



**One**  
Adoption  
Agency  
WEST YORKSHIRE

## Public Document Pack

### **WEST YORKSHIRE ADOPTION JOINT COMMITTEE**

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**Meeting to be held in Civic Hall, Leeds on  
Wednesday, 15th March, 2017 at 2.00 pm**

(Pre Meeting for Members only to take place at 1.30pm)

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#### **MEMBERSHIP**

Val Slater	City of Bradford MDC
Megan Swift	Calderdale MBC
Erin Hill	Kirklees MBC
Lisa Mulherin(Chair)	Leeds City Council
Olivia Rowley	City of Wakefield MDC

Agenda compiled by: John Grieve  
Governance Services  
Civic Hall  
Leeds, LS1 1UR  
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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Rules (in the event of an Appeal the press and public will be excluded)</p> <p>(In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p>	

3

### **LATE ITEMS**

To identify items which have been admitted to the agenda by the Chair for consideration

(The special circumstances shall be specified in the minutes)

4

### **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13 -16 of the Members' Code of Conduct.

5

### **APOLOGIES FOR ABSENCE**

To receive apologies for absence (If any)

6

### **CHAIR'S OPENING REMARKS**

To receive any opening comments from the Chair.

7

### **BUSINESS REPORT**

To consider a report by the Director of Children's Services which seeks the approval of the Joint Committee to:

- Consider electing a Vice Chair of the Joint Committee
- Consider the appointment of and delegation of functions to any Sub-Groups or Advisory Groups
- Consider whether a standing invitation be made to any other party to attend meetings of the Joint Committee.

(Report attached)

1 - 14

8

**DELEGATION OF FUNCTIONS**

15 -  
24

To consider a report by the Director of Children's Services which seeks the approval of the Joint Committee to delegate the adoption functions to the Director of Children and Families at Leeds City Council.

(Report attached)

9

**STRUCTURE REPORT**

25 -  
30

To consider a report by the Director of Children's Services which sets out the structural and reporting arrangements for the Regional Adoption Agency.

(Report attached)

10

**DATE AND TIME OF NEXT MEETING**

To confirm that the next meeting will take place on Wednesday 28<sup>th</sup> June 2017 at 2.00pm in the Civic Hall, Leeds.

**Third Party Recording**

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.



Report author: Sarah Johal

Tel: 0113 2783623

## Report of Director of Children's Services

## Report to West Yorkshire Adoption Joint Committee

Date: 15<sup>th</sup> March 2017

## Subject: Business Report

Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

## Summary of main issues

1. In December 2016 the Cabinet and Executive Boards across West Yorkshire endorsed arrangements for a new regional adoption agency titled One Adoption Agency West Yorkshire (the Agency) and put in place the arrangements necessary for the functioning of the committee.
2. The committees Constitution and Procedure Rules require and permit the committee to take a number of decisions the details of which are set out in this report.

## Recommendations

The Joint Committee is requested to:

1. Elect a Vice Chair
2. Consider the appointment of and delegation of functions to any sub-groups or advisory groups; and
3. Consider whether a standing invitation be made to any other party to attend meetings of the Joint Committee.

## **1. Purpose of this report**

- 1.1 This report sets out recommendations for the consideration of matters arising from the application of the Joint Committee's Constitution and Rules of Procedure.

## **2. Background information**

- 2.1 In December 2016 the Cabinet and Executive Board meetings of the five West Yorkshire Authorities endorsed the arrangements for a new regional adoption agency (One Adoption Agency West Yorkshire) and inter alia:-
- Appointed the West Yorkshire Adoption Joint Committee;
  - Approved the, Constitution, Terms of Reference and Procedure Rules of the Joint Committee;
- 2.2 For Members ease of reference the Constitution and Rules of Procedure are set out at Appendices A and B attached.

## **3. Main issues**

### Membership

- 3.1 The Constitution provides that the Joint Committee comprises one Member from each authority. Each authority is able to have a pool of up to two named substitute Members, and the clerk should be advised of the names of these substitutes as soon as possible.
- 3.2 Members will be aware that should they cease to be a Member of their own authority their membership of the Joint Committee will also cease.

### Chairing

- 3.3 In accordance with Paragraph 4a) of the Constitution the Joint Committee will be chaired by the Member appointed by Leeds City Council as Host Authority.
- 3.4 The vice-chair is to be elected at the first meeting of the Joint Committee in each municipal year. Members are therefore requested to elect a vice chair in accordance with paragraph 4b) of the Constitution. Members will note that they will need to elect a vice-chair again at their first meeting in the new municipal year and annually thereafter.

### Delegation of Functions

- 3.6 In addition to the delegation of functions to officers, which is considered in a report elsewhere on the agenda, the Joint Committee is able to appoint sub-committees or advisory groups to assist in the execution of its responsibilities. At the current time officers do not recommend that any such arrangements are put in place but that all matters are considered by the Joint Committee as necessary.

### Attendance at meetings

- 3.7 The Rules of Procedure for the Joint Committee provide at rule 7i) that the Chair may invite any person to attend and speak to any matter before the Joint Committee. In addition rule 7ii) provides that by unanimous vote the committee may extend a standing invitation to a Member or officer of one of the participating authorities or to any other third party. The Committee are therefore invited to consider whether they wish to extend any such standing invitation.

