

Environment and Sustainability Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date:

Thursday, 9 October 2014

Meeting time:

08.50

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

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Agenda

Informal pre-meeting (08:50 – 09:00)

1 Introductions, apologies and substitutions

2 The Well-being of Future Generations (Wales) Bill – Stage 1: Evidence Session 9 (09:00 – 09:50) (Pages 1 – 71)

E&S(4)–23–14 paper 1: Cymdeithas yr Iaith

E&S(4)–23–14 paper 2: Wales International Development Hub

E&S(4)–23–14 paper 3: Wales Council for Voluntary Action

E&S(4)–23–14 paper 4: Wales Carers Alliance

E&S(4)–23–14 paper 5: Barnado's Cymru

Toni Schiavone, Sustainable Communities Spokesperson, Cymdeithas yr Iaith

Hannah Sheppard, Co-ordinator, Wales International Development Hub

Gareth Coles, Public Service Delivery Officer, Wales Council for Voluntary
Action

Keith Bowen, Chair, Wales Carers Alliance
Sam Clutton, Assistant Director Policy, Barnado's Cymru

Break (09:50 – 09:55)

3 The Well-being of Future Generations (Wales) Bill – Stage 1: Evidence

Session 10 (09:55 – 10:45) (Pages 72 – 82)

E&S(4)-23-14 paper 6: Welsh Local Government Association

Dr Tim Peppin , Director of Regeneration and Sustainable Development, Welsh Local Government Association

Daniel Hurford, Head of Policy (Improvement and Governance), Welsh Local Government Association

Neville Rookes, Policy Officer Environment , Welsh Local Government Association

4 The Well-being of Future Generations (Wales) Bill – Stage 1: Evidence

Session 11 (10:45 – 11:30)

Mark Thomas, Head of Audit, Merthyr Tydfil County Borough Council

Will McLean, Head of Policy and Partnerships, Monmouth County Council

Heather Delonnette, Sustainable Development Co-ordinator, Powys County Council

5 The Well-being of Future Generations (Wales) Bill – Stage 1: Evidence

Session 12 (11:30 – 12:15) (Pages 83 – 102)

E&S(4)-23-14 paper 7: Brecon Beacons National Park Authority,

E&S(4)-23-14 paper 8: Arts Council of Wales

E&S(4)-23-14 paper 9: South Wales Fire and Rescue Service

John Cook, Chief Executive, Brecon Beacons National Park Authority,

Clare Parsons, Sustainable Communities Manager, Brecon Beacons National Park Authority,

Nick Capaldi, Chief Executive, Arts Council of Wales

Steven Flather, Head of Finance, Mid and West Wales Fire and Rescue Service

Break (12:15 – 13:15)

6 The Well-being of Future Generations (Wales) Bill – Stage 1: Evidence

Session 13 (13:15 – 14:00) (Pages 103 – 129)

E&S(4)-23-14 paper 10: Public Health Wales

E&S(4)-23-14 paper 11: Welsh NHS Confederation

Tracey Cooper, Chief Executive, Public Health Wales

Su Mably, Consultant in Public Health, Public Health Wales

Trevor Purt, Chief Executive, Betsi Cadwaladr University Health Board

Andrew Davies, Chair, Abertawe Bro Morgannwg University Health Board

7 Papers to note

The Well-being of Future Generations (Wales) Bill – Correspondence between the Finance Committee and the Welsh Government (Pages 130 – 140)

E&S(4)-23-14 paper 12

The Well-being of Future Generations (Wales) Bill – Letter from the Public Accounts Committee (Page 141)

E&S(4)-23-14 paper 13

8 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business for items 9 and 10

Private Session

9 Planning (Wales) Bill: Approach to scrutiny (14:00 – 14:30) (Pages 142 – 162)

E&S(4)-23-14 paper 14

10 The Well-being of Future Generations (Wales) Bill: Discussion of evidence (14:30 – 15:00)

Agenda Item 2

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Bil Llesiant Cenedlaethau'r Dyfodol (Cymru)

Ymateb Cymdeithas yr Iaith Gymraeg

Rydym yn cefnogi'r ymgyrch i gael Bil Llesiant Cenedlaethau'r Dyfodol cryf, sy'n gwneud y Gymraeg yn ganolog i'r agenda cynaliadwyedd.

