

Number: WG23650



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Welsh Government

Consultation Document

Adoption and Children Act 2002 (Joint Adoption Arrangements) (Wales) Directions 2015

Date of issue: 11 November 2014

Action required: Responses by 23 December 2014

Overview

This consultation seeks your views on draft directions on the National Adoption Service for Wales.

How to respond

You can respond to this consultation by completing, by the closing date, the consultation response form at the back of this document and returning it to us by post to

Children and Adults Placement Team
Social Services and Integration Directorate
Cathays Park
Cardiff
CF10 3NQ

Alternatively the consultation response form is available on our website (<http://wales.gov.uk/consultations/?lang=en>) and can be returned to us by e-mail to: DirectionsontheNationalAdoptionServiceforWales@wales.gsi.gov.uk

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Sustainable Social Services for Wales:
A Framework for Action:
<http://wales.gov.uk/topics/health/publications/socialcare/guidance1/services/?lang=en>

From Vision to Action The report of the independent commission on Social Services in Wales:
<http://www.icssw.org/vision/?lang=en>

The Social Services and Well-being (Wales) Act 2014:
<http://www.legislation.gov.uk/anaw/2014/4/contents/enacted>

The National Outcomes Framework for people who need care and support and carers who need support (working document):
<http://wales.gov.uk/topics/health/socialcare/well-being/?lang=en>

Well-being statement for people who need care and support and carers who need support:
<http://wales.gov.uk/topics/health/publications/socialcare/strategies/statement/?lang=en>

Adoption and Children Act 2002
<http://www.legislation.gov.uk/ukpga/2002/38/contents>

Contact details

For further information:
DirectionsontheNationalAdoptionServiceforWales@wales.gsi.gov.uk

Sustainable Social Services

Social Services and Integration Directorate
Crown Buildings
Cathays Park
CARDIFF
CF10 3NQ

email:
DirectionsontheNationalAdoptionServiceforWales@wales.gsi.gov.uk

telephone: 02920826968

Data protection

How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published,

please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances.

If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

This consultation

This consultation seeks your views on the draft Directions which the Welsh Ministers intend to issue to local authorities in Wales regarding effective joint arrangements for the delivery of adoption services.

Section 170 of the Social Services and Well-being (Wales) Act 2014 gives the Welsh Ministers power to direct two or more local authorities in Wales to enter into specified joint arrangements with each other in relation to the provision of specified services under section 3(1) of the Adoption and Children Act 2002. In February 2014, the former Deputy Minister for Social Services gave a commitment that the Welsh Government would use these powers to support the effective establishment of the National Adoption Service.

Section 170 will, once commenced on 1 November 2014, insert a new section 3A(3) into the Adoption and Children Act 2002. Section 3A(3) lists a number of examples of possible “specified arrangements” including elements such as pooled budgets and the funding mechanism, responsibility for operating and managing the joint arrangements, staffing and accommodation, working with registered adoption societies, adoption panel arrangements, complaints arrangements and dispute resolution.

Section 3A(2) also places a duty upon the Welsh Ministers to consult with the affected local authorities about proposed directions before the directions are issued.

Where are we now?

The new National Adoption Service for Wales was launched by the First Minister, Carwyn Jones AM, and the Minister for Health and Social Services, Mark Drakeford AM on 5 November 2014 at the National Assembly for Wales in Cardiff. The National Adoption Service is owned and led by local government working in partnership with the voluntary adoption agencies and other major partners.

The structure of the National Adoption Service is based on a regional collaborative model, supported by certain central functions delivered at an all-Wales level. The Directions are intended to support the efficient and timely delivery of the arrangements that have been put in place by local government and its partners. The governance structures for the National Adoption Service have been agreed between local government, its partners and the Welsh Government.

A summary of the content of the draft Directions is given at Annex 1.

What we are proposing

The new provision at section 3A(3) of the Adoption and Children Act 2002 requires the Welsh Government to consult with the affected local authorities about proposed Directions before they are issued. In addition, we are consulting about their content with local government's major partners – including the voluntary adoption agencies, and relevant health and education stakeholders in Wales.

We propose that the Directions will come into force on 31 January 2015.

Consultation Response Form							
<p>1. To what extent do you agree that these Directions clearly set out what local authorities must do to ensure that effective joint working arrangements are put in place to deliver the National Adoption Service for Wales?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>Is there anything that should be strengthened or added into these Directions?</p>							
<p>2. To what extent do you agree that the governance arrangements set out in these Directions will support local authorities in implementing reform of adoption services, in a way that will deliver the aims set out at paragraph 2?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>3. To what extent do you agree that the planning, performance monitoring and reporting requirements are proportionate and sufficiently robust, and work effectively together as a whole system?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>4. To what extent do you agree that the functions specified for the Director of Operations at paragraph 13 will enable the appointee to lead the National Adoption Service effectively and develop it in accordance with the aims at paragraph 2?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>5. To what extent do you agree that these Directions are framed in such a way that the voluntary adoption agencies can make a full contribution to the National Adoption Service?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
<p>6. To what extent do you agree that these Directions are framed in such a way that health services and education services can make a full contribution to the National Adoption Service?</p>							
Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>

7. To what extent do you agree that the arrangements and structures set out in these Directions enable the voices and lived experience of those who are touched by adoption to be heard and acted on, and to shape services as equal partners?