- 3.8 The Head of Service recommends that an invitation be extended to the Voluntary Adoption Alliance from the Yorkshire & Humber region. The alliance represents all voluntary adoption agencies and adoption support agencies across the region who have come together to work with Regional Adoption Agencies with an aim to deliver together excellent adoption services, with a strong focus on innovation and practice.

#### **4. Corporate considerations**

##### **4.1 Consultation and engagement**

- 4.1.1 The extension of a standing invitation to representatives from the voluntary adoption alliance would allow meaningful consultation between the committee and the third sector.

##### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for this report.

##### **4.3 Resources and value for money**

- 4.3.1 There are no implications for this report.

##### **4.4 Legal implications and access to information**

- 4.4.1 There are no implications for this report

##### **4.5 Risk management**

- 4.5.1 There are no implications for this report.

#### **5. Recommendations**

The Joint Committee is requested to:

- 5.1.1 Elect a Vice Chair;
- 5.1.2 Consider the appointment of and delegation of functions to any sub-groups or advisory groups; and
- 5.1.3 Consider whether a standing invitation be made to any other party to attend meetings of the Joint Committee.

#### **6. Background documents<sup>1</sup>**

- 6.1 None

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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## THE WEST YORKSHIRE ADOPTION JOINT COMMITTEE

### Constitution

#### 1) Introduction

- a) The West Yorkshire Adoption Joint Committee ('WYAJC') is a joint committee under S9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- b) The Participating Authorities have entered into a Partnership Agreement dated XXX ('the Partnership Agreement'<sup>1</sup>) for the discharge of functions by the Host Authority (acting as a Regional Adoption Agency to be known as One Adoption Agency for West Yorkshire.)
- c) WYAJC will exercise functions delegated to it by the Participating Authorities in relation to adopter recruitment and assessment, family finding, adoption panel and adoption support ('the Delegated Functions') as set out in the WYAJC Terms of Reference.
- d) Political proportionality rules do not apply to the WYAJC.

#### 2) Participating Authorities

- a) WYAJC will comprise the following authorities ('the Participating Authorities'):-
  - i) City Of Bradford Metropolitan District Council;
  - ii) Calderdale Council;
  - iii) The Council of the Borough of Kirklees Council;
  - iv) Leeds City Council ('the Host Authority'); and
  - v) Wakefield City Council.

#### 3) Membership

- a) WYAJC shall comprise one Member from each Participating Authority<sup>2</sup> ('the Principal Member').
- b) Co-option of Members onto WYAJC is not permitted.
- c) Each Participating Authority shall have a pool of up to two named substitute Members<sup>3</sup>. The clerk to WYAJC must be advised before the commencement of the meeting if a substitute is to attend in place of the Principal Member.
- d) In the event of a Principal Member ceasing to be a member of the Participating Authority, he/she shall also cease to be a member of WYAJC and the relevant authority shall appoint another Principal Member in his/her place as soon as reasonably practicable.

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<sup>1</sup> Which term shall be understood to include any later amendments to the Partnership Agreement

<sup>2</sup> The Leader of each authority shall make arrangements for the appointment of the Principal Member who may be the Lead Member for Children or another, and may be a Member of the Executive or of the authority.

<sup>3</sup> The Leader of each authority shall make arrangements for the appointment of substitute Members who may be Members of the Executive or of the authority

- e) Each Participating Authority may remove its Principal Member and or any of those Members named in its pool of Substitute Members and appoint a different Principal Member or additional Substitute Member to the pool by providing 24 hours' notice to the clerk to WYAJC.

#### 4) Chair

- a) The chair of WYAJC ('the Chair') shall be the Member appointed by the Host Authority.
- b) A vice chair ('the Vice Chair') shall be elected from amongst the Principal Members at the first meeting of the committee each municipal year.
- c) Where, at any meeting or part of a meeting of WYAJC the Chair is either absent or unable to act, to the Vice Chair shall preside for that meeting or part of that meeting as appropriate.<sup>4</sup>

#### 5) Delegation of Functions

##### a) Sub Committees

WYAJC may set up Sub-Committees as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of such members of WYAJC as it considers appropriate.

##### b) Advisory Groups

WYAJC may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers and / or members of the Participating Authorities or such third parties as WYAJC considers appropriate.

##### c) Officers

WYAJC may delegate such of its functions as it sees fit to the Director of Children's Services for the Host Authority<sup>5</sup>.

#### 6) Hosting and Administration

- a) WYAJC shall be hosted by Leeds City Council ('the Host Authority')
- b) The Host Authority shall provide clerking services and legal advice in addition to fulfilling monitoring officer and S151 officer roles for the WYAJC.
- c) The administrative costs of supporting WYAJC will be met by the Participating Authorities in accordance with the funding formula agreed between them and set out in the Partnership Agreement.

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<sup>4</sup> For the avoidance of doubt, the role of chair vests in the Principal Member concerned and in his/her absence the role of chair will not automatically fall to the relevant Principal Member's substitute.

<sup>5</sup> Unless expressly indicated the fact that a function has been delegated to the Director for Children's Services of the Host Authority does not require that officer to give the matter his/her personal attention. The officer may arrange for such delegation to be exercised by an officer of suitable experience and seniority. However the Director of Children's Services will remain responsible for any decision taken pursuant to such arrangements.

7) Access to Information

- a) Those documents and notices relating to WYAJC which are made available for public inspection will be published on the One Adoption Agency for West Yorkshire's website. Participating Authorities may provide links to the site from their own websites.

