	85	75	95	50
Financially sustainable in the longer term	520	330	160	190	130
Facilitates access to sources of funding such as grants, social finance or other fundraising possibilities, and income from matching with children from beyond the area	80	120	95	95	35
Potential to realise economies of scale and deliver cost effectiveness	130	125	70	120	25
Develops an RAA that can adapt to change	100	100	85	70	10
<b>TOTAL</b>	<b>3255</b>	<b>2745</b>	<b>2090</b>	<b>2095</b>	<b>830</b>

## Appendix 2: Responsibility Matrix

### FUNCTIONS/ RESPONSIBILITY MATRIX

#### THE CHILD

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	DELEGATED FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the interim RAA)
<b>Case Responsibility</b>	<p>The local authority will retain case management responsibility for the child until the making of the Adoption Order</p> <p>The local authority will be responsible for all statutory functions including but not limited to:</p> <ul style="list-style-type: none"> <li>• Statutory Visits and Reviews</li> <li>• Management and supervision of contact between child and family members.</li> <li>• Administration and finance of foster placements and communication with foster carers who care for children under Fostering for Adoption arrangements.</li> </ul>	<p>The RAA will provide specialist advice and support to assist LA staff to fully understand the adoption process, influencing and promoting best practice</p> <p>The RAA will provide the supervision to foster carer's caring for a child under Fostering for Adoption arrangements.</p>
<b>Early identification of children requiring adoption</b>	<p>The local authority is responsible for identifying, at the earliest possible stage, the children who may require adoption and making them and their needs known to the RAA, providing relevant and timely information.</p> <p>Birth parents to be referred to the Birth Parent support service at an early stage.</p> <p>Future potential contact arrangements to be considered at an early stage</p>	<p>The RAA will designate a Family Finder to each child identified as possibly requiring adoption to liaise with children's social workers</p> <p>The RAA aims to develop working practises with each LA to ensure involvement in care planning to assist with the earliest identification.</p> <p>Making sure siblings placed with other adopters are considered by the LA.</p> <p>Staff from the RAA will be involved in identifying children for early permanence placement.</p>
<b>Communication during the family finding process</b>	<p>It will be the responsibility of the LA to keep the Child Permanence Report updated and to inform the family finder of any changes in the child's development or circumstances (e.g. change of placement).</p>	<p>The RAA will keep the LA regularly updated about progress on family finding.</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	DELEGATED FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the interim RAA)
<b>Early Placement</b>	<p>The LA will arrange the Administration and finance of fostering for adoption placements and communication with foster carers who care for children under Fostering for Adoption arrangements as necessary.</p> <p>The LA Social Worker will understand the statutory responsibilities i.e. visits / reviews to the child whilst the child is in Early Permanence Placement</p> <p>The LA will be responsible for financial allowances for Early Permanence Placement carers.</p>	<p>Where appropriate, and in agreement with the local authority, the RAA will make available an Early Permanence Placement (EPP) e.g. a Fostering for Adoption Service for children who may benefit from the possibility of early placement with potential adopters.</p> <p>If there are no RAA Fostering for Adoption placements available, the RAA has a responsibility to search for a placement outside of the RAA.</p> <p>The RAA will support these carers whilst caring for these children in an Early Permanence Placement</p>
<b>Multitracking of children requiring adoption</b>	<p>The local authority will track the progress of children in care proceedings or looked after under section 20 (Children Act 1989) to maintain an up-to-date knowledge of their potential need for an adoption placement</p>	<p>The RAA will also actively track all children for whom initial information indicates that adoption may be a likely plan</p>
<b>Pre-placement Reports</b>	<p>The LA will be responsible for the completion and cost of all reports prior to an adoption placement being made including:</p> <ul style="list-style-type: none"> <li>• Child Placement Reports</li> <li>• QA reports</li> <li>• Sibling Assessments</li> <li>• Support Plans</li> </ul> <p>LA responsible for completing the profiles of the child once an ADM decision is made</p> <p>The LA will liaise with the RAA before the final Care plan is completed and the Adoption Support plan to agree the plan specifically around birth family and sibling contact and ongoing support for the child/ren and Adopters.</p> <p>Final Care plans are to be completed by the LA but the RAA to be consulted on any support needs / contact arrangements post order.</p>	<p>The RAA can advise on and support the completion of the Child Placement Report and early profile of the child. The RAA will provide support and challenge to help ensure that the CPR's are of a consistent high quality across the partnership.</p> <p>The RAA will provide additional information and advice on the placement needs of the child and the likely need for post adoption support services, including financial support</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	DELEGATED FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the interim RAA)
		RAA to endorse Support plans and final care plans specifically around future contact and support needs to the LA on final care plans
	The local authority will be responsible for assessing the child's needs in respect of a future placement and in ensuring that any required financial support for a future adoptive placement is available prior to the Adoption Order	It will be necessary for the RAA and LA to work closely and collaboratively to ensure that the needs of the child can be met and that training support is sustainable. The training will be provided by the Panel Advisor to child Care Social workers to continuously improve practice.
<b>Medical Information</b>	<p>The Local Authority will be responsible for obtaining all required medical information in respect of children who are being considered for adoption and will meet with prospective adopters to ensure they are fully aware of the child's future medical needs as appropriate.</p> <p>The LA will be responsible for organising for the prospective adopters to have a consultation by phone / face to face prior to Adoption Panel to discuss the Childs current and future needs.</p>	The RAA adoption co-ordinator / social workers will support the Prospective Adopters to attend appointments to fully understand the Childs needs.
<b>Decision that adoption should be the child's plan</b>	<p>The Agency Decision Maker in each LA will be responsible for the 'Should be placed for adoption' decision.</p> <p>The LA will undertake a regular review of this decision and associated plans and keep the family finder in the RAA informed of any changes.</p> <p>LA to refer children with a possible plan of being relinquished to the RAA at the earliest opportunity.</p> <p>The LA with advice from the RAA will refer birth family members to independent birth family support at the earliest opportunity.</p>	<p>The RAA will support the decision-making process as requested, particularly in the provision of Professional Advice to the LA's ADM.</p> <p>The RAA will provide an adoption panel for relinquished children's plans to be heard.</p> <p>Panel Advisor to provide panel minutes to the LA ADM.</p> <p>Independent birth family support is the responsibility of the RAA.</p>
<b>'Hard to Place'/Priority Children</b>	<p>The LA is responsible for identifying at the earliest opportunity where a child is:</p> <ul style="list-style-type: none"> <li>• Aged four or over</li> <li>• From a BME heritage</li> </ul>	<p>RAA to track all children and all possible options explored, documented and shared with the LA.</p> <p>The RAA will either provide a service for Priority children which may involve some or all of the following:</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	DELEGATED FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the interim RAA)
	<ul style="list-style-type: none"> <li>• Part of a sibling group of two or more</li> <li>• Has uncertainty about their development</li> <li>• Has a disability or medical condition</li> <li>• Sibling matches for new-born</li> </ul> <p>The LA will gather the relevant information, assess and forward to the RAA as soon as possible.</p> <p>LA to contribute to the learning to explore how children can be placed in permanent placements.</p>	<ul style="list-style-type: none"> <li>• Increased publicity – DVD, Photos etc.</li> <li>• Profile the child at specific events</li> <li>• Press and digital media advertising</li> <li>• Attempt to recruit Adopters specifically for the child</li> <li>• Provide additional training and preparation for potential Adopters</li> <li>• Advise on or assist with additional preparation work with the child.</li> </ul> <p>RAA to contribute to the learning to explore how children can be placed in permanent placements.</p>
<b>Preparation of the child</b>	<p>The LA will be responsible for preparing the child for an adoptive placement.</p> <p>The LA will be responsible for the preparation of the child's Life story Book/ work. This often needs to start early in the child's looked after career and will contain information to which the LA has immediate access.</p>	<p>The RAA will provide advice and guidance &amp; potentially training to the LA in the preparation of the child, particularly in respect of the future placement.</p> <p>The RAA will provide advice regarding completing a life story work/ later life letter.</p>
	The LA will be responsible for producing the Later life letter	The RAA will provide advice and written guidance
<b>Linking and Matching</b>	The LA, by agreement, will meet the costs of introductions between children and Adopters.	<p>The RAA will take lead responsibility for all aspects of the linking and matching process, but will always involve the LA in the decision-making process.</p> <p>The RAA will chair linking/ matching meetings as part of the process.</p>
	The LA is responsible for updating of the Child Permanence Report, Delegation of Parental Responsibility report and the Adoption Placement Report, the section on the Child.	<p>The RAA will be responsible for completing the Adoption Placement Report, apart from the section on the child.</p> <p>The RAA will organise the Matching Panel</p>

SERVICE AREA	RETAINED FUNCTIONS/ RESPONSIBILITIES OF THE LOCAL AUTHORITY	DELEGATED FUNCTIONS/ RESPONSIBILITIES TO DCC (acting as host of the interim RAA)
		The RAA will chair and organise life appreciation days for children over 3 years old.
<b>MATCHING DECISIONS</b>	The Agency Decision Maker in each LA will be responsible for the Matching decision for the child.	The RAA will support the process with information as required, including Panel Minutes and administrative support including letters regarding the decision.
<b>PLACEMENT</b>	The Local Authority is responsible for Placing the child/ren with prospective adopters.  The LA will commission the Letterbox function from the RAA.	The RAA will offer support and advice to the LA The RAA will support the LA when a child is placed. The RAA to work closely with the LA pre-order and can offer independent support to birth family. The RAA will set up the Letterbox pre-adoption order and will be responsible for managing this day to day post order.
<b>Adoption Support Fund</b>	LA to work closely with the RAA to provide the information to complete the ASF application for families/children who don't meet the criteria for CAMHS services. .	RAA to submit the ASF application for families/children who don't meet the criteria for CAMHS services on behalf of the LA.  RAA will provide the administration and contracting support to implement the operation of ASF funding.
<b>ADOPTION ALLOWANCES</b>	Allowances / One off payments will be paid by the LA - e.g. vehicles for larger sibling groups, Adoption / Child Arrangement Orders	The RAA will complete assessments and will review these every 2 years and forward the assessments to the LA to consider.
<b>Applications to the DfE Interagency Fund (for hard to place children)</b>	LA to work closely with the RAA to provide the information to complete the ASF application for families/children who don't meet the criteria for CAMHS services. .	The RAA will make the application to the fund where relevant

## ADOPTER RECRUITMENT

	RESPONSIBILITIES OF THE LOCAL AUTHORITY	RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY
<b>RECRUITMENT OF ADOPTERS</b>	The LA will signpost any enquiries from potential adopters to the RAA.	The RAA will signpost fostering enquiries to the LA.



	<b>RESPONSIBILITIES OF THE LOCAL AUTHORITY</b>	<b>RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY</b>
	The LA will ensure that information relevant to potential adopters is included in its own marketing materials and on its website, clearly signposting potential adopters to the website of the RAA.	The RAA will be responsible for recruiting adopters appropriate to the needs of children waiting in each LA.  Marketing information will reflect the fact that the RAA is delivering the service on behalf of partnering LAs. This information will be provided on the website or prospective applicants can email or telephone and speak with a worker for further information.
<b>Enquiries</b>		The RAA will provide a centralised enquiry process for the region to meet all statutory requirements. Adopters can enquire via telephone / email / or by completing a Registration of Interest form.  The RAA will provide written information to potential adopters and will hold information events.  The RAA may at times signpost potential adopters to other agencies/ return to Fostering in LA's if they are unlikely to be able to meet the needs of the children needing placement.
<b>Stage One</b>	The LAs will provide all information required for statutory checks of potential adopters resident in the LA.	The RAA will undertake all Stage one functions
<b>Stage Two</b>		The RAA will undertake all Stage Two functions
		The RAA will complete the Prospective Adopters Report (PAR)
<b>Approvals</b>		The RAA will manage the Adoption Panel.  The RAA Agency Decision Maker will be responsible for all approvals
<b>POST APPROVAL SUPPORT AND TRAINING</b>		The RAA will provide post approval support and training to approved adopters

## POST ADOPTION SUPPORT SERVICES

	RESPONSIBILITIES OF THE LOCAL AUTHORITY	RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY
<b>ADOPTION SUPPORT ASSESSMENTS/ PLANS &amp; SERVICES</b>	<p>The LA will consider funding requests for adoption support services which are not included in the core offer e.g. Therapeutic support.</p> <p>Match Funding – Pre 3 years of adoption order – LA responsible for match funding.</p> <p>Respite / Short term breaks – if this service is required the case will need to be open and family supported by the LA.</p>	<p>The RAA will undertake assessments of adoption support needs.</p> <p>The RAA’s core offer will provide general adoption support services: newsletter, social events for children and young people; social/training events for adoptive parents; advice and signposting for adoptive families; independent support and advice to birth relatives; post box services etc</p> <p>The RAA will undertake applications to the Adoption Support Fund for children and commission services agreed by ASF for families/children who don’t meet the criteria for CAMHS services.</p> <p>.</p> <p>Match funding – post 3 years of adoption order – RAA responsible for Match funding.</p>
	<p>The LA will signpost requests from adoptive families for adoption order support to the RAA. Alongside needs directly related to adoption, a family may have needs best met by services within the LA e.g. CIN services. The LA will be responsible for providing these services</p> <p>Where a safeguarding referral is made to the LA the LA will conduct any appropriate section 47 enquiry and will allocate an LA social worker where thresholds are met, but will notify the RAA of any referral involving an adopted child.</p> <p>If adopted child/young person accommodated, LA will be responsible for social work support to child/family.</p>	<p>The RAA will undertake the assessment of adoption support needs of the child and family and produce an adoption support plan. The RAA will liaise with LA to agree which services will be provided by RAA and which by LA for families whose needs are complex.</p> <p>Where appropriate, the RAA will offer support to the adoptive family during any section 47 enquiry if the case is open to the RAA.</p> <p>RAA will complete any specific work needed e.g. Life Story work or application to ASF for therapeutic support for families/children who don’t meet the criteria for CAMHS services.</p>

