

22<sup>nd</sup> October 2021

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## **ESTABLISHING A JOINT COMMITTEE FOR THE NATIONAL ADOPTION SERVICE FOR WALES**

### **Purpose**

1. To provide an update on the National Adoption Service (NAS) and Foster Wales (FW) and to seek members approval for pursuing the establishment of a Joint Committee for the National Adoption Service (NAS) as part of ensuring appropriate governance at the national level.

### **Background**

2. The National Adoption Service was set up in 2014 and has enabled significant change and improvement in adoption services across Wales. Its structure and governance through national, regional and local arrangements were agreed by all councils at that time.
3. The legal basis underpinning the National Adoption Service is contained in section 3A of the Adoption and Children Act 2002 [which was inserted by the Social Services and Well Being (Wales) Act 2014] and the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015. These set out in detail expectations on local authorities to co-operate at regional and national level to deliver and improve adoption services.
4. The Directions<sup>1</sup> set out the aims of NAS, require regional collaborative arrangements to be established and specify some governance arrangements for the management and oversight of NAS, for example, establishing a Governance Board and an Advisory Group (to be chaired by an independent person) at the national level, the identification of a host local authority and the appointment of a Director of Operations.
5. The Directions, however, do not contain provisions that explicitly create a mechanism that gives proper legal effect to the co-operation at national level or for the agreement with one local authority to host the national functions. The Joint Committee, and the Agreement that will accompany it, will put this on a formal legal footing as well as providing greater clarity and certainty for all authorities, as well as for the National Adoption Service and Foster Wales.
6. While there is a central team supporting and facilitating the NAS, it should be noted that the NAS is made up of the central team, the

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<sup>1</sup> [SI/SR Template \(gov.wales\)](https://gov.wales/si/sr-template)

regional collaborative arrangements and the local adoption teams. Individual local authorities remain legally responsible and accountable for the provision of adoption and fostering services.

7. In respect of adoption services, the legal provisions outlined above require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service. There is no similar structure in Wales for a such a collaborative endeavour that include arrangements at national, regional and local levels working together. Aligning activities to ensure collective work at all levels towards the stated aims of improvement of adoption services across Wales has been challenging and while evidenced improvements have been made, the governance arrangements have been cumbersome and were not felt to be the most effective arrangements.
8. A review of NAS in 2018 led to proposals to streamline governance and improve effectiveness and accountability. Some of the proposed changes from the review have already been implemented, including creating a Combined Governance Board (bringing together the Advisory Group and Governance Board as required by the legislation) and the development of a new Partnership Agreement to replace the original functional model that had been originally developed.
9. However, legal advice obtained by the WLGA reflected that in order for NAS to operate effectively on behalf of all 22 Welsh authorities, and for there to be a robust arrangement with the host authority for provision of the national and enabling functions, co-operation between Welsh local authorities needed to be put on a formal footing.
10. Following discussions with the relevant Spokespeople and consideration by the WLGA Executive Board (26<sup>th</sup> October 2018), it was agreed that improved governance and accountability arrangements would best be delivered through a Joint Committee established by the WLGA. Work on establishing a National Joint Committee, to give proper effect to the co-operation and oversight from all 22 local authorities, has continued and is ready for consideration for the WLGA Executive Board. Agreement to participate in such a Joint Committee will also be required to be agreed by all councils at an individual level.
11. Since 2015, the National Adoption Service Director of Operations and central team has also been supporting the work of the National Fostering Framework (NFF) to create a similar national, regional and local collaborative arrangement to improve Welsh fostering services, albeit not through the creation of a national fostering service. Foster Wales has now emerged from the work of the NFF and will support a defined range of fostering functions linked to recruitment and retention of local authority foster carers.
12. To reduce duplication and costs, as well as to maximise resilience, flexibility and longevity across both functions, and to ensure appropriate

governance and accountability arrangements are in place for Foster Wales it is proposed that the Joint Committee, and the agreement underpinning it, be extended to include Foster Wales. Capacity to enable and support national co-ordination of Foster Wales will be through a combined Central Team. The linking to the Joint Committee is critical for Foster Wales given the lack of a legislative basis for such co-operation for fostering services.

