

# National Adoption Service Terms of Reference Combined Governance Board Meetings

## 1 Introduction and role

The purpose of combining the former Advisory Group and Governance Board of the National Adoption Service (NAS) is to streamline governance and improve accountability. It is intended that the functions of these previous two meetings will now be fulfilled through this combined meeting. Regional management boards and sub / working groups form other elements of the overall governance of NAS.

The overall role of the Combined Governance Board is to provide strategic direction and decisions to facilitate the delivery and improvement of adoption services in Wales through the National Adoption Service arrangements.

This is based on the professional and best practice advice from its membership who are key leaders, experts and service providers in the fields of adoption and children's social care services. In summary the purpose of the Combined Meeting is to ensure:

- Leadership**
- Partnership**
- Compliance**
- Accountability**
- Intelligent data use**
- Engagement with all stakeholders**
- Performance and service improvement**
- Best practice and continuous improvement**
- Professional advice to Ministers, Welsh Government and key partners**

The National Adoption Service (NAS) is a key provision within the modernising Social Services and Well-being (Wales) Act 2014. This amended section 3A of the Adoption and Children Act 2002, thus changing the statutory basis for adoption services in Wales.

A statutory instrument, the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015 [The Directions], provide the detail. They direct how local government adoption services should be delivered through the NAS arrangements, including significant elements at regional and national level and setting out in detail how these arrangements should work alongside encouraging the engagement of other partners and stakeholders.

The work to create NAS was undertaken through collective endeavour involving local government through the Welsh Local Government Association (WLGA), the Association of Directors of Social Services Cymru (ADSS-C), the Welsh Government,

the Voluntary Adoption Agencies (VAAs) plus other stakeholders and partners. The Welsh Local Government Association (WLGA) is the accountable body for the Service as a whole because of its representative and leadership role for local government in Wales.

Fundamentally NAS is a local government led collaborative enterprise which also collaborates with other stakeholders and partners. This includes the VAA's that operate in Wales and service users who have a significant role within the governance arrangements. It is the intention to continue to facilitate these arrangements through the terms of reference for the combined meetings of the Governance Board and the Advisory Group.

The terms of reference for the former Advisory Group and Governance Board remain in existence although it is not envisaged that these will meet in the future unless exceptional circumstances determine that an extra-ordinary meeting of either is required.

## **2 Functions and responsibilities of the Combined Governance Board**

When meeting together the Board and the Group combine the roles as specified by their individual terms of reference. The Combined Governance Board requires them specifically to exercise the following combined responsibilities:

1. To provide political and professional leadership and advice to inform the overall strategic direction of the NAS in Wales.
2. To hold the Regional Collaboratives (and their staff), the Director of Operations and central team, the VAA's and other services accountable for the delivery and performance of their services within the NAS arrangements.
3. To approve as prepared by the Director of Operations / Central Team.
  - An annual programme of work for the NAS.
  - A half year and full year progress report for the Welsh Local Government Association (WLGA – Full Council), the Minister for Health and Social Service and the Welsh Government.
  - The budget and financial management arrangements of services and the office of the Director of Operations.
4. To monitor and have oversight of:
  - The performance of the NAS to ensure its successful delivery and improvements in the adoption process to lead to positive outcomes for children and adults affected by adoption.
  - The quality of engagement with the Voluntary Adoption Agencies (VAAs) and service user representatives at central and regional levels.
  - Compliance with the Powers of Direction.
  - Compliance with the Conflict of Interest Protocol.

5. To consider and make recommendations for the future direction of the NAS using:
  - Information and data, including from the National Performance System in relation to the services as a whole, each Regional Collaborative, the VAA's and other services.
  - Professional and best practice advice from the sector.
  - The views of children, young people and adults who use services.
  - Other evidence including reports from the Director of Operations.
6. To ensure arrangements are in place for the flow of information, including receipt of minutes and papers, between the Governance Board and:
  - Regional Management Committees.
  - Local government members and officers across wales.
  - Equivalent bodies in VAA's and other services.
7. To encourage and enable the statutory and voluntary sectors to work in partnership to deliver the best outcomes for children and adults affected by adoption.
8. To ensure that the views of all stakeholders, including those who use adoption services, are represented effectively both at national and regional levels.
9. To ensure the NAS is working within Welsh Government guidance and strategies for children particularly looked after and adopted children.
10. To ensure that due consideration is given to the need for Welsh Language services in planning and delivery of adoption services throughout Wales.
11. To support the delivery of adoption services through the NAS arrangements to ensure it reflects the best possible practice and is based on a culture of continuous improvement.
12. To notify Welsh Ministers of any issues regarding the National Adoption Service which it considers need to be drawn to their attention.