	<b>RESPONSIBILITIES OF THE LOCAL AUTHORITY</b>	<b>RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY</b>
<b>Out-of-hours services</b>	All adopters will have access to the LA's Emergency Duty Team out of core hours.	
<b>Indirect/ Letterbox contact</b>		The RAA / commissioned service will post/Letterbox contact between adopted children and birth families. This commissioned service will carry out ongoing assessments to consider whether contact is in the best interest of the child.
<b>Supervised &amp; Sibling Direct Contact</b>	Cost of arrangements agreed in the pre- adoption support plan e.g. travel & accommodation expenses will remain with the LA.	Responsibility for arranging / supervising Direct Contact requirements will transfer to the RAA / commissioned service
<b>ADOPTION ALLOWANCES</b>	Adoption allowances will be paid for by the LA	RAA to undertake appropriate assessment
<b>ADOPTION SUPPORT FUND</b>		The RAA will be responsible for undertaking all funding applications to the Adoption Support Fund and all contracting arrangements  Existing contracting resources to transfer to the RAA
<b>ACCESS TO CHILDREN'S ADOPTION CASE RECORDS</b>	LA to store historic children's adoption case records. For RAA adoptions the LA will have access to records if the case becomes open to them as a CIN / LAC / Safeguarding.	RAA to store and hold new files  Existing record keeping resources to transfer to RAA
<b>BIRTH RECORDS COUNSELLING</b>	Existing budget to transfer to the RAA	RAA will be responsible for delivery of counselling.
<b>INDEPENDENT SUPPORT TO BIRTH PARENTS</b>	Existing budget to transfer to the RAA	RAA will be responsible for delivery of support.
<b>ACCESS TO ADOPTERS RECORDS</b>	LA to signpost Adoptees to the RAA where appropriate	RAA to store and hold new files
<b>STEP PARENT ADOPTION ASSESSMENT</b>	LA to sign post adopters to the RAA	RAA to be responsible for assessments

## SERVICE USER ENGAGEMENT

	RESPONSIBILITIES OF THE LOCAL AUTHORITY	RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY
<b>Adopters</b>		The RAA / commissioned agency will engage with adopters, individually and in groups, with the aim of improving the services available
<b>Adoptees</b>		The RAA / commissioned agency will engage with adoptees, individually and in groups, with the aim of improving the services available
<b>Birth parents</b>		THE RAA / commissioned service will engage with and birth parents individually and in groups with the aim of improving the services available
<b>Special Guardians</b>	Initial assessment, placement, the support plan and payments and allowances are the responsibility of the LA including contact arrangements and the cost of any supervised contact.	The RAA has no responsibilities in support of Special Guardians

## PERFORMANCE MANAGEMENT & INSPECTION -

	RESPONSIBILITIES OF THE LOCAL AUTHORITY	RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY
<b>Data provision</b>	Each LA will need to provide specified key data to the RAA on performance. Each LA is responsible for the ALB Child return	RAA is responsible for production of ALB Adopter return
<b>Data analysis</b>		The RAA will produce a 3-monthly report to each LA on performance against an agreed set of indicators
<b>OFSTED</b>	The future role of OFSTED in adoption is currently under review and future requirements are currently unclear.	
<b>Freedom of Information applications</b>	The LA / RAA will cooperate within the timescales to enable information to be made available to the applicant	The LA / RAA will cooperate within the timescales to enable information to be made available to the applicant

## MISCELLANEOUS SERVICES

	RESPONSIBILITIES OF THE LOCAL AUTHORITY	RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY
STATEMENT OF PURPOSE		<p>The RAA will provide take responsibility for updating this for the functions that have been delegated to the RAA.</p> <p>The RAA will take responsibility for completing each LA statement of purpose regarding the functions left with the LA, in consultation with the LA.</p>
REGISTERED MANAGER		The RAA will provide a registered manager for their adoption functions.
ADOPTION SUPPORT SERVICE ADVISOR		The RAA will undertake the role of Adoption Services Advisor for each LA.
CHILDREN'S GUIDE FOR ADOPTION	Each LA has a responsibility for this	The RAA could provide advice and guidance
ANNUAL SERVICE REPORT		RAA to complete an annual public facing service report
CHILDREN'S GUIDE FOR ADOPTION SUPPORT		The RAA will update the Children's guide for adoption support
STEP PARENTS/RELATIVES WHO WISH TO ADOPT (NON-AGENCY ADOPTIONS)		RAA to be responsible for providing this service – this service will be commissioned out.
INTER-COUNTRY ADOPTION		RAA will provide this service; it will commission advice and information on inter-country adoption from a specialist agency. Service users will have to meet cost of assessment and approval process in the commissioned agency

	<b>RESPONSIBILITIES OF THE LOCAL AUTHORITY</b>	<b>RESPONSIBILITIES OF THE REGIONAL ADOPTION AGENCY</b>
<b>ADOPTION PANELS</b>	The three larger LA's to provide a social work representative to sit on panel twice a month and the smaller LA once a month.	The RAA will provide adoption panels across the region and will appoint Independent panel chairs and retain a central list and will provide training and support for panel members.  The adoption panel will provide a quality assurance report for the partnership on a 6-monthly basis
<b>TRAINING FOR LA staff</b>		The RAA can provide training for social workers regarding the adoption process/ writing of CPR's/APR'S/Support plans and preparing for Adoption Panel
<b>ADOPTEE COUNSELLING</b>		The RAA will signpost applicants to independent services and will not provide an intermediary service.
<b>DISRUPTIONS</b>	LA to contribute to the disruption process	RAA to undertake the disruption process.  Panel Chairs and other professionals will be invited to contribute to this process.
<b>ALLEGATIONS</b>	LA is responsible for initiating this process prior to the Adoption order being granted. The RAA will contribute to this process.	RAA is responsible for initiating this process post the Adoption order being granted. The LA will contribute to this process if necessary.

### Appendix 3: Performance Measures

Ref:	Adoption Scorecard	ALB return	Quality marker	Objective	How	Target for 18/19	Measure
1	✓			Improved timescales for second time adopter assessments	Either already have original assessment or obtain from the LA / RAA and update the changes since the last approval. This can be completed in 3 months.	3 months	Adopter contact date to ADM sign off
2	✓			Higher conversion rate from enquiry to approval of prospective adopters;	Targeted marketing and recruitment contract focussed on quality of adopters	10%	Reduce number of children waiting for placement
3	✓	✓		Early identification of children with potential adoption plans	Attend permanence planning meetings / gateway meetings / tracking meetings and regular consultation with Team Managers / Social Workers in the LA to identify children at the earliest opportunity.	Children to be linked with prospective adopter within 1 month of placement order being made	Date of Placement order tracked to 1 calendar month.
4		✓		More children placed on an Early Permanence (Fostering to Adopt) basis	good interface as above with the LA's to identify which could be placed for FFA	Every child will be considered for a Fostering for Adoption placement	Number with ADM decisions tracked to Foster to Adopt register.
5	✓			Reduction in the number of children with placement order revoked	Targeted marketing and recruitment contract focussed on quality of adopters	5%	Reduce number of children waiting for placement
6	✓			More timely matching of approved adopters	RAA to have regular resource meetings to discuss the children coming through with a plan of adoption and adopters being assessed to link children and adopters at the earliest opportunity.	Adopter to be linked with prospective child/en within 1 month from ADM decision	ADM decision date plus 1 month
7	✓			Reduce the length of time from adoption placement to adoption order for children	Early support offered to adopters prior to children being placed and the no delay in the ASF application being completed by the social worker.	5%	Status "place for adoption" to Adoption Order granted
8		✓		Reduction in the number of placement breakdowns	Better early support for Adopters - identify therapeutic support at the earliest opportunity.	5%	Reduce number of placement breakdowns
9			✓	Fewer Adoption de-registrations because a match has not be identified for the family	Recruiting the adopters for the children we have waiting within the RAA; supported by Marketing and Recruitment contract specification; being transparent with adopters about the complexities children can bring and the range of support available.	10%	Number of ADM de-registrations

Ref:	Adoption Scorecard	ALB return	Quality marker	Objective	How	Target for 18/19	Measure
10			✓	Increase in birth family referrals; quality of contract specification	By having one provider offering all the support to birth families, this is likely to increase birth family engagement as they only have to make one relationship.	10%	Contract reporting performance measure
11	✓		✓	Improved number and quality of adopters	better targeted recruitment, to ensure we are recruiting the right adopters for the children we have waiting.	10%	Increased enquiries; more enquiries reaching Stage 2
12			✓	More timely Step parent adoption assessments	the provider to set out pre-arranged meetings with the applicants with clear expectations on engagement and completion date. Also an expectation that the applications submit their adoption application to the Court once accepted for a full assessment, as Court timescales often delay this process.	Assessments completed with 6 month of referral	Contract reporting performance measure
13		✓		Improvement in number of placements available for harder to place/ priority children	better, targeted marketing and recruitment.	5%	Number of adoptions achieved for children in this group
14			✓	Reduce no. [cost] of Inter Agency placements outside the RAA	Meet key target for local introduction of RAA	20%	Budget line in financial reporting.
15			✓	Improved performance measurement and management across the service; improved data collection analysis	To have a system which accepts all key data required for reporting; minimise manual inputting; generates required reporting with minimal manual intervention; handles imported data safely and securely; supports matching	From October 2018	Reporting available to support management/ performance of the RAA; List 11 & ALB





# Impact Assessment

<b>Assessment of:</b>	<b>Adopt South West Regional Adoption Agency</b>
<b>Service:</b>	<b>Children's Services</b>

<b>Director of Children's Services</b>	Julian Wooster
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## Section 1 - Background

<b>Description:</b>	Adopt South West Regional Adoption Agency is a development of adoption agencies in response to the <a href="#">Education and Adoption Act 2016</a> which advised authorities and voluntary adoption agencies to join together to form Regional Adoption Agencies (RAA). Devon County Council, as part of the Adopt South West partnership, is one of 19 groupings of local authorities and voluntary sector adoption agencies working on the regionalisation agenda nationally. The regional grouping also includes Plymouth, Torbay and Somerset.
<b>Reason for change/review and options appraisal:</b>	In June 2015, the Department for Education (DfE) published ' <a href="#">Regionalising Adoption</a> ' and asked all adoption agencies in England to consider how to work much more closely together on a regional basis. This was enacted as the <a href="#">Education and Adoption Act 2016</a> . The Act gives the Secretary of State a new power to direct one or more named local authorities to make arrangements for any or all of their adoption functions to be carried out on their behalf by one of the local authorities named, or by another agency.

The Government's view is that structural change will improve the process for children and adopters leading to

- improved numbers of children being adopted
- an improved experience for adopters and improved timeliness overall
- to deliver consistently good and innovative adoption practice that ensures improved life chances for children.

The Department for Education describes 4 models for delivery of a Regional Adoption Agency.

1. A Local Authority single host, on behalf of a number of Local Authorities; e.g. Aspire, a Dorset hosted service for three Local Authorities.
2. Joint Venture between Local Authorities; a new public sector owned Local Authority Trading Company. e.g. Achieving for Children, Kingston and Richmond's Children's Services
3. A new Voluntary Adoption Agency; possibly a Joint Venture with flexibility for public & third sector ownership e.g. Entrust Schools Service in Staffordshire.
4. Existing Voluntary Adoption Agency; where Local Authorities commission an existing Voluntary Adoption Agency to deliver the Regional Adoption Agency e.g. Coram.

Nationally, all agencies used a scoring system as a tool to aid discussions, the purpose of which was to examine the desirability, feasibility and viability of each option. Following consideration of each possible model by the Local Authorities Directors/ Heads of Service and Executives from Families for Children and Barnardo's the preferred option was identified as a 'Single Local Authority Hosting the Regional Adoption Agency on behalf of a number of Local Authorities'.

The clear benefit identified is to achieve the integration of the four Local Authority adoption services into one best practice model, whilst maintaining the current partnership with Voluntary agencies which had been established in the delivery of the previous Adopt South West partnership.

Further to this, it was proposed that Devon host the Regional Adoption Agency. It was recognised that Devon County Council -

- Operates the highest graded Local Authority adoption service (Good);
- Has successfully innovated in a number of areas (e.g. fostering for adoption, young people's engagement);
- Has the capacity to deliver given the size of the agency and the Local Authority;
- Has the experience of developing other services that Devon hosts for the region;
- Is centrally placed geographically.

