

## Summary Sheet

### Committee Name and Date of Committee Meeting

Cabinet and Commissioners' Decision Making Meeting – 19 February 2018

### Report Title

Councillor Representation on Adoption and Fostering Panels

### Is this a Key Decision and has it been included on the Forward Plan?

This is not a key decision, but has been included on the Forward Plan

### Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

### Report Author(s)

James McLaughlin, Democratic Services Manager  
01709 822477 or james.mclaughlin@rotherham.gov.uk

### Ward(s) Affected

All

### Summary

Whilst their inclusion is no longer a legal requirement, councillors have proved to be a valuable asset to the Council's adoption and fostering panels. This report outlines the reasoning behind the view that councillor representation should be increased on the Council's Adoption and Fostering panels and how this is best achieved.

### Recommendations

1. That two councillors be required to sit on hearings of the Adoption Panel and Fostering Panel.
2. That Councillors Allen and Elliot be appointed to the Adoption Panel.
3. That Councillors Cusworth and M. Elliott be appointed to the Fostering Panel.

### List of Appendices Included

Nil

### Background Papers

The Adoption Agencies Regulations 2005 (as amended)  
The Fostering Services (England) Regulations 2011

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**  
No

**Council Approval Required**  
No

**Exempt from the Press and Public**  
No

## **Councillor Representation on Adoption and Fostering Panels**

### **1. Recommendations**

- 1.1 That a minimum of two councillors be required to sit on hearings of the Adoption Panel and Fostering Panel.
- 1.2 That Councillors Allen and Elliot be appointed to the Adoption Panel.
- 1.3 That Councillors Cusworth and M. Elliott be appointed to the Fostering Panel.

### **2. Background**

- 2.1 Until 31 March 2011, it was a legal requirement for local authority Adoption and Fostering Panels to include at least one elected Member of the local authority. Amendments made to the Adoption Agencies Regulations 2005 and the introduction of the new regulations, namely the Fostering Services (England) Regulations 2011 that govern Adoption and Fostering Panels mean that this legal requirement is no longer imposed upon relevant local authorities. It has become an option.
- 2.2 Following continued improvement of the authority's governance arrangements and services for children, young people and families, it is considered appropriate to review the level of councillor involvement with both the Adoption Panel and Fostering Panel.

### **3. Key Issues**

- 3.1 Both panels are statutorily required in that their role, responsibilities and make up is determined by the provisions of regulations from the Secretary of State. The roles of the two bodies are set out below.

#### **3.2 *Adoption Panel***

- 3.2.1 The Panel considers the suitability of anyone who applies to become an adopter, and whether or not to recommend that they are suitable to adopt; and also considers the placement of any child with a particular adopter. A councillor is a full member of the Panel.
- 3.2.2 Under the performance objectives of the Panel, each member is asked to attend 75% of the meetings, which are currently held monthly, and in addition is asked to attend any training events and induction events that are held at least annually, and undergo an annual appraisal.
- 3.2.3 The role of the Adoption Panel and the appointment of elected Members are governed by the Adoption Agency Regulations 2005 as

amended by the Adoption Agencies and Independent Review of Determinations (Amendments) 2011, and the Adoption and Children Act 2002. The Adoption Panel is made up of a central list and currently comprises of the following:-

- Chair
- Medical Advisor
- Agency Members
- Social Workers (2)
- Councillor (1)
- Independent Members (3)
- Additional Members (2)

### 3.3 **Fostering Panel**

3.3.1 The establishment of Fostering Panels is laid down by the Fostering service (England) Regulations 2011. Regulation 23(1) requires the fostering service to provide a central list of persons considered to be suitable members of the panel, similar to that of the Adoption Panel.

3.3.2 The Fostering Panel makes timely and appropriate recommendations in line with the overriding objective to promote the welfare of children in foster care. The Panel considers and advises on the suitability of persons who apply to be foster carers for children who are “cared for” by the local authority. It states what its recommendations are in respect of a particular child or children and clarifies whether the prospective carers matching considerations are to be for certain ages or categories of children.

3.3.3 It considers the continuing approval of foster carers following their annual carer’s review or other significant changes in their circumstances.

3.4 When the regulations changed in 2011, a number of authorities elsewhere adopted a positive view in respect of the role of councillors on Adoption and Fostering Panels and determined to maintain a higher number.

