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**NATIONAL ADOPTION SERVICE FOR WALES / FOSTER WALES: JOINT COMMITTEE AGREEMENT AND HOSTING ARRANGEMENTS BY CARDIFF COUNCIL**

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**Purpose of Report**

1. To provide Members with background information to undertake a pre-decision scrutiny of the National Adoption Service for Wales / Foster Wales: Joint Committee Agreement And Hosting Arrangements By Cardiff Council report attached at **Appendix A**. Members will be able to provide any comments, observations or recommendations for consideration prior to approval of the report at Cabinet on the 10 March 2022.

**Structure of papers**

2. Attached at **Appendix A** is the draft Cabinet Report, which will be considered on the 10 March 2022. In turn, Appendix A contains further Appendices, details of which are set out in paragraph 14 of this report.

**Scope of Scrutiny**

3. At its meeting on the 10 March 2022, Cabinet will consider a report that seeks Cabinet endorsement to put existing hosting arrangements onto a more formal footing and provide greater clarity and certainty for the Council, WLGA, Welsh local authorities as well as for NAS and FW. The establishment of a joint Committee will provide an ongoing mechanism for review and renegotiation should that be required.

4. During this scrutiny, Members can explore:
  - i) The proposal set out in Cabinet Report;
  - ii) The proposed approach
  - iii) Whether there are any risks to the Council;
  - iv) The timeline and next steps; and
  - v) The recommendations to Cabinet.

## **Background Context**

5. The National Adoption Service for Wales (NAS) was created to improve adoption services in Wales by ensuring consistent, good quality services are available in all parts of the country. For some time, the responsibility for developing national arrangements to support the National Fostering Framework (NNF) has been taken forward by the Director of Operations for NAS and this will continue for Foster Wales (FW) which has emerged from that programme.
6. The Welsh Local Government Association (WLGA), alongside the Association of Directors of Social Services Cymru (ADSS-C), are the lead bodies for NAS.
7. In line with the requirement in the Welsh Government 'Directions' there has to be a 'Host' local authority for NAS. A competitive process was undertaken in 2014 and Cardiff Council was successful in securing the nomination to take on the hosting role. Cabinet confirmed its acceptance of the Nomination in July 2014<sup>1</sup>.
8. NAS has its own governance arrangements, outside of the Council, and a Governance Board. The role of the Governance Board is to provide strategic direction and decision making to assure the improvement of adoption services across Wales. The full range of the Board's responsibilities and functions are laid out in the Directions (Appendix One) and Terms of Reference (Appendix Two). NAS is also required to report in writing to Welsh Ministers twice each year. More recently similar arrangements for pan Wales involvement of senior officers in the

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<sup>1</sup> [Meeting of Cabinet on Thursday, 17th July, 2014 : City of Cardiff Council \(moderngov.co.uk\)](#)

governance of Foster Wales have been out in place; there are no Regulations or Directions underpinning Foster Wales.

9. The NAS Director and small team are employed by Cardiff Council and are currently based in an office in County Hall; this comprises of 12 posts (4 part time), recently increased to accommodate the national functions for fostering.

## **Issues**

10. Cardiff Council has supported NAS as host authority since 2014. It was always the intention to secure this arrangement with a detailed hosting agreement. This has taken some time due to the complex and developing nature of the NAS and latterly the inclusion of NFF / FW arrangements.
11. The work to finalise a detailed hosting agreement is well underway, led by senior officers and legal services of the Council. WLGA on behalf of all local authorities and the NAS / FW Director have been involved as necessary. It will also be formally agreed by all Councils at the first meeting of the Joint Committee.
12. The NAS Partnership agreement is reviewed on a 5-year cycle. It is therefore proposed that the hosting agreement with Cardiff Council should also be for a concurrent period of 5 years.

## **Issues highlighted in the Cabinet Report and accompanying Appendix**

13. The Cabinet Report at **Appendix A** highlights and summarises the following issues:
  - Establishment of a Joint Committee (*points 8 - 11 of the report*)
  - Hosting the NAS Central Team (*points 12 - 19*)
  - Financial Implications (*points 24 – 25*)
  - Legal Implications (*points 26 - 34*)

## **Cabinet Report Appendices**

14. The following appendices are attached to the Cabinet report:

- **Appendix 1** - The 'Directions' which provide the legal basis for NAS The Adoption and Children Act 2002 (Joint Adoption Arrangements (Wales) Directions 2015. **(15 pages)**
- **Appendix 2** - NAS Governance Board Terms of Reference **(8 pages)**
- **Appendix 3** - The NAS and Foster Wales Governance Structure **(2 pages)**
- **Appendix 4** - The Joint Committee Agreement **(51 pages)**
- **Appendix 5** - NAS Partnership Agreement **(21 pages)**

### **Proposed Recommendations to Cabinet**

15. The report to Cabinet contains the following recommendations:

It is recommended that the Cabinet and Council agree the following, in so far as it applies to each of their functions;

1. To approve the Joint Committee Agreement for the establishment of the Joint Committee for NAS / Foster Wales, in the form set out in appendix 4 to the report .
2. To the continuation of the hosting arrangement by Cardiff Council for the national and co-ordinating functions of the National Adoption Service for Wales (NAS) and Foster Wales through its Central Team
3. To delegate authority to the Corporate Director People & Communities, in consultation with the Cabinet Member for Children & Families, the S151 Officer and Monitoring Officer to negotiate and agree the form of the agreement ('Hosting Agreement') whereby Cardiff Council will act as host authority for the joint committee

### **Way Forward**

16. Councillor Graham Hinchey (Cabinet Member for Children & Families) will be in attendance and may wish to make a statement. Sarah McGill (Corporate

Director, People and Communities) will be in attendance to introduce the Item and answer Members' questions. Other officers may also be in attendance – to be confirmed.

17. The scope of this scrutiny is set out at Paragraph 4 of this report and provides a useful check list of the areas which Members may wish to scrutinise.

### **Financial Implications**

18. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. These financial implications will need to be considered before any changes are implemented.

### **Legal Implications**

19. The Scrutiny Committees are empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **RECOMMENDATIONS**

The Committee is recommended to:

- i) Consider the information in this report, its appendices and the information presented at the meeting;
- ii) Determine whether they would like to make any comments, observations or recommendations to the Cabinet on this matter in time for its meeting on 10 March 2022; and
- iii) Decide the way forward for any future scrutiny of the issues discussed.

**DAVINA FIORE**

**Director of Governance and Legal Services**

**24 February 2022**