## Section 2 - Key impacts and recommendations

Social/equality impacts:	<p>The Adopt South West Regional Adoption Agency will deliver improved outcomes for children and families -</p> <ul style="list-style-type: none"> <li>• Creating a system where children are matched with the most suitable adopter as quickly as possible.</li> <li>• Improve the scale of Adopter recruitment to provide a broader pool of adopters, well prepared and well matched to the needs of children waiting and;</li> <li>• Offers sufficient, high quality adoption support services</li> </ul> <p>This will be achieved by employing best practice, improving processes and practice quality and by encouraging innovation. Better shared resources across the region will also improve cost effectiveness with the potential to invest further in service developments.</p>
Environmental impacts:	<p>There are no negative environmental impacts envisaged, staff will continue to travel to meet with children and potential adopters in the course of their work, they will operate out of offices across the 4 Local Authorities as they do now. The workforce will continue to work with technology that minimises the need to travel where possible.</p>
Economic impacts:	<p>Better shared resources across the region will improve cost effectiveness with the potential to invest further in development of services. There is a wish to increase the volume and type of services available to better support families post adoption, these may be secured from the market and this would see a need for growth and development of new capabilities by the service providers and may offer opportunities for jobs in the area.</p>

<p>Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):</p>	<p>The introduction of the Adopt South West Regional Adoption Agency involves Plymouth City Council, Torbay Council, Somerset County Council and Voluntary Adoption agencies and other adoption service providers across the area.</p> <p>There will be changes to improve and standardised practice across the region with themed participation groups across the region with Adopters, Special Guardians and Parents to improve practice of the Regional Adoption Agency.</p> <p>The system will be reviewed to ensure children can be placed with families more effectively and with minimal disruption. Support to adopters and Special Guardians and their families will be improved, for example there will also be changes to the paperwork required for court decisions, to help people applying to one, or at times more, courts for decisions, as currently the paperwork has to be changed to meet each Local Authority and Court's requirements. This will also make it easier for the staff supporting the adopters.</p> <p>There will be "joint adoption panels" across the area to bring more consistency to the preparation required of staff and Adopters for decisions and align the terms such as payment for those acting on adoption panels across the area.</p> <p>There will be no Adopt South West specific impact on existing Devon County Council Policies, this does not preclude changes that may be required to meet National Policy relating to Regional Adoption Agencies.</p>
<p>How will impacts and actions be monitored?</p>	<p>A set of objectives has been agreed and the mechanism to collect the required information to regularly report on performance will be put in place. These will support the existing national statutory reporting required from all Adoption Services in England.</p> <p>Ofsted currently inspects Adoption Services and a new framework is being developed for inspection of Regional Adoption Agencies.</p>

### Section 3 - Profile and views of stakeholders and people directly affected

<p>People affected:</p>	<p>Children with an adoption placement order in Devon, Somerset, Torbay and Plymouth and those people wishing to adopt a child from the area.</p> <p>Local Authority Members and Chief Officers responsible for Children's Services and accountable to the Ofsted inspection regime and national achievement required by the Department for Education.</p> <p>Staff in Adoption Services in the 4 Local Authorities, Adoption Panel Chairs and Members.</p>
<p>Diversity profile and needs assessment of affected people:</p>	<p>Adopters are considered regardless of age, gender, disabilities, race, culture, ethnicity, sexual orientation or religion/belief</p> <p>Children considered for adoption are aged up to maximum age of 18 when the adoption order is made.</p>
<p>Other stakeholders:</p>	<p>Families of those people who have adopted a child/ children; birth families of a child/children who have been adopted.</p> <p>Providers of support to adopters and birth families.</p> <p>Partner agencies e.g. Health, Education</p>
<p>Consultation process:</p>	<p>There were dedicated adopter engagement sessions early in the journey and the adopters' first priority is to ensure adequate support is available throughout the whole adoption process and beyond. They also prioritise improving support on offer and awareness of adoption in schools and CAMHS services and would like to be recognised as experts on the needs of their children. Adopters also mentioned getting rid of the postcode lottery across the region because of funding variations, and ensuring the RAA adds value, rather than an additional layer of bureaucracy.</p> <p>Similarly, staff have and continue to be engaged with many events held. They have welcomed the opportunity to be involved in the plans for the development of an RAA. Staff from the Local Authorities and the two Voluntary Adoption Agencies are working together to design the service improvements and for example this</p>

	<p>has seen the approval for Joint Panels to be introduced during October 2017 ahead of the formal launch of the Regional Adoption Agency.</p> <p>The staff priorities are to have respect for the adopter at forefront of the redesign of process and consideration of new/ different support services. The key benefit is the ease of looking for best match for children and adopters across the region together and keeping more solutions local. Early permanence and joint working with child care social workers across the region will bring improved outcomes for the child and families and they are keen to work on breaking down any barriers to this whilst designing the Regional Adoption Agency way of working and protocols.</p> <p>The Adoption Panel chairs hope that the shift to a Regional Adoption Agency will lead to better outcomes for children and higher quality services, they welcome the opportunity to work together and focus on what works well.</p> <p>We have engaged with adopters and panel members in engagement workshops, to help shape joint panels and contributed to further ideas on improving the services of the Regional Adoption Agency.</p> <p>Local Authority Members have also been engaged across the authorities</p>
<p>Research and information used:</p>	<p>Adopt South West is following the single Local Authority Hosting model for a Regional Adoption Agency.</p> <p>The required Inter Authority Agreement is informed by legal, financial, practice and commissioning representatives from each Local Authority. The Regional Adoption Agency Service has been specified based on the expertise and experience of all the Local Authority partners and informed by the key involvement the Voluntary Adoption Agencies, Families for Children and Barnardo's. The best practice available from across the area is to be adopted, and adapted through further innovations, to deliver a consistent high-quality adoption support service.</p> <p>As a national programme, there has been support provided by the Department for Education and their nominated advisors, Deloittes. There are shared learning forums in place for all 19 Regional Adoption Agency development teams to share and learn from one another.</p> <p>Each Local Authority responds to the Children and Social Work act and this is carried through into the ethos, practice and approach to improvement in development of the Regional Adoption Agency. A further reference</p>

employed is the Children and Family Bill 2013 – this sets out regulations around Fostering for Adoption and the principle of every child should be considered for fostering for adoption if Adoption is a permanence option is central to the Regional Adoption Agency practice. The family finders role is key in working in partnership with the Local Authority Child Care Social work staff for identification of these children at the earliest point possible and to provide guidance to the Local Authority around the potential of Foster for Adoption placements.

All practice reviews are guided by the adoption minimum standards and the adoption regulations 2005 ensuring the Regional Adoption Agency will continue to meet statutory guidelines.

## Background Analysis

This section describes how relevant questions and issues have been explored

### Section 4 - Social Impacts

#### Characteristics

**In what way are you eliminating or reducing the potential for direct or indirect discrimination, harassment or disadvantage? Are there any reasonable and proportionate, unavoidable negative consequences?**

**In what way are you advancing equality (meeting needs, encouraging participation, making adjustments for disabled people, 'closing gaps').**

**In what way are you fostering good relations between groups (tackling prejudice and promoting understanding), if relevant?**

The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption

#### Children Act 1989

Sets out many of the duties, powers and responsibilities local authorities hold in respect of their looked after children and care leavers. In 2015 new regulations relating to the Children Act came in to force. Among other things, these regulations set out arrangements for local authorities considering ceasing to look after a child.

[View the Children Act 1989](#)

### **Children (Leaving Care) 2000**

Sets out duties local authorities have to support young people leaving care from 16 to 21 years of age.

[View the Children \(Leaving Care\) Act 2000](#)

### **Adoption and Children Act 2002**

Updated the legal framework for domestic and inter-country adoption, and places a duty on local authorities to maintain an adoption service and provide adoption support services.

[View the Adoption and Children Act 2002](#)

### **Children and Adoption Act 2006**

Gives courts more flexible powers to facilitate child contact and enforce contact orders when separated parents are in dispute.

[View the Children and Adoption Act 2006](#)

### **Children and Young Persons Act 2008**

Legislates for the recommendations in the Department for Education and Skill's 2007 Care Matters white paper to provide high quality care and services for children in care.

[View the Children and Young Persons Act 2008](#)

[Download the Care Matters white paper \(PDF\)](#)

### **Children and Families Act 2014**

Encourages 'fostering for adoption' which allows approved adopters to foster children while they wait for court approval to adopt. Introduces a 26-week time limit for the courts to decide whether or not a child should be taken into care. In some cases, this limit may be extended by eight weeks. Introduces 'staying put' arrangements which allow children in care to stay with their foster families until the age of 21 years. This is provided that both the young person and the foster family are happy to do so.

[View the Children and Families Act 2014](#)

All residents (include generic equality provisions):

The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption

An Adopter does not have to be a British citizen to adopt a child, but:

- An Adopter must have a fixed and permanent home in the UK, Channel Islands or the Isle of Man
- An Adopter must have lived in the UK for at least 1 year before you begin the application process



	<p>An Adopter will not be allowed to adopt if you, or an adult member of your family, have a criminal caution or conviction for offences against children or certain sexual offences against adults but, with the exception of these specified offences, a criminal record will not necessarily rule you out.</p> <p>Smoking will not necessarily rule you out from adopting. Consideration will be given to this and to all health- and lifestyle-related issues, and the agency will want to know of any specific health risks to you or to the children who may be placed in your care.</p> <p>There is no single national policy on smoking, but all agencies will apply some restrictions. According to national medical advice children under five and those with particular medical conditions should not be placed in smoking households. You will usually need to be smoke-free for at least six months before adoption from these groups can be considered.</p> <p>To adopt a step child an Adopter must tell your local council at least 3 months before applying to a court for an adoption order. Also, the child must also have lived with both of you for at least 6 months.</p> <p>If you disagree with an adoption agency's decision, you can either:</p> <ul style="list-style-type: none"> <li>• challenge their decision by writing to them</li> <li>• apply to the <a href="#">Independent Review Mechanism</a>, which will look into your case</li> </ul> <p><b>Staffing</b> of the RAA will be achieved through TUPE transfer of Somerset County, Plymouth City &amp; Torbay Councils staff to Devon County Council which along with existing DCC staff will complete the workforce. Although the majority of the workforce is largely mobile all require an office base, there will be staff that may be required to use different offices as their work base, this will be determined through the TUPE consultation process and this impact will be managed through existing HR policies in each Local Authority.</p>
Age:	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption.</p> <p>An adopter may be able to adopt a child if you're aged 21 or over (there's no upper age limit)</p> <p>An adopter's own family- having children of your own (of any age) will certainly not exclude you from adopting, whether they are living at home with you or have grown up. Consideration will, however, be given to the age gap between your own children and the age of the child(ren) you wish to adopt and the position of each child within the family in accordance with the child(ren)s' needs.</p>

	<p><b>Staffing-</b> there will be no change to existing HR workforce policy</p>
<p>Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:</p>	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption</p> <p>Being disabled should not automatically exclude anyone from becoming an adopter and it is widely recognised that disabled people can often provide a very loving home for a child.</p> <p>Disability is only one of the many issues that will be considered by an adoption agency so adopters should not rule themselves out before they have had a conversation with their agency of choice. Even if an adopter believes that they might need some additional assistance to adopt a young person, social services may be able to provide this support.</p> <p>It is recognised that the life experiences of disabled people can give them a unique insight into the lives of children in care, who often have a sense of themselves as ‘different’ or who may also have a disability. Living alongside disability in the context of positive relationships can teach children the importance of inclusivity and how to value difference.</p> <p>The Medical Adviser will assess the information provided through a medical on a disabled applicant and an assessing social worker will also explore with you any potential impact this may have on parenting and how these would be managed. Similarly, if you have had treatment for a serious illness, the agency will seek full information from your GP and will want to establish the impact of the illness and future prognosis and their Medical Adviser may want to contact your hospital consultant for further details before being able to make a recommendation. If there is a significant risk that you may not be able to care for a child throughout their dependent years, the Medical Adviser will seek further information and advise the Adoption Agency accordingly.</p> <p>As well as existing health conditions, an agency will want to discuss lifestyle issues such as weight, smoking and alcohol consumption. These issues are not barriers to adoption but they could present health risks in the future. If you have resolved any problems with such issues in the past, the agency may consider that you have shown strength and motivation to deal with problems which would enhance your application.</p> <p><b>Staffing-</b> there will be no change to existing HR workforce policy</p>
<p>Culture and ethnicity: nationality/national origin,</p>	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption.</p>

<p>skin colour, religion and belief:</p>	<p>You can be matched with a child with whom you do not share the same ethnicity, provided you can meet the most important of the child's identified needs. All families should be able to get support to help their adopted child to understand and appreciate the important cultural, religious or linguistic values of their birth community.</p> <p><b>Staffing-</b> there will be no change to existing HR workforce policy</p>
<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed).</p>	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption.</p> <p>The Adoption and Children Act 2002 gave unmarried couples, including same sex couples, the right to adopt, and this became law in December 2005. If you are a same sex couple you don't need to be in a Civil Partnership or married to adopt, you will need to show that you are living together in an enduring relationship.</p> <p>Single adopters are also welcome whatever their sexual orientation.</p> <p>An adopter should not experience discrimination on grounds of sexual orientation. All agencies are committed to equal treatment of all potential adopters and in fact may positively welcome applications from LGBT adopters.</p> <p><b>Staffing-</b> there will be no change to existing HR workforce policy</p>
<p>Sexual orientation and marriage/civil partnership:</p>	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption.</p> <p>An adopter may be able to adopt if</p> <ul style="list-style-type: none"> <li>• single</li> <li>• married</li> <li>• in a civil partnership</li> <li>• an unmarried couple (same sex and opposite sex)</li> <li>• the partner of the child's parent</li> </ul> <p><b>Staffing-</b> there will be no change to existing HR workforce policy</p>
<p>Other socio-economic factors such as families, carers, single</p>	<p>The Regional Adoption Agency will operate within clear standards laid down in law regarding Adoption.</p> <p>An adopter may be able to adopt whether you are a homeowner or living in rented accommodation.</p>

<p>people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.</p>	<p>An adopter's financial circumstances and employment status will always be considered as part of an adoption assessment, but low income, being unemployed or employed do not automatically rule them out. An adopter can be an adoptive parent while on benefits. The agency will want to discuss how the responsibility of caring for a child would be managed. Some agencies want a child to have their own bedroom but this is not a requirement and in some circumstances sharing can be considered. The adopter's local authority may provide support, especially for adopters of sibling groups or of children with a disability or special need of some kind. An adopter would also be encouraged to look into what benefits they may be entitled to. A number of other allowances are available for children with disabilities.</p> <p>Adoption Agencies need to be sure that any pets that you own do not pose a threat to children's health or safety. Also, some children may suffer from allergies which would prevent placement with some pets. A report from a vet may be requested.</p> <p><b>Staffing-</b> there will be no change to existing HR workforce policy.</p>
<p>Human rights considerations:</p>	<p>None</p>

