

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

08 MARCH 2022

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING NATIONAL COLLABORATIVE ARRANGEMENTS FOR WELSH (LOCAL AUTHORITY) ADOPTION AND FOSTERING SERVICES

NATIONAL ADOPTION SERVICE FOR WALES AND FOSTER WALES – ENHANCING GOVERNANCE, LEADERSHIP AND ENABLING

1. Purpose of report

1.1 The purpose of this report is to:

- approve the Council entering into the Joint Committee Arrangement;
- delegate authority to the Corporate Director of Social Services and Wellbeing in consultation with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the final terms of and enter into the Joint Committee Agreement for the National Adoption Service as the legal document that formally establishes the Joint Committee with delegated functions;
- approve the Corporate Director of Social Services and Wellbeing sitting as the Council's representative on the Joint Committee
- approve Cardiff Council acting as host authority for the arrangement and delegate authority to the Corporate Director of Social Services and Wellbeing in consultation with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the final terms of and enter into the hosting agreement;
- delegate authority to the Corporate Director of Social Services and Wellbeing in consultation with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the terms of and enter into any ancillary documents which the Council is required to enter into as a result of this arrangement;
- note that a report will be presented to Council to amend the Council's Constitution as necessary to facilitate the operation of the Joint Committee Agreement for the National Adoption Service.

2. Connection to corporate well-being objectives/other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objective/objectives under the **Well-being of Future Generations (Wales) Act 2015**:

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or

dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.

- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. 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 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.
- 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 local 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 ADSS-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 fostering services.

4. Current situation/proposal

Governance - Establishment of a Joint Committee

- 4.1 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.
- 4.2 WLGA lawyers have drafted a Joint Committee legal Agreement to be signed by all 22 local authorities. This also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.
- 4.3 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

- 4.4 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.
- 4.5 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 £573k 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.
- 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.
- 4.7 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.

- 4.8 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

- 4.9 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.
- 4.10 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.
- 4.11 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.
- 4.12 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 section 4.13 below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.
- 4.13 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.
- 4.14 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.

5. Effect upon policy framework and procedure rules

- 5.1 A report will be presented to Council to amend the Council's Constitution as necessary to facilitate the operation of the Joint Committee Agreement for the National Adoption Service.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies,

strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the authority should work to deliver outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

Long term – Adoption and fostering services provide stable, loving homes for care experienced children and therefore support their long-term wellbeing.

Prevention – Adoption and fostering services are effective in preventing breakdown of children’s accommodation, care and support arrangements.

Integration – Regional adoption collaboratives which come under the governance of the NAS include partners from health and third sector employment agencies as well as local authorities.

Collaboration – There is an expectation upon local authorities to co-operate at regional and national level to deliver and improve adoption and fostering services. 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

Involvement – Key stakeholders have been involved and informed throughout, and proposals have been developed with full engagement of key stakeholder groups.

8. Financial implications

8.1 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.

9. Recommendation

9.1 It is recommended that Cabinet:

- approves the Council entering into the Joint Committee Arrangement;
- delegates authority to the Corporate Director of Social Services and Wellbeing in consultation with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the final terms of and enter into the Joint Committee Agreement for the National Adoption Service as the legal document that formally establishes the Joint Committee with delegated functions;
- approves the Corporate Director of Social Services and Wellbeing sitting as the Council’s representative on the Joint Committee;
- approves Cardiff Council acting as host authority for the arrangement and delegates authority to the Corporate Director of Social Services and Wellbeing in consultation

with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the final terms of and enter into the hosting agreement;

- delegates authority to the Corporate Director of Social Services and Wellbeing in consultation with the Chief Officer – Finance, Performance and Change and the Chief Officer – Legal & Regulatory Services, HR and Corporate Policy to agree the terms of and enter into any ancillary documents which the Council is required to enter into as a result of this arrangement;
- note that a report will be presented to Council to amend the Council’s Constitution as necessary to facilitate the operation of the Joint Committee Agreement for the National Adoption Service.

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March 2022

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Background documents:

None