

NORTH YORKSHIRE COUNCIL

CYPS EXECUTIVE MEMBERS

9 January 2024

Inter-Country Adoption Contract

1.0 OVERVIEW

The Adoption Service has had a contract with Yorkshire Adoption Agency for the provision of Inter-Country adoption services since April 2019. We are duty bound under the Adoption regulations to provide such a service. We are requesting permission to enter into another contract for the provision of Inter-Country Adoption Services.

2.0 BACKGROUND

2.1 The current contractual arrangement is one which North Yorkshire Council (NYC) have put in place on behalf of the participating Local Authorities.

2.2 The participating Local Authorities are:

- One Adoption West which includes: Leeds City Council, Calderdale Metropolitan Borough Council, City of Bradford Metropolitan District Council, Wakefield Metropolitan District Council and Kirklees Metropolitan District Council.
- One Adoption North and Humber which includes: City of York Council, North Yorkshire County Council, East Riding of Yorkshire Council, Hull City Council and Northeast Lincolnshire Council.
- One Adoption South Yorkshire which includes: Doncaster Children's Services Trust, Barnsley Metropolitan Borough Council, Sheffield City Council, Rotherham Metropolitan Borough Council.
- North Lincolnshire Council

2.3 The previous contract commenced on 1st April 2019 and is due to terminate 31st March 2024 – this is following a successful extension of one and two year extension period. (Years 2022- 2024). The contract is currently held by Yorkshire Adoption Agency Ltd (YAA). The current value of the contract is £22.5k per annum for 180 hours with the cost split between the 14 local authorities. Any additional hours over the 180 are charged at £125 per hour.

2.4 It is proposed to re-procure the inter country Adoption arrangement with North Yorkshire Council continuing as contract manager and carrying out the re-procurement of the contract. Due to the low value of the contract, NYC are able to directly award the contract to YAA following a director's key decision. It is due to be heard at Executive Members Committee on the 5th December 2023.

3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

3.1 Inter Country Adoption is permitted for any child who is 'free for adoption' in their country of birth. Not all countries allow Inter Country Adoption and International law applies to protect children. Applicants have to follow the legal procedures for adoption both in the UK, firstly and then the country from which you hope to adopt a child.

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- 3.2 The local authority is under a statutory duty to provide certain adoption related services by virtue of s.3 Adoption and Children Act 2002. Each local authority must by law maintain an adoption service designed to meet the needs, in relation to adoption, of—
a) children who may be adopted, their parents and guardians,
(b) persons wishing to adopt a child, and
(c) adopted persons, their parents, natural parents, and former guardians; and for that purpose, must provide the requisite facilities.
- 3.3 Those facilities must include making, and participating in, arrangements for the adoption of children and for the provision of adoption support services.
- 3.4 Section 3(8) ACA 2002 makes it clear that references to adoption are “to the adoption of persons, wherever they may be habitually resident, effected under the law of any country or territory, whether within or outside the British Islands” i.e., the statutory duty to provide an adoption service includes the provision of an inter-country adoption service.
- 3.5. A local authority can arrange for any of the required adoption services to be provided on its behalf by either “(a) registered adoption societies, or (b) other persons who are within a description prescribed by regulations of persons who may provide the facilities in question (s.3(4) ACA 2002)”.
- 3.6 The proposed contract with YAA would mean that YAA would provide certain intercountry adoption services on behalf of NYC (and the other contractual partners) enabling NYC to comply with its statutory duties.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 We have not entered into a consultation process.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Given the cost is between 14 LAs this ensures shared costs across the region, which are low in comparison to undertaking this specialist work.

6.0 FINANCIAL IMPLICATIONS

- 6.1 The contract has been running efficiently for several years and is a low cost per authority. However, under the new contract we are looking at altering the payment agreement between the RAAs/LAs to reflect the usage of each party. North Yorkshire for example does not use the contract as much as some of the other parties when looking at the figures for the previous years.
- 6.2 The current contract is £22,500 per annum split equally between 14 authorities. It has been agreed that for the new contract, it will be split based on historic usage rather than equally as Leeds, Bradford, Calderdale, and Wakefield are the higher users. The exact split is yet to be finalised, but our element is expected to be 5-10% of the contract value. As the contract value has not increased since 2015 it is expected this will increase.
- 6.3 North Yorkshire Council currently offer contract management support for free however this is no longer sustainable. To support the ongoing contract management of this contract NYC will need to implement contract management fees this would be set at

£150 per LA per annum. Where an LA is part of an RAA the lead council will be invoiced where requested. North Yorkshire Council requires written agreement for the requirement of the contract and agreement to pay the outlined fees by all parties. Formal agreement will be in the form of a signed collaboration agreement to be issued to all participating bodies prior to the start of the procurement process.