<b>Signed off by:</b>	Julian Wooster
<b>Date</b>	March 2018
<b>Compliance sign off Date</b>	9 March 2018
<b>To be reviewed by:</b> (officer name)	Julian Wooster
<b>Review date:</b>	March 2019

Decision Report – Cabinet key decision

– 21<sup>st</sup> March 2018

**Somerset Rivers Authority (SRA) Enhanced Programme of Flood Risk Management Works and the SRA Memorandum of Understanding and Constitution**

Cabinet Member(s): Cllr David Hall – Deputy Leader

Division and Local Member(s): All

Lead Officer: Paula Hewitt – Lead Director for Economic and Community Infrastructure & Director of Commissioning

Author: David Mitchell - Senior Manager, Somerset Rivers Authority

Contact Details: 01823 356789

	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	22/02/2018
	Monitoring Officer	Scott Wooldridge	05/03/2018
	Corporate Finance	Kevin Nacey	08/03/2018
	Human Resources	Chris Squire	14/02/2018
	Property / Procurement / ICT	Richard Williams	09/03/2018
	Senior Manager	Paula Hewitt	15/02/2018
	Local Member(s)	All	13/03/2018
	Cabinet Member	Cllr David Hall	27/02/2018
	Opposition Spokesperson	Cllr Simon Coles	14/02/2018
	Relevant Scrutiny Chairman	Cllr Tony Lock for Scrutiny Place	08/03/2018
<b>Forward Plan Reference:</b>	FP/17/12/07		
<b>Summary:</b>	<p>Somerset Rivers Authority (SRA) is hosted by Somerset County Council (SCC) which also acts as the accountable body for the SRA until such time as it becomes a separate legal entity.</p> <p>This report provides an overview of the funding committed in 2018/19 for the purposes of the Somerset Rivers Authority's Enhanced Programme of Works and sets out the 2018/19 budget proposals which were endorsed by the SRA Board at its meeting on the 7<sup>th</sup> of March.</p> <p>The report also includes the updated SRA Memorandum of Understanding and Constitution to be signed by all partners which was approved by the SRA Board at its meeting on 7<sup>th</sup> March 2018.</p>		

<p><b>Recommendations:</b></p>	<p><b>That the Cabinet of the County Council agrees:</b></p> <ol style="list-style-type: none"> <li><b>1. To approve the revised Local Memorandum of Understanding (including the Constitution of the SRA) attached as Appendix D;</b></li> <li><b>2. To note the outstanding issue regarding risk sharing across the partnership and note the actions proposed.</b></li> <li><b>3. Agrees the case (set out in ‘legal implications’ for exempt information) for Appendix C to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</b></li> <li><b>4. To approve the SRA Budget for 2018/19, (Appendix A) in accordance with the recommendations of the SRA Board from its meeting on the 7<sup>th</sup> of March 2018</b></li> <li><b>5. To the release of funding committed from all sources in 2018/19 for the purposes of the SRA, subject to receipt of those funds, in accordance with the budget for 2018/19 as set out in item 4 above;</b></li> <li><b>6. To provide forward funding in advance of drawing down Local Enterprise Partnership (LEP) Growth Deal funding to support the delivery of the Enhanced Programme (Appendix B and C (confidential)).</b></li> <li><b>7. That the detailed management of the 2017/18 Budget and Enhanced Programme within the control total allocated to the SRA is undertaken in accordance with the constitutional, financial regulations and decision making arrangements of SCC as accountable body.</b></li> </ol>
<p><b>Reasons for Recommendations:</b></p>	<p>Somerset County Council is the accountable legal body for the Somerset Rivers Authority until such time as it becomes a separate legal entity.</p> <p>The recommendations will enable the Somerset Rivers Authority to continue to work with partners to deliver the actions within the agreed Somerset Flood Action Plan, leading to an enhanced level of flood management in the county.</p> <p>The recommendations are in line with the Cabinet’s decision taken on 12<sup>th</sup> February 2018 to continue the Council Tax precept of £12.84 for a Band D property within the base budget for the shadow Somerset Rivers Authority (representing no rise from 2017/18) and which was confirmed at Full Council on the 21<sup>st</sup> of February 2018.</p>

	<p>The allocation of funding to specific projects within the 2018/19 Enhanced Programme is proposed to be considered in exempt session to avoid compromising the procurement position of the delivery partners.</p> <p>The Local Memorandum of Understanding and Constitution which set the context for the work of the SRA has been revised to reflect changes in personnel, dates and funding amounts relevant to 2018-19. The MOU must be formally agreed by all Partners to ensure the ongoing support of Partners in delivering the SRA Enhanced Programme and provide a clear governance structure for setting and managing that work. The MOU will be signed on behalf of SCC by the Deputy Leader and Cabinet Member for Resources and Economic Development.</p>
<p><b>Links to Priorities and Impact on Service Plans:</b></p>	<p>The SRA Flood Action Plan links closely with the vision set out within the County Plan and within the emerging SCC Business Plan. In particular it supports the objectives which seek to create a thriving local economy, improving key infrastructure and creating better links by joining up with partners, to ensure that services are more effectively delivered to Somerset's residents.</p> <p>The work of the SRA is bringing different organisations together to protect roads and other infrastructure from the impacts of flooding; make communities more resilient to flooding; and, helping rural businesses to be resilient to flooding whilst also protecting the special characteristics of Somerset.</p> <p>The work of the SRA also directly supports the following objectives of the Somerset Growth Plan:</p> <ul style="list-style-type: none"> <li>• Increased flood resilience will improve the resilience of Somerset's transport infrastructure</li> <li>• Somerset will still be renowned for the high quality of its environment, and the quality of life that can be achieved</li> </ul> <p>The work of the SRA directly supports all the objectives contained within Somerset County Council's <i>Local Flood Risk Management Strategy</i>. The SRA works closely with SCC as Lead Local Flood Authority to identify joint priorities for action.</p>
<p><b>Consultations and co-production undertaken:</b></p>	<p>Represented on the SRA board are Somerset County Council (SCC), the Somerset District Councils and Internal Drainage Boards (IDBs), the Environment Agency, Natural England and Wessex Regional Flood &amp; Coastal Committee. The Board is responsible for overseeing the delivery of the Flood Action Plan. The SRA Enhanced Programme of works plan, which delivers against the Flood Action Plan objectives, is developed by all the partners working together to address issues of concern to local communities and local stakeholders.</p>

	<p>SCC representation on the Board is Councillor David Hall. The SRA Board approved the 2018/19 Enhanced Programme on the 7<sup>th</sup> of March 2018.</p> <p>The Flood Action Plan draws on a wide range of evidence and feedback from the community. It also builds on other relevant strategies and plans including Water Level Management Plans, and SCC's Local Flood Risk Management Strategies.</p> <p>In considering this proposed decision, the conclusions and recommendations of the SRA Board at its meeting on the 7<sup>th</sup> of March 2018 have been taken into account.</p>
<p><b>Financial Implications:</b></p>	<p>Funding amounting to £2.87m is available to the SRA for 2018/19 from local partners, of which Somerset County Council is contributing £2,506,900 from Council Tax receipts as confirmed at the Full Council meeting on the 21<sup>st</sup> of February 2018. This funding is raised by a 1.25% 'additional notional amount (ANA)' added to council tax bills; permission to raise this ANA is given by central government and can be used only to fund the SRA.</p> <p>Looking beyond 2018/19, the government, in its response to the Efra Committee second report of 2016-17 re: 'Future flood prevention', confirmed its intention to give a statutory basis to the SRA's funding when parliamentary time allows. The process for this was initiated on the 6<sup>th</sup> of March 2018 when the <i>Rivers Authorities and Land Drainage Act</i> was presented to Parliament by David Warburton MP. If successful this Bill enables the SRA to raise its own funds via a separate precept. In the meantime, the flexibility afforded to Somerset's local authorities to raise council tax for this purpose continues.</p> <p>In addition it is recommended that Somerset County Council provides forward funding in advance of drawing down funding from the Heart of the SW Local Enterprise Partnerships (LEP). This enables the delivery of the LEP funded Somerset Flooding Project, which in turn, supports the delivery of the Somerset Flood Action Plan.</p>
<p><b>Legal Implications:</b></p>	<p>The funding made available to the SRA from the Heart of the SW Local Enterprise Partnerships Growth Deal is subject to a Funding Agreement between SCC and the LEP. Onward allocation of that funding is the subject of separate funding agreements between SCC (as host authority on behalf of the SRA) and the individual SRA Delivery Partner. The agreements for 2018/19 projects are currently being drafted ready for use should financial approval be received.</p> <p>The amendments to the SRA's constitution do not carry any significant legal implications for SCC or any of the SRA partners</p>



	<p>and merely facilitate the implementation of the 2018/19 SRA Budget.</p> <p>Appendix C contains exempt information. “Exempt information” is defined by Section 100 of the Local Government Act 1972 and by Schedule 12A to that Act. The information in Appendix C is exempt information because it is considered to fall within paragraph 3 of Schedule 12A:</p> <p><i>“Information relating to the financial or business affairs of any particular person (including the authority holding that information)”</i>.</p> <p>The public interest test is then applied and in this instance it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information for the reasons set out in paragraph 1.2 in the <i>Background</i> section below.</p>
<p><b>HR Implications:</b></p>	<p>SCC acts on behalf of the SRA Board as Host Authority. In particular it employs SRA staff (x3). As such SCC is responsible for all HR related matters for the SRA team.</p>
<p><b>Risk Implications:</b></p>	<p>If the SRA budget and associated financial arrangements are not agreed, there is a significant risk that the momentum achieved in 2014/15, 2016/17, 2017/18 by the SRA in mitigating the intensity and duration of flooding events will not be maintained. As a result, further flooding events would be more likely to adversely affect local communities, infrastructure and businesses, and SCC in the delivery of its services.</p> <p>There is a risk of reputational damage to SCC if funding is not approved and the SRA is no longer viable resulting in a failure to deliver its programme of works.</p> <p>If funding is not approved there is a risk of staff redundancies within the SRA team and a potential financial liability for SCC from redundancy payments. This is mitigated by the recommendation within the 2018/19 MOU to use remaining SRA funds to settle this liability in the first instance.</p> <p>Any delays in receipt or release of the funds would increase risks that delivery of the enhanced works programme as planned may not be possible.</p> <p>There is a small risk that the Local Enterprise Partnership (LEP) will not reimburse SCC the forward funding for LEP funded projects. There is also a risk that the LEP could claw back previously granted funds if a project was not completed or it was found that the funds had been incorrectly spent. SCC has agreed to ‘own’ the risks associated with spending of LEP funding on behalf of the SRA. This risk is mitigated by the SRA</p>

	<p>procedures set up to ensure all delivery partners' claims to SCC are related to approved projects and activities and meet LEP requirements. Grant funding claim forms submitted by the partners require a signature from a suitably qualified finance officer providing assurance that any spending is appropriate to the project.</p> <p>There are risks to project delivery as a result of not having resolved a matter within the SRA about how project risks are shared across the partnership for SRA funded schemes. In the absence of such resolution, risks associated with SRA projects are being borne by the delivery partner who has overall responsibility for delivering the project. Some partners feel they are exposed to greater risk than others. If not resolved then it could lead to projects not being started due to concern about potential future liabilities. This mainly relates to projects on Main Rivers which are undertaken by the Environment Agency or Internal Drainage Boards. As such the main risk for SCC is a reputational one if the SRA is seen not to be able to deliver schemes.</p> <p>In order to mitigate this risk a 'risk sharing group' was established consisting of finance and legal officers to consider the issues and identify solutions. In addition projects are developed with a financial allowance for risk and projects are being developed in ways which reduce risks, for example by delivering incrementally to reduce the overall risk. This matter is currently under investigation between partners and a report will be brought forward to a future SRA Board meeting.</p>						
	<table border="1"> <tr> <td data-bbox="520 1216 722 1249"><b>Likelihood</b></td> <td data-bbox="722 1216 836 1249"><b>3</b></td> <td data-bbox="836 1216 1010 1249"><b>Impact</b></td> <td data-bbox="1010 1216 1123 1249"><b>5</b></td> <td data-bbox="1123 1216 1350 1249"><b>Risk Score</b></td> <td data-bbox="1350 1216 1457 1249"><b>15</b></td> </tr> </table>	<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>5</b>	<b>Risk Score</b>	<b>15</b>
<b>Likelihood</b>	<b>3</b>	<b>Impact</b>	<b>5</b>	<b>Risk Score</b>	<b>15</b>		
<p><b>Other Implications (including due regard implications):</b></p>	<p><b><u>Equalities Implications</u></b></p> <p>This decision relates purely to the requirement for SCC as Host Authority and accountable body for the Somerset Rivers Authority (SRA) to make a formal decision to allocate the funds raised through the 'shadow precept' specifically to delivering the activities of the SRA as set out within the SRA's Enhanced Programme.</p> <p>Recommendations 4,5 and 6 are financial recommendations and as such do not require an Impact Assessment. The Enhanced Programme of works is a series of relatively small scale interventions related to flood risk management. The work often has very localised impacts and are developed in consultation with landowners, property owners and statutory bodies such as Somerset CC, Environment Agency and Natural England.</p> <p>Where community based work is undertaken as part of the Programme, such as building community resilience, these will be undertaken in an inclusive manner with reference to SCC standards on publications, communication and consultation. As part of the work stream on community resilience a community</p>						

engagement protocol is being prepared which will ensure that accessibility and equality issues are considered as part of project planning.

