

SUBJECT: National Joint Committee for the National Adoption Service for Wales and Foster Wales

MEETING: Cabinet

DATE: 10th December 2025

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

This report sets out a proposal to amend the quoracy required for the National Joint Committee meetings via a 'Deed of Variation'. The report sets out the reasons for the proposal and seeks cabinet approval for the variation.

2. RECOMMENDATIONS:

1. Agree to reduce the quorum of the Joint Committee to 40%, with at least 3 regional areas Represented; and
2. Authorise the entry into and signing of the Deed of Variation to enable this.

3. KEY ISSUES:

Background

3.1 The National Adoption Service (NAS) was established in 2014 and has enabled significant change and improvement in adoption services across Wales. The National Adoption Service is underpinned by the Adoption and Children Act 2002 (Joint Adoption Arrangements (Wales) Directions 2015. 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 including creating a Combined Governance Board and a new Partnership Agreement.

3.2 Legal advice obtained by the Welsh Local Government Association (WLGA) determined that 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 (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.

3.3 From 2015, the National Adoption Service supported the work of the National Fostering Framework (NFF) to create national, regional and local collaborative arrangements to improve Welsh fostering services. The national service Foster Wales emerged from this. Foster Wales

supports local authorities with a defined range of fostering functions linked to the recruitment and retention of local authority foster carers but is not underpinned by legislation. Throughout this time, the WLGA and ADSS-C wanted the national functions for fostering to be linked to the National Adoption Service to reduce duplication and costs as well as to maximise resilience, flexibility and longevity across both.

3.4 The Joint Committee, and the legal agreement underpinning it, provides each local authority with oversight over the National Adoption Service for Wales and Foster Wales including the national leadership and enabling functions that is provided through the role of the Director and Central Team. The Joint Committee is critical for Foster Wales given the lack of a legislative basis for such co-operation for fostering services.

3.5 When the Joint Committee was established, each local authority formally agreed to the Committee via their respective governance arrangements. In Monmouthshire this was agreed by Cabinet on 7th December 2022.

3.6 Following this a detailed Joint Committee agreement was subsequently signed by all local authorities. The committee is attended by the Cabinet Member for Children's services (or the equivalent) from each local authority plus non-voting officers and stakeholders. The representative for Monmouthshire is Cllr Ian Chandler, Lead Member for Social Care, Safeguarding and Accessible Health Services. Cllr Chandler is the Vice Chair of the Joint Committee.

3.7 The Joint Committee held its inaugural meeting in April 2024. Schedule 1 of the Joint Committee Agreement sets out the current constitution of the Committee; in order to be quorate 60% of the voting members, equivalent to 14 council members rounded up to the next whole number, are required to be present.

Current Issues

3.8 The Joint Committee held its inaugural meeting in April 2024. Three subsequent meetings were convened but unfortunately, two of these meetings could not go ahead because they were not quorate. This was despite canvassing members for preferred days/times, establishing a system for nominated substitutes and making direct contact with members as necessary to establish availability. At the most recent inquorate meeting, in May 2025, there were calls from members to reconsider the 60% quoracy.

3.9 A further survey was subsequently carried out with Joint Committee members, substitute members and officers where they were asked to provide their preferred days and times to meet. The results indicated that there was no obvious day suitable for everyone; with the most popular timeslot being a Wednesday morning, followed by certain times on Fridays or Mondays. Only 12 people indicated Wednesday as their first preference and even fewer for the other options. Therefore, the likelihood of achieving a quorum of 60% for future meetings is low.

3.10 Consultation with stakeholders and officers led to a revised level of quoracy proposed of 40% with representation from at least 3 regional areas.

3.11 The Monitoring Officer provided advice on the process to be followed to implement a revised quorum for the meetings. This is:

- (i) A consultation with representative bodies, followed by
- (ii) A recommendation at a Joint Committee meeting (which will need to be quorate at the current level of 60%) to authorise a Deed of Variation to the Joint Committee Agreement, and then
- (iii) A decision at Cabinet, or other meeting as required by the respective constitution of each local authority, authorising a Deed of variation to be signed by all 22 authorities.

3.12 The consultation process was completed involving an email to Joint Committee members, a report to the Association of Directors of Social Services Cymru (ADSS-C) Leadership Group and the WLGA Spokespeople. The outcome of the consultation is as below.