8) Conduct of Members

- a) Members of WYAJC shall comply with the Members' Code of Conduct as adopted by their own authority
- b) Members of WYAJC shall maintain their register of interests as required by the Members' Code of Conduct,
- c) Members of WYAJC shall declare any disclosable pecuniary interest<sup>6</sup> in a matter to be considered by the committee in accordance with the agenda for the meeting
- d) Any complaint in relation to the conduct of a member of WYAJC shall be referred to the Monitoring Officer of their own authority and dealt with in accordance with the rules and procedures in place at and at the cost of that authority.

9) Scrutiny of Decisions

- a) Participating Authorities shall continue to operate overview and scrutiny functions in relation to the joint arrangements.

10) Winding up of WYAJC

- a) Participating Authorities may cease to participate in the joint committee in accordance with the provisions set out in the Partnership Agreement.
- b) WYAJC may be wound up on the unanimous consent of all Participating Authorities in accordance with the provisions set out in the Partnership Agreement.

11) Amendment of this Constitution

- a) This constitution can only be amended by resolution of each of the Participating Authorities.

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<sup>6</sup> As defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464

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## THE WEST YORKSHIRE ADOPTION JOINT COMMITTEE

### Rules of Procedure for Meetings

#### 1) Frequency of Meetings

- a) WYAJC shall meet a minimum of once per year.
- b) Additional meetings shall be fixed at the discretion of the Chair.

#### 2) Agenda for Meetings

- a) The clerk shall settle the agenda for any meeting in consultation with the Chair.
- b) In settling the agenda the Clerk shall ensure that at each meeting of WYAJC the following business will be conducted:
  - i) consideration of the minutes of the last meeting;
  - ii) exempt information – potential exclusion of the press and public, if any;
  - iii) late items, if any;
  - iv) declarations of interest, if any;
  - v) consideration of reports submitted by the Chair of the Management Board or the Director of Children's Services for the Host Authority, if any; and
  - vi) any other matter set out in the agenda for the meeting(which shall indicate which are Key Decisions<sup>1</sup> and which are not).

#### 3) Notice of Public Meetings

- a) The Clerk will arrange to give notice of the time and place of a public meeting by publishing the agenda, together with every report, for that meeting on the One Adoption Agency for West Yorkshire website at least five clear working days before the meeting.
- b) Where the meeting is convened less than five clear working days before the meeting, notice will be given by publishing the agenda, together with every report, for that meeting on the One Adoption Agency for West Yorkshire website at the time the meeting is convened.
- c) Where an item is added to the agenda for a meeting after publication of that agenda, copies of the revised agenda and any report relating to that item, will be published on the One Adoption Agency for West Yorkshire website when the item is added to the agenda.
- d) Nothing in this rule requires a copy of an agenda, item or report to be available for inspection by the public until a copy is available to members of the decision making body concerned.

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<sup>1</sup> As determined in accordance with the definition used by the Host Authority.

#### 4) Notice of Private Meetings

- a) The Clerk will exclude access by the public to reports which in his/her opinion<sup>2</sup> contain:
  - i) confidential information; or.
- b) exempt information, and the report includes the reasons why, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- c) Where the whole or part of any report is not available for inspection by the public because it contains confidential or exempt information every copy of that report or part of that report must be marked “not for publication” and must state that it contains confidential information or, by reference to Schedule 12A Local Government Act 1972 the description of exempt information which it contains.

#### 28 Days’ Notice

- d) At least 28 clear calendar days before a meeting at which exempt or confidential information is to be considered, the Clerk will arrange for a notice to publish on the One Adoption Agency for West Yorkshire website a notice of the intention to hold a meeting, or part of a meeting of WYAJC in private.
- e) The notice will include a statement of the reasons why it is intended that the meeting, or part of the meeting, should be held in private.

#### 5 Days’ Notice

- f) At least five clear working days before a meeting at which exempt or confidential information is to be considered, the Clerk will publish further notice of the intention to hold the meeting of WYAJC in private. This will be done by including in an open report to the meeting:-
  - i) A statement of the reasons for the meeting to be held in private;
  - ii) Details of any representations received about why the meeting should be open to the public; and
  - iii) A statement of response to any such representations

#### Urgent Meetings At Which Exempt Or Confidential Information Is To Be Considered

- g) Where the date a meeting must be held makes compliance with rules 4d to 4f impracticable then the meeting may only consider exempt or confidential items in private with the agreement of the chair of the relevant Scrutiny Board of the Host Authority. In considering the matter the Scrutiny Board Chair must be satisfied that the meeting is urgent and cannot reasonably be deferred.

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<sup>2</sup> The Clerk shall be advised by the Monitoring Officer where there is any doubt as to the confidentiality of any matter

- h) As soon as reasonably practicable after obtaining the Scrutiny Chair's agreement the Clerk will publish on the One Adoption Agency for West Yorkshire website notice of the intention to hold the meeting at which exempt or confidential information is to be considered. This will be done by including in an open report to the meeting:-
  - i) The reason why the meeting is urgent and cannot reasonably be deferred
  - ii) Confirmation of the agreement of the chair of the relevant Scrutiny Board.