## **Governance of National Adoption Service and proposed establishment of a Joint Committee**

13. The proposed governance structure is presented diagrammatically and with a narrative in Appendix 1. It is proposed the national Joint Committee will, on behalf of the 22 Welsh Local Authorities, exercise their powers for the provision of the collaborative arrangements for the National Adoption Service for Wales (NAS) and for Foster Wales (FW). It will be comprised of Council Members to be appointed via the WLGA meeting twice yearly.
14. Lawyers engaged by WLGA on behalf of NAS have drafted a Joint Committee Legal Agreement for consideration and agreement by all 22 local authorities. The establishment of a Joint Committee is now ready to be taken forward. Based on other Joint Committee agreements already in place, a summary of the provisions is attached at Appendix 2. The draft Agreement also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority<sup>2</sup> for national functions. If agreed, the Joint Committee will provide the mechanism for all Welsh local authorities to discharge an executive and oversight role for NAS and FW. It will approve / receive:
  - The Annual Report of NAS and of FW;
  - The annual programme of work for the NAS and for FW;
  - The budget for the office of the Director and national work for NAS and for FW; and
  - The agreement, and any changes to the agreement, for the host authority support of the office of the Director and national work for NAS and FW.
15. It is proposed that prior to consideration of the draft agreement by each council, engagement and consultation will take place with local authority Monitoring Officers to ensure there is collective agreement as to what is contained in the agreement for a Joint Committee.
16. For the National Adoption Service only, the Joint Committee will also oversee how the authorities work together to exercise their powers and comply with the National Assembly Directions.

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<sup>2</sup> Cardiff Council host the NAS on behalf of Welsh authorities following a competitive process undertaken in 2014

## **Funding arrangements**

17. The core funding for the national functions for the National Adoption Service and Foster Wales is provided from a top slice of the Revenue Support Grant (made available through the WLGA). This allocation, currently £473,000 per annum for adoption and £400,000 per annum for fostering, is subject to the agreement of Councils through the WLGA periodically.
18. Foster Wales has been awarded Welsh Government grant funding up to the end of March 2023 to fund specific purposes, this is £573,000 for 2021/22 reducing by a small amount for 2022/23. Welsh Government investment is available to adoption and this is fully utilised for direct service delivery through the regional structure.
19. The total cost of the proposed national structure is £586,384 for 2021/22 salary rates. Total available core budget across NAS and Foster Wales for 2021/22 is circa £1,449,000 albeit that over half the Foster Wales funding stream is subject to Welsh Government grant conditions for specific purposes as indicated above. The structure is affordable up to the end of the Welsh Government Grant period (31.03.23) but there are pressures on staffing and operating budgets for both NAS and Foster Wales beyond that. The financial pressures have been flagged with the Welsh Government and work is commencing to consider how to resolve this beyond the current grant aid period.

## **Conclusion**

20. The WLGA Spokesperson for Social Services and Health and local authority Cabinet Members have been kept informed of progress of National Adoption Service and Foster Wales via WLGA Cabinet Member Meetings and previous reports have been provided to the WLGA Executive Board. Cllr Alan Lockyear of Neath Port Talbot (on behalf of the WLGA Spokesperson) co-chairs the Combined Governance Board with an independent Chair (Phil Hodgson, a previous Director of Social Services in Wales) with elected members representing their regions: Cllr Andy Atkinson (Wrexham); Cllr Ben Gray (Vale of Glamorgan); Cllr John Mason (Blaenau Gwent); Cllr Kim Broom (Carmarthenshire); and Cllr Graham Hinchey (Cardiff). All are in support of the proposed way forward for the future governance and accountability of NAS and FW through the establishment of a Joint Committee. The Association of Director of Social Services in Wales (ADSS Cymru) are also supportive of the proposed way forward.
21. The establishment of a Joint Committee does not require specific funding and any costs for the administration of the Joint Committee will be covered by the WLGA. The proposals outlined in establishing a Joint Committee for NAS and FW are being progressed in order to formalise and consolidate the existing position of the Central Team in respect of

the work it is currently undertaking with the regions and local adoption teams. This will allow both collaborative arrangements to continue to function and meet agreed plans and commitments in the short to medium term to enable NAS and FW to effectively achieve their stated aims.