- (i) No dissent to the proposal from Joint Committee members.
- (ii) The ADSS Cymru Leadership Group supported the proposal.
- (ii) The WLGA Spokespeople have supported the proposal.

3.13 A short meeting of the Joint Committee was convened for 24th September 2025. This meeting was quorate and recommended that the quoracy be reduced to 40%, with representation from at least 3 regional areas (minutes attached).

3.14 A Deed of variation has subsequently been prepared and is available for signing once each local authority has made its decision.

Legal Implications

3.15 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 17 below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.

3.16 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 Agreement puts this on a formal legal footing as well as providing greater clarity and certainty for all authorities, the WLGA as well as Adoption Services.

3.17 There are no regulations underpinning Foster Wales so the Joint Committee provides the basis for the co-operation that is needed.

3.18 Changing the quorum of a Joint Committee is legally permissible but must be handled appropriately to ensure procedural integrity, legal compliance, and democratic legitimacy.

3.19 The Constitution of the Joint Committee is set out in Schedule 1 to the Joint Committee agreement (attached). This provides that the Joint Committee is to have 22 voting members, 1 from each Local Authority; and quorum requires 60% of the voting members – which equates to 14 members, rounded up to the next whole number.

3.20 There is no apparent statutory requirement applicable to Joint Committees in relation to quorum, which appears to be a matter for agreement between the partner authorities. However, for comparison, Council and ordinary Committee meetings, quorum is set at one quarter of the total number of members (under the Local Government Act 1972, Schedule 12A, paragraph 6).

3.21 The relevant clause for local authorities to consider should they wish to amend the quorum requirements is clause 17 of the Joint Committee Agreement. This states that it is the responsibility of each Local Authority to secure approval of the variation in accordance with its own governance arrangements. Unless this function has been delegated, this requires approval by each Local Authority's Cabinet, as the Joint Committee is responsible for the discharge of Executive functions.

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. Ensuring 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 County Council could choose not to agree the deed of variation. This option would require the Joint Committee to reconvene for further discussions regarding quoracy. Unsuccessful attempts have already been made to achieve quoracy at 60%. Not achieving quoracy has resulted in delayed and cancelled meetings, causing a delay in Committee business. This option is not recommended.

5.2 The recommended option is to agree a deed of variation to establish quoracy for Joint Committee at 40% with at least 3 regions represented. This option is recommended on the basis that:

- It will allow Committee business to be conducted without unnecessary delays;
- There is minimal risk that Monmouthshire's Council views/ interests will not be represented at Committee.
- 40% quoracy is more consistent with other Committees.

6. EVALUATION CRITERIA

6.1 The National Adoption Service and Foster Wales publish annual reports of activity and progress against a number of agreed priorities including numbers of children adopted across Wales; performance of adoption / fostering services; and numbers of Local Authority Foster Carers across Wales.

7. REASONS:

7.1 Agreeing this proposal will enable the Joint Committee to meet and undertake its functions on behalf of Welsh Local Authorities thus enabling oversight of the collaborative arrangements for adoption and fostering services.

8. RESOURCE IMPLICATIONS:

8.1 There are no additional resource implications in agreeing the deed of variation.

8.2 The funding the National Service is via a top slice of the Revenue Support Grant administered by the WLGA plus grant funding from the Welsh Government.

8.3 The reduction in quoracy will ensure that meetings can proceed and thus prevent member and officer time being expended on meeting that do not go ahead. There is no expectation that this will incur additional costs, rather it will ensure that existing resources are effectively used.

9. CONSULTEES:

- The issue of quoracy and the deed of variation was discussed at Joint Committee on 24th September 2025 (see minutes attached below).
- Cllr Ian Chandler, Lead Cabinet Member and Member of the Joint Committee.

10. BACKGROUND PAPERS:



Draft JC minutes 24 Joint Committee
Sept 2025-eng.pdf Agreement - All LA Si



https://fosterwales.gov.wales/wp-content/uploads/2025/03/FW-Annual-Report-23-24_E.pdf

https://adoptcymru.com/app/uploads/2025/09/NAS-All-Ages-Report-24-25_E.pdf

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