5) Meetings to be held in public

- a) All meetings of WYAJC will be held in public<sup>3</sup>. However the public must be excluded from the the part or parts of a meeting whenever:-
  - i) Confidential information is likely to be disclosed during an item of business;
  - ii) The meeting passes a resolution, identifying the relevant part of the meeting to which it applies, that the public should be excluded because exempt information, described with reference to Schedule 12A Local Government Act 1972, is likely to be disclosed during an item of business; or
  - iii) A lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting. The public may only be excluded from that part or parts of the meeting to which the circumstances set out above relate, and where, if required, notice has been given in accordance with paragraphs 4d to 4h above.
- b) The Recording Protocol: Third Party Recording of Committees, Boards and Panels<sup>4</sup> shall apply to public meetings of WYAJC.

6) Quorum

- a) The quorum shall be three members.
- b) No business shall be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of the meeting the clerk to WYAJC after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

7) Attendance at meetings

- i) The Chair may invite any person, whether a member or officer of one of the Participating Authorities or a third party, to attend the meeting and speak on any matter before WYAJC.

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<sup>3</sup> Regulation 3, Executive Arrangements Regulations 2012

<sup>4</sup> Appendix 1 to this document

- ii) Any person, whether a member or officer of one of the Participating Authorities or a third party, may be invited to attend on a standing basis following a unanimous vote of those present and voting at any meeting of WYAJC<sup>5</sup>.

8) Voting

- a) Each Participating Authority shall have one vote which shall be exercised by the Principal Member or their substitute provided that the clerk has been advised of the substitution prior to commencement of the meeting.
- b) Voting shall be conducted by a show of hands.
- c) All questions shall be decided by a simple majority of the votes of the members present, the Chair having the casting vote in addition to his/her vote as a member of WYAJC in event of a tie.
- d) The minutes of the meeting shall include a record of the names of members who cast a vote for a decision, against a decision or abstained from voting on a decision where, before a vote is taken on any matter by WYAJC, any two members present may demand that the votes are recorded, or where a record of the votes is required by law.

9) Recording of Decisions Taken at Meetings of WYAJC

- a) As soon as reasonably practicable after any meeting of WYAJC, the Clerk will produce a minute of every decision taken at that meeting and publish it on the WYAJC website together with the report in relation to the decision made. The minute will include;
  - i) A record of the decision including the date it was made,
  - ii) a statement of the reasons for each decision,
  - iii) details of any alternative options considered and rejected at that meeting and
  - iv) a record of any interest declared by any Member together with a note of any dispensation granted in respect of that interest .

10) Public Access to Documents

Agendas, Reports and Minutes

- a) For six years after a meeting, the Council will make available for inspection:-
  - i) The agenda for the meeting;
  - ii) Reports relating to items when the meeting was open to the public;
  - iii) The minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

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<sup>5</sup> Such person shall not be a Member of the Committee and shall not be entitled to vote in relation to any item, however they shall be entitled to send a substitute to attend the meeting in their place.



- iv) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

#### Background Papers

- b) The author of a report will set out a list of those documents ('Background Papers') relating to the subject matter of the report which in his/her opinion:
  - i) Disclose any facts or matters on which the report or an important part of the report is based; and
  - ii) Have been relied on to a material extent in preparing the reportBut this does not include:-
  - i) published works;
  - ii) works which disclose confidential or exempt information;
  - iii) the advice of a political advisor; or
  - iv) any draft report or document.
- b) A copy of each of the documents listed will be made available for public inspection for four years after the date of the meeting.

#### Documents Available for Public Inspection

- c) In addition to publication on the One Adoption Agency for West Yorkshire website the Clerk will make available for inspection by the public on request during office hours at the Host Authority's offices at Civic Hall, Leeds and shall supply copies of :
  - i) Any agenda and reports which are open to public inspection;
  - ii) Any further statements or particulars necessary to indicate the nature of items in the agenda which are not open to public inspection; and
  - iii) If the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an itemto any person on payment of a charge for postage, copying and any other costs.

#### 11) Interpretation

- a) The ruling of the Chair<sup>6</sup> as to the interpretation of any question in relation to these rules of procedure shall be final.

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<sup>6</sup> Who shall seek the advice of the clerk

**Recording<sup>7</sup> Protocol: Third Party Recording of Committees, Boards and Panels**

**WYAJC wants to be open and transparent in the way in which it conducts its decision-making. Therefore recording is allowed at all meetings of the WYAJC to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings.**

1. Filming or other recording of all meetings of the authority, whilst those meetings are open to the public, is permitted<sup>8 9</sup>.
2. Those wishing to record proceedings should, as a courtesy, inform the chair (or clerk) of the committee of their intentions to record prior to the commencement of the meeting.
3. Recordings may only be taken overtly from the area designated for the public and;
  - a. Recording devices must be in silent mode
  - b. No flash or additional lighting is permitted
  - c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings
4. The chair of a meeting has the authority to instruct that recordings be stopped where<sup>10</sup>:
  - a. The press and public have been excluded from the meeting due to the nature of (exempt or confidential) business being discussed.
  - b. There is public disturbance or a suspension/adjournment of a meeting
  - c. The recording has become disruptive or distracting to the good order and conduct of the meeting.
  - d. Continued recording is against the wishes of an individual<sup>11</sup>

**Use of Recordings by Third Parties– code of practice**

The following code of practice applies to the use of recordings.

- A. Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- B. Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

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<sup>7</sup> This includes both video and audio recording

<sup>8</sup>In accordance with any regulations relating to such matters.

<sup>9</sup> All agendas will indicate that recordings may be made at the meeting by third parties; signage will also be displayed indicating this

<sup>10</sup> In all cases recording equipment must be switched off.