Representation of the communities of Somerset, and their various characteristics, will be achieved through representation on the Board and working groups of the SRA, which includes representatives of the County and District Councils, the Drainage Boards and Farming and Wildlife Advisory Group SW.

The local Memorandum of Understanding sets out, among other things, that the SRA shall, where relevant and unless otherwise agreed, operate in accordance with SCC practices and procedures, relating to:

- Equalities policies;
- Policies for dealing with access to information and data protection.

No other Equalities implications have been identified.

### **Community Safety Implications**

There are no implications with regard to crime, but the aim of the funding is to improve community safety by reducing risks associated with flooding.

### **Sustainability Implications**

The vision of the Flood Action Plan is for “a thriving, nature-rich wetland landscape, with grassland farming taking place on the majority of the land. The impact of extreme weather events is being reduced by land and water management in both upper catchments and the flood plain, and by greater community resilience.”

The aim of setting up the SRA is to provide a long term sustainable funding solution to enhanced flood risk management in the county. There are direct positive implications therefore of SRA-funded works improving the flood resilience and sustainability of those parts of Somerset where projects are undertaken.

### **Health and Safety Implications**

None identified at this time.

### **Privacy Implications**

None identified at this time.

### **Health and Wellbeing Implications**

The aim of the Programme as a whole is to improve community well-being. There are specific actions in the Programme that are

	aimed at improving community resilience. The health and wellbeing of residents potentially impacted by flooding is improved through increasing resilience and protection.
<b>Scrutiny comments / recommendation (if any):</b>	Reviewed by Scrutiny Chair on the 8 <sup>th</sup> March 2018. No recommendations proposed.

## 1. Background

- 1.1. Winter 2013-14 was the wettest in Somerset for 250 years. Around 150km<sup>2</sup> of land was submerged for weeks, 165 homes flooded, 7,000 businesses affected, 81 roads closed. An Economic Impact Study estimated the cost to Somerset as being up to £147.5m. SRA launched in January 2015 to provide an extra level of flood protection and resilience for Somerset. It was an Action in Somerset's 20 Year Flood Action Plan (FAP), drawn up at the Government's request in 2014 to reduce the severity, duration, frequency and impact of flooding. Since 2014, an extra £43million has been brought into Somerset for flood risk reduction. The SRA is a partnership of existing Flood Risk Management Authorities (FRMAs). Its members are Somerset County Council, the five district councils, the Environment Agency, Natural England, the Wessex Regional Flood & Coastal Committee, the Axe-Brue IDB and the Parrett IDB. The SRA does not diminish the roles, funding and responsibilities of any of its Flood Risk Management partners - nor indeed of landowners (who have their own riparian responsibilities). What the SRA does is improve joint working opportunities. Through the SRA, work is better co-ordinated. The aim is to ensure that Somerset's flood risk management benefits from people's *collective* experience and knowledge. The SRA does *extra*, not *instead*. It delivers an *extra* level of flood protection and resilience for the whole of Somerset. It raises *extra money*. It does *extra work*.
- 1.2. The Medium Term Financial Plan (MTFP) 2018/19 for SCC was considered by Full Council on 21<sup>st</sup> February 2018. Full Council resolved to continue the Council Tax precept of £12.84 within the base budget for the Somerset Rivers Authority (representing no rise from 2017/18). This results in a Council Tax requirement of £2,506,900 as detailed in section 7.3 of Item 8, *2018/19 – 2021 Medium Term Financial Plan*. The outcomes of that meeting can be found by visiting the SCC website at <http://democracy.somerset.gov.uk/documents/g381/Decisions%2021st-Feb-2018%2010.00%20County%20Council.pdf?T=2> (item 7). This funding, plus funding committed by Somerset's other local authorities, plus the two Somerset Drainage Boards totals £2,879,861 and is ring-fenced to finance the SRA in 2018/19, its 4th financial year. Therefore, while SCC will act as Host Authority for the SRA, the SRA budget will have a neutral impact on SCC's own budget.
- 1.3. This local funding will deliver a range of flood risk management activity across all districts in Somerset, with the emphasis on maintenance and improvement activities, both river and drainage, but will also include a number of small capital projects, initiatives to tackle urban run-off and natural flood management to slow the flow in the upper catchments. Appendix B of this report gives details of the

works and Appendix C gives the allocation of funding to each of the works. Appendix C is confidential to avoid compromising commercial negotiations with contractors.

- 1.4.** In January 2016, the Council entered into a Funding Agreement on behalf of the Heart of the SW Local Enterprise Partnership (LEP), committing £13.1m of Local Growth Fund to be used to fund a package of measures to reduce the duration, depth and frequency of flooding on the Somerset Levels and Moors. This agreement was revised in January 2017 and is known as the 'Somerset Flooding Project'. These funds are required to be spent in the six year period 2015/16-2020/21 and are claimed quarterly in arrears. As SCC is the Accountable Body for the SRA there is a requirement for SCC to provide forward funding to cover the period between financial claims made to the SRA by Delivery Partners and SCC drawing down the allocated LEP funds. As the claims are quarterly and the forecast spend period of the project is spread over the four years ending 2019/21, the requirement for forward funding will not be the full amount of the Local Growth Deal; claims will only be for works completed in each financial quarter.
- 1.5.** This Growth Deal funding will deliver a number of flood risk management capital projects across all districts in Somerset, including:

  - Pioneer dredging of Somerset's main river systems;
  - Improving the hydraulic efficiency of the Sowy/King Sedgemoor Drain system
  - Developing the Bridgwater Tidal Barrier project
  - Small scale, on-farm schemes to slow the flow in the upper catchments
- 1.6.** On 7<sup>th</sup> March 2018 the SRA Board agreed to roll over the 2017/18 Local Memorandum of Understanding (Local MoU) and Constitution, save for updating it with personnel and date changes. A copy of the 2018/19 version is attached as Appendix D of this report.
- 1.7.** The Scheme of Delegation referenced in the SRA Constitution will effectively be met by adherence to the SCC constitutional arrangements and schemes of delegation. This is appropriate given that SCC is the accountable body, and the SRA in its current form lacks status as a decision making body. Appendix 5 of the SRA Constitution (contained within Appendix E of this report) outlines the SRA decision making processes and reflects that these decisions are decisions 'in principle' and are subject to formal approval by its host authority and the accountable body for all SRA funding, namely SCC.

The budget, associated works funded by local partners and the Growth Deal funding and the Local Memorandum of Understanding and Constitution was approved by the SRA Board on 7<sup>th</sup> March 2018.

## **2. Options considered and reasons for rejecting them**

- 2.1. The SRA Technical Group considered a large number of alternative flood risk management options for the SRA 2018/19 Enhanced Programme of Works in accordance with the agreed SRA Policies for Funding. The method for determining the 2018/19 programme of works is outlined in Appendix 3 of the SRA Constitution which is included as Appendix F of this report.

## **3. Background Papers**

- 3.1. Key papers are included as appendices.

# Somerset Rivers Authority

## Budget for 2018-19 by funding stream

**2018-19  
Budget  
£**

<b>Item</b>	<b>2018-19 'Shadow' precept, plus IDB contribution</b>	
1	Works	2,229,861
2	SRA staffing and overheads (4 FTE)	200,000
3	<b>Total SRA 'Shadow' precept funding</b>	<b>2,429,861</b> 1+2
	<b>Brought forward from previous years*</b>	
4	'Shadow' precept 2017-18 Enhanced Programme - works	862,347
5	'Shadow' precept 2016-17 Enhanced Programme - works	130,000
6	Interim Funding 2015-16 Enhanced Programme - works	31,000
7	CLG funding - community resilience - activities	90,550
8		<b>1,113,897</b> 4+5+6+7
9	Growth Deal Projects (Dredging, Sowy, B'water Tidal Barrier, Natural Flood Management)	<b>1,416,500</b>
10	<b>Total Brought forward and Growth Deal</b>	<b>2,530,397</b> 8+9
	Total budget provisions set aside towards Sowy-KSD &/or Pioneer dredging funding package (from all funding streams and not included under item 9) This figure includes the £450k allocation from the 2018/19 'shadow precept'	<b>2,512,319</b>
12	<b>Total 2018/19 budget</b>	<b>4,960,258</b> 3+10
13	<b>Total Budget approval</b>	<b>7,472,577</b> 3+10+11

\*estimates as figures prepared prior to closure of 2017/18 accounts

**Note:** to avoid compromising commercial negotiations we are unable to make more detail available publicly about project costs

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## SRA Enhanced Programme 2018-19

Title	Outline of Scheme/Activity/Action	Beneficiary of action	Enabling Yes/No	Additional £s or new work	Objectives, Outcome & Benefits
<b>Land Management and Natural Flood Management to Slow the Flow</b>	<p>1. Design and implementation of small-scale and natural flood management capital works to detain water in the upper catchment and reduce peak flows.</p> <p>2. Increase uptake of soil management techniques and cropping changes which improve the infiltration of water and reduce run-off – 75 farms.</p> <p>3. Respond to 50 highway flooding and Lead Local Flood Authority (LLFA) referrals and flooding hotspots where land management can help provide a solution.</p> <p>Geographic priorities:</p> <ul style="list-style-type: none"> <li>• Targeted approach to Somerset Frome upstream of Frome</li> <li>• Areas in South Somerset, Sedgemoor, Taunton Deane and West Somerset that have the greatest soil degradation/run-off problems</li> </ul>	County	No	New work	<p><b>Objectives:</b></p> <ul style="list-style-type: none"> <li>• To reduce the depth and duration of flood events in Somerset</li> <li>• To reduce local flash flooding in the upper and mid catchment areas</li> <li>• To reduce the flood risk in the lower catchment</li> <li>• To reduce sediment loading in dredged profiles</li> </ul> <p><b>Outcomes:</b></p> <p>Reduced soil loss and water flow from the upper catchment            Delay to flood peaks in sub-catchments            Fewer local flooding incidents</p> <p><b>Benefits:</b></p> <ul style="list-style-type: none"> <li>• Reduced soil loss in the upper catchment should reduce the need for de-silting in the lower catchment</li> <li>• Beneficial land management works will decrease rates of overland flow that result in local flooding</li> <li>• Increasing infiltration and reduce water run-off will reduce flow levels, thereby reducing the need for pumping to remove water on the Levels</li> </ul>
<b>Parrett and Tone maintenance dredging</b>	Carrying out ongoing maintenance of those lengths of river once pioneer dredging has been completed. To cover Tone from Hook Bridge to confluence; Parrett from Burrowbridge to 750m downstream of Northmoor Pumping Station. Assumes the use of water injection dredging remains acceptable.	SDC/TDBC/SSDC	No	New work	<p><b>Objective:</b> - To maintain the conveyance capability of the rivers as close as practicable to that achieved by pioneer dredging</p> <p><b>Outcome:</b> - Monitoring data of silt movement within the river channel, dredging of accumulated silt</p> <p><b>Benefit:</b> - Regular maintenance of dredged profiles will maintain the improved standard of flood risk to approx 1,300 houses, businesses and approx 7,500 hectares of land achieved by the pioneer dredge and avoid the need for future expensive capital dredging</p>
<b>Taunton Strategic Flood Alleviation Improvements Scheme</b>	Phase 2 is a detailed options appraisal to determine the strategic flood risk solution for Taunton. The appraisal will continue the work undertaken by Jeremy Benn Associates (JBA) on behalf of TDBC from their "Phase 1 study "Taunton Strategic Flood Risk Management Options Study" which identified three potential key locations/elements that can contribute to this objective.	TDBC	Yes	New work	Taunton urgently needs strategic flood alleviation improvements. Phase 2 work in 2017-18 involved the detailed appraisal of single options for the detention reservoir and defence walls in the town centre. The outcome of this work has resulted in the commencement of combined analysis work which will be undertaken in 2018-19 to establish preferred options ahead of public consultation, leading to an outline design and full planning permission. The whole scheme is a crucial component of the pioneering Taunton Garden Town initiative. It will allow planned development – approximately 4,350 new homes and nearly 10,000 new jobs – to be safely brought forward. It will mitigate the effects of climate change. Without such a scheme, existing properties and business premises will face unacceptable levels of flood risk and associated human and economic consequences. Funding from the SRA is essential as part of a wider package supported by an Environment Agency/Taunton Deane Borough Council partnership. It will help to deliver an oven-ready scheme, for which major capital funding is still required, bids for which will continue to be submitted.
<b>Countywide Enhanced Drain Jetting</b>	To ensure drainage systems at known flood susceptible sites are fully operational by proactive jetting of sites.	County	No	Extra £s	In conjunction with the enhanced programme of gully emptying, the cleaning of highway drains from road gullies to outfall alleviates the annoying and inconvenient problems of flooding on local roads. It keeps roads open, makes them safer, preserves access for communities, and safeguards properties from flooding. Extra SRA-funded drain jetting began in 2016-17 and will enable the highest risk drains to be jetted proactively as opposed to only when a problem occurs.
<b>Countywide Enhanced Gully Emptying</b>	The highest priority gullies are cleansed annually by SCC. The SRA funding will support an enhanced cleansing regime by mechanically cleansing the 21,263 high risk gullies an extra time each year.	County	No	Extra £s	This enhanced programme of gully emptying targets locations most susceptible to flooding. It is designed to mitigate high-risk areas (the top 20%, meaning 21,263 gullies) and to alleviate the annoying and inconvenient problems of flooding on local roads. It keeps roads open, makes them safer, preserves access for communities, and safeguards properties from flooding. Extra SRA-funded gully emptying began in 2016-17 and enables highest risk gullies to be emptied twice a year as opposed to once.