### **3 Working style**

The Board will conduct its work in the following way:

- Partners will work in a collaborative way, with strong support, constructive challenge, shared learning and accountability.
  - Meetings will be arranged as constructive spaces to tackle issues collectively.
  - Accountability will be tested against commitments by each partner in the shared service plan.
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- The meeting will aim for consensus agreements where possible but revert to voting, in line with section eight below, if necessary.
- The agenda and communications between members of the meeting will be conducted in a professional but cordial manner with minimal formality.
- The meeting will endeavour to ensure that the sometimes complex stakeholder relationships which members need to refer to will be recognised.

## 4 Membership

Membership will comprise:

- WLGA Spokesperson for Health and Social Services.
- WLGA Deputy Spokesperson for Health and Social Services (Chair of the Governance Board and Combined Governance Board).
- Independent Chair of the NAS Advisory Group (Chair of the Advisory Group and Co-Chair of the Combined Governance Board Meeting).
- Leader (or nominated executive representative) of Host Local Authority.
- Elected member representative for each of the 5 Regional Adoption Collaboratives (from which the Vice Chair will be drawn).
- Director / Head of Service from each of the Regional Collaboratives.
- Senior officer representative of the host local authority (usually the Director of Social Services).
- Representative of the 5 VAAs in Wales.
- Officer representative from the WLGA.
- Representative from the Association of Directors for Social Services Cymru (ADSSC).
- Representative of Association of Directors of Education in Wales (ADEW).
- A Designated Doctor for Safeguarding/Looked After Children.
- A current RAC Adoption Panel Medical Advisor.
- Child and Adolescent Mental Health Services (CAMHS) representative.
- Representative of a Social Research Centre (currently Cardiff University, CASCADE).
- Representative of Children's Commissioner for Wales.
- Citizen or service user.
- Legal services representative (from the Central Team host authority) as & when required.
- Other members or observers as required – CAF/CASS Cymru and possibly Social Care Wales.
- Director of Operations, National Adoption Service and secretariat.

## 5 Frequency of meetings

Meetings will be held four times a year.

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## 6 Chairing arrangements

In order to reflect that the Combined Governance Board brings together the functions of the Advisory Group and Governance Board there will be shared chairing between the Chair or Vice-Chair of the Governance Board (fulfilling local government's leadership role) and the Independent Chair and Vice-Chair of the Advisory Group (fulfilling the independent chairing of advisory discussions).

Although this may vary at some meetings, it is likely that the WLGA Deputy Spokesperson for Health and Social Services will lead the chairing of the meeting with the Independent Chair of the Advisory Group co-chairing including facilitating the discussion on agenda items within the meeting.

They will jointly be responsible for agreeing meeting agenda with the Director of Operations and ensuring that the meetings are conducted within the terms of reference.

## 7 Specific responsibilities of members

Members of the Governance Board and Advisory Group are drawn from organisations across the adoption sector that provide or have an interest in Welsh adoption services. They bring a range of different qualities and experiences to the meetings and have different roles and responsibilities within it including:

- To formally agree (or otherwise) to decisions by the Board on behalf of a specific organisation or a body of membership.
- To advise the Board about the implications of a decision or a course of action on behalf of their organisation or body of membership.
- To take decisions back to their services, management / trustee boards (or equivalent) for implementation.
- To advise the Board on the basis of their relevant professional role or responsibility.
- To advise the Board on the basis of their personal knowledge and experience.

These are equally important and valuable. Different issues and decisions will require a different balance of input from members, and members will be asked to be clear about the basis of their contribution and to contribute in different ways to discussions and decisions.

There are also different responsibilities which will need to be exercised for sharing information and communications depending on the role that members have, and these are described further in section 11 below.

## 8 Quoracy and decision-making

To constitute a **quorate** meeting the following minimum is required:

- 60% of the regional collaboratives represented by either a member or officer (or a nominee).

- The Independent Chair of the Advisory Group or their nominee.
- One VAA representative.
- One other member of the Governance Board.
- The Chair or Vice Chair of the Governance Board.

