

Meeting of:	CABINET
Date of Meeting:	16 DECEMBER 2025
Report Title:	GOVERNANCE OF THE COLLABORATIVE ARRANGEMENTS FOR WELSH (LOCAL AUTHORITY) ADOPTION AND FOSTERING SERVICES QUORACY OF THE NATIONAL JOINT COMMITTEE FOR THE NATIONAL ADOPTION SERVICE FOR WALES AND FOSTER WALES
Report Owner: Responsible Chief Officer / Cabinet Member	CHIEF OFFICER - LEGAL & REGULATORY SERVICES & HR & ELECTORAL/CABINET MEMBER SOCIAL SERVICES, HEALTH AND WELLBEING
Responsible Officer:	RACHEL KEEPINS – DEMOCRATIC SERVICES MANAGER
Policy Framework and Procedure Rules:	There will be no effect on the policy framework and procedure rules.
Executive Summary:	The report sets out the proposal to amend the quoracy required for the National Joint Committee meetings from 60% to 40% with representation from at least 3 regional areas to avoid future Joint Committee meetings being cancelled due to being inquorate, as has happened on several previous occasions. It also seeks approval to enter into a Deed of Variation to enable this change.

1. Purpose of Report

- 1.1 The purpose of the report is to obtain agreement to a 'Deed of Variation' to amend the quoracy required for the National Joint Committee meetings.
- 1.2 Agreeing this proposal will enable the Joint Committee to meet and undertake its functions on behalf of Bridgend County Borough Council, thus enabling the oversight by it of the collaborative arrangements for adoption and fostering services.

2. 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. Underpinned by legislation, (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. 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 in place for some time.

- 2.2 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 Council) for the national and enabling functions, 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.
- 2.3 From 2015, the National Adoption Service Director and central team supported 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 emerged from this; it supports local authorities with 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.
- 2.4 The Joint Committee, and the legal agreement underpinning it, provide each local authority with oversight over the National Adoption Service for Wales and Foster Wales including the national leadership and enabling functions that are 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.
- 2.5 When the Joint Committee was established, each local authority formally agreed to the Committee via their respective governance arrangements at Cabinet/Council meetings. 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.
- 2.6 The Joint Committee held its inaugural meeting in April 2024. Schedule 1 of the Joint Committee Agreement sets out the 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.

Issues

- 2.7 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 clear calls from members to reconsider the 60% quoracy.
- 2.8 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. However, there were only 12 people who indicated Wednesdays as their first preference and fewer for the other options. Therefore, the likelihood of achieving a quorum of 60% for future meetings is low.
- 2.9 Consultation with stakeholders and officers led to a proposed level of 40%, with representation from at least 3 regional areas, being proposed as a revised level of quoracy.
- 2.10 The Monitoring Officer provided advice on the process to be followed to implement a revised quorum for the meetings. This is:
- a. a consultation with representative bodies; *followed by*
 - b. 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*
 - c. 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.
- 2.11 The consultation process was completed involving an email to Joint Committee members, a report to the Association of Directors of Social Services (ADSS) Cymru 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.

Legal Position in Respect of Changing Quoracy

- 2.12 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 paragraph 2.13 below require adoption responsibilities to

be delivered in accordance with the arrangements for the National Adoption Service.

- 2.13 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 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 services.
- 2.14 There are no regulations underpinning Foster Wales so the Joint Committee provides the basis for the co-operation that is needed so it can operate.
- 2.15 Changing the quorum of a Joint Committee is legally permissible but must be handled with care to ensure procedural integrity, legal compliance, and democratic legitimacy.
- 2.16 The Constitution of the Joint Committee is set out in Schedule 1 to the Joint Committee agreement (**Appendix 1**). 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.
- 2.17 There does not appear to be a statutory requirement applicable to Joint Committees in relation to quorum, so on the face of it, it appears to be a matter for agreement between the partner authorities. However, for 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).
- 2.18 The relevant clause for local authorities to consider should they wish to amend the quorum requirements is clause 17 of the Joint Committee Agreement (**Appendix 1**). 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.

3. Current situation/ proposal

3.1 A short meeting of the Joint Committee was convened for September 24th. This meeting was quorate and recommended that the quoracy be reduced to 40%, with representation from at least 3 regional areas (minutes attached at **Appendix 2**).

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

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 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.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 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 – The Joint Committee is critical for Foster Wales given the lack of a legislative basis for such co-operation for fostering services.

Involvement – Key stakeholders have been involved and consulted with the proposal has been developed with their support.

6. Climate Change and Nature Implications

6.1 There are no climate change or nature implications resulting from this report.

7. Safeguarding and Corporate Parent Implications

The NAS aims to continue to improve adoption services across Wales to ensure all children who need adoption, adoptive families and adopted adults receive the service they want and need. Regionally, local authorities work together within five regional collaboratives to provide a range of adoption services. Each regional collaborative has links with the voluntary adoption agencies, health and education. The services provided differ in each collaborative, but all provide the adoption agency functions for children, some currently directly provide adoption support services whereas in others this remains with their local authorities. At local

authority level all 22 Welsh councils provide services to all looked after children whilst identifying and working with those children for whom a plan for adoption is appropriate.

Foster Wales also brings together all 22 local authority fostering services as a network to improve the recruitment and retention of foster carers in Wales.

Their main aim is to provide children with the opportunity to stay local, thrive and improve their life chances through well supported foster carers.

8. Financial Implications

- 8.1 The 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. Local authorities fund their local contributions to these arrangements. The reduction in quoracy will ensure that meetings can proceed and thus prevent member and officer time being expended on meetings 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. Recommendation

- 9.1 Cabinet is recommended to:

- a) Agree to reduce the quorum of the Joint Committee to 40%, with at least 3 regional areas represented; and
- b) Authorise the entry into and sealing of the Deed of Variation to enable this?

Background documents

None