Crynodeb

Hoffem weld y Bil yn cael ei gryfhau drwy:

- Sôn am y Gymraeg yn y diffiniad o ddatblygu cynaliadwy yn ogystal â'r 'bwriad cyffredin' - hynny yw adrannau 2 a 3 y Bil
- Ychwanegu sôn am 'gymunedau Cymraeg' yn y nodau llesiant
- Ychwanegu targedau i leihau allyriadau nwyon tŷ gwydr
- Gosod dyletswydd gref ar gyrrff cyhoeddus i anelu at gyflawni datblygiad cynaliadwy ym mhopeth maen nhw'n ei wneud
- Ychwanegu diffiniad clir o'r hyn a olygir gan ddatblygiad cynaliadwy
- Ystyried yn iawn yr effaith y mae Cymru yn ei chael ar bobl a'r amgylchedd dramor
- Cynyddu pwerau'r Comisiynydd a gwneud y rôl yn atebol i Aelodau'r Cynulliad yn hytrach na Gweinidogion Cymru

Y Gymraeg fel un o'r nodau

Rydym wedi croesawu'r ffaith bod y Llywodraeth wedi cynnwys yr iaith Gymraeg yn y nodau llesiant. Fodd bynnag, credwn y byddai'r geiriad hwn yn well o ran y nod sy'n ymwneud â'r Gymraeg:

"Cymru lle bo pobl yn cymryd rhan yn ein diwylliannau, sy'n perthyn i ni i gyd, sef lle y mae'r Gymraeg yn ffynnu yn ein cymunedau"

Credwn fod angen cydnabod yn y nodau bod y Gymraeg yn berthnasol i holl gymunedau a diwylliannau Cymru.

Dangosodd canlyniadau'r Cyfrifiad diweddaraf dirywiad dychrynlyd yn nifer siaradwyr y Gymraeg a nifer y cymunedau lle mai'r Gymraeg yw prif iaith y gymuned. Felly, credwn fod angen i'r nod cyfeirio at le'r Gymraeg yn ein holl gymunedau ledled y wlad.

O ran y nodau eraill, cytunwn â barn Cynghair y Trydydd Sector ar ddatblygu cynaliadwy, sy'n dadlau dros nodau canlynol:

"Cymru...

- (a) llewyrchus ac arloesol;
- (b) gyda chymdeithas gref, iach a chyfiawn;
- (c) sy'n defnyddio ei chyfran deg o adnoddau'r byd yn unig;
- (ch) sy'n byw o fewn terfynau amgylcheddol;

(d) lle bo pobl yn cymryd rhan yn ein diwylliannau, sy'n perthyn i ni i gyd, sef lle y mae'r Gymraeg yn ffynnu yn ein cymunedau; a
(dd) gydag amgylchedd naturiol gwydn a bioamrywiaethol"

Y Gymraeg yn niffiniad y Bil, nid y nodau'n unig

Nodwn ymrwymiad clir, personol y Gweinidog, a wnaed i bwyllgor Amgylchedd y Cynulliad, i sicrhau bod y Gymraeg yn rhan o'r diffiniad o ddatblygu cynaliadwy ym Mil Cenedlaethau'r Dyfodol, nid y nodau yn unig. Testun siom felly yw gweld bod y Llywodraeth wedi torri'r addewid hwnnw.

Nodwn ymhellach fod y Comisiynydd Dyfodol Cynaliadwy Peter Davies wedi galw ar i'r Gymraeg fod yn y diffiniad o ddatblygu cynaliadwy yn y Bil. Nodwn fod rhai wedi galw am ddiben statudol i'r Bil Cynllunio sydd ond yn cyfeirio at 'ddatblygu cynaliadwy' fel diben y drefn honno. Os dyna fydd penderfyniad y Llywodraeth ynghylch y Bil Cynllunio, mae'n golygu ei fod yn hanfodol bod y Gymraeg yn rhan o'r diffiniad o ddatblygu cynaliadwy ym Mil Llesiant Cenedlaethau'r Dyfodol - hynny yw adrannau 2 a 3 y Bil - yn ogystal â bod yn un o'r nodau llesiant yn y Bil.

