

SUBJECT:

National Collaborative Arrangements for Welsh (local authority) Adoption and Fostering Services

National Adoption Service for Wales and Foster Wales – Enhancing Governance and Leadership

DIRECTORATE: Social Care and Health

MEETING: Cabinet

DATE: 7th December 2022

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

- 1.1 To provide cabinet with information regarding the proposals for developing the governance and enabling structures for the National Adoption Service for Wales as it assumes responsibility for Foster Wales.
- 1.2 To seek agreement for Monmouthshire County Council to sign the Joint Committee Agreement for the proposed Joint Committee between the 22 Local Authorities in Wales and the Welsh Local Government Association (WLGA).
- 1.3 The Agreement sets out the arrangements in relation to the manner in which the Councils will work together and use the Joint Committee to deliver the specified and agreed functions set out by the Adoption and Children Act 2002 (Joint Adoption Arrangements) and provides a framework for the parties to give effect to the coordination of identified foster service functions across Wales.
- 1.4 A copy of the Joint Committee Agreement is provided at Appendix One.

2. RECOMMENDATIONS:

- 2.1 For cabinet to agree that Monmouthshire County Council signs the Joint Committee Agreement for the National Adoption Service and Foster Wales

3. KEY ISSUES:

BACKGROUND

- 3.1 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 and improve accountability. Some of these, for example 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.
- 3.2 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.
- 3.3 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 Association of Directors of Social Services, Cymru 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.
- 3.4 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 a national fostering services.

GOVERNANCE – ESTABLISHMENT OF A JOINT COMMITTEE

- 3.5 The proposed governance structure is presented diagrammatically and with a narrative in Appendix Two. 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.
- 3.6 WLGA lawyers, supported by Cardiff Council, 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 One. This also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.

- 3.7 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.
- 3.8 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.

LEGAL IMPLICATIONS

- 3.9 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 the paragraph below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.
- 3.10 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.
- 3.11 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.

ENABLING – NATIONAL INFRASTRUCTURE

- 3.12A functional structure is proposed which, below the Director role, has separate lead functions for adoption and fostering with a combined business and enabling function supporting both. The range of functions that will be carried out is described in Appendix Three with a staffing structure of 9.5 full-time equivalent staff, including the Director.
- 3.13 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. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

- 4.1 Effective Adoption Services are integral to the Council's Corporate Parenting responsibilities in ensuring permanency for children who cannot live within their own birth families. Adoption provides some of our most vulnerable children with the opportunity to experience safe and secure family life which supports their holistic development.
- 4.2 Effective Fostering Services are equally integral to the Council's Corporate Parenting Responsibilities. Fostering provides opportunities for safe, family-based placements for children who may have experienced significant adversity, abuse or harm. Having sufficient in-house fostering placements to meet the varying needs of individual children and sibling groups, remains one of the strategic objectives for the Council supported by working collaboratively at a national, regional and local level.

5. OPTIONS APPRAISAL

5.1 Monmouthshire can decide to opt out of the joint committee agreement however, there are risks associated with this which include:

- Reputation damage
- Inability to comply with the legal obligations within the Adoption and Children Act
- Resource implication of setting out how we would comply with the duty to cooperate
- Reduced opportunity to make use of a national approach to placement finding for children in need of adoption
- Resource implication of having to establish an adoption service separate from national and regional arrangements
- Reduced opportunity to benefit from research and best practice afforded by the NAS
- Unable to take advantage of, influence, or participate in the brand of Foster Wales or any of the benefits of a regional or national service. This may have a de-stabilising effect over time on our carers and our ability to recruit new carers. Effectively, MCC would be out on a limb.

5.2 If the Council opted to withdraw from the Joint Committee, we would retain full local control of adoption and fostering services were delivered and governed within MCC. We would not be associated with the Foster Wales and therefore could concentrate purely on developing a local service. However, the top-slice would continue and any reduction to the top-slice would have to be agreed by the other 21 Local Authorities.

5.3 Accepting the proposal and agreeing to become a signatory to the Joint Committee will bring benefits to the Council through ensuring that Monmouthshire:

- Has access to the latest research and information about best practice and services for children who are fostered or adopted
- Remains part of the regional collaborative arrangements, and works from a consistent policy and practice platform as other Welsh authorities

- Has influence in shaping national conversations about the future of fostering and adoption services in Wales
- Benefits from any grant monies that flow through the national arrangements
- Benefits from potential opportunities with regards to developing shared resources at a more national level including carers
- Helps build sustainable services through partnership and collaboration rather than 'going it alone'.

