

CYNGOR SIR POWYS COUNTY COUNCIL.

**CABINET
1ST MARCH 2022**

**REPORT AUTHOR: County Councillor Rachel Powell
Portfolio Holder for Children's Services**

**REPORT TITLE: National Collaborative Arrangements for Welsh (local
authority) Adoption and Fostering services**

REPORT FOR: Decision

1. Purpose

1.1 The purpose of this report is to seek approval for Powys County Council to participate in the national Joint Committee for Adoption and Fostering Services in Wales.

2. Background

2.1 The National Adoption Service (NAS) was set up in 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 council at that time.

2.2 The legal basis underpinning the NAS 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 expectation on local authorities to co-operate at regional and national level to deliver and improve adoption services.

2.3 The Directions set out the aims of NAS, require regional collaborative arrangements to be established and specify some governance arrangements for the management and oversight of NAS. The establishment of the NAS was underpinned by a Governance Board and an independently chaired Advisory Group at national level and the identification of a host local authority and the appointment of a Director of Operations. Powys is part of the Mid and West Wales Adoption Service with Carmarthenshire being the host local authority.

2.4 The Directions do not 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 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 local authorities, as well as the National Adoption Service and Foster Wales.

- 2.5 Whilst there is a central team supporting and facilitating the NAS, it should be noted that the NAS is made up of the central team, the regional collaborative arrangements, and the local adoption teams. Individual local authorities remain legally responsible and accountable for the provision of adoption and fostering services. In practice this means that as Corporate Parents Powys Children's Services continue to make the complex and life informing decisions for the children placed in our care.
- 2.6 In respect of adoption services, the legal provisions outlined above require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service. There is no similar structure in Wales for such a collaborative endeavour that include arrangements at national, regional, and local levels working together. Aligning activities to ensure collaborative work at all levels towards the stated aims of improvement of adoption services across Wales has been challenging and while evidenced improvements have been made, the governance arrangements have been cumbersome and were not felt to be the most effective arrangements.
- 2.7 A review of NAS took place in 2018 that led to streamline governance and improve effectiveness and accountability. Some of the proposed changes from the review have already been implemented. A Combined Governance Board (bringing together the Advisory Group and Governance Board as required by legislation) and the development of a new Partnership Agreement to replace the original functional model that had originally been developed.
- 2.8 Legal advice obtained by the Welsh Local Government Association (WLGA) reflected that in order for NAS to operate effectively on behalf of all 22 Welsh authorities, and for there to be a robust arrangement with the host authority for the provision of the national and enabling functions: cooperation between Welsh local authorities needed to be put on a formal footing.
- 2.9 At the WLGA Executive Board meeting (26 October 2018) it was agreed that improved governance and accountability arrangements would be best delivered through a Joint Committee established by the WLGA. Work on establishing a National Joint Committee has now taken place and it is now necessary to seek agreement to participate in such a Joint Committee by all councils at an individual level.

3. Advice

- 3.1 Since 2015, the National Adoption Service Director of Operations and central team has also 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 creation of a national fostering service. Foster Wales has now emerged from the work of NFF and will support a defined range of fostering functions linked to recruitment and retention of local authority foster carers.
- 3.2 To reduce duplication and costs, as well as maximise resilience, flexibility, and longevity across both functions, and to ensure appropriate governance and accountability arrangements are in place for Foster Wales, it is proposed that the Joint Committee, and the agreement underpinning it, be extended to Foster Wales. Capacity to enable and support national co-ordination of Foster Wales will be 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.
- 3.3 The proposed governance structure is presented diagrammatically and with a narrative in Appendix 1. It is proposed that the national Joint Committee will, on behalf of the 22 local authorities, exercise their powers for provision of the collaboration arrangements for the National Adoption Service for Wales and for Foster Wales. It will be comprised of Council Members to be appointed via the WLGA meeting twice yearly.
- 3.4 Lawyers engaged by the WLGA on behalf of NAS have drafted a Joint Committee Legal Agreement for consideration by all 22 local authorities. The establishment of a Joint Committee is now ready to be taken forward. Based on other Joint Committee agreements already in place, a summary of the provisions is attached at Appendix 2. The draft Agreement also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions. If agreed, 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 for NAS and of FW
 - The annual programme of work for the NAS and for FW
 - The budget for the office of the Director and national work for NAS and for FW
 - 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

3.5 It is proposed that prior to consideration of the draft agreement by each council, engagement and consultation will take place with local authority Monitoring Officers to ensure there is a collective agreement as to what is contained in the agreement for a Joint Council.