Gwendidau Presennol Eraill y Bil

- **Diffyg sôn am y Gymraeg yn y diffiniad yn ogystal â'r 'bwriad cyffredin' datblygu cynaliadwy.** Credwn y dylid cynnwys pedwar piler cynaliadwyedd yn y bwriad cyffredin - cynaliadwyedd economaidd, cymdeithasol, amgylcheddol a diwylliannol. Dylai fod sôn am y Gymraeg yn niffiniad Bruntland yn ogystal - hynny yw adrannau 2 a 3 y Bil.
- **Nid oes yna ddyletswydd gref ar gyrff y sector cyhoeddus i newid y ffordd maen nhw'n ymddwyn neu i roi blaenoriaeth go iawn i genedlaethau'r dyfodol.** Rydym eisiau gweld dyletswydd yn cael ei rhoi ar gyrff cyhoeddus i "arfer eu swyddogaethau er mwyn sicrhau datblygu cynaliadwy". Mae'n rhaid nodi'n glir hefyd fod y ddyletswydd hon yn berthnasol i gynnyrch a gwasanaethau sy'n cael eu prynu gan y cyrff hyn.
- **Nid yw'r nodau'n cyfeirio at newid yn yr hinsawdd a'r angen i Gymru gynaliadwy leihau allyriadau nwyon tŷ gwydr.** Dylai'r Bil fanteisio ar y cyfle i osod targedau allyriadau ar sail ddeddfwriaethol.
- **O fewn Cymru yn unig mae'r Bil yn ystyried datblygu cynaliadwy.** Nid yw'n ystyried gweithredoedd cadarnhaol neu negyddol gan gyrff cyhoeddus sy'n cael effaith ar wledydd eraill, fel prynu cynnyrch masnach deg neu brynu pren o fforestydd glaw sydd dan fygythiad. Dylai'r Bil nodi'n glir mai dim ond ei chyfran deg o adnoddau'r byd y dylai Cymru gynaliadwy ei defnyddio, ac na ddylai arian y trethdalwyr gael ei ddefnyddio i gefnogi dinistrio cynefinoedd neu achosion o gam-drin hawliau dynol dramor.
- **Mae rôl Comisiynydd Cenedlaethau'r Dyfodol yn rhy wan.** Dylai'r rôl gael ei chryfhau i gynnwys pwerau i ymchwilio i gwynion, mynnu tystiolaeth a beirniadu cyrff cyhoeddus, gan gynnwys Llywodraeth Cymru, os ydynt yn methu yn eu dyletswydd. Felly, mae angen i'r Comisiynydd gael ei benodi, a bod yn atebol i, y Cynulliad Cenedlaethol yn ei gyfanrwydd, ac nid Gweinidogion Llywodraeth Cymru'n unig.
- **Nid yw'r Bil yn rhoi diffiniad clir o ddatblygu cynaliadwy.** Rydym angen diffiniad o ddatblygu cynaliadwy i Gymru sy'n cynnwys uchelgais i gyflawni cyfiawnder cymdeithasol o fewn terfynau amgylcheddol yng nghyd-destun diwylliannol Cymru.

Robin Farrar,
Cadeirydd, Cymdeithas yr Iaith Gymraeg

Medi 2014

National Assembly for Wales

Environment and Sustainability Committee

WFG 57

Well-being of Future Generations (Wales) Bill

Response from Fair Trade Wales and the Wales International Development Hub

Welsh Assembly Environment and Sustainability Committee Consultation: Well-being of Future Generations Bill

Submission from Fair Trade Wales and the Wales International Development Hub

1 Introduction

1.1 Wales International Development Hub aims to support the international development sector in Wales.

Wales' contribution to tackling poverty is vibrant and unique with more than 700 voluntary and community based organisations working alongside charities and international development organisations to contribute to global goals.