Title	Outline of Scheme/Activity/Action	Beneficiary of action	Enabling Yes/No	Additional £s or new work	Objectives, Outcome & Benefits
<b>Briddicott Stream, Carhampton</b>	The installation of a number of wooden silt traps in a number of sections of the Briddicott Stream would trap the sediment, silt and debris which would otherwise become in the area described above. This would help to mitigate some of the flood risk associated with this part of Carhampton. There are a number of other works being carried out on and around the area which this will bolster. There are two areas in particular which have been identified to place the wooden silt traps without impacting on any other planned works in this area.	WSC	No	New work	The proposed bid is to mitigate/address the issue of silt and sediment being pushed downstream and causing pinch-points. The pinch-points push water onto the main highway which causes transportation delays for businesses and build-up of traffic. It pushes car users on to tight country lanes. Then there is the more important issue of water being pushed into dwellings. Two distinct areas have been identified which would lend themselves to wooden silt traps which are easy to maintain. The traps would slow and even stop debris being pushed into the pinch-points especially blocking the stream at the bridge over the main A39 Highway. Furthermore, there are a number of partnership schemes being planned to slow the flow further up the catchment area such as leaky dams. This can only enhance this work. There is also the chance for community engagement with the maintenance of the silt traps where necessary.
<b>Dodham Brook, Yeovil, enhancement scheme</b>	The proposal aims to investigate the feasibility, optimal location, design requirements and potential benefits of flood attenuation measures, and deliver the appropriate scheme as part of a SuDS on the northern and western sections of the Dodham Brook from the source to Preston Road and at Century Park.	SSDC	No	Extra £s	Demonstration of how NFM can be employed in an urban catchment. Fully developed NFM proposals and design along 2km stretch of Dodham Brook and implementation of the first schemes to slow the flow of water moving through the Dodham Brook towards the Yeo. Project will also identify opportunities downstream towards the confluence with the Yeo.
<b>Somerset SuDS Developer Guide</b>	The production of a Somerset-specific supplementary planning guidance document to supplement the West of England Sustainable Drainage Guide for Developers (known as Section 1; the Somerset-specific document will be Section 2). To incorporate specific requirements from all partners involved in the planning process. The guidance will be adopted by Somerset's local planning authorities.	County	Yes	New work	A Somerset-specific SuDS guide will provide developers with a clear steer on what the local planning authorities and consultees involved in water management require for the drainage aspects of new developments in our county. It will highlight the unique characteristics across Somerset that will need to be considered when developing drainage strategies for new development. This will include the differing types of flood risk in the county, for example the contrasting flooding experienced on the Somerset Levels and Moors and the rapid response catchments of West Somerset. The guide will help ensure SuDS achieve multiple benefits (environmental, biodiversity, water quality, amenity and green space), beyond just managing water volumes and rates of discharge. As a jointly developed document, it will allow all of our requirements to be clearly set out for developers in one document so they can be considered and addressed at the early stages of development.
<b>West Sedge Moor &amp; Aller Moor Viewed Rhynes Enhanced Maintenance</b>	Carrying out maintenance of all viewed rhynes in West Sedgemoor and Aller Moor on an annual rather than biennial basis.	TDBC/SDC	No	Extra £s	This work ensures that floodwater is carried away more effectively from flooded and flood-prone areas to outfalls and pumping stations and so reduces the frequency and severity of flooding. In West Sedgemoor and Aller Moor, roads, houses and farm businesses benefit from this reduced flood risk. In addition, West Sedgemoor is a SSSI/SPA and its character depends on the ability to manage water levels in accordance with its agreed Water Level Management Plan.
<b>Countywide de-silting of Structures</b>	One-off de-silting and channel realignment works adjacent to existing highways structures to improve watercourse flow characteristics and capacity, reducing flooding potential for land and properties upstream of the individual sites. Individual sites are identified from highways record, public or stakeholder agency request.	County	No	Extra £s	Silting-up is a problem because it can cause flooding and damage to bridges and culverts. De-silting increases the flow of water and reduces the risk of structural damage caused by pressure, or by floating debris colliding and getting stuck. It also cuts the risk of flooding on roads and in nearby properties. De-silting will also reduce the risk of motorists becoming stuck and requiring resource to rescue them, making inappropriate manoeuvres on the highway, wasted journeys, increased traffic on other roads and highways emergency callouts. De-silting also removes water course "bottle necks" allowing the whole system to work more efficiently. SRA funding is required as de-silting is not done as a routine operation by SCC.
<b>Countywide targeted 'edge of road' clearing</b>	Mechanical brushing of the carriageway will be targeted at flood susceptible locations. Flood susceptible sites are categorised as aligning to one or more of the following criteria: <ul style="list-style-type: none"> <li>• Located within the defined county flood zone</li> <li>• Aligns with an annual gully round location</li> <li>• Coincides with an Enhanced Gully Emptying and/or Enhanced Jetting location</li> </ul> The mechanical road sweeping process involves a soft brush to remove the excess leaf matter followed by the use of a metal brush to remove surface debris and detritus from the carriageway channel lines so as to expose the full width of the carriageway surface, kerb lines if present and existing highway drainage assets.	County	No	New work	The effectiveness of highway drainage systems is severely impeded by the accumulation of debris and detritus, with resulting localised flooding. Brushing road edges at targeted locations offers safety benefits to highway-users as well as preventing future clogging of highway drains. Road sweeping in rural areas began in 2016-17, funded by the SRA.

Title	Outline of Scheme/Activity/Action	Beneficiary of action	Enabling Yes/No	Additional £s or new work	Objectives, Outcome & Benefits
<b>Stogursey and Shurton Highway Flood Relief</b>	The scheme covers both Stogursey and Shurton and forms an effective package of civil engineering works to improve surface water management and reduce the likelihood of flooding. The intention is to undertake local raising of the carriageway by laying extra layers of bitmac and for the parish council to support landowners to fulfil their obligations. Site 1 is between Water Farm and Little Water Farm on Water Lane. Site 2 is Newnham Bridge on Shurton Road.	WSC	No	New work	Two sections of highway at Stogursey and Shurton are susceptible to flooding and this can cut off the communities between the two locations. Some properties are at risk of flooding. Both locations are part of the emergency evacuation route for incidents at Hinkley Point, particularly if the C182 is unavailable.  Both sites suffer surface water flooding as a consequence of their low level and, at Stogursey, of an obstructed water channel. The civil engineering schemes will undertake localised raising of the carriageway by laying extra layers of bitmac at each location with associated edge support where appropriate to lift the road out of the flood water. The parish council will work with landowners to fulfil their obligations in clearing water courses to reduce the level of flooding.
<b>River Avill Flood Relief Channel</b>	Expansion joints along the flood relief channel will be replaced to ensure asset integrity and continued protection of the A39 and village of Dunster.	WSC	No	New work	Objectives: To extend the design life of a flood alleviation channel by carry-out repairs to concrete joints and ensuring the channel can function as per its original design Outcomes: Ensure the asset can effectively reduce the risk of flooding to the A39 and the village of Dunster Benefits: The repairs will provide confidence that the flood alleviation channel will continue to function as per its original design. The amount of maintenance that is needed to safeguard the asset following repairs will be reduced.
<b>Beckington surface and foul water investigation</b>	A detailed investigation into the Catchment runoff and Land Management Practices; Review of all existing information and surveys carried out to date; Additional investigations and walkover surveys carried out in areas where data is missing; Assessment of flow routes and capacity of the existing system; Identification of flood risk issues and a review of the options to mitigate these. This will culminate in an Options Appraisal Report to inform a future funding application.	MDC	No	New work	This project will identify the key flood risk issues within Beckington and the options to mitigate these. The flooding issues have been ongoing for some time (both properties and roads are affected). A thorough investigation will give confidence to the community with benefits to the road through the village and therefore the local businesses. There is huge public support for this project as this has been an on-going issue for the people of Beckington with multiple agencies involved.
<b>Hill Lane, Carhampton</b>	Better and more adequate drainage to replace pipe through property with one of larger diameter and extend the open pipe which will reach to beyond the property.	WSC	No	New work	The proposed bid is to mitigate surface water run-off onto land and dwellings. The inadequate drainage will be replaced. It is also envisaged there will be manageable amounts of water being pushed into main drainage infrastructure rather than onto the main A39 Highway which causes much disruption to transportation.
<b>Culvert inspections and remedial works in IDB areas</b>	Deliver maintenance to high priority culverts which cross public highways and, focussed on problem areas, repair/remove blockages, increase capacity where appropriate or replace life expired structures. Continue periodic inspections to proactively identify future deterioration of these assets.	County	No	New work	To improve the conveyance of water and flood risk management by making necessary improvements (irrespective of ownership where responsibilities are unclear). Culverts are all vulnerable to potential blockages from debris and vegetation and many were not designed to accommodate the structural loading of modern traffic. There is significant potential for water flow capability to be lost, either by blockage or collapse, and this results in local flooding and traffic disruption. This programme prioritises the most vulnerable and strategically important culverts for preventative maintenance and repair/replacement to avoid disruptive unplanned reactive maintenance.
<b>Bratton storage pond</b>	It is proposed the storage pond would be dredged and given greater capacity to support surface water run-off. In effect, it will become a large attenuation pond. Clearance of the channel would also mitigate flood risk to a more acceptable level.	WSC	No	New work	The proposed bid is to mitigate excessive amounts of surface water run-off causing issues to the centre of Minehead. By debris clearance, siltation and vegetation removal the flows to the stream will not be impeded (flows being impeded causes pinch-points which pool water on highways and areas close to shops and dwellings). Dredging and removing the sediment and silt from the storage pond will increase capacity so that water can be released more slowly into the stream, thereby mitigating the risk of flooding. There are opportunities for partnership working with other authorities and engaging the local community with the proposal. Already, the submission of this proposed scheme has produced offers of help and engagement within the community and Minehead Town Council; this is very positive.
<b>Additional De-Silting / Dredging in Axe/Brue catchment</b>	Removal of silt from smaller main river channels and viewed rhynes in Axe-Brue catchment identified at workforce workshop in 2014.	MDC/SDC	No	Extra £s	To carry floodwater away from flooded and flood-prone areas and deliver it to pumping stations and outfalls more quickly. This will reduce the frequency, duration and overall severity of flooding in the Axe-Brue catchment.

Title	Outline of Scheme/Activity/Action	Beneficiary of action	Enabling Yes/No	Additional £s or new work	Objectives, Outcome & Benefits
<b>Sponge EU project 2018-19</b>	This activity seeks to retrofit SuDS into retail parking/industrial estate in the Tone and/or Parrett catchments to show what can be achieved in the urban area. The selection of sites will be undertaken using innovative ecosystem services mapping to identify areas where multi-benefit SuDS can have the greatest impact. This information will be used to engage with individuals and groups in the area to develop and deliver SuDS.	TDBC	Yes	New work	The objective is to raise awareness of the steps owners of large impermeable areas can take to reduce runoff and hence flooding. A SuDS retrofit to create showcase schemes will be undertaken at a variety of sites to demonstrate the environmental and flood risk benefits that can be achieved. The project aims to have wide influence through the county and beyond.
<b>Tootle Bridge &amp; Catsam flood risk reduction investigation</b>	Develop the preferred option through outline design, cost the option and carry out survey, assessment and consultation to fully understand risks, constraints and issues and plan mitigation. Develop detailed works proposal, investigate other funding sources and programme for future grant proposal.	MDC/SS DC	Yes	New work	Objective: develop a detailed works proposal to improve flood risk for homes, businesses, highway, land and infrastructure in the local community that currently experiences frequent flooding Outcome & benefits: the ability to optimise funding opportunities/contributions that would enable works delivery
<b>Building Local Resilience</b>	A suite of projects to build local resilience. Includes: continuation of work with targeted communities; new activities to encourage increased participation in resilience; new activities to identify and support vulnerable people or people who would be more vulnerable due to flooding; new partnership project with Wessex Water.	County	No	Extra £s	Objective: to increase resilience to flooding for families, agriculture, business, communities & wildlife Outcomes & benefits: - Residents, communities and businesses better informed and equipped to take action to protect themselves against the impacts of flooding and to recover more quickly after flooding events - All the Somerset stakeholders: residents, businesses, representatives for the agriculture and wildlife interests, public and voluntary sector organisations able to have informed discussions leading to a shared vision for Somerset in terms of flooding and water management issues, taking into account short, medium and longer term adaptation and sustainability considerations
<b>Flood Alert Systems - maintenance</b>	Annual maintenance charges and costs agreed by the SRA Board in October 2017, associated with the SRA-funded installation of three fully automated solar powered detection systems at Mudford on the A359, Wrantage on the A378 and Oake Road, Bradford on Tone. These Flood Alert systems are designed to be activated when carriageway flooding reaches a predetermined level. Annual charges and costs include software licenses, SIM card costs, fitting and inspections.	TDBC/SDC	Yes	New work	The trial of this system at the three sites will enable Somerset County Council's Highways department to identify the best way to use the system, when pre-determined water levels are reached, to provide appropriate notifications to organisations and communities as well as warning signage on the road. Such a system could significantly reduce the risk of vehicle damage or personal injury, particularly when it is dark. Annual maintenance charges and costs need to be funded by the SRA as without this, the installed equipment will not work and a decommissioning cost would be incurred. It was agreed at the October 2017 SRA Board meeting that these charges would be covered annually.

## Local Memorandum of Understanding & Constitution

### 1. Background and Context

#### 1.1 The Parties

Somerset County Council (SCC), the Axe / Brue and the Parrett Internal Drainage Boards (IDBs), Mendip, Sedgemoor, South Somerset and West Somerset District Councils, Taunton Deane Borough Council, the Environment Agency, Natural England, and the Wessex Regional Flood and Coastal Committee (together the "Parties") comprise the Somerset Rivers Authority (SRA). These Parties, to whom this Local Memorandum of Understanding (MoU) applies, are those agreed to be represented on the SRA Board.