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

4. Resource Implications

4.1 The establishment of a Joint Committee does not require specific funding and any costs for the administration of the Joint Committee will be covered by the WLGA.

4.2 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 £473,000 per annum for adoption and £400,000 per annum for fostering, is subject to the agreement of Councils through WLGA periodically.

4.3 In addition each Council participates in the national service with their contribution represented by their individual Fostering and Adoption Teams supporting the national service. The Powys Team are funded by Children services core budget. In 2021/22 Powys also funded approximately £120k more for spot purchases.

4.4 The Councils contribution of the fostering and adoption Team will continue and an additional £40k is included within the budget being proposed to Council on the 24th to increase Children's Services base budget to support any additional spot purchases from 2022/23.

4.5 Foster Wales has been awarded Welsh Government grant funding up to the end of March 2023 to fund specific purposes, this is £573,000 for 2021/22 reducing by a small amount for 2022/23. Welsh Government investment is available to adoption, and this is fully utilised for direct service delivery through the regional structure.

4.6 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 Welsh Government grant conditions for specific purposes as indicated above. The structure is affordable up to the end of Welsh Government Grant period (31.03.23) but there are pressures on staffing and operating budgets for both NAS and Foster Wales beyond that point. The financial pressures have

been flagged with the Welsh Government and work is commencing to consider how to resolve this beyond the current grant aid period.

4.7 The Head of Finance (Section 151 Officer) notes from the resources section the current contribution from the Council to the national service in terms of staffing and some additional spot purchases, and that the national service will continue to be supported in this way together with Welsh Government Grant for the next financial year. There is a risk that if that funding ceases the Council as a partner in the Joint committee could be asked to provide additional funding to maintain the service. Any additional contribution if required would be subject to further Cabinet consideration at that time.

5. Legal implications

5.1 Legal: the recommendations can be accepted from a legal point of view

5.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: “ I note the legal comment and have nothing to add to the report”.

6. Data Protection

6.1 There is no personal data contained in this report.

7. Impact Assessment

7.1 There is no impact on service provision, staffing or change to service delivery, this proposal is just to formally agree the joint committee which will only strengthen the national and regional governance arrangements. Therefore, an Impact Assessment is not required'

8. Conclusion

8.1 The WLGA Spokesperson for Social Services and Health and local authority Cabinet Members have been kept informed of progress of National Adoption Service and Foster Wales via WLGA Cabinet Member Meetings and previous reports have been provided to the WLGA Executive Board. Councillor Alan Lockyear of Neath Port Talbot (on behalf of the WLGA Spokesperson) co-chairs the Combined Governance Board with an independent Chair (Phil Hodgson, a previous Director of Social Services in Wales) with elected members representing their regions: Cllr Andy Atkinson (Wrexham), Cllr Ben Gray (Vale of Glamorgan), Cllr John Mason (Blaenau Gwent), Cllr Kim

Broom (Carmarthenshire) and Cllr Graham Hinchey (Cardiff). All are in support of the proposed way forward for the future governance and accountability of NAS and FW through the establishment of a Joint Committee. The Association of Director of Social Services in Wales (ADSS Cymru) are also supportive of the proposed way forward.

8.2 The proposals outlined in establishing a Joint Committee for NAS and FW are being progressed to formalise and consolidate the existing position of the Central Team in respect of the work currently undertaking with the regions and local adoption teams. This will allow both collaborative arrangements to continue to function and meet agreed plans and commitments in the short to medium term to enable NAS and FW to effectively achieve their stated aims.

9. Recommendations

9.1 Members are asked to:

Note and comment on the contents of this report

Support the proposal to establish a Joint Committee via the WLGA to provide governance and accountability arrangements for the National Adoption Service for Wales and Foster Wales

Support engagement with local Monitoring Officers to ensure that there is collective agreement to the draft Joint Committee Agreement

Formally consider these issues and approve agreement for Powys County Council to engage and participate in this proposed Joint Committee.

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