Wales International Development Hub supports the international development sector in Wales. We want to encourage and develop volunteers and groups to be the best they can be; providing training and resources to enhance knowledge and skills, enabling individuals and groups within the sector to have a greater impact in the communities where they work, both in Wales and Africa. The Hub is funded by the Welsh Government.

1.2 Fair Trade Wales is the national organisation for Fair Trade education, policy, procurement, support and campaigning in Wales, the world's first Fair Trade Nation.

The organisation was initially set up as the Wales Fair Trade Forum to oversee the Fair Trade Nation campaign, and on June 6th 2008 Wales made history and became the first ever Fair Trade nation.

Fair Trade Wales was established as a company, limited by guarantee with not for profit status, in April 2010. We receive most of our funding from the Welsh Government and are also supported by organisations such as Oxfam Cymru, Fairtrade Foundation, The Co-operative Membership, The Waterloo Foundation and many others over the years.

1.3 We welcome the Welsh Government's publication of the Well-being of Future Generations Bill, and the opportunity to respond to this consultation. We believe that this legislation could be a unique opportunity to ensure that Wales is a world-leader in its understanding and implementation of policies to make sustainable development a reality.

For this to happen, from the point of view of the International Development Sector in Wales, we believe that four areas need to be addressed:

- The Bill should explicitly recognise, and seek to address, the positive and negative impacts that Wales has on the wider world through consumption of resources, waste disposal, emissions of greenhouse gases and supporting

communities overseas through joint projects and trade.

- The Bill must contain a clear commitment that procurement of goods and services by the public sector in Wales should seek to support sustainable development, including international development and respect for human rights, through ethical purchasing and careful monitoring of supply chains.
- The Bill should ensure that Education for Sustainable Development and Global Citizenship remains central to the education system in Wales.
- The Bill should acknowledge that climate change is an overwhelming sustainable development priority for people in Wales and overseas; and set targets to reduce emissions of greenhouse gases from Wales.

We will expand on these points below as we turn to the terms of reference of the Committee's investigation. We will address only those areas we have an interest in.

2 How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector

As part of the Sustainable Development Alliance we proposed several key elements we wanted to see in the legislation¹. These were:

- A strong duty on all devolved public bodies so that they “must exercise their functions in order to achieve sustainable development”
- A definition of sustainable development that gives clarity to its meaning, including the principles and objectives it sought to achieve; and one which makes clear that achieving sustainable development in Wales can only happen within the global context.
- An independent Commissioner for Future Generations to promote and facilitate the achievement of sustainable development and hold failing public bodies to account

These remain central to our view of how the legislation should be framed.

3 The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas –

3.1 The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified

The “common aim”, as currently expressed is too restrictive in that it only allows for consideration of the Well-being of Wales. Unless this is amended, or complemented with further text about the relationship between Wales and the rest of the world it is difficult to see how the legislation meets the intentions articulated by the Welsh Government in its December 2012 White Paper:

The strategic decisions taken by Welsh public service organisations have impacts that extend beyond the borders of Wales. This is reflected in the Welsh Government's Climate Change Strategy and through the use of the Ecological Footprint as one of the five headline sustainable development indicators for Wales. Equally, the actions of others

¹ <http://www.shapingfuturewales.org/en/our-proposal/>

*outside Wales have an impact on the economic, social and environmental wellbeing of Wales. The Welsh Government recognises the need to take into account the impacts outside of Wales given that Wales' wellbeing cannot be seen in isolation. This is an important part of a sustainable development approach. The Welsh Government will look to ensure that this element is encompassed within the framework for sustainable development in Wales, in a reasonable and proportionate manner and within the scope of the legislative competence of the Assembly.*²

3.2 We need a **strong definition**, as opposed to a 'principle', which makes clear that sustainable development can only happen within an international context. Specifically, that Wales should only use its fair share of resources available in the world. This is thinking which was enshrined in One Wales One Planet, so is not novel in the devolved context:

In Wales, sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations:

- *In ways which promote social justice and equality of opportunity; and*
- *In ways which enhance the natural and cultural environment and respect its limits - using only our fair share of the earth's resources and sustaining our cultural legacy.*

*Sustainable development is the process by which we reach the goal of sustainability.*³

3.3 The sustainable development principle is the core of a definition, but it is weak, lacks ambition, and uses limiting language such as '*seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.*' [Emphasis added].