6. EVALUATION CRITERIA

- NAS annual report (see Appendix Three)
- Regional South East Wales adoption report
- Annuals numbers of adoptive placements achieved for MCC children
- Annual Foster Wales report
- Numbers of carers recruited per year within MCC
- Numbers of children placed in MCC carers as opposed to Independent Fostering Agency carers

7. REASON FOR RECOMMENDATION

- 7.1 Agreeing these proposals and signing the Joint Committee Agreement will put Monmouthshire County 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.

8. RESOURCE IMPLICATIONS

- 8.1 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 current allocation based on 2022/23 figures is, £517,000 (2022 /23) per annum for adoption and £433,000 per annum for fostering, is subject to the agreement of the relevant WLGA committee periodically.
- 8.2 Foster Wales has been awarded Welsh Government grant funding up to the end of March 2023 to fund specific purposes (this was £573,000 for 2021/22 and reduced by a small amount for 2022/23).
- 8.3 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 also part fund posts on a regional basis to directly support local authority activities.
- 8.4 The total cost of the proposed national structure is £586,384 (based on 2021/22 salary rates). Total available 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.

- 8.5 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, and work is commencing to consider how to resolve this beyond the current grant aid period. A VERBAL indication has been given that grant funding to support the structure will be retained through the Government's term of office. However; resolving this will require the commitment of both Local Government and Welsh Government.
- 8.6 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.

9. CONSULTEES

- 9.1 The top slice for the National Adoption Service and Foster Wales will have been agreed by the WLGA Council early in 2022. Suzanne Griffiths, Director of the National Adoption Service is due at the Cabinet Members Network again on 5th December 2022.
- 9.2 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.
- 9.3 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