#### 1.2 The Somerset Flood Action Plan

The Parties, together with Defra and DCLG, are committed to reducing flood risk and increasing resilience to flooding in Somerset via implementation of the Somerset Flood Action Plan, including the delivery of its vision for the Levels and Moors (Appendix One). The SRA Board agreed that this will require additional expenditure on water and flood risk management and that this should be secured via an SRA precept.

#### 1.3 Memorandum of Understanding 8<sup>th</sup> December 2014 and sustainable funding mechanism

Pursuant to the commitment in para 1.2 above, on 8<sup>th</sup> December 2014 a Memorandum of Understanding was agreed by the local authorities, the IDBs, Defra and DCLG, which confirmed funding totalling £2.7m available to the SRA for 2015 / 16. That MoU included a commitment to work together to review the options for a sustainable local funding solution for the work of the SRA from 2016/17 onwards, and provide an assessment of the options for consideration by Ministers in July 2015.

In September 2015, it was decided that the preferred funding mechanism was the establishment of the SRA as a precepting body and the Chairman of the SRA wrote to both the Secretaries of State for Environment, Food and Rural Affairs, and for Communities and Local Government with a view to discussing and agreeing how to implement this as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long term funding of the SRA on a statutory basis when parliamentary time allows.

#### 1.4 Local Government Finance Settlement 2016-17

The Local Government Finance Settlement 2016-17 included the provision of alternative notional amounts for council tax levels so that pending the establishment of the Somerset Rivers Authority as a precepting body, Somerset County Council and all Somerset district councils could set a shadow precept of up to the equivalent of a 1.25% increase in Council Tax, for the purpose of funding the Somerset Rivers Authority.

#### 1.5 This Local Memorandum of Understanding (Local MoU)

This Local MoU document is not intended to be legally binding on the Parties, but the Parties agree to the Local MoU, intending to honour their obligations set out in it. It will cover the period up to 31<sup>st</sup> March 2019. Section 2 of this Local MoU set out a constitution for the SRA. Information on background papers, technical terms and acronyms, can be found in Appendix

Two.

**1.6 Term & Amendment**

This Local MoU shall come into effect on 1<sup>st</sup> April 2018, and shall continue in force unless terminated in accordance with this Local MoU. It will be reviewed prior to the end of the financial year, and no later than 31<sup>st</sup> March 2019.

Proposals for amendments should be communicated to the SRA Senior Manager, no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be circulated for comment and any recommendations made to the SRA Board, and in accordance with its decision-making arrangements decided by a simple majority.

**1.7 Previous Arrangements**

Prior to this Local MoU, the Parties have worked collaboratively in relation to the Somerset Rivers Authority through a Local MoU dated March 2017. Those arrangements will be superseded by the arrangements put in place under this Local MoU.

Signed by **David Hall** for and on behalf of **Somerset County Council**

Date

Signed by **John Williams** for and on behalf of **Taunton Deane Borough Council**

Date

Signed by **Ric Pallister** for and on behalf of **South Somerset District Council**

Date

Signed by **John Osman** for and on behalf of **Mendip District Council**

Date

Signed by **Anne Fraser** for and on behalf of **Sedgemoor District Council**

Date

Signed by **Anthony Trollope-Bellew** for and on behalf of **West Somerset Council**

Date

Signed by **Tony Bradford** for and on behalf of the **Parrett Internal Drainage Board**

Date

Signed by **Jeff Fear** for and on behalf of the **Axe & Brue Internal**

**Drainage Board**

Date

Signed by **David Jenkins** for and on behalf of the **Wessex Regional Flood & Coastal Committee**

Date

Signed by **Nick Gupta** for and on behalf of the **Environment Agency**

Date

Signed by **Matt Heard** for and on behalf of **Natural England**

Date

## **2. Somerset Rivers Authority (SRA) - Constitution**

### **2.1 Legal Status of SRA**

The SRA will continue as an unincorporated association. This does not require any new statutory powers. In participating in this association, the Flood Risk Management Authorities (FRMAs, see para 2.3.1) are acting in accordance with the co-operation duty under the Flood and Water Management Act 2010, Section 13.

The SRA Board has agreed it is committed to enabling the necessary legislation to be enacted to establish the SRA as an independent precepting body as soon as possible.

The government in its response to the Efra Committee report on Future Flood Prevention, published in February 2017, gave a commitment to put the long term funding of the SRA on a statutory basis when parliamentary time allows.

### **2.2 Purpose of the SRA**

**2.2.1** To bring together and co-ordinate the Environment Agency, Natural England, the Somerset Internal Drainage Boards (IDBs), the Lead Local Flood and Highway Authority (Somerset County Council - SCC) and the other Somerset local authorities, in their roles as FRMAs

**2.2.2** To provide a strategic overview of the continued delivery of the Somerset Flood Action Plan; and Flood Risk and Water Level Management in Somerset

**2.2.3** To provide a public forum and single point of contact for collective decision making in respect of Flood Risk and Water Level Management in Somerset

**2.2.4** To identify, prioritise, find funding for and oversee the delivery of additional flood risk and water level management work across the whole of Somerset, over and above that which the FRMAs are able to justify within their existing funding streams and to prepare an annual programme detailing that work, to raise the necessary funds and to oversee its delivery.

**2.2.5** To enable the FRMAs to take on a broader role, to ensure that Somerset's flood risk and water level management activity benefits from the collective wisdom, experience and knowledge of all its members;

**2.2.6** To undertake the detailed planning and, with government, put in place the necessary arrangements for the establishment of the SRA as a precepting body.

**2.2.7** To achieve long-term sustainable flood risk management funding for Somerset

### **2.3 Scope of Activities**

**2.3.1** The geographic scope of the SRA is the whole of the area administered by Somerset County Council

**2.3.2** The SRA does not diminish the responsibilities of the individual Parties or those of riparian owners. The existing FRMAs and their existing associated funding streams, responsibilities and accountabilities continue, and their existing powers and discretions are unaffected. However, opportunities will be taken to join up delivery where agreed.



**2.3.3** The SRA makes publically available, in one place, information about all the planned inland flood risk and water level management activity in Somerset, funded from Somerset's FRMAs' and other local partners' existing budgets. This information is called the Somerset Common Works Programme.

**2.3.4** The SRA prepares an annual Enhanced Programme detailing the additional work outlined in 2.2.4. The SRA commissions the delivery of such actions, details of which in respect of the 2018-19 Enhanced Programme, can be found in Appendix Three.

**2.3.5** The SRA co-ordinates the implementation of the Somerset Flood Action Plan whose outstanding actions, are contained in either the Somerset Common Works Programme or the Enhanced Programme.

**2.3.6** Public Sector Co-operation Agreements under the Flood & Water Management Act 2010 section 13(4) will be used as appropriate.

**2.3.7** Where works are undertaken by a Party, the practices and procedures of that Party shall apply. Each of the Parties shall take responsibility for its own liabilities, including insurance; e.g. through appropriate insurance cover or indemnity of Members and officers.

**2.3.8** The SRA will not include within its scope, activities associated with emergency response and recovery or coastal flood risk.

## 2.4 Funding

**2.4.1** Funding totalling £2.8m will be available to the SRA for 2018/19, which will be raised by Somerset's local authorities and the Parrett and Axe/Brue Drainage Boards as follows:

Authority	Contribution – subject to budget setting decisions
Somerset County Council	£2,506,900
Taunton Deane BC	£72,186
Sedgemoor DC	£72,140
Mendip DC	£72,862
South Somerset DC	£110,978
West Somerset C	£24,795
Somerset Internal Drainage Boards	£20,000
<b>Total</b>	<b>£2,879,861</b>

**2.4.2** The Heart of the South West LEP Growth Deal funding totalling £13.1m is available to SCC as the accountable body for the SRA for the 6 year period 2015/16 – 2020/21

**2.4.3.** SCC will account for the use of all funds to the Parties as set out in para 2.7

## 2.5 Host Authority

**2.5.1** As recipient and accountable body for the funding contributions from Somerset's local authorities, SCC shall act on behalf of the SRA Board as Host Authority. In particular it shall:

- Provide the services of its Chief Financial Officer and Monitoring Officer at no cost;
- Provide accounting, financial analysis, accounts payable and receivable.

- Provide procurement services to all contracts SCC awards on behalf of the SRA and, on request, on those of the SRA's delivery partners as required.
- Employ any Host Authority staff and provide HR and IT services in support of them and the SRA website;
- Respond to requests for information;
- Carry out such other functions as may be agreed.

**2.5.2** The costs of the Host Authority in this role shall be covered by the funding available to the SRA, and shall be separately identified in the SRA budget for the year as shall any interest accruing in respect of funding made available at the beginning or during the year.

**2.5.3** The SRA shall, where relevant and unless otherwise agreed, operate in accordance with Host Authority practices and procedures, including the following:

- Procedural standing orders for the conduct of meetings;
- Financial regulations;
- Equalities policies;
- Policies for dealing with access to information and data protection.
- Employment Policies
- Formal decision making procedures

## **2.6 Conduct of SRA Board Members**

Members of local authorities, IDBs and Regional Flood and Coastal Committees are bound by their own codes of conduct, as are staff of the Environment Agency and Natural England. SRA board members, including any co-opted members, will in particular need to comply with the principles of the Host Authority's Members' code of conduct as it applies to the declaration of interests, and compliance with the principles of public life set out by the Nolan Committee on Standards in Public Life.

## **2.7 Obligations**

**2.7.1** As the accountable body for the funding, SCC shall ring fence the funding, provide quarterly information on spend to date against budget and interest accrued to the SRA Board. In particular, SCC will apply its normal financial probity and accountability controls, and will maintain reliable, accessible and up to date accounting records with an adequate audit trail for at least six years.

**2.7.2** The other Parties shall pay to the Host Authority their contribution (see para 2.4.1) on 1<sup>st</sup> April 2018, following receipt of an invoice from the Host Authority, and shall provide timely information relating to progress, costs, benefits and impacts in connection with their roles as delivery partner in relation to the SRA 2018/19 Enhanced Programme (see Appendix Three).

**2.7.3** The Parties shall, by 31<sup>st</sup> March 2018, agree the budget for 2018-19, arrangements as to the way in which SRA funding for 2018-19 shall be spent, managed and accounted for. These shall include mechanisms for handling any underspends against budget, for managing the risk of cost increases, and for facilitating the flow of funding from SCC to meet agreed expenditure incurred by another Party.

**2.7.4** SCC will settle all payments within 30 days of agreement and submission.

## **2.8 Member Organisations (The Parties)**

Somerset County Council, the Axe / Brue and the Parrett IDBs, Mendip, Sedgemoor, South

Somerset and West Somerset District Councils, Taunton Deane Borough Council, the Environment Agency, Natural England, and the Wessex Regional Flood and Coastal Committee.

## **2.9 SRA Board**

**2.9.1 Composition of Board:** One representative per member organisation, except for the IDBs that shall each have two, totalling 13 members.

**2.9.2 Authority of Board:** The SRA Board has the authority to;

- Agree the SRA annual Enhanced Programme and authorise SCC to release SRA funding for the delivery of its current year's activities;
- Endorse programmes that reduce both the risk and impact of flooding and other activities supporting the delivery of the Vision and the Flood Action Plan to be carried out by the Parties;
- Determine the scope of services provided by SCC as Host Authority.

**2.9.3 Appointment of Board Members and Period of Office:** The Parties have appointed representatives to serve as members of the SRA Board. Board members shall hold office until written notification of their removal and / or replacement is received by the Host Authority, or shall cease with immediate effect if they cease to hold office within that member organisation.

**2.9.4 Nomination of Deputies to Attend Meetings:** Each of the Parties shall nominate a deputy for its appointed Board member, to attend and to vote at any meeting of the Board in place of the appointed Board member, who for any reason is unable to attend.

**2.9.5 Appointment of Chair and Vice-Chair:** The SRA Board elected a Chair and a Vice-Chair who are members of the Board on July 21<sup>st</sup> 2017. They will hold office until they cease to be members of the Board or until July 21<sup>st</sup> 2019, whichever is the earlier and an election will be held at the next meeting of the Board to appoint their successors. If neither the Chair nor Vice-Chair is present, then a member shall be elected from those present to act as Chair for that meeting. Thereafter, and until the SRA is set up as a separate precepting authority, they will hold office until they cease to be members of the Board or at the two year anniversary of the last election, whichever is the earlier.

**2.9.6 Co-option of additional Board Members:** The SRA Board shall have the power to appoint additional non-voting members to the Board. The process for co-option is to invite expressions of interest following agreement to do so by the SRA Board. Any expressions of interest would need to be accompanied by a curriculum vitae setting out relevant skills and experience of the invited individual or representative of the invited organisation. To ensure that adequate time is available for consultation on any co-option proposal any expressions of interest should be forwarded to the SRA Senior Manager, for circulation to Board Members for comment no less than 30 days ahead of any Board meeting at which they would need to be considered. Proposals would then be put as recommendations to the SRA Board, and in accordance with its decision-making arrangements, decided by a simple majority.

**2.9.7 Voting:** Decisions to be made by a simple majority of voting members attending. In the event of a tied vote, the Chair shall have a casting vote. In the event of a disclosable pecuniary interest and/or a prejudicial interest arising, a member will need to abstain from participation in accordance with normal practice.

**2.9.8 Quorum:** A minimum of 9 voting members, including the accountable body for the funding.

**2.9.9 Access to Meetings and Information:** SRA Board meetings will be open to the public. Papers will be published on the SRA website 5 clear working days prior to meetings. Minutes of Board meetings will also be published on the website.