- 6.4 The proposed contract length is either 3+1+1 or 3+2. This will allow more flexibility in ending the contract than a single 5-year term. This is to be considered as part of the contract discussions.
- 6.5 It has been considered that the current costs for accessing hours above the allocated usage is high, it is proposed that as part of the re-awarding the contract we consider whether the 180 hours is sufficient and if we want to increase the £22.5k base fee in order to achieve a lower fee for hours over and above. The £22.5k has not increased for several years and it is expected we will need to increase this anyway to ensure a sustainable contract.
- 6.6 There is an existing contract that North Yorkshire Council has been contributing to for a number of years so there is budgetary provision for this within the adoption service and the small increased cost will be absorbed by existing budget.

7.0 LEGAL IMPLICATIONS

- 7.1 Any contract will need to be compliant with the Council's Procurement and Procedure Rules and drafted/ reviewed by Legal.

8.0 EQUALITIES IMPLICATIONS

- 8.1 An Equalities Impact Assessment (EIA) has been carried out to consider the impact of this review and this can be found at Appendix 1.
- 8.2 The Equalities duty is ongoing and will be reviewed throughout the contract renewal process and prior to the awarding of any contract.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 A Climate Change Impact Assessment (CCIA) has been carried out to consider the impact of this review and this can be found at Appendix 2.
- 9.2 This will be reviewed throughout the contract renewal process and as well as prior to the awarding of any contract.

10.0 REASONS FOR RECOMMENDATIONS

- 10.1 Under Adoption legislation we are duty bound to provide an inter-Country adoption service (see 3.0), by outsourcing this to a specialist provider we ensure we are compliant with regulations to any applicants and meet those service needs.

11.0 RECOMMENDATION(S)

- i) To approve the contract renewal process for the re-awarding of the Inter-Country Adoption contract with Yorkshire Adoption Agency

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APPENDICES:

Appendix A – Initial equality impact assessment screening form
Appendix B – Initial Climate Change Impact Assessment

Stuart Carlton
Corporate Director – CYPS
County Hall
Northallerton
15th December 2023

Report Author – Rosie Appleby Acting Head of Service Placement Support

Presenter of Report – Mel Hutchinson

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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Appendix 1

<p>Initial equality impact assessment screening form This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.</p>			
Directorate		CYPS	
Service area		Children and Families	
Proposal being screened		Inter Country Adoption	
Officer(s) carrying out screening		Tim Wood	
What are you proposing to do?		The Provider will provide advice verbal and written information to a Potential Adopter making an initial enquiry about Inter Country Adoption.	
Why are you proposing this? What are the desired outcomes?		To support potential adopters	
Does the proposal involve a significant commitment or removal of resources? Please give details.		No. This is a procurement of an existing agreement.	
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	

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<p>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</p>	<p>No</p>			
<p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>No. This is a joint procurement with the following authorities. It will not have a significant effect on any funding.</p> <p><u>One Adoption West</u> Leeds City Council Calderdale Council Wakefield Council Bradford Council Kirklees Council</p> <p><u>One Adoption North & Humber</u> North Yorkshire County Council City of York Council Hull City Council East Riding of Yorkshire Council North East Lincolnshire Council</p> <p>Doncaster Council Sheffield City Council Barnsley Council Rotherham Metropolitan Borough Council</p> <p>North Lincolnshire Council</p>			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<p>✓</p>	<p>Continue to full EIA:</p>	<p>X</p>
<p>Reason for decision</p>				
<p>Signed (Assistant Director or equivalent)</p>				
<p>Date</p>				

Appendix 2

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Inter-country adoption services
Brief description of proposal	Request to re-procure the Inter-Country adoption contract with Yorkshire Adoption Agency
Directorate	CYP
Service area	Adoption
Lead officer	Rosie Appleby
Names and roles of other people involved in carrying out the impact assessment	

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The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the county council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

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If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
Reason for decision	There is no identified environmental impact. We do not anticipate an increase in referrals or usage of the contract.			
Signed (Assistant Director or equivalent)				
Date				

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