3.4 As part of the Sustainable Development Alliance we proposed wording for a Welsh definition of sustainable development which remains true to Brundtland and builds on Welsh precedent:

Recognising that sustainable development means achieving social justice and eliminating poverty in a way which is capable of being continued indefinitely by all of earth's people by respecting environmental limits.

Recognising that in Wales, sustainable development includes sustaining and promoting the Welsh language, culture and heritage while protecting and enhancing the Welsh natural environment and using only our fair share of the world's resources.

4 The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies

4.1 Setting of Goals

² Sustainable Development Bill White Paper, Welsh Government, December 2012
<http://wales.gov.uk/docs/desh/consultation/121203asusdevwhitepaperen.pdf>

³ One Wales One Planet, Welsh Assembly Government, May 2009
<http://wales.gov.uk/docs/desh/publications/090521susdev1wales1planeten.pdf>

We welcome the intention to lay out clear outcomes within legislation. These must be unambiguous as to what the legislation intends public bodies to achieve, the scale of the challenge and the necessity for all bodies to work together towards achieving all the goals.

We believe that some changes are necessary to the goals. For example, Goal 1, *a prosperous Wales* needs changes to more clearly aim for sustainable resource use, reflect the concept of living within global environmental limits and Wales using only its fair share of resources.

- 4.2** Comparative goals such as *a more equal Wales* are too weak. The goals should be specific and measurable so we can judge the success or otherwise of government action. The Bill allows the goals to be revised by Ministers without recourse to a vote in the National Assembly. The goals should be set in the legislation and only changed by the Assembly.
- 4.3** Furthermore, the UN is progressing work on its Sustainable Development Goals and the Bill should contain a commitment that the Assembly will review the goals in light of these to ensure they are complementary.

5 The role of procurement within governance for sustainable development.

- 5.1** It is of great concern to us that procurement by public bodies in Wales is not explicitly listed as an area in which public bodies must set objectives.

Procurement can become a vehicle for Welsh Government to deliver Sustainable Development. The benefit of making procurement decisions specifically subject to considerations of environmental, social and economic wellbeing has the potential to have substantial impact beyond the public sector, through positive stimulation of the supply chain, local livelihoods and civil society opportunities. Such a commitment would issue a powerful statement that doing business in Wales means adopting a sustainable development approach to delivering public services, goods and works contracts.

- 5.2** There are already some solid examples of good practice in Wales:

1. The WG stipulate "fair trade" in their All Wales Catering Contract and currently offer only fair trade tea, coffee and sugar and up to 60 fair trade items in 10 of their office locations nationwide. The contractor that shows greater commitment to supplying and growing commitment to sourcing fair trade has been chosen as part of the bid.
2. Carmarthenshire Council has included sustainable expectations within tender bids and contracts which includes fair trade. One example is Fairtrade bananas for schools during Fairtrade Fortnight.
3. Cardiff Council responded to requests from local schools to supply Fair Trade items for pupils in the canteen. In 2009/10, Fairtrade items up to the value of £306,969 of a total turnover of £3.9million in 2009/10 were sold in Cardiff secondary schools.

In fact, 82% of Welsh local authorities have already made a public declaration of support for fair trade and are required to use fair trade tea, coffee, sugar and biscuits during their meetings, as part of the fair trade nation status. If this is not included in the Bill, there is a risk that Wales' status as a Fair Trade Nation will be undermined.