It is expected that agency representatives (including in particular regional collaboratives and VAA's) will ensure that they can always attend the Combined Governance Board or substitute an equivalent level representative.

The Directions determine that the Governance Board advised by the Advisory Group sets strategy and policy for NAS and ensures the effective deployment of resources to deliver them. To facilitate the continuation of this the decision-making arrangements for the Combined Governance Board are the same as for the Governance Board as follow:

- In making decisions, the Combined Governance Board will seek to find a consensus among its members.
- In the event of a division of opinion, decisions will be taken by a majority vote of members of the Governance Board, following advice from the Advisory Group.
- If there is no majority, the Chair of the Governance Board and the Combined Governance Board will have the final say having taken advice from the Independent Chair of the Advisory Group.  
In the event of either of the above the minutes will note significant differing views.
- In the unlikely event that a decision on a specific issue cannot be reached in the meeting, this will be deferred to a separate discussion between the Chair and Independent Chair of the Advisory Group to agree action needed to reach resolution and a decision on that issue.

## 9 Standing items

In arranging the agenda for each Combined Governance Board, the Chair of the Governance Board, the Independent Chair of the Advisory Group and Director of Operations will ensure that the following elements are always considered for inclusion:

- Any significant legal, policy or practice matters the Board needs to be made aware of.
- Progress against the NAS plan with opportunity to interrogate specific elements.
- Developing future plans, mid-year and annual reports.
- Regions / VAA performance and progress, including receipt of management board minutes as appropriate, with opportunity to explore aspects in detail.
- Service user feedback
- Issues that may need to be reported to Welsh Government Ministers or officials.
- Financial overview and any exceptions.
- Findings from relevant research or other upcoming issues of note / relevance
- Update on the effectiveness and impact of stakeholder and service user engagement.

## **10 Information sharing and implementing agreed actions**

In addition to contributing to the meetings themselves members will have specific responsibility for communicating key decisions and views of the Combined Governance Board and, for certain things, ensuring implementation through the NAS regions and partner services.

All members have a responsibility to share the agreed minutes and public statements of the Board, and to ensure that views are not misrepresented or taken out of context by others. In addition, particularly for those members who have a responsibility to formally agree (or otherwise) to decisions of the Board on behalf of a specific organisation or a body of membership, or advise the Board about the implications of a decision or a course of action on behalf of their organisation or body of membership, it is important that they have a clear and understood approach to sharing information and implementing actions from the Board with their respective agencies. These are not always straightforward. Therefore, the revised 'Partnership Agreement for NAS, which will replace the existing 'Functional Model' will suggest how this should work.

A specific protocol is in place to enable the flow of information between the regional member representative attending the Governance Board and other local authority members. This will also be reviewed within or as a consequence of the work on the revised Partnership Agreement.

## **11 Conflict of interest Register**

The arrangements previously in place for both meetings will be put into operation for this meeting. All members will be expected to maintain their records on a conflict of interest register circulated for each meetings, and to point out to the Chair if an issue arises which might include an additional conflict of interest to that registered.

## **12 Other linked meetings, sub groups and working groups**

Detailed work to facilitate NAS achieving its aims will be undertaken outside of Governance Board meetings. At time of writing these include the below but will also form part of the work on the revised Partnership Agreement:

- Marketing and Recruitment Task Group;
- Adoption Support Sub Group;
- Common Policies and Best Practice in Adoption Group (led by AFA Cymru);
- Performance Sub Group;
- New Adoption Register for Wales Steering Group;
- Life Journey Work Steering Group.

The ADSS lead Director, HoS and Regional Managers from the lead local authorities and the central team will also meet regularly as the Local Authority Business Group.

All the above will be kept under review and may be disbanded or amended as business needs dictate including once the full implications of the NAS review of arrangements are known.

In providing a central team for NAS, Cardiff Council applied and was selected as the 'host' local authority to employ NAS central team staff and to support and facilitate national functions on behalf of Welsh local government as a whole. To underpin this role, a written agreement between all authorities and recognising the role of the lead authority is required, setting out shared responsibilities and liabilities.

This agreement will be developed and overseen through WLGA political forums (WLGA Full Council and Executive Board) or an Executive Group of members as appropriate. Final agreement on the annual budget for NAS, the annual work programme and annual report will also be sought through these mechanisms, based on recommendations from the NAS Combined Governance Board.