

Meeting of:	Cabinet
Date of Meeting:	Thursday, 15 January 2026
Relevant Scrutiny Committee:	Live Well Scrutiny Committee
Report Title:	Governance of the Collaborative Arrangements for Welsh (Local Authority) Adoption and Fostering Services – Quoracy of the National Joint Committee for the National Adoption Service for Wales and Foster Wales
Purpose of Report:	To obtain agreement to a 'Deed of Variation' to amend the quoracy required for the National Joint Committee meetings.
Report Owner:	Cabinet Member, Social Care and Health.
Responsible Officer:	Director of Social Services
Elected Member and Officer Consultation:	Operational Manager, Legal Services; Operational Manager, Finance.
Policy Framework:	This is a matter for Executive decision by Cabinet
Executive Summary:	<ul style="list-style-type: none"> • All Welsh Local Authorities agreed to the Joint Committee and signed the Joint Committee legal agreement that facilitates it. The inaugural meeting of the Joint Committee occurred in April 2024 but subsequently only one of the three planned meetings has been able to proceed because the meeting has not been quorate. • A process has been undertaken to consult on reducing the quoracy; this has resulted in the Joint Committee recommending that the quorum should reduce from 60% of the voting Council Members (one per Local Authority) to 40% where that includes at least three of the regional areas. • To action this recommendation, each Local Authority has to make a formal decision at Cabinet and, if in agreement, sign a Deed of Variation.

Recommendations

1. That the quorum of the Joint Committee be reduced to 40%, with at least 3 regional areas represented.
2. That delegated authority be granted to the Monitoring Officer/Head of Legal and Democratic Services to enter into the Deed of Variation on behalf of the Council to enable this.

Reasons for Recommendations

- 1 Agreeing this proposal will enable the Joint Committee to meet and undertake its functions on behalf of Vale of Glamorgan Local Authority thus enabling the oversight by it of the collaborative arrangements for adoption and fostering services.
- 2 To ensure that the agreement for this change is reflected in the appropriate documentation.

1. Background

- 1.1 The National Adoption Service has been in existence since 2014 and has enabled significant change and improvement in adoption services across Wales. Underpinned by legislation, the Adoption and Children Act 2002 (Joint Adoption Arrangements (Wales) Directions 2015, 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. Some of these e.g. 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 in place for some time.
- 1.2 Legal advice obtained by the Welsh Local Government Association (WLGA) determined that 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 (ADSSC) was that this should be through a Joint Committee.
- 1.3 From 2015, the National Adoption Service Director and central team supported 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 emerged from this; it supports Local Authorities with a defined range of fostering functions linked to recruitment and retention of Local Authority foster carers. Throughout this time, the WLGA and ADSSC 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.

- 1.4** The Joint Committee, and the legal agreement underpinning it, provides each Local Authority with oversight over the National Adoption Service for Wales and Foster Wales including the national leadership and enabling functions that is provided through the role of the Director and Central Team. The Joint Committee is critical for Foster Wales given the lack of a legislative basis for such co-operation for fostering services.
- 1.5** When the Joint Committee was established, each Local Authority formally agreed to the Committee via their respective governance arrangements at Cabinet/Council meetings. Following this a detailed Joint Committee agreement was subsequently signed by all Local Authorities. The Committee is attended by the Cabinet Member for Children's services (or the equivalent) from each Local Authority plus non-voting officers and stakeholders.
- 1.6** The Joint Committee held its inaugural meeting in April 2024. Schedule 1 of the Joint Committee Agreement sets out the constitution of the Committee; in order to be quorate 60% of the voting Members, equivalent to 14 Council Members rounded up to the next whole number, are required to be present.