- 5.3** Procurement is currently excluded from the remit of the Bill, on the basis of the

assumption that strategic values will 'trickle down' into financial decision making. The Welsh Audit Office Report 2010 had already identified this absence of the values in financial decision making as an issue within Wales. Although the GoWA 2006 commits to ensure funding works for sustainable development, the Audit Office found that funding decisions have not been driven by an integration of social, economic and environmental considerations. Essentially: *"SD is not driving resource allocation nor is it integrated into all financial and business planning processes."*

- 5.4 Wales' procurement officers currently interpret guidance on the scope for social and environmental criteria in a most conservative way. Prof Morgan from Cardiff University's recent research has been discussed by the Assembly and highlights that procurers do not have the confidence, capacity, creativity or competence needed to tender, score and award contracts transparently using sustainable criteria to deliver horizontal policies (such as anti poverty projects to stimulate local livelihoods and natural resource management) through procurement.
- 5.5 Legislation binding Sustainable Development to procurement is what is needed to provide a clear enabling framework to deliver sustainable outcomes in Wales. Legislation would provide the duty and high level transparency alongside providing the clear direction that is needed to enable procurers to tender effectively within the EU legislative structures. It would revise the scoring processes behind financial decision making, across all minister's portfolios and the entire public office.
- 5.6 The McClelland Review (2012), *Maximising the Impact of Welsh Procurement Policy*, concluded that while policy development was outstanding, *"policy acceptance, deployment and implementation is not consistent across the public sector"*. To address this, McClelland recommends that... *"implementation of public procurement policy should be regarded as a duty rather than an option."*
- 5.7 The Bill presents the opportunity to make the duty to adopt and implement policy a legal requirement, thereby delivering sustainable development in Wales for current and future generations to enjoy enhanced stimulation of local livelihoods, natural resource management and cultural engagement.
- 5.8 As specific examples of how this would work, we would want the public sector in Wales to:
 - Buy products ethically and ensure producers are paid a living wage, through fairly traded products wherever possible.
 - Buy conflict-free resources and Information Communication Technology as a commitment to peace-building.
 - Buy products with certifications for sustainable production processes wherever possible (for example certifications that protect biodiversity and prevent deforestation).
 - Reduce carbon emissions in supply chain, including in producer countries for imports. Scope III analysis can identify carbon hotspots within the supply chains assisting Welsh Government to take the actions which can have the greatest impact.
 - Ensure companies throughout the supply chain pay all their taxes, in the country incurred.
 - Ensure international companies in Wales' supply chain are not evading tax or exploiting tax loopholes.
 - Require that all Welsh or British companies trading with Welsh Government

and which act internationally are transparent about where they pay tax, financial incentives and rewards.

- Implement Welsh Audit Office (2010) recommendations regarding embedding sustainable development into financial planning – targeting both strategic and operational decisions.⁴
- Implement the findings of the McClelland Review (2012): create enabling legislation that requires the implementation of Wales’ ‘outstanding’ public procurement policy as a duty and not an option.⁵

6 Climate Change

6.1 Climate change is not specifically addressed in the Bill, despite it being one of biggest priority issues for the world. Climate change is a key issue for billions of people in developing countries who are feeling its impacts already. Climate change disproportionately affects people in poverty, particularly women. Addressing it must be a key part of sustainable development.

6.2 The Bill must address both the need to reduce emissions of greenhouse gases and strategies for us to adapt to a changing climate. Targets for reduction in emissions of greenhouse gases should be incorporated into the Bill.

7 Education for Sustainable Development and Global Citizenship

7.1 Education for Sustainable Development and Global Citizenship (ESDGC) is completely integral to building a sustainable nation. ESDGC has had much success in the formal education sector and its values have been applied throughout the education system in Wales.

7.2 This Bill provides the Assembly with the opportunity to further enshrine ESDGC within the public sector in Wales. We would like to see the Bill make explicit that ESDGC is essential to the achievement of sustainable development in Wales and to ensure that its principles are implemented throughout the public sector, through work-based learning initiatives as well as in the formal education system.

7.3 We ask that the Committee considers the opportunity to ensure that all public bodies must have goals or objectives related to ESDGC within their plans.

