

# Report

## Cabinet Meeting

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### Part 1

Date: 6 April 2022

**Subject** National Collaborative Arrangements for Welsh (local authority) Adoption and Fostering services

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

**Purpose**

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
2. To consider agreement to signing the Joint Committee Agreement for the proposed Joint Committee

**Author** Joanne Llewellyn and Dan Jones Service Managers

**Ward** All

**Summary** The report provides the background and legal framework to the National Adoption Service in Wales. Foster Wales is driving forward Local Authority fostering services with a national brand with the support of all Local Authorities, the WLGA and Welsh Government. The changes proposed will ensure effective governance for Foster Wales whilst minimising costs and avoiding duplication.

**Proposal** To agree to sign the Joint Committee Agreement.

**Action by** Cabinet to agree proposals below and sign off attached document.

**Timetable** Immediate action to agree and sign off the attached agreement.

This report was prepared after consultation with:

- Gareth Price Head of Legal
- Sally Jenkins Director Social Services
- Councillor Paul Cockeram – Cabinet Member

**Signed**

## Background

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 been already implemented.

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 (ADSSC) 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.

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.

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.

## Governance

The proposed governance structure is presented diagrammatically and with a narrative in Appendix one. 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.

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. This also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.

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.

## **Enabling - National infrastructure**

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 Two with a staffing structure of 9.5 f.t.e. staff (incl. Director).

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.

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.

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.

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.

## **Engagement of stakeholders**

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.

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.

The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

## **Financial Summary (Capital and Revenue)**

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 Rate 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.

## **Risks**

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

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.

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.

<b>Risk Title / Description</b>	<b>Risk Impact score of Risk if it occurs* (H/M/L)</b>	<b>Risk Probability of risk occurring (H/M/L)</b>	<b>Risk Mitigation Action(s)</b> What is the Council doing or what has it done to avoid the risk or reduce its effect?	<b>Risk Owner</b> Officer(s) responsible for dealing with the risk?
No regulations underpinning Foster Wales if agreement is not signed.	M	H	Without agreeing to this proposal there is no mitigation to allow the co operation of the process as proposed.	Sally Jenkins- Director  Joanne Llewellyn- Resources
There are no provisions for the proper legal effect or for one LA to host within legislation; without the agreement there will be less clarity and greater uncertainty for LA's.	M	H	There is no mitigation of the agreement is not signed.	Sally Jenkins – Director Joanne Llewellyn- Resources Dan Jones- Operations
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.	H	H	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.	Sally Jenkins Director

\* Taking account of proposed mitigation measures

## **Links to Council Policies and Priorities**

This proposal has been discussed and considered at WLGA level. This is a collaboration on a national basis for Fostering and Adoption to ensure governance of Foster Wales. Through working nationally Foster Wales has enabled Newport City Council to increase recruitment of local Foster carers and enable the authority to meet placement sufficiency duty as per the corporate plan.

## **Options Available and considered**

Agreeing these proposals and signing the Joint Committee Agreement will put Newport City 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.

Through not agreeing the proposals Newport City Council will not be working collaboratively and will not be utilising the supports available to effectively deliver its adoption and fostering responsibilities.

## **Preferred Option and Why**

The preferred option is to agree the proposals and sign the joint committee agreement.

### **Comments of Chief Financial Officer**

This report seeks approval to collaborate with the National Adoption Service for Wales as it assumes responsibility for Fostering services across Wales and signing up to the proposed joint committee. The report confirms that this is a positive development that will minimise cost and duplication. The structure is affordable in year 1 up to the 31/3/23 and will be funded by the WLGA. There is uncertainty about the funding after that as there are pressures on staffing and operating budgets for both NAS and Foster Wales. Whilst the report states that individual Local Authorities will not be expected to contribute to any shortfall, that can't be guaranteed until finalisation of any permanent solution to the funding challenges outlined. NCC have not budgeted for any pressure on its budgets in relation to this and this will need to be reviewed in due course.