3.5 The Council did not take a decision on the level of councillor involvement with both panels and followed the previous provisions for the statutory minimum. There are currently six councillors in the pool for the Adoption Panel and five councillors in the pool for the Fostering Panel. In the 2017-18 municipal year, those councillors are:-

<b>Adoption Panel</b>	Councillors Albiston, Allcock, Allen, Cusworth, Elliot and Senior
<b>Fostering Panel</b>	Councillors Albiston, Allcock, Allen, Cusworth and Senior

3.6 One councillor from the pool for both panels is selected by staff in Children and Young People’ Services to attend Adoption and Fostering Panel Hearings.

- 3.7 In the context of greater openness and transparency in decision making as part of the authority's improvement journey, it is considered timely to review the level of councillor involvement in the Adoption and Fostering Panels to ensure that there is sufficient Elected Member representation on these bodies.
- 3.8 A panel must have sufficient members and individual members must have between them the experience and expertise necessary to effectively discharge the functions of the panel. It is considered that Corporate Parenting would be enhanced by the appointment of two councillors each to both the Adoption and Fostering Panels. Councillors bring knowledge of the wider authority, and of their own area of work. They would and contribute to the consistency and independence of the panels, as well as enabling Panel Members to develop a deep understanding of the role, knowledge of policy and cases as they progress. It is further considered that the contribution of councillors would be beneficial to the other members of the Adoption and Fostering Panels and to the authority's adoption and fostering services.
- 3.9 The Deputy Leader of the Council, who is also the Cabinet Member for Children and Young People's Services, has consulted the existing members of the Adoption and Fostering Panel membership pools on the proposed changes. Further to this, he has nominated Councillors Cusworth and M. Elliott to be members of the Adoption Panel and Councillors Allen and Elliot to be members of the Fostering Panel.
- 3.10 If the proposal in this report were to be agreed, there would be a need to provide sufficient training and development for those Members appointed.

#### **4. Options considered and recommended proposal**

- 4.1 The Council has the option of maintaining the current position which reflects the statutory provisions from the regulations in respect of both Adoption and Fostering Panels. This current position increases dependence on one councillor, rather than sharing responsibilities amongst the wider membership of the authority. In the event of that councillor not being available on either panel, there would be no elected representation on either body. Whilst there is no statutory requirement to have any elected members on the panels, for the reasons set out paragraph 3.7 above, it is considered that this approach is not appropriate and is not recommended.
- 4.2 Strengthened governance arrangements and better outcomes for children and young people are key to the Council's improvement journey. Councillors have an important role in driving forward the improvement journey in respect of the policy direction and increasing public confidence in and the outcomes of local democratic decision making. Increasing the number of councillors sitting on Adoption and Fostering Panel hearings to two Members would be considered to be appropriate and meet the requirement to increase democratic representation.

## **5. Consultation**

- 5.1 This report has been prepared in response to feedback from councillors currently involved in the adoptions and fostering decision making process. There has been vocal support from the body of councillors that an increase would be beneficial in ensuring that there is a continued presence of democratically elected representatives involved in decision making.

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 The decision sought is an executive function in respect of children's social care and is consequently a matter for Commissioner determination under the directions of the government's intervention.

## **7. Financial and Procurement Implications**

- 7.1 As no allowances or payments are made to councillors who are representatives on the Adoption and Fostering Panels, there are no financial or procurement implications associated with this report.

## **8. Legal Implications**

- 8.1 The statutory provisions governing the operation of both the Adoption Panel and Fostering Panel are set out elsewhere in the report. Beyond these, there are no legal implications associated with this report.

## **9. Human Resources Implications**

- 9.1 There are no human resources implications associated with this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 There are no direct implications for children and young people beyond the changes discussed earlier in the main body of the report.
- 10.2 There are no implications for vulnerable adults.

## **11 Equalities and Human Rights Implications**

- 11.1 There are no equalities or human rights implications associated with this report.

## **12. Implications for Partners and Other Directorates**

- 12.1 There are no implications for partners arising from this report.
- 12.2 If the proposal is agreed, this will need to be communicated to staff in Children and Young People's Services who are responsible for administering the Adoption Panel and Fostering Panel in order to implement the changes and ensure that there is increased councillor involvement on both bodies.

### 13. Risks and Mitigation

13.1 There are no specific risks arising from the proposal in this report.

### 14. Accountable Officer(s)

Ian Walker – Head of Service – Children in Care  
James McLaughlin – Democratic Services Manager

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	01/02/2018
Assistant Director of Legal Services	Dermot Pearson	31/01/2018
Head of Procurement (if appropriate)		
Head of Human Resources (if appropriate)		

*Report Author: James McLaughlin, Democratic Services Manager  
01709 822477 or james.mclaughlin@rotherham.gov.uk*

This report is published on the Council's website or can be found at:-  
<http://modern.gov.rotherham.gov.uk/ieDocHome.aspx?Categories=>