Agree	<input type="checkbox"/>	Tend to agree	<input type="checkbox"/>	Tend to disagree	<input type="checkbox"/>	Disagree	<input type="checkbox"/>
-------	--------------------------	---------------	--------------------------	------------------	--------------------------	----------	--------------------------

Does the description of this group of people, at paragraph 4, need any modifications?

8. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.

Annex 1: Summary of the content of the Directions

Paragraph number and aspect covered	Content
1. Title and coming into force	Gives the full official title of the Directions and sets a date of 31 January 2015 for the Directions coming into force
2. Aims	States the broad aims of the joint arrangements (based on the aims previously laid down by the former Deputy Minister). These centre around improving efficiency (reducing delay) and consistency; increasing quality and sustainability; as well as promoting collaboration
3. Interpretation	Essentially these are definitions for major terms used in these Directions
4. Specified services	The power to direct local authorities relates to “the provision of specified services” as per Section 3(1) of the Adoption and Children Act 2002. Essentially these are adoption services to meet the needs of: children who may be adopted, their parents or guardians; people who want to adopt a child; and adopted people, their parents, natural parents and former guardians
5. Section 3(1) duty	The Directions are here explicitly tied to the duty on local authorities to maintain an adoption service
6. Requirement to collaborate	Requires local authorities to join in a regional collaborative and to set up a system of management and oversight for the central (national) elements of the National Adoption Service
7. (and Schedule 1) Regional collaboratives – major duties in establishing a partnership	Requires each local authority to enter into a written partnership agreement with fellow local authorities in a regional collaborative; specifies (in Schedule 1) which local authorities are to collaborate together to form each of the five collaboratives; and lists 19 specific aspects which must be covered in each partnership agreement. These include: establishing which adoption functions will continue to be carried out individually and which will be carried out collaboratively in the region; the requirement to establish a management committee; staffing and other resources; funding and accounting; establishing a “lead authority” for the collaborative to provide eg premises; joint working with the voluntary adoption agencies; ensuring that service users’ views and experiences shape services; joint working with health and education; provision of management information; arrangements to ensure that a local authority cannot withdraw from its collaborative agreement with less than 12 months’ notice; complaints; disputes; information sharing; the Welsh language; regular review of the partnership agreement
8. National level management arrangements	Requires the establishment of a national Governance Board and a national Advisory Group, and formulation and annual review of the terms of reference for both. Also requires appointment of a Director of Operations and designation of a

	lead local authority for the arrangements at national level.
9. The Governance Board	Sets out the major functions of the Governance Board: provision of strategic direction; approval of the annual work programme; ensuring all stakeholder views are effectively represented; monitoring of performance against the measures in the national performance management framework; monitoring of the resolution of complaints and disputes; monitoring of the quality of engagement with voluntary adoption agencies and service user representatives; monitoring of central budgets and financial management; monitoring of compliance with the Directions; ensuring due consideration for the use of Welsh in service planning and delivery; providing reports to ministers
10. Membership of the Governance Board	Local authority membership of the Board is required through direction. Other bodies cannot be directed; but local authorities are directed to invite and encourage membership from the other identified organisations: Welsh Local Government Association, the lead authority for the national elements of the National Adoption Service; the Advisory Group Chair; and a voluntary adoption agency representative
11. The Advisory Group	Advisory Group functions include drawing up terms of reference; provision of professional advice and support; promoting best practice; notifying Welsh Ministers of any major adoption issues
12. Membership of the Advisory Group	Local authorities are directed to ensure that a Head of Service from each collaborative as a member of this Group, and that an independent chair is recruited. Other bodies cannot be directed; but local authorities are directed to invite and encourage membership from the other identified organisations and roles: the Association of Directors for Social Services Cymru; the Association of Directors of Education in Wales; the Welsh Local Government Association; three voluntary adoption agencies; a local authority legal adviser; a Looked After Children designated health professional; an adoption panel medical adviser; Child and Adolescent Mental Health Services; a service user representative; a Social Research representative

13. Director of Operations	Requires the lead local authority to arrange the appointment of the Director of Operations and lists her/his functions. These include: production of an annual work programme with priorities, targets and budgets; monitoring and analysis of performance data; determining actions to deliver identified improvements; submission of a six-monthly and an annual progress report (covering progress on delivering the work programme; a financial report; analysis of regional collaboratives' performance data; proposals for any necessary service improvements; plans for development of the service); promotion of best practice; establishment and maintenance of a website; co-ordination of pre-approval training; co-ordination of adoption support services; managing the central team of staff.
14. Funding	Requires the local authorities to provide sufficient funding for the Governance Board, Advisory Group and Director of Operations; and to ensure adequate financial and accounting procedures are in place
15. Regional collaboratives - reporting	Requires the local authorities in a collaborative to provide information to the Director of Operations, the Advisory Group and Governance Board; as well as an annual work programme: quarterly performance reports; and an annual report (covering performance against the performance measures; implementation of the work plan; plans to address any underperformance; and plans for development of the service).
16. Matching	Local authorities are directed to provide details to the Wales Adoption Register of any child for whom three months has elapsed since the local authority was authorised to place them for adoption. Likewise, details of any prospective adopter for whom three months have elapsed since the date of approval