<sup>11</sup> Where members of the public raise an objection to being recorded, then those individuals will not be filmed. However continued audio recording will be permitted where the contributions are material to the resolutions to be made.



Report author: Sarah Johal / Kate Sadler

Tel: 0113 2783623 / 3788663

## Report of Director of Children's Services

## Report to West Yorkshire Adoption Joint Committee

Date: 15<sup>th</sup> March 2017

## Subject: Delegation of Functions

Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

## Summary of main issues

1. In December 2016 the Cabinet and Executive Boards across West Yorkshire endorsed arrangements for a new regional adoption agency titled One Adoption Agency West Yorkshire (the Agency) and put in place the arrangements necessary to delegate adoption functions to the agency via this Joint Committee.
2. This report sets out details in relation to the way in which it is proposed to discharge the adoption functions through the agency, and asks the Committee to delegate functions to the Director of Children and Families at Leeds City Council in order that those functions may be sub-delegated to the Head of Service within the Agency to enable the day to day operation of the Agency and the adoption of the adoption functions through the Agency.

## Recommendations

1. Members are requested to note the arrangements set out in this report and to approve the delegation of functions to the Director of Children and Families set out at paragraph 3.3 of this report and as shown at Appendix A attached.

## **1. Purpose of this report**

- 1.1 This report seeks the delegation of adoption functions by the Joint Committee to the Director of Children and Families at Leeds City Council.

## **2. Background information**

- 2.1 In December 2016 the Cabinet and Executive Board meetings of the five West Yorkshire Authorities endorsed the arrangements for a new regional adoption agency (One Adoption Agency West Yorkshire) and inter alia:-

- Appointed the West Yorkshire Adoption Joint Committee;
- Approved the, Constitution, Terms of Reference and Procedure Rules of the Joint Committee;
- Noted the principles of the partnership agreement, and the process for setting the budget both of which are to be approved by the relevant Directors of Children's Services in each authority under their delegated powers;
- Agreed that Leeds City Council hosts the Agency; and
- Noted that the Joint Committee will be invited to delegate responsibility to the Director of Children's Services for adoption services.

- 2.2 For Members ease of reference the Terms of Reference are set out at Appendix B attached.

## **3. Main issues**

- 3.1 Members should note that although the authority may choose to delegate functions to a Joint Committee, and that Committee may further sub-delegate the functions to an officer, the delegating authority remains accountable for, and may choose to discharge those functions itself.

- 3.2 In addition Members will note that the delegated functions do not include all of the adoption functions of each participating authority. In particular each authority will retain the corporate parenting responsibility for looked after children. Individual authorities will retain the functions which require decisions in relation to specific children, so decisions to place a child for adoption and to approve a match with any adoptive family will be taken by the authority responsible for that child.

- 3.3 It is proposed that the functions which are delegated to the Joint Committee should be carried out on the Committee's behalf by One Adoption Agency for West Yorkshire. This regional adoption agency is hosted by Leeds City Council. Members are therefore requested to approve the delegation of the following adoption functions to the Director of Children and Families<sup>1</sup>:-

- Adoption services including:-
  - a) Recruitment and approval of potential adopters;
  - b) Identification of potential matches between children and adopters<sup>2</sup>;
  - c) Provision of adoption panels; and

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<sup>1</sup> Members will note that a structural reorganisation within Leeds City Council will take effect on 1<sup>st</sup> April 2017 under which the existing Director of Children's Services will become the Director of Children and Families.

<sup>2</sup> One Adoption Agency for West Yorkshire shall identify potential matches and make recommendations to the relevant local authority for the matched child. The decision to match a child with an adoptive family remains a function of the Local Authority.

d) Provision of adoption support services<sup>3</sup> to adopters, adoptees, birth families and relevant professionals.

3.4 Members may wish to note that it is the intention of the Director of Children and Families to sub-delegate these functions to the Head of Service in operational control of the Agency.

3.5 The Head of Service is accountable to the Director of Children and Families, and to the Management Board, made up of senior managers from each Local Authority together with representatives from key stakeholders. In turn the Management Board will be accountable to the Joint Committee which will receive reports in relation to the performance and progress of the agency, oversee the discharge of the delegated functions, monitor the budget and strategic direction of the service and agree the annual report.

#### **4. Corporate considerations**

##### **4.1 Consultation and engagement**

4.1.1 The proposals for the delegation of functions have been shared with Executive Members for Children across the five local authorities as they have been briefed through the development of the regionalisation project. Each Cabinet or Executive Board was advised of the proposal and endorsed the approach.

4.1.2 The Director of Children's Services at Leeds City Council is content with the proposed delegation and has made appropriate plans to sub-delegate the functions.

##### **4.2 Equality and diversity / cohesion and integration**

4.2.1 There are no implications for this report.

##### **4.3 Resources and value for money**

4.3.1 The budget to operate the Agency will be agreed through the process outlined in the December Cabinet / Executive Board reports and will be agreed by each Director of Children's Services in accordance with their own delegated authority.

##### **4.4 Legal implications and access to information**

4.4.1 These delegations establish formal legal authority necessary for the Agency to discharge the adoption functions on behalf of each of the five Local Authorities.