2. Key Issues for Consideration

- 2.1** The Joint Committee held its inaugural meeting in April 2024. Three subsequent meetings were convened but unfortunately, two of these meetings could not go ahead because they were not quorate. This was despite canvassing Members for preferred days/times, establishing a system for nominated substitutes and make direct contact with Members as necessary to establish availability. At the most recent inquorate meeting, in May 2025, there were clear calls from Members to reconsider the 60% quoracy.
- 2.2** A further survey was subsequently carried out with Joint Committee Members, substitute Members and officers, where they were asked to provide their preferred days and times to meet. The results indicated that there was no obvious day suitable for everyone; with the most popular timeslot being a Wednesday morning, followed by certain times on Fridays or Mondays. However, there were only 12 people who indicated Wednesdays as their first preference and fewer for the other options. Therefore, the likelihood of achieving a quorum of 60% for future meetings is low.
- 2.3** Consultation with stakeholders and officers led to a proposed level of 40%, with representation from at least 3 regional areas, being proposed as a revised level of quoracy.
- 2.4** The Monitoring Officer/Head of Legal and Democratic Services provided advice on the process to be followed to implement a revised quorum for the meetings. This is:
 - a consultation with representative bodies, *followed by*

- a recommendation at a Joint Committee meeting (which will need to be quorate at the current level of 60%) to authorise a Deed of Variation to the Joint Committee Agreement, *and then*
- a decision at Cabinet, or other meeting as required by the respective constitution of each Local Authority, authorising a Deed of variation to be signed by all 22 Authorities.

2.5 The consultation process was completed involving an email to Joint Committee Members, a report to the Association of Directors of Social Services (ADSS) Cymru Leadership Group and the WLGA Spokespeople. The outcome of the consultation is as below:

- (i) No dissent to the proposal from Joint Committee Members.
- (ii) The ADSS Cymru Leadership Group supported the proposal.
- (iii) The WLGA Spokespeople have supported the proposal.

2.6 A short meeting of the Joint Committee was convened for 24th September. This meeting was quorate and recommended that the quoracy be reduced to 40%, with representation from at least 3 regional areas (minutes attached).

2.7 A Deed of variation has subsequently been prepared and is available for signing once each Local Authority has made its decision.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

3.1 This change ensures that we continue to work in a collaborative and integrated way with partners when overseeing Fostering and Adoption Services.

4. Climate Change and Nature Implications

4.1 There are no Climate Change and Nature Implications as a result of this report.

5. Resources and Legal Considerations

Financial

5.1 The funding for the governance arrangements and central / national leadership and enabling, is provided from the WLGA via a top slice of the Revenue Support Grant plus grant funding from the Welsh Government. Local Authorities fund their local contributions to these arrangements. The reduction in quoracy will ensure that meetings can proceed and thus prevent Member and officer time being expended on meeting that do not go ahead. There is no expectation that this will incur additional costs, rather it will ensure that existing resources are effectively used.

Employment

5.2 There are no Employment Implications as a result of this report.

Legal (Including Equalities)

5.3 Individual Local Authorities remain legal responsible and accountable for the provision and adoption and fostering services. In respect of adoption services, the legal provisions outlined in the Joint Committee Agreement require adoption responsibilities to be delivered in accordance with the arrangements for the National Adoption Service.

5.4 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 Joint Committee puts this on a formal legal footing as well as providing greater clarity and certainty for all Authorities, the WLGA as well as services.

5.5 There are no regulations underpinning Foster Wales so the Joint Committee provides the basis for the co-operation that is needed so it can operate.

5.6 Changing the quorum of a Joint Committee is legally permissible but must be handled with care to ensure procedural integrity, legal compliance and democratic legitimacy.

5.7 The Constitution of the Joint Committee is set out in Schedule 1 to the Joint Committee agreement (attached). This provides that the Joint Committee is to have 22 voting Members, 1 from each Local Authority, and quorum requires 60% of the voting Members – which equates to 14 Members, rounded up to the next whole number.

5.8 There does not appear to be a statutory requirement applicable to Joint Committees in relation to quorum, so on the face of it, it appears to be a matter for agreement between the partner Authorities. However, for Council and ordinary Committee meetings, quorum is set at one quarter of the total number of Members (under the Local Government Act 1972, Schedule 12A, paragraph 6).

5.9 The relevant clause for Local Authorities to consider should they wish to amend the quorum requirements is clause 17 of the Joint Committee Agreement. This states that it is the responsibility of each Local Authority to secure approval of the variation in accordance with its own governance arrangements. Unless this function has been delegated, this requires approval by each Local Authority's Cabinet, as the Joint Committee is responsible for the discharge of Executive functions.

6. Background Papers

[Minutes of Joint Committee, 24th September 2025.](#)

[Copy of the Joint Committee Agreement](#)