



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Social Services, Housing and Community Safety Cabinet Board

10th November 2022

Report of the Head of Children and Young People Services
Keri Warren

Matter for Decision:

Wards Affected: All Wards

Entry into a national collaborative body for the more effective delivery of adoption and fostering functions

Purpose of the Report:

The purpose of this report is to inform the Cabinet Board of the requirement to enter into a formal collaborative body to ensure good quality delivery of adoption functions, and of the proposal that body should have similar functions in respect of fostering. Also, to seek a decision that the Council should enter into an agreement to establish a Joint Committee for the National Adoption Service and to seek delegated authority for the agreement to be signed by the head of Children and Young People Services on behalf of the Council.

Executive Summary:

Directions made and coming into effect in 2015 required all local authorities in Wales to enter into one of five specified regional collaborative bodies to ensure that effective joint arrangements are in place between local authorities in Wales for the delivery of adoption services. These directions led to the creation of Western Bay Adoption Service comprising Neath Port Talbot, Bridgend and Swansea.

The directions also required the creation of a national Governance Board, Advisory Group, and Director of Operations, to have oversight of the regional collaboratives. The national committee, of which it is proposed that the Council should be a part, is intended to fulfil that requirement and it is also proposed that those bodies should exercise similar defined functions in respect of fostering services.

Formal resolution to enter into an agreement for the national committee is required.

Background:

The Welsh Ministers exercised their powers under S.3A of the Adoption and Children Act 2002 to make the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015, which came into force on 13th March 2015. The regulations required the creation of five regional collaborative bodies with the aim of:-

- (a) the consistent delivery of high quality adoption services throughout Wales;
- (b) keeping delay to a minimum in the placement of children for adoption;
- (c) ensuring the widest choice possible of placements for adoption for children;
- (d) ensuring that high quality and timely training and assessment for prospective adopters is consistently available;

- (e) improving the process of matching children with prospective adopters;
- (f) the streamlining of adoption processes and ensuring improved liaison between social workers involved in adoption cases;
- (g) keeping adoption breakdown to a minimum by the provision of comprehensive adoption support services according to assessed need; and
- (h) collaborative working between local authorities, registered adoption societies, NHS Trusts and education services.

This part of the regulations was implemented, in so far as this Council is concerned, by the creation of the Western Bay Adoption Service.

Directions 8-14 require the creation of a Governance Board and Advisory Group, specifying the functions and membership of each, and the appointment of a Director of Operations and a Host Authority. Terms of Reference for the Governing Body and Advisory Group must be drawn up and reviewed annually. The attached Agreement (Appendix A) is the document which proposes to implement the requirements of the Directions, and also to make use of the bodies created to provide a framework for the coordination of identified fostering serve functions across Wales.

The Council's legal service has scrutinised the proposed agreement and raised a number of issues as to whether or not the structure proposed by the agreement gives effect to the obligations and arrangements required under the 2015 Directions. Concerns were expressed on:

- (a) the establishment of one combined body to perform the functions of two separate bodies, one of which has the role of advising the other,
- (b) the expansion of the membership of the Combined Governing Board to include not only those persons or bodies specified in

the directions to be the members of the separate governing board and advisory group,

- (c) The addition of members of the combined board to provide expertise in and responsibility for fostering functions, which raises issues as to the right of such additional members to contribute to and vote upon decisions on adoption matters.

The response to the raising of these questions has been that the Welsh Government has been fully consulted upon the proposals and is content with them, and that all other local authorities in Wales are prepared to accept the agreement as drafted.

Upon this basis, and despite the above reservations, it is proposed that the Council should enter into the agreement.

Financial Impacts:

The proposed agreement requires all local authorities in Wales to apply the central National Adoption Services budget to fund the associated costs of the national committee.

In the unlikely event that there should be a financial shortfall, the proposed agreement requires all local authorities to contribute additional funding. The proposed agreement contains financial procedures on how each local authority's contribution will be calculated. Should this unlikely event materialise, additional costs to the Council will be sourced from the Children and Young Peoples base budget.

Integrated Impact Assessment:

A first stage impact assessment is not required as this relates to governance arrangements alone.

Valleys Communities Impacts:

No implications.

Workforce Impacts:

No implications.

Legal Impacts:

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The directions also required the creation of a national Governance Board, Advisory Group, and Director of Operations, to have oversight of the regional collaboratives. The national committee, of which it is proposed that the Council should be a part, is intended to fulfil that requirement and it is also proposed that those bodies should exercise similar defined functions in respect of fostering services.

Risk Management Impacts:

There are no identified risks associated with entry into this agreement. Failing to enter into the agreement would place the Council at risk of failing to comply with its obligations under the 2015 Directions

Consultation:

There is no requirement for external consultation on this item

Recommendations:

It is recommended that delegated authority be granted to the Head of Children and Young People Services to sign the Agreement for the

establishment of a Joint Committee for the National Adoption Service on behalf of Neath Port Talbot County Borough Council

Reasons for Proposed Decision:

This decision is required to fulfil the Council's responsibilities under the Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015

Implementation of Decision:

The decision is for immediate implementation in consultation with the relevant scrutiny chairperson.

Appendices:

Appendix 1: Agreement for the establishment of a Joint Committee for the National Adoption Service

List of Background Papers:

None

Officer Contact:

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