## **Recommendations**

### **22. Members are asked to:**

**22.1 Note and comment on the contents of this report;**

**22.2 Support the proposal to establish a Joint Committee via the WLGA to provide governance and accountability arrangements for the National Adoption Service for Wales and Foster Wales;**

**22.3 Support engagement with local Monitoring Officers to ensure there is collective agreement to the draft Joint Committee Agreement; and**

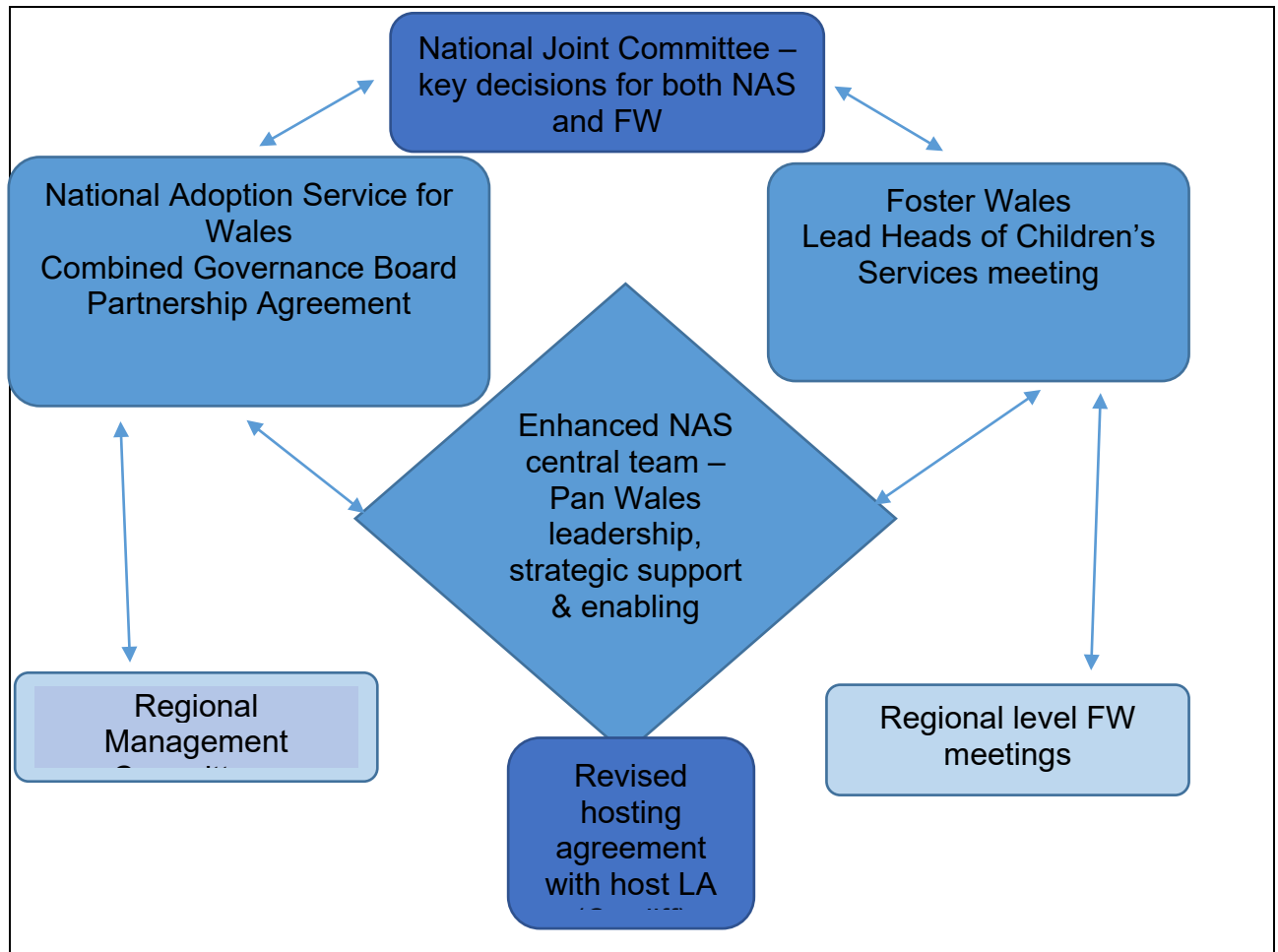
**22.4 Ask each local authority to formally consider these issues and seek approval from their Councils to engage and participate in this proposed Joint Committee.**

