



## Report of the Cabinet Member for Children Services

Cabinet – 17 March 2022

### National Collaborative Arrangements for Welsh (Local Authority) Adoption and Fostering Services

### National Adoption Service for Wales and Foster Wales – Enhancing Governance, Leadership and Enabling

<b>Purpose:</b>	<ol style="list-style-type: none"><li>1. To update on the proposals for developing the governance and enabling for the National Adoption Service for Wales as it assumes responsibility for Foster Wales</li><li>2. To achieve agreement to signing the Joint Committee Agreement for the proposed Joint Committee</li></ol>
<b>Policy Framework:</b>	Social Services and Well Being Act 2014; section 3A of the Adoption and Children Act 2002; Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015
<b>Consultation:</b>	Access to Services, Legal, Finance
<b>Recommendation(s):</b>	It is recommended that Cabinet: <ol style="list-style-type: none"><li>1) Agrees that the Council signs the Joint Committee Agreement for the National Adoption Service and Foster Wales attached at Appendix C and authorises the Chief Legal Officer to enter into the Agreement on behalf of the Council.</li><li>2) Appoints the Cabinet Member for Child and Family Services as the Council's representative and voting member of the Joint Committee.</li></ol>
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## **1. Introduction**

- 1.1 The National Adoption Service has been in existence since 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; a review in 2018 led to proposals to streamline governance and improve accountability. Some of these e.g. creating a Combined Governance Board (bringing together the Advisory Group and Governance Board required by the legislation) and a new Partnership Agreement to replace the original functional model have already been implemented.
- 1.2 Legal advice obtained by the Welsh Local Government Association (WLGA) determined that in order for NAS to operate effectively on behalf of all 22 Welsh authorities, and for there to be a robust hosting arrangement with the host authority for the national and enabling functions (Cardiff), co-operation between Welsh local authorities needed to be put on a formal footing. The preference of the WLGA and the Association of Directors of Social Services Cymru (ADDSC) was that this should be through a Joint Committee. Work on 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 implementation.
- 1.3 Since 2015, the National Adoption Service Director and central team has 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 NFF and will support a defined range of fostering functions linked to recruitment and retention of local authority foster carers. Throughout this time, the WLGA and ADSS-C as lead bodies wanted the national functions for fostering to be linked to the National Adoption Service national functions to reduce duplication and costs as well as to maximise resilience, flexibility and longevity across both functions.
- 1.4 The proposed Joint Committee and the agreement underpinning it have been extended to include Foster Wales as has the capacity and functions for national co-ordination and enabling 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.

## **2. Governance – Establishment of a Joint Committee**

- 2.1 The proposed governance structure is presented diagrammatically and with a narrative in Appendix A. 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 meeting twice yearly.

- 2.2 WLGA lawyers have drafted a Joint Committee legal Agreement to be signed by all 22 local authorities; this is now ready to progress and is available alongside this report at Appendix C. This also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.
- 2.3 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 Foster Wales;
  - The annual programme of work for the NAS and for Foster Wales;
  - 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.

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

### **3. Enabling – National Infrastructure**

- 3.1 A functional structure is proposed which, below the Director, has separate lead functions for adoption and fostering but a combined business and enabling function supporting both. The range of functions that will be carried out is described in Appendix B with a staffing structure of 9.5 f.t.e. staff (incl. Director.)
- 3.2 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 £473k per annum for adoption and £400k per annum for fostering, is subject to the agreement of the relevant WLGA committee periodically. Foster Wales has been awarded Welsh Government grant funding up to the end of March 2023 to fund specific purposes, this is £573 for 2021/22 reducing by a small amount for 2022/23. Although Welsh Government investment is available to adoption this is fully utilised for direct service delivery through the regional structure. There are resources in both the Foster Wales WLGA allocation and the Foster Wales Welsh Government grant aid that part fund posts on a regional basis to directly support local authority activities.

- 3.3 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 WG grant conditions for specific purposes as indicated above.
- 3.4 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 Welsh Government, but work is commencing to consider how to resolve this beyond the current grant aid period. Resolving this will require the commitment of both Local Government and Welsh Government.
- 3.5 The proposals outlined are being progressed in order to formalise and consolidate the existing position of the Central Team in respect of the work it is currently doing for the National Adoption Service and for Foster Wales. This will allow both collaborative arrangements to continue to function and meet agreed plans and commitments in the short to medium term.

#### **4. Engagement of Stakeholders**

- 4.1 Local authority members have been kept informed throughout via the WLGA, most recently, during September 2021 via the Cabinet Members (social care and health) Network and the WLGA Council.
- 4.2 The National Adoption Service Governance Board, the Foster Wales Lead Heads of Children's Services and Social Services Directors via ADSSC have agreed these proposals in principle.
- 4.3 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

#### **5. Integrated Assessment Implications**

- 5.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
  - Deliver better outcomes for those people who experience socio-economic disadvantage
  - Consider opportunities for people to use the Welsh language

- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

5.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

5.4 There are no negative IIA implications of this proposal, which in itself is simply about establishing the governance of two national initiatives. The initiatives themselves are expected to have significant positive impacts for children who become looked after by the local authority, many of whom will have protected characteristics. Investment in supporting the LAs looked after children to achieve good outcomes is a positive means by which the LA can demonstrate its commitment to meeting its WFG obligations. The screening is attached at Appendix D.