8 The establishment of a Future Generations Commissioner for Wales, the Commissioner’s role, powers, responsibility, governance and accountability

8.1 A stronger Commissioner is needed than that envisaged. The Commissioner must be in a position not just to advise public bodies but to hold them to account. For this to happen, the Commissioner should be accountable to the Assembly rather than Welsh Government Ministers as proposed.

8.2 The duties of the Commissioner are unnecessarily restricted and the powers need to be

⁴ Welsh Audit Office (21 January 2010) ‘*Sustainable development and business decision making in the Welsh Assembly Government*’ identified the absence of values in financial decision making. Although the GOWA 2006 commits to ensure funding works for sustainable development, the audit office found that funding decisions have not been driven by an integration of social, economic and environmental considerations.

⁵ McClelland Review (2012), ‘*Maximising the Impact of Welsh Procurement Policy*’

strengthened so that the Commissioner can investigate complaints from the public, require evidence be provided and issue critical reports. It is also crucial that the Commissioner is adequately resourced to fulfil the functions needed.

9 How effectively the Bill addresses Welsh international obligations in relation to sustainable development

9.1 The Bill, unfortunately, completely divorces Wales from addressing international obligations in relation to sustainable development. As articulated in our response to other questions we believe that in order to properly address Wales' international obligations the Bill should be amended to:

- Make explicit that a sustainable Wales uses no more than its fair share of resources globally and aims to avoid adverse impacts on people and biodiversity overseas
- Enshrine ethical procurement within the concept of sustainable development in Wales and ensure public bodies are bound by procurement objectives
- Set targets for the reduction of greenhouse gas emissions from Wales
- Further support Education for Sustainable Development and Global Citizenship within the formal sector and take further steps to progress it across the devolved public sector

Wales International Development Hub Fair Trade Wales

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September 2014

Policy Response



Well-being of Future Generations (Wales) Bill

A response from WCVA

September 2014

WCVA
Baltic House
Mount Stuart Square
Cardiff
CF10 5FH

Wales Council for Voluntary Action

Response to the Well-being of Future Generations (Wales) Bill

1. Wales Council for Voluntary Action (WCVA) is a registered charity and umbrella body working to support, develop and represent Wales' third sector at UK and national level. We have over 3,350 organisations in direct membership, and are in touch with many more organisations through a wide range of national and local networks. WCVA's mission is to provide excellent support, leadership and an influential voice for the third sector and volunteering in Wales.
2. We believe that the Well-being of Future Generations (Wales) Bill presents a significant opportunity for public bodies and partners to improve the well-being of Wales and we welcome the opportunity to offer a response to the Environment and Sustainability Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.
3. WCVA is a member of the Third Sector Sustainable Development Alliance. In this submission, we have concentrated our answers on the issues pertinent to our role as a representative body for the third sector in Wales.

Role of the third sector in the Well-being of Future Generations (Wales) Bill

4. WCVA is committed to a strong and active third sector building resilient, cohesive and inclusive communities, giving people a stake in their future through their own actions and services, creating a strong, healthy and fair society and demonstrating the value of volunteering and community involvement.
5. We believe that there is an urgent need to transform public services in Wales by treating people and communities as assets and equals in design and delivery; building services around the person and community; unlocking potential resources of time, money and expertise to combine with state funding; using existing state resources to enable and maximise citizen and community action, capital and care. This is why many people are now looking at a different co-produced public service, which places the citizen and community at the centre, with the state as the enabler and facilitator. Our position statement regarding co-production, *Putting People at the Centre*, is attached.
6. Putting people at the centre means there is not one right way of doing things and no universal delivery mechanism, except to start with the energy, passion, creativity and strength in communities and build from there.
7. This puts the third sector in a pivotal position because it is the way communities organise, express collective concerns and give people the confidence and skills to challenge, and create change. The third sector works to enthuse, motivate and organise people and create community ownership and structures.

8. This requires investment (grants, core funding), and volatility of funding means less potential for growth and contribution to this agenda.
9. The vision for public services has been set by Welsh Government in its document *Improving public services for people in Wales*: “In particular, public services must increasingly be delivered not **to** people, but