**2.9.10 Public Speaking and Questions:** Guidance is published on the SRA website as follows:

**“Public Question Time**

*You may ask questions and/or make statements or comments about any matter on the agenda. The length of public question time will be no more than 30 minutes in total, unless extended at the discretion of the Chair.*

*If you wish to speak at the meeting then you will need to submit your statement or question in writing at least two clear working days ahead of the meeting. This can be done by sending an email to [sra@somerset.gov.uk](mailto:sra@somerset.gov.uk)*

*A slot for Public Question Time is set aside near the beginning of the meeting. However, questions or statements about any matter on the agenda for this meeting may, at the chair’s discretion, be taken at the time when each matter is considered.*

*You must direct your questions and comments through the Chair. You may not take direct part in the debate, unless invited to do so by the Chair.*

*The Chair will decide when public participation is to finish.*

*The amount of time you speak will be restricted normally to two minutes only, although it can be extended at the discretion of the Chair.”*

**2.9.11 Frequency of Meetings:** A calendar of meetings for each Board year will be approved by the Board and published by the beginning of each financial year. Full Board meetings are held quarterly and extra meetings will be called in the event of an urgent decision.

**2.9.12 Attendance at Meetings:** Each of the Parties shall be responsible for meeting any remuneration, costs and expenses associated with attendance at meetings.

**2.10 Officer Support and Availability of Information**

**2.10.1** Where appropriate, the Parties shall make such of their officers and their information available for the purposes of the SRA, and for the Host Authority to meet its responsibilities, and in particular for updating and implementing the Flood Action Plan, the outstanding works of the SRA 2015/16, 2016/17 and 2017/18 Enhanced Programmes, the SRA 2018/19 Enhanced Programme and Somerset’s Common Works Programme.

**2.10.2** An officer management group has been set up to oversee the delivery of the SRA’s Enhanced Programmes and the outstanding actions of the Flood Action Plan. Their terms of reference are set out in Appendix Four and members of the SRA Management Group are senior officers as follows:

- Paula Hewitt (Chair), Somerset County Council
- Doug Bamsey, Sedgemoor District Council
- Brendan Cleere, Taunton Deane District Council and West Somerset Council
- Paul Deal, Mendip District Council
- Martin Woods, South Somerset District Council
- Michele Cusack, Somerset County Council
- Ben Thorne, Farming and Wildlife Advisory Group, South West
- Donna Gowler, Natural England

- Nick Stevens, Somerset Consortium of Drainage Boards
- Rachel Burden, Environment Agency
- David Mitchell, Somerset Rivers Authority

**2.10.3** An officer technical group has been set up in support of the Board. Their terms of reference and membership are set out in Appendix Four

## **2.11 Delegations / Urgent Business**

**2.11.1** The SRA delegations are outlined in Appendix Five.

## **2.12 Dispute Resolution**

**2.12.1** All disputes between the Parties on the meaning and interpretation of the constitution, and all disputes or differences in any way arising from the constitution, shall in the first instance be referred to the next meeting of the SRA Board for resolution.

**2.12.2** In the event that the dispute is not resolved through this mechanism, it shall be referred to a mediator in accordance with the CEDR Model Mediation Procedure.

**2.12.3** All parties shall use their reasonable endeavours to conclude the mediation with 40 business days of referral of the dispute to mediation.

**2.12.4.** If the dispute is not resolved in accordance with para 2.12.2 within 40 business days, it shall be referred to an arbitrator to be agreed between the parties in dispute, and failing agreement, to an arbitrator appointed by the President of the Chartered Institute of Arbitrators, and the Arbitration Act 1996 shall apply to any such arbitration.

## **2.13 Withdrawal / Termination**

**2.13.1.** In order to withdraw from the SRA, any Party shall give not less than 3 months' notice in writing to the Host Authority to expire on 31<sup>st</sup> March in any year.

**2.13.2.** The Parties may agree to wind up the SRA through a decision of the SRA Board by giving not less than 3 months' notice to the Host Authority.

**2.13.3** If a Party serves notice to withdraw under para 2.13.1 above, or the Parties agree to wind up the SRA under para 2.13.2 above, the Host Authority shall arrange with that Party or the Parties, such operational, administrative and financial arrangements as may be agreed between the Parties.

**2.13.4.** A Party withdrawing from the SRA, or the Parties winding up the SRA, shall be entitled to receive a fair share of any assets held, offset by any liabilities, to be agreed between the Parties, at the date of the withdrawal or winding up, to be received when those assets are able to be realised.

**2.13.5** In the event of the Parties winding up the SRA any staff redundancy liabilities will, in the first instance, be met using remaining SRA funds. Should the SRA funds be insufficient then the Parties will share the remaining liabilities across the Parties equally.

## **2.14 Overview and Scrutiny**

**2.14.1** A joint Scrutiny Panel has been established, comprising 2 members from each local authority and 1 member of each Internal Drainage Board, to oversee and scrutinise the activities of the SRA.

**2.14.2** Officer support and administrative services for the joint scrutiny panel will be provided by Somerset County Council's Democratic Services team.

## Appendix Two: Background Papers, Glossary of Terms & Acronyms

### A1.1 Background Papers

- Background papers can be found on the Somerset Rivers Authority website at [www.somersetiversauthority.org.uk](http://www.somersetiversauthority.org.uk)

### A1.2 Technical Terms

- **Prejudicial Interest** An interest of an individual Board member, which could be perceived to represent a conflict of interest with any matter considered by the Board
- **Public Sector Co-operation Agreements** The Flood and Water Management Act 2010 enables an FRMA to arrange for a flood risk management function to be exercised on its behalf by another risk management authority. This can be done under a Public Sector Co-operation Agreement.
- **Riparian Owner** An owner of land or property adjoining a watercourse.

### A1.3 Acronyms

- BC Borough Council
- CEDR Centre for Effective Dispute Resolution
- DC District Council
- DCLG Department for Communities and Local Government
- Defra Department for the Environment, Food and Rural Affairs
- FRMA Flood Risk Management Authority
- HR Human Resources
- IDB Internal Drainage Board
- IT Information Technology
- MoU Memorandum of Understanding
- SCC Somerset County Council
- SRA Somerset Rivers Authority

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## **SRA Constitution - APPENDIX 5**

### **SRA Scheme of Delegation**

#### **SRA Decision making processes**

For as long as the SRA remain an informal partnership and not a legal entity, any decisions of the SRA Board are decisions 'in principle' and are subject to formal approval by its host authority and the accountable body for the funding it has access to. Since 2015/16 the host authority and accountable body for all the SRA funding has been Somerset County Council (SCC), who make the necessary formal decisions with regard to programmes of work and spend according to the SCC decision making processes including the SCC scheme of delegations. These decisions, however, are informed by the SRA Board's decisions, and the decisions it makes under its own scheme of delegation; it is expected that SCC's decisions will generally follow the SRA Board's decisions, unless they are either illegal or go against SCC's own constitutional requirements

#### **SRA Delegations**

The general principles guiding the SRA's scheme of delegations are as follows:

- The SRA Board approves all Programmes of work
- No works in any of the Board approved Programmes can be deleted without SRA Board approval
- No change can be agreed that means the total SRA expenditure exceeds the total funding available across all Programmes.
- All individual works within Programmes have tolerances set
- These delegations will be reviewed after one year

The Programmes of work to which these delegations apply are shown below

1. The SRA *current year* Enhanced Programme. This comprises the flood risk management works for which funding has been agreed by the SRA Board. In the case of 2018/19, this includes those works funded by local partners funding and those funded by Growth Deal funding as approved by the SRA Board on 9<sup>th</sup> March 2018.
2. The outstanding works of the 2015/16, 2016/17 and 2017/18 Enhanced Programmes

Changes to the Programmes can be made by the SRA Senior Manager, in consultation with the Chair and Vice-Chair of the SRA Board, subject to the following:

- Each change requires a formal decision paper and a record of that decision will be kept
- A report of all changes made within the previous quarter will be reviewed by the SRA Board at the SRA Board meeting at the end of that quarter.
- Each month the SRA Management Group will review all changes made the previous month.

The following changes can be made:

1. Additional works can be added as long as they are the next affordable works on the prioritised list of works of the SRA Board approved 4 Year Enhanced Programme. Tolerance up to £500,000
2. New works proposed by the Technical Group can be added to either Programme. Tolerance up to £20,000.

3. Cost increases to individual works within either Programme. Tolerance up to £500,000 or 30% of the original budget for that works, whichever is the smaller

## Development of the 2018-19 SRA Enhanced Programme

During 2018-19, SRA partners put forward 34 proposals to deliver flood risk management measures. These proposals aim to address flood risks in Somerset, either known within the proposer's organisation or brought to their attention by others, including members of the community. However with a limited budget the SRA has a clear method of identifying which proposals fulfilled the objectives within the Flood Action Plan (FAP).

At the February 8<sup>th</sup> 2017 Board meeting, the Board approved the SRA Policies that had been prepared as a framework to guide investment decisions. The Board had also previously approved the approach that the Management Group had taken to develop the 2017-18 Enhanced Programme. However it was recognised that despite the improvements in the process as a result of the work done during the past year, there were areas for improvement.

As a result the SRA Team amended the 2017/18 Grant Proposal form to include more detailed information, including scoring against each Flood Action Plan (FAP) criteria. Each score was reviewed and endorsed by professional experts depending on the FAP objective, for example FAP 4 (Make the most of the natural characteristics of Somerset, including the special characteristics of the Somerset Levels and Moors) was reviewed by technical experts from Natural England.

The council has introduced Strategic Grant Agreements with each partner which is the overarching collaboration agreement to ensure deliverability and accountability. In addition each Grant proposal is signed by the Council and Delivery Partner to become the Grant Agreement for the agreed period with the agreed funding amount. If required special conditions are added, to ensure outcome measures and outputs are met.

The SRA Technical Group used the Policies and scoring criteria to develop a prioritised list of proposals for consideration by the Board. As in previous years the Technical Group adjusted the list using professional judgement to ensure workstream balance and geographical spread.

The process is no longer as resource hungry, however, the policies are being reviewed and a Flood Risk Management Strategy will be developed in time for the 2019-20 programme proposals.

### **Adjustments to the list**

The first adjustments that were made were to ensure that all work streams featured in the programme; this meant actions for Building Local Resilience needed to be included and those that scored highest were chosen. It was felt that no adjustment for Geographical Spread was needed.

The next step was to review all the actions making the grade for deliverability, value for money and sustainability and at the same time review all the larger value actions (>£100k) within that list to see if their value could or should be reduced, to allow for inclusion of others whose importance was not reflected in the scoring criteria. It was agreed that this latter step would only be applied to actions that were scalable, and not whole schemes.

The final prioritised list of 21 actions was reviewed by the SRA Management Group and then by the SRA Board, who approved it as the 2018-19 Enhance Programme at their meeting of March 7<sup>th</sup> 2018.

## Somerset Rivers Authority **Policies** governing development of the SRA Enhanced Programme

### 1. Geographic scope

- Fundable works can be in or outside the county as long as they deliver Flood Action Plan objectives of benefit to Somerset, although the majority of spend will be within the County.
- The important thing is where the benefit is gained i.e. there is no requirement for equal spend by district

- ℙ We will have a 4 Year rolling Programme that is balanced; geographically, and by type of activity, and will use judgement to assess this balance
- ℙ The SRA will not fund works for protection from coastal flooding, with the coast as defined by The Coastal Protection Action 1949.

### 2. Financial

- ℙ The SRA will fund those projects and schemes that deliver our objectives that cannot be funded from current funding streams
- ℙ SRA funding is additional to that already attracted by partners for projects and works
- ℙ The SRA via the 'Grant Proposal form' will look for evidence that partners and other applicants have tried to secure and apply for other sources of funding
- ℙ The SRA will encourage applications which will lever in additional funding from other sources (i.e. jointly funded projects/works)

### 3. The long view

- ℙ The SRA will test proposals for funding against the following:
  - a) Whole life costs
  - b) Community benefits/dis benefits
  - c) Economic benefits/dis benefits
  - d) Environmental benefits/dis benefits
  - e) Long term strategic plans

### 4. Flood Risk and evidence

- ℙ The SRA will seek to support proposals that meet one or more of the 6 Flood Action Plan flood risk management objectives
- ℙ Concurrent with taking action and delivering works on the ground the SRA will take the opportunity to gather evidence and monitor the impacts of its actions and activities
- ℙ The SRA will rely on technical professional judgement from SRA partners, combined with existing modelling to assess in-combination effects across the catchments

## 5. Responsibilities

- P The SRA only fund and undertake works/projects that benefit the wider community
- P The SRA expect property owners (land, buildings and infrastructure) to make themselves and their property more resilient and put plans in place to manage their flood risk
- P The SRA work to support riparian owners fulfilling their obligations/responsibilities

## 6. Relationships and weightings

- P The SRA use a scoring mechanism, based on the 6 Flood Action Plan objectives, to determine the relative importance of different types and scales of need, flood risk management work and different benefits/dis benefits

## 7. Cost shunting

- P The SRA funding is additional to partner's own funding for flood and water management and we do not expect that partners will shunt costs onto the SRA. Where partners reduce spending on flood and water management, the SRA will not pick up these costs

### **Note:**

#### **Somerset Flood Action Plan objectives are:**

1. Reduce the frequency, depth and duration of flooding
2. Maintain access for communities and business
3. Increase resilience to flooding for families, agriculture, businesses, communities, and wildlife
4. Make the most of the natural characteristics of Somerset, including the special characteristics of the Somerset Levels and Moors (the internationally important biodiversity, environmental and cultural heritage).
5. Ensure strategic road and rail connectivity, both within Somerset and through the county to the South West peninsula
6. Promote business confidence and growth