



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

21ST MARCH 2022

NATIONAL COLLABORATIVE ARRANGEMENTS FOR ADOPTION AND FOSTERING SERVICES

REPORT OF THE GROUP DIRECTOR, COMMUNITY AND CHILDREN'S SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR LEYSHON

Author: Annabel Lloyd, Director of Children's Services

1. PURPOSE OF THE REPORT

- 1.1 To update on the proposals for developing the governance and enabling for the National Adoption Service for Wales as it assumes responsibility for Foster Wales
- 1.2 To achieve agreement to signing the Joint Committee Agreement for the proposed Joint Committee

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Agree that the authority signs the Joint Committee Agreement for the National Adoption Service and Foster Wales; and
- 2.2 Subject to 2.1, authorises the Group Director, Community and Children's Services (in consultation with the Director of Legal Services) to agree any minor amendments to the Joint Committee Agreement which may arise as a result of the approval process being conducted across the 22 local authorities. Appendix 1.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Agreeing these proposals and signing the Joint Committee Agreement will put the 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.

4. BACKGROUND

- 4.1 The National Adoption Service 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. This included 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.
- 4.2 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.
- 4.3 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-C 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.
- 4.4 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.



Governance - Establishment of a Joint Committee

- 4.5 The proposed governance structure is presented diagrammatically and with a narrative in Appendix 2. 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.
- 4.6 WLGA lawyers 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. This also contains a formal Scheme of Delegation and provision for the formal agreement with the host local authority for national functions.
- 4.7 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.
- 4.8 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.

Enabling - National infrastructure

- 4.9 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. The range of functions that will be carried out is described in Appendix 3 with a staffing structure of 9.5 f.t.e. staff (incl. Director.)
- 4.10 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.

- 4.11 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 WG grant conditions for specific purposes as indicated above.
- 4.12 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. Resolving this will require the commitment of both Local Government and Welsh Government.
- 4.13 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.

Engagement of stakeholders

- 4.14 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.
- 4.15 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.
- 4.16 The proposals have been informed by and developed with the full engagement of these key stakeholder groups.

5. EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 There are no equality or diversity implications as a result of the recommendations set out in the report.



6 WELSH LANGUAGE

- 6.1 There are no Welsh language implications arising from this report.

7. CONSULTATION / INVOLVEMENT

- 7.1 Consultation with stakeholders is noted in paragraphs 4.14 - 4.16 above

8 FINANCIAL IMPLICATION(S)

- 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. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 Individual local authorities retain legal responsibility and accountability for the provision of adoption and fostering services. In respect of adoption services, the legal provisions outlined in paragraph 20 below require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.
- 9.2 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.
- 9.3 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.



10 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

10.1 The implementation of the proposed changes are designed to enhance the Council's commitment to looked after children, foster carers and adopters, and are all in line with the Council's Corporate Plan Vision of *'a County Borough that has high aspirations, is confident and promotes opportunity for all'*; as it will deliver against the specific priorities of *'People - Promoting independence and positive lives for everyone and Place - Creating neighbourhoods where people are proud to live and work'*.

10.2 It will also help the Council to meet three of the seven wellbeing goals that The Well Being of Future Generations (Wales) Act 2015' puts in place as follows:

- A more equal Wales
- A healthier Wales
- A Wales of cohesive communities

10.3 The proposed changes are also consistent with the sustainable approach promoted by the Well-being of Future Generations (Wales) Act through the five ways of working:

- Long-term – the proposals seek to make a long-term difference to people's lives, the way we work with families and the Council's resources.
- Prevention – the proposal is fundamentally focused upon preventing challenges from becoming worse and meeting need early and locally
- Integration – Partner organisations are involved in our adoption work
- Collaboration – This is the fundamental objective of the proposal
Involvement – Relevant stakeholders have been consulted and involved.

11. CONCLUSION

11.1 By agreeing to sign the Joint Agreement the Council formally endorses the revised governance and co-operations arrangements for the National Adoption Services as it formally assumes responsibility for Foster Wales.

Other Information:- Joint Committee Agreement

Relevant Scrutiny Committee

Community and Children's Services Scrutiny Committee



LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

21ST MARCH 2022

**NATIONAL COLLABORATIVE ARRANGEMENTS FOR ADOPTION AND
FOSTERING SERVICES**

**REPORT OF THE GROUP DIRECTOR, COMMUNITY AND CHILDREN'S
SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO
HOLDER, COUNCILLOR LEYSHON**

Background papers

None

OFFICER TO CONTACT: Annabel Lloyd, Director of Children's Services