4.4.2 The delegations will be published as part of the Leeds City Council Constitution.

##### **4.5 Risk management**

4.5.1 There are no implications for this report.

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<sup>3</sup> Including maintenance of and access to adoption records

## **5. Recommendations**

- 5.1 Members are requested to note the arrangements set out in this report and to approve the delegation of functions to the Director of Children and Families set out at paragraph 3.3 of this report and as shown at Appendix A attached.

## **6. Background documents<sup>4</sup>**

- 6.1 None

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<sup>4</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

**The Director of Children and Families is authorised<sup>1</sup> to discharge the following functions<sup>2</sup>**

**1) Safeguarding, Specialist and Targeted Services**

**a) Preventative Services including:-**

Taking account of the benefits of prevention and early intervention and the importance of co- operating with other agencies to offer early help to children, young people and families to:-

- i) Understand local need; and
- ii) Secure provision of services.

**b) Safeguarding and Child Protection including:-**

- i) Leading on multiagency arrangements to ensure that resources are coordinated and deployed in safeguarding vulnerable children;
- ii) Provision of safeguarding training to ensure that staff are equipped to recognise and address child abuse;
- iii) Acting as corporate parents for looked after children;
- iv) Provision of placements for looked after children; and
- v) Implementing planned transition for young people leaving care.

**c) Assessment and Care Management including:-**

- i) Assessment of children who may have social care needs; and
- ii) Co-ordination, management and review of care package to meet assessed needs.

**d) Complex Needs including:-**

- i) Provide and commission services to meet the need of children with complex needs.

**e) Residential and Respite Care including:-**

- i) Provision and commissioning of residential placements; and
- ii) Provision and commissioning of respite care.

**f) Support For Carers including:-**

- i) Provision or commissioning of training, advice and practical help for carers.

**g) Youth Offending Services including:-**

- i) Provision of education for children in custody; and
- ii) Safeguarding arrangements for children in custody.

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<sup>1</sup> Save where the Leader or the relevant Portfolio Holder has directed or the Director considers that the matter should be referred to Executive Board for consideration.

<sup>2</sup> Together with similar and ancillary functions which have not been delegated to another Director.

## **2) Learning, Skills and Universal Services**

### **a) Early Years Provision including:-**

- i) Provision of information, advice and assistance to parents and prospective parents;
- ii) Provision of children's centres;
- iii) Promotion of child care to ensure sufficient good quality child care to support working parents;
- iv) Promotion of high quality early years provision;
- v) Provision of free education for three and four year olds and all disadvantaged two year olds; and
- vi) Support to early years providers meeting requirements of Early Years Foundation Stage statutory framework.

### **b) Access to education including:-**

- i) Promote a diverse supply of strong schools, including:-
  - Encouraging good schools to expand and,
  - Where there is a need for a new school, seeking proposals for an Academy or Free School
- ii) Ensure fair access to all schools for every child, including:-
  - Provision of appropriate information to parents; and
  - Compliance with the statutory School Admissions and School Admissions Appeal Codes;
- iii) Provision of suitable home to school transport arrangements; and
- iv) Make arrangements for children outside mainstream education or missing education.

### **c) Special Educational Needs including:-**

- i) Provide and commission education services to meet the need of children with special educational needs; and
- ii) Funding provision for children with statements of special educational needs.

### **d) Promotion of educational excellence including:-**

- i) Support to maintained schools delivering national curriculum;
- ii) Development of robust school improvement strategies;
- iii) Support of school to school collaboration;
- iv) Improvement of poorly performing schools;
- v) Establishing a schools forum; and
- vi) Maintaining a scheme for financing maintained schools and related provision of information.



**e) 14-16 Skills Development**

- i) Support the development of a diverse learning offer including University Technical Colleges, Studio Schools, Direct College enrolment and Free Schools;
- ii) Support the development of academic, technical and vocational pathways that contribute to local labour market needs;
- iii) Promote the opportunities available to young people at 14; and
- iv) Promotion of business engagement in schools and colleges through high quality Careers Education, Information, Advice And Guidance.

**f) Development of active citizens including:-**

- i) Promotion of access to educational and recreational leisure time activities for improvement of well-being and personal and social development of children; and
- ii) Promotion of children's participation in public decision making.

**3) Child Poverty including:-**

Establish local co-operation arrangements to reduce child poverty, including:-

- a) Preparation and publication of a local child poverty needs assessment; and
- b) Preparation of a local child poverty strategy.

**Functions Delegated to the Director of Children and Families as Lead Officer of One Adoption Agency for West Yorkshire**

**The Director of Children and Families is authorised<sup>3</sup> to discharge the following functions on behalf of the West Yorkshire Adoption Joint Committee ('WYAJC')**

**1) Adoption services including:-**

- a) Recruitment and approval of potential adopters;
- b) Identification of potential matches between children and adopters<sup>4</sup>;
- c) Provision of adoption panels; and
- d) Provision of adoption support services<sup>5</sup> to adopters, adoptees, birth families and relevant professionals.

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<sup>3</sup> Save where the Chair has directed or the Director considers that the matter should be referred to WYAJC for consideration.

<sup>4</sup> One Adoption Agency for West Yorkshire shall identify potential matches and make recommendations to the relevant local authority for the matched child. The decision to match a child with an adoptive family remains a function of the Local Authority.