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## **Appendix 1**

### **Governance**



#### **WLGA Joint Committee to oversee NAS and Foster Wales:**

The Joint Committee will, on behalf of the 22 Welsh Local Authorities, exercise their powers with reference to the provision of the collaborative arrangements for the National Adoption Service for Wales (NAS) and for Foster Wales (FW). It will be underpinned by a legal agreement (Joint Committee Agreement) and be comprised of Council Members. Its role will be to oversee the work of NAS and Foster Wales and specifically approve / receive the below:

- The Annual Reports of NAS and of Foster Wales;
- The annual programmes of work for the NAS and for Foster Wales;
- The budget/s for the office of the Director and the national work of NAS and for Foster Wales; and
- The agreement, and any changes required, for the host LA support of the office of the Director to enable it to facilitate the work of NAS and FW.

For NAS only it will also oversee how the authorities work together to exercise their powers and comply with the National Assembly Directions.

To support and inform the Joint Committee (and to ensure compliance with the Directions for NAS), it is proposed the following structures underpin the Committee:

**NAS - National level - Combined Governance Board (CGB)**

**Foster Wales - National level - Lead Heads of Children's Services meeting**

Provides strategic direction and decision making to facilitate the delivery and improvement of adoption services in Wales through the National Adoption Service arrangements in line the Senedd Directions and its Terms of Reference.	Provides strategic direction and decision making in relation to the agreed national and regional functions of Foster Wales on behalf of Welsh local authorities in line with its Terms of Reference.
<p><b><u>NAS – regional / LA level - Regional Management Boards &amp; VAA's Boards</u></b></p> <p>Each region is made up of specified local authority areas, set out in the Directions and overseen by Regional Management Boards (RMB's). Primary role is to coordinate adoption activities at the regional level and to implement decisions and strategies from the national Governance Board; may also have roles determined by their legal agreement. Plus Voluntary Adoption Agency (VAA) equivalent.</p>	<p><b><u>Foster Wales - regional / LA level - Regional HoS meeting</u></b></p> <p>These are now in place and may be a specific FW meeting or included in the agenda of pre-existing HoS or HoS &amp; DSS regional meetings.</p>

## **Appendix 2 – Main Provisions in draft Joint Committee Agreement**

The Agreement is to establish a Joint Committee for the National Adoption Service would be between the 22 local authorities and the WLGA. It is proposed the Joint Committee would include a voting member from each of the local authorities.

It sets out the aims to discharge specified functions for both the National Adoption Service and Foster Wales. It also includes the role of the Director of Operations and the central team in supporting this work

The role of the Joint Committee is set out as:

- The Joint Committee shall take decisions relating to the use of the National Adoption Service budget which shall be provided as a topslice from the Revenue Support Grant via the Welsh Local Government Association for the discharge of the Specified Functions, costs of the Host Council and the Joint Committee relating to this Agreement and shall have regard to reports and advice from the Combined Governance Board and Director of Operations.
- The Joint Committee shall ensure the Scheme of Delegation set out in Schedule 7 is kept under review in accordance with paragraphs 5.2 and 5.3 of Schedule 7.
- The Joint Committee shall operate and conduct its business in accordance with the terms of this Agreement including the Constitution set out at Schedule 1.
- The Joint Committee shall review the terms of reference of the Joint Committee towards the end of each council term and shall make recommendations to the Councils and the WLGA for their consideration as to any amendments that the Joint Committee are required to discharge the Specified Functions in accordance with the Directions.
- This Agreement is without prejudice to each Council's other powers and responsibilities for its area.

A range of detail is included as per most agreements covering arrangements for audit, costs, liabilities, duration, variation, withdrawal from the Joint Committee etc including Data Protection and Freedom of Information

The draft agreement sets out the process for the appointment and responsibility of the host authority

Schedules to the Agreement include:

- A suggested Constitution of the Joint Committee
- Terms of Reference for the Combined Governance and Advisory Board
- Financial Memorandum
- Specified Functions and Services of NAS and FW
- Terms of Reference for the Lead Children's Services Group (supporting FW)
- Scheme of Delegation to the Director of Operations