### **Comments of Monitoring Officer**

The proposed joint-working arrangements are in accordance with the Council's statutory powers under section 3A of the Adoption and Children Act 2002 and the Joint Adoption Arrangements (Wales) Directions 2015, and also the general powers to discharge functions jointly under sections 101, 102, 112 and 113 of the Local Government Act 1972 and sections 19 and 20 of the Local Government Act 2000. The proposed governance arrangements will require the delegation of adoption and fostering functions on a national level to Cardiff Council, as the host authority, who will employ the relevant staff and discharge the operational functions under the direction and management of a Joint Committee, comprising representatives of all 22 local authorities and the WLGA. The Joint Agreement that will establish the Joint Committee and the delegation of functions is based on the standard operating model for this type of collaborative arrangement, with mutual commitments on behalf of the participating councils and joint indemnities for the host authority in respect of the liabilities for the work being undertaken. The Joint Agreement formalises the previous arrangements that have been in place for the National Adoption Service since 2014 and extends the management and governance to include Foster Wales in order to put these collaborative arrangements on a proper legal footing. The funding for the joint service is already provided for in the current RSG top-slicing and grant payments made available through the WLGA. Cabinet is asked to authorise the statutory officers to finalise and complete the Joint Agreement on behalf of the Council. Cabinet will also need to recommend to full Council the appointment of the Council's voting representative on the Joint Committee, which could most appropriately be the Cabinet Member for Social Services.

### **Comments of Head of People, Policy and Transformation**

This report sets out the background and legal framework to the National Adoption Service in Wales. Foster Wales is developing Local Authority fostering services with a national brand with the support of all Local Authorities, the WLGA and Welsh Government. Agreeing the proposals set out in the report and signing the Joint Committee Agreement will formalise Newport City Council's collaboration in this National arrangement as well as clarifying roles and responsibilities for the functions that will support local authority delivery of their adoption and fostering responsibilities. The author has advised that there is no immediate direct negative impact of this proposal on the existing workforce. It will be necessary to review and implement revised operational working practices as part of the proposal and these will commence once the report has been agreed.

### **Scrutiny Committees**

None

### **Fairness and Equality Impact Assessment:**

- **Equality Act 2010 and Socio-economic Duty**

The collaborative arrangements for the economic growth of the National Adoption Service are

consistent with equalities and socio-economic duties. Whilst the partnership is not subject to the same statutory responsibilities as local authorities in relation to discharging public sector equalities and socio-economic duties, members of the partnership are and this responsibility is reflected in the decisions made.

## • **Welsh Language (Wales) Measure 2011**

Whilst the partnership is not subject to the same statutory responsibilities as local authorities in relation to the Welsh Language, other Welsh Council members are and the Partnership ensures that responsibilities in relation to the Welsh language are discharged.

## • **Wellbeing of Future Generation (Wales) Act**

- Long term: This evidences NCC's commitment to continually develop and support the most vulnerable families in Newport.
- Prevention: Considering the long- term outcomes for citizens of Newport, the prevention and early intervention services will assist in them determining support and what matters to them.
- Integration: This report shows the integration of services across Newport for foster carers, adopters and their children this links to improve the emotional well-being and outcomes and reducing the numbers of children in care.
- Collaboration: this whole report is based on the collaboration of services within Newport.
- Involvement: The voice of the child, adult and families that NCC work with in enshrined in legislation and a requirement for practice. All safeguarding practice involves and records not only the citizen's wishes and feelings but all partner agencies involved in the process.

Throughout this report the core principles of the WFG are referenced and interwoven. This is clearly a long term proposal which seeks to embed collaborative working as a way to ensure good outcomes for citizens. Integration with other elements of NCC and public bodies is key to the success of the proposal. Working in collaboration with families and partner agencies is vital and drives this plan. Throughout Children's Services we are looking for new ways to fully involve and engage children, young people, parents and carers this plan is key to that work.

A FEIA has not been completed because this is a revision of the 2014 National Adoption Framework to Include Foster Wales which is already in place. This is an amalgamation of the two services under one structure and governance and therefore the impact on citizens, on the ground, will have already been considered. This is has been considered by the WLGA and therefore these considerations should have been already reflected as they have the same duties to discharge.

## **Consultation**

This has already been discussed at the WLGA and therefore had a National Consultation.

Where a decision impacts on one or two individual wards report writer to ensure that ward members are informed of this. All members receive the report as part of the democratic process and any comments will be inserted here together with any Head of Service response in the final report.

