

Committee: **Partnership Scrutiny Committee**

Date of meeting: **14th October 2022**

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

Portfolio Holder: **Executive Member – People & Social Services**

Report Submitted by: **Tanya Evans, Interim Corporate Director of Social Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
	25.8.22	05.10.22			14.10.22		24.11.22	

1. Purpose of the Report

- 1.1 To update on the proposals for developing the governance and enabling arrangements for the National Adoption Service for Wales as it assumes responsibility for Foster Wales
- 1.2 To achieve agreement to signing the Joint Committee Agreement for the proposed Joint Committee.

2. Scope and Background

- 2.1 The National Adoption Service (NAS) 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 arrangements which included creating a combined Governance Board (bringing together the Advisory Group and Governance Board required by the legislation).
- 2.2 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.
- 2.3 Since 2015, the National Adoption Service Director and NAS 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. 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.

2.4 The proposed NAS 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 of Foster Wales to the Joint Committee is critical given the lack of a legislative basis for such co-operation for fostering services.

2.5 **Governance - Establishment of a Joint Committee**

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.

2.6 WLGA lawyers have drafted a Joint Committee Legal Agreement to be signed by all 22 local authorities attached under **Appendix 2**. This contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.

2.7 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.

2.8 **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 NAS and FW. The range of functions that will be carried out is described in **Appendix 3** with a staffing structure of 9.5 fte. staff (incl. Director.)

2.9 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.

2.10 **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.

2.11 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.

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

3. **Options for Recommendation**

3.1 **Option 1**

Recommend to Council to adopt the proposals for developing the governance arrangements for the National Adoption Service for Wales, as it assumes responsibility for Foster Wales; and

Confirm support for the Joint Committee Agreement for the National Adoption Service and Foster Wales and for the authority to sign the agreement.

Via their Membership Report, Council to formally nominate the representative from Blaenau Gwent to sit the Joint Committee.

3.2 **Option 2**

Do not recommend that Council sign the Joint Committee Agreement for the National Adoption Service and Foster Wales

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 If option 1 is agreed, it will contribute to the following corporate priorities

- To intervene early to prevent problems from becoming greater;
- To promote and facilitate new ways of delivering health and social care involving key partners and our communities;

5. ***Impact on Budget (short and long term impact)***

- 5.1 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. In addition, 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.
- 5.2 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.
- 5.3 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 has commenced to consider how to resolve this beyond the current grant aid period.
- 5.4 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.

6. ***Legal Implications***

- 6.1 Individual local authorities remain legally 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.
- 6.2 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.

6.3

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. ***Expected outcome for the public***

7.1 The establishment of a Joint Committee to oversee the National Adoption Service and Foster Wales will serve to enhance the governance and enabling arrangements for both. This will in turn provide a greater level of scrutiny of performance which will serve to drive service improvements forward which will have a direct impact on the public.

8. ***Involvement (consultation, engagement, participation)***

8.1 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.

8.2 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.

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

9. ***Thinking for the Long term (forward planning)***

9.1 The establishment of this Joint committee will support the growth and development of the National Adoption Service and Foster Wales well into the future giving it the sound governance structure required.

10. ***Preventative focus***

10.1 The work of the National Adoption Service and Foster Wales looks to improve outcomes for children. Whether that is providing adoptive placements for children preventing them remaining in the looked after system on a long term basis or providing enough local authority foster carer to prevent the use of private providers and children being placed outside of Blaenau Gwent.

11. ***Collaboration / partnership working***

11.1 This arrangement brings together a strong collaboration of the 22 local authorities across Wales.

12. ***EqlA (screening and identifying if full impact assessment is needed)***

12.1 Children looked after benefit from the work of NAS and FW. These children have many of the protected characteristics outlined in the Equality Act 2010. The proposal in this report will not have a negative impact on any of these groups but will certainly impact positively on them.

13. ***Monitoring Arrangements***

13.1 On a local level the monitoring of these arrangements will occur via the Head of Children's Services attendance on the governance boards outline in

Appendix 1. In addition, executive members will be invited to attend the newly established joint committee.

Background Documents / Electronic Links

- Appendix 1
- Appendix 2
- Appendix 3