10. BACKGROUND PAPERS

Joint Committee Agreement

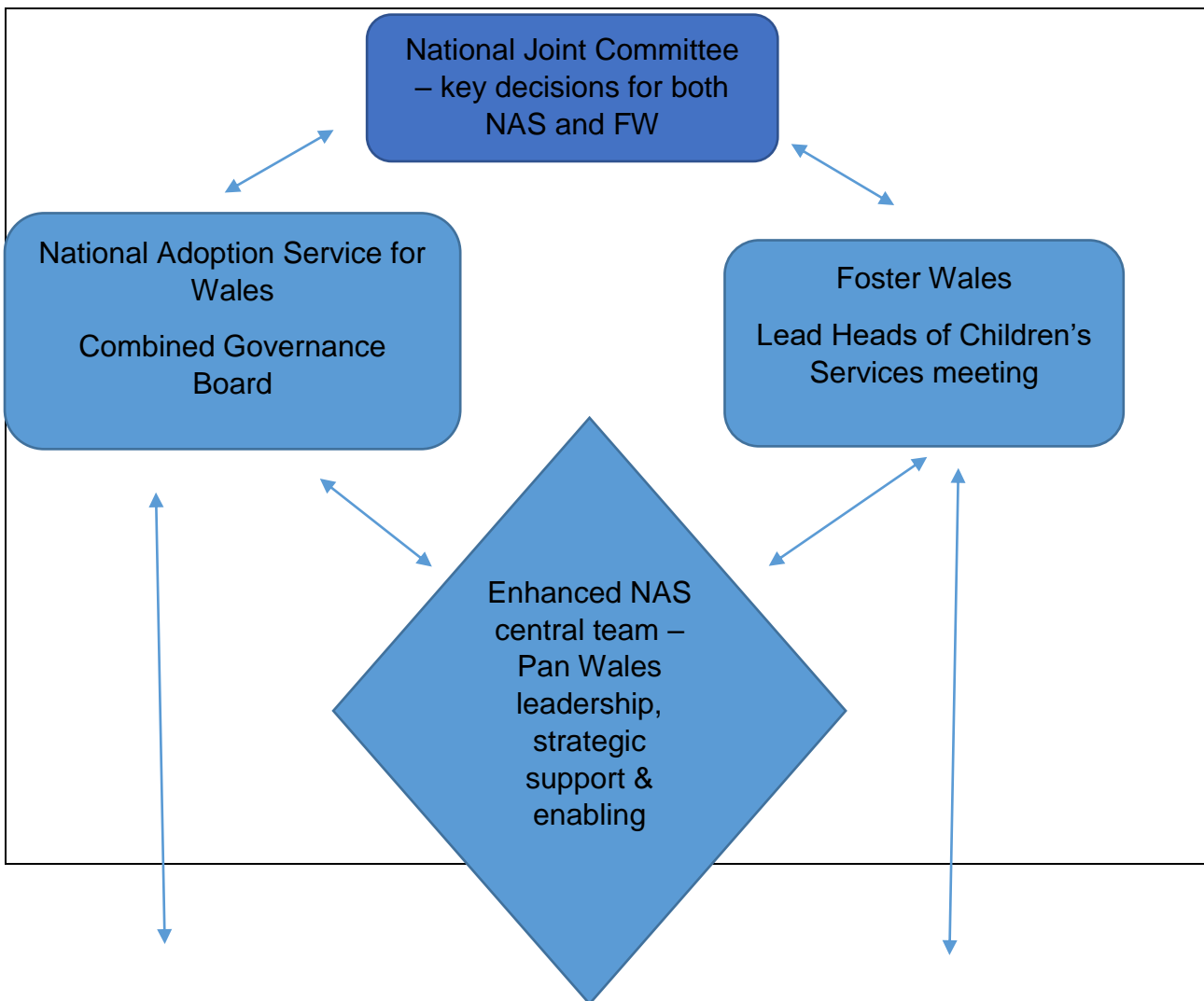
National Adoption Service Annual Report

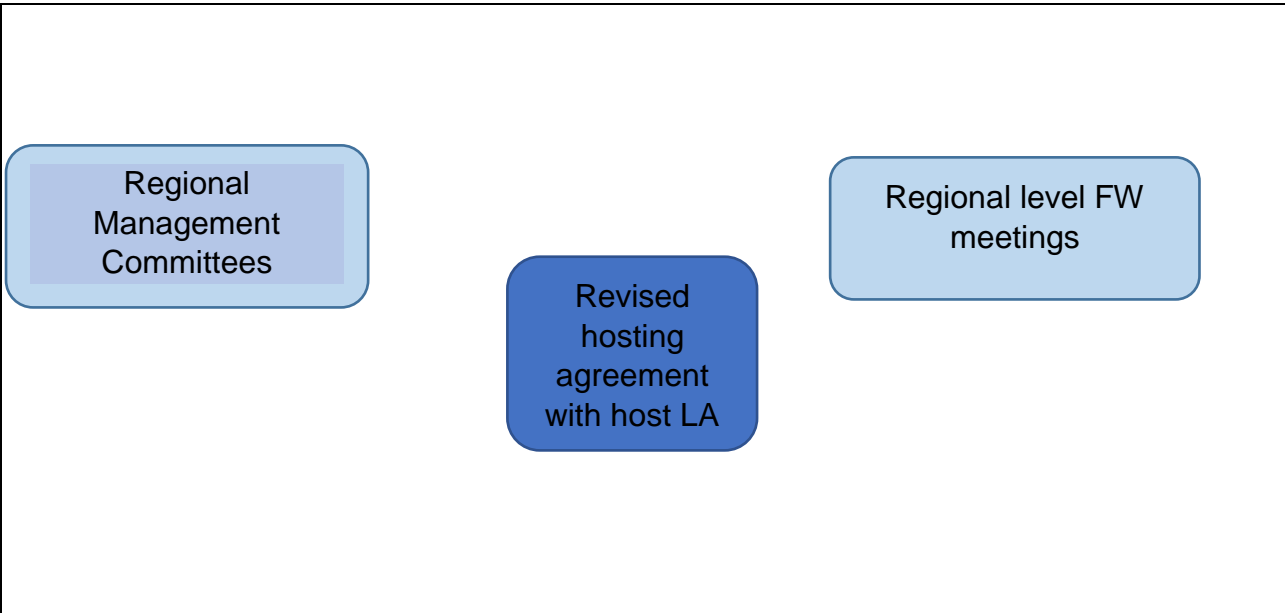
11. AUTHOR:

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CONTACT DETAILS:

**APPENDIX ONE:
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><u>NAS - National level - Combined Governance Board (CGB)</u></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><u>Foster Wales - National level - Lead Heads of Children’s Services meeting</u></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><u>NAS – regional / LA level - Regional Management Boards & VAA’s Boards</u></p> <p>Each region is made up of specified local authority areas, set out in the Directions and overseen by Regional Management</p>	<p><u>Foster Wales - regional / LA level - Regional HoS meeting</u></p> <p>These are now in place and may be a specific FW meeting or included in the</p>

<p>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>agenda of pre-existing HoS or HoS & DSS regional meetings.</p>
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APPENDIX TWO

CENTRAL TEAM – LEADERSHIP AND ENABLING