## **Background Papers**



FINAL Joint  
Committee Agreeeme

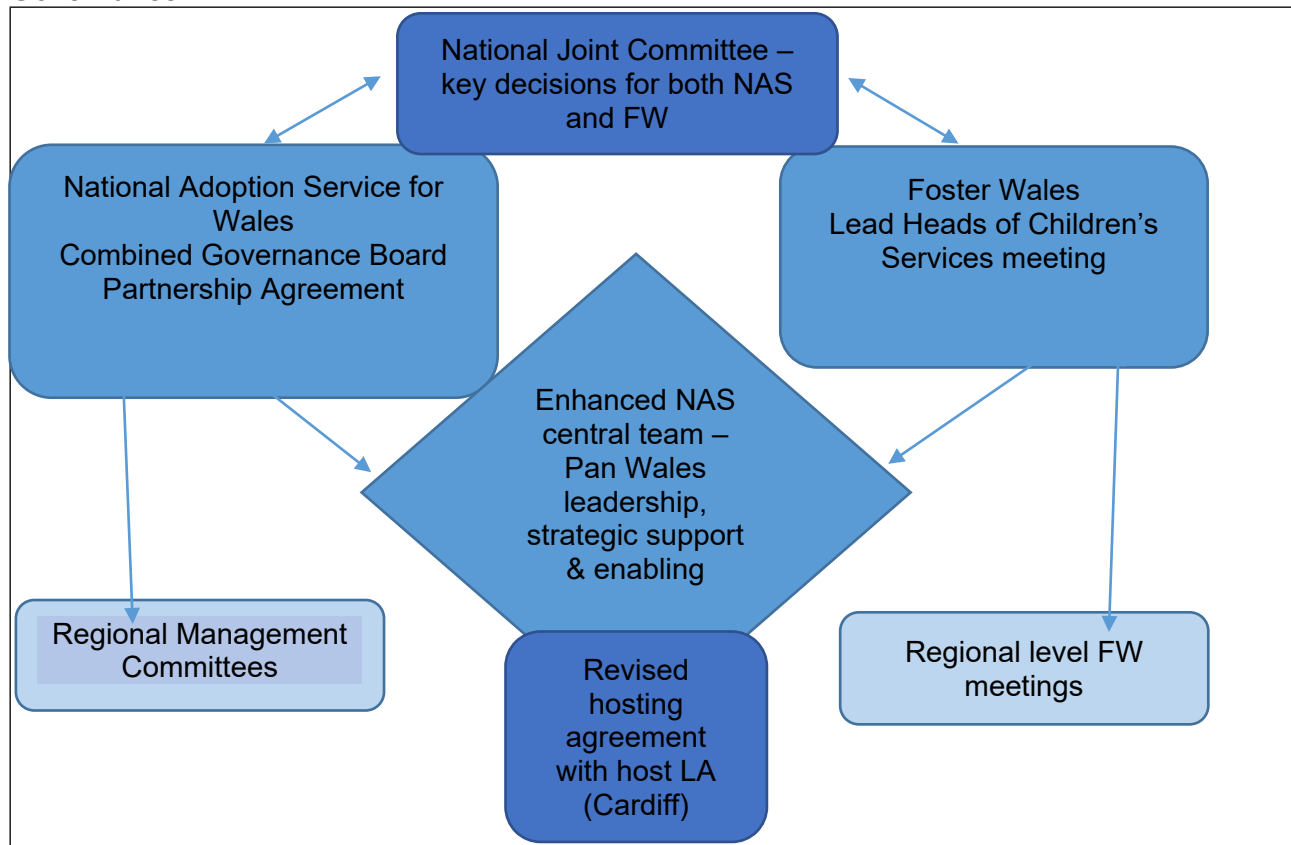


FINAL Joint  
Committee Agreeeme

**Dated: 30 March 2022**

**Appendix One**

**Governance**



WLGA Joint Committee (all 22 LA's) over-see 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.

NAS - National level - Combined Governance Board (CGB)

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.

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

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.

NAS – regional / LA level - Regional Management Boards & VAA's Boards

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.

Foster Wales - regional / LA level - Regional HoS meeting

These are now in place and may be a specific FW meeting or included in the agenda of pre-existing HoS or HoS & DSS regional meetings.



## Appendix 2

### Central team – leadership and enabling