<sup>5</sup> Including maintenance of and access to adoption records

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## WEST YORKSHIRE ADOPTION JOINT COMMITTEE

## Terms of Reference

## Purpose

- 1) WYAJC brings together the five participating authorities to:-
  - a) Engage with voluntary adoption agencies in the region;
  - b) Deliver adopter recruitment, matching, adoption panel and support functions through a regional adoption agency known as One Adoption Agency for West Yorkshire;
  - c) Promote excellent and innovative practice; and
  - d) Ensure value for money.

## The Delegated Functions

- 2) WYAJC will discharge the following functions on behalf of the Participating Authorities<sup>1</sup>:-
  - a) Adoption services including:-
    - i) Recruitment and approval of potential adopters;
    - ii) Identification of potential matches between children and adopters;
    - iii) Provision of adoption panels; and
    - iv) Provision of adoption support services<sup>2</sup> to adopters, adoptees, birth families and relevant professionals.

## Remit

- 3) WYAJC will:-
  - a) Receive reports in relation to the performance and progress of One Adoption Agency for West Yorkshire from both the Head of Service and the Management Board;
  - b) discuss and agree the strategic direction of One Adoption Agency for West Yorkshire, including the setting of stretch targets;
  - c) oversee the discharge of the Delegated Functions;
  - d) promote good performance in relation to the Delegated Functions, reflecting added value brought by One Adoption Agency for West Yorkshire in outcomes for children and their adoptive families ;
  - e) monitor the budget allocated to One Adoption Agency for West Yorkshire;
  - f) review value for money achieved by One Adoption Agency for West Yorkshire; and
  - g) exercise the corporate parenting role of the Participating Authorities in relation to the functions of One Adoption Agency for West Yorkshire.

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<sup>1</sup> Functions in relation to individual children (including decisions to place for adoption and to approve a match) remain the responsibility of each Participating Authority.

<sup>2</sup> Including maintenance of and access to adoption records

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Report author: Sarah Johal

Tel: 0113 2783623

## Report of Director of Children's Services

## Report to West Yorkshire Adoption Joint Committee

Date: 15<sup>th</sup> March 2017

## Subject: Structure Report

Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:		
Appendix number:		

## Summary of main issues

1. In December 2016 the Cabinet and Executive Boards across West Yorkshire endorsed arrangements for a new regional adoption agency titled One Adoption Agency West Yorkshire (the Agency) and put in place the arrangements necessary for the creation of an organisational unit within Leeds City Council for the West Yorkshire Adoption Agency. The lead officer for this will be the Director of Children's Services (DCS) and the unit will sit within Children's Services.
2. The boards also endorsed the transfer of staff via TUPE from other Local Authorities into the employment of Leeds City Council to work within the RAA;
3. This report sets out the progression of these arrangements

## Recommendations

1. The Joint Committee is requested to:
  - 1.1 Note the structural arrangements and to support the progression of these arrangements.

## **1. Purpose of this report**

- 1.1 This report sets out the structural and reporting arrangements for the Regional Adoption Agency.

## **2. Background information**

- 2.1 In December 2016 the Cabinet and Executive Boards across West Yorkshire endorsed arrangements for a new regional adoption agency titled One Adoption Agency West Yorkshire (the Agency) and put in place the arrangements necessary for the creation of an organisational unit within Leeds City Council for the West Yorkshire Adoption Agency. The lead officer for this will be the Director of Children's Services (DCS) and the unit will sit within Children's Services.
- 2.2 The boards also endorsed the transfer of staff via TUPE from other Local Authorities into the employment of Leeds City Council to work within the RAA;
- 2.3 This report sets out the progression of these arrangements
- 2.4 For Members ease of reference the structure chart of the agency is attached at Appendix A.

## **3. Main issues**

### Staffing Structure

- 3.1 The staffing structure of the RAA has been designed with reference to the application of best practice drawn from West Yorkshire, the voluntary sector and extensive research and has been endorsed by the Shadow Management Board. There has been ongoing consultation with the unions regarding the implications for staff implications and any measures envisaged arising from the transfer.
- 3.2 Staff from Bradford, Wakefield, Kirklees and Calderdale adoption services are in the process of transferring into the employment of Leeds City Council, within the RAA pursuant to the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE). Detailed HR processes to address assimilation, due diligence are underway as well as formal consultation with the trade unions in the coming months.
- 3.3 Leeds City Council will be employing around 105 Full time equivalent staff to discharge the function. This will include both existing LCC employees and approximately 60 staff from the other 4 West Yorkshire local authorities. The Head of Service has been appointed and there are a number of vacancies across the management posts of the agencies with recruitment to these posts is underway.
- 3.4 The Regional Adoption Agency will be based in Leeds and staff will be based in offices in all 5 local authority areas. Appropriate arrangements are being put in place to ensure that they have adequate resources.

### Corporate Parenting Responsibilities

- 3.5 The RAA will work in partnership with social work services in each Local Authority (LA). Each LA will retain the corporate parenting responsibility for looked after children and each Local Authority will still retain the responsibility for decisions about the planning for children and the match with a family.
- 3.6 The RAA will be a regional agency with an emphasis on the local delivery of services. The RAA will retain a base in each local authority office and will work with

each LA to ensure that children's needs are prioritised and that there is a sense of urgency in the planning for children regarding permanence. This will also ensure that families are recruited to meet children's needs and that adoption support can be delivered effectively at a local level.