## **6. Financial Implications**

6.1 As outlined above, funding for the governance arrangements and central / national leadership and enabling, is provided from the WLGA via a top slice of the Revenue Support Grant plus grant funding from the Welsh Government. There is no expectation that individual councils will incur additional costs in relation to these functions.

## **7. Legal Implications**

7.1 Individual local authorities remain legally responsible and accountable for the provision of adoption and fostering services. In respect of adoption services, the legal provisions outlined in paragraph 7.2 below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.

7.2 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. They do not, however, 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, the WLGA as well as the National Adoption Service and Foster Wales.

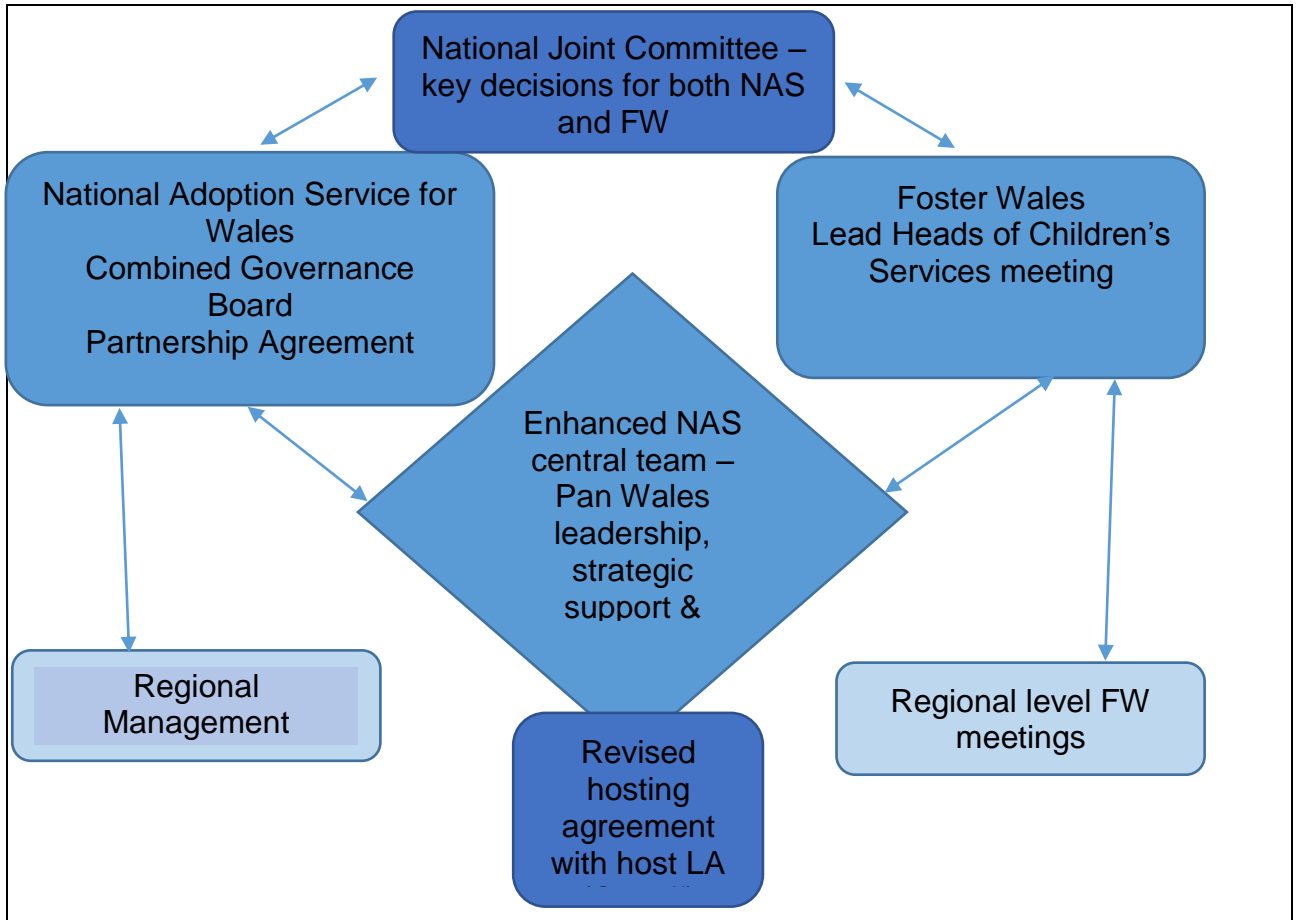
- 7.3 There are no regulations underpinning Foster Wales so the Joint Committee will provide the basis for the co-operation that is needed so it can operate as proposed.
- 7.4 Agreeing these proposals and signing the Joint Committee Agreement will put the Council's cooperation in these collaborative arrangements on a formal basis as well as clarifying roles and responsibilities for the hosting of and delivery of national functions which support and enable local authority delivery of their adoption and fostering responsibilities

**Background Papers:** None

**Appendices:**

Appendix A	Governance chart
Appendix B	Staffing infrastructure
Appendix C	Joint Committee Agreement
Appendix D	IIA screening

**Governance**



**WLGA Joint Committee (all 22 LA’s) over-sees NAS & 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.

<p><b><u>NAS - National level - Combined Governance Board (CGB)</u></b></p> <p>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.</p>	<p><b><u>Foster Wales - National level - Lead Heads of Children's Services meeting</u></b></p> <p>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>
<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 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>



Central team – leadership and enabling