#### Management Board

- 3.7 The operational accountability of the regional agency will be to the Management Board, which will comprise senior officers delegated by each Director Children Services with representation drawn also from other stakeholders, including the Adopter Voice forum and the Voluntary Adoption Alliance. The management board will meet 2 monthly to review both RAA functioning and also the impact for West Yorkshire's children, adopters and birth families. Specifically it will promote good performance in relation to the Delegated Functions, reflecting added value brought by the RAA in outcomes for children and their adoptive families; monitor the budget allocated to the RAA and review value for money achieved by the RAA.

### **4. Corporate considerations**

#### **4.1 Consultation and engagement**

- 4.1.1 The transfer of the adoption function to the regional agency and staff from other Local Authorities to Leeds has required detailed HR processes to address TUPE, assimilation, due diligence etc. as well as formal consultation with the trade unions. This is ongoing.

#### **4.2 Equality and diversity / cohesion and integration**

- 4.2.1 There are no implications for this report.

#### **4.3 Resources and value for money**

- 4.3.1 There are no implications for this report.

#### **4.4 Legal implications and access to information**

- 4.4.1 There are no implications for this report

#### **4.5 Risk management**

- 4.5.1 There are no implications for this report.

### **5. Recommendations**

The Joint Committee is requested to:

- 5.1.1 Note the structural arrangements and to support the progression of these arrangements.

### **6. Background documents<sup>1</sup>**

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website,

6.1 None

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unless they contain confidential or exempt information. The list of background documents does not include published works.



Table of Abbreviations:

RA – recruitment and assessment

FF – Family Finding

AS – Adoption Support

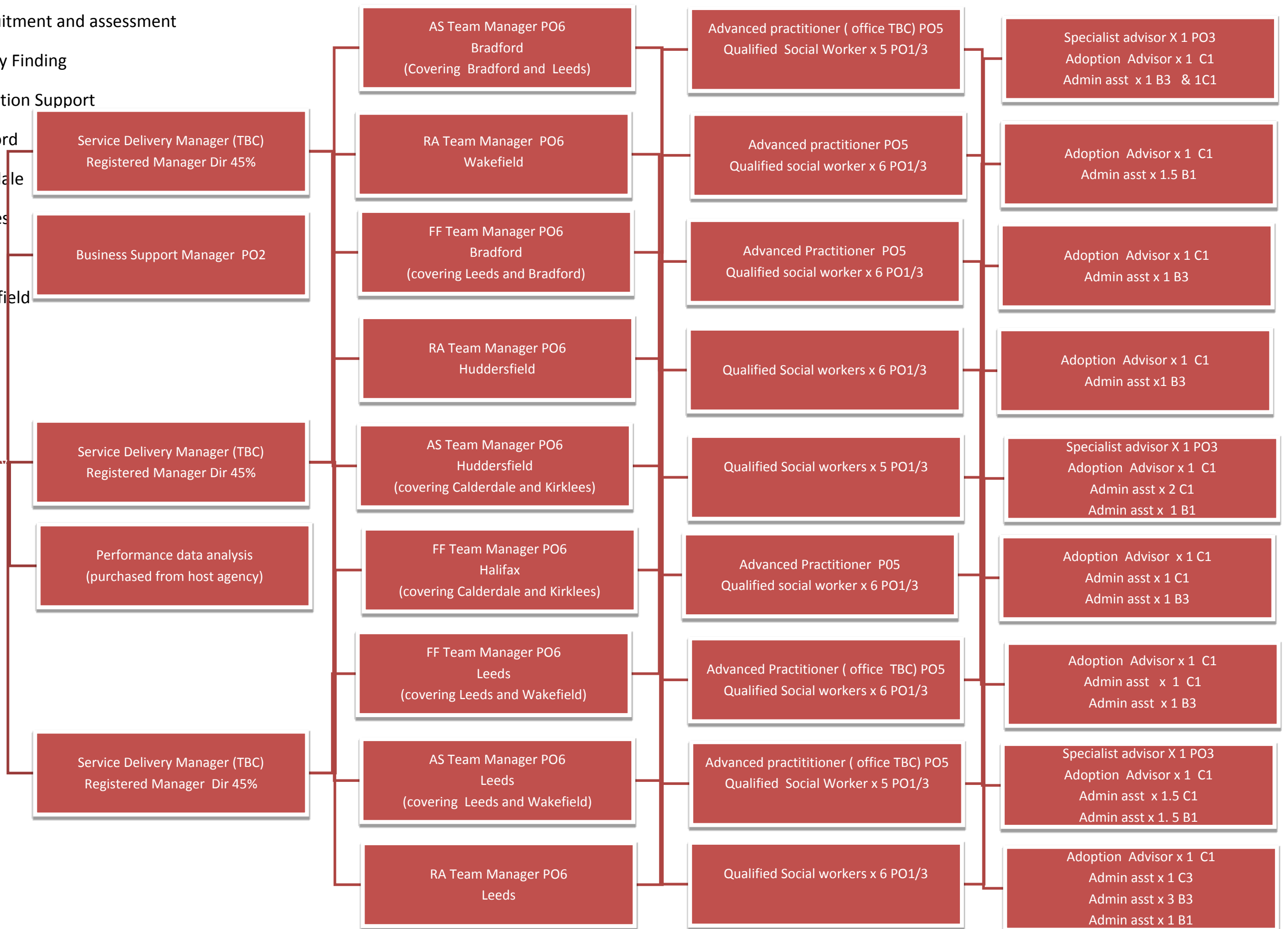
B – Bradford

C- Calderdale

K – Kirklees

Wakefield

of Service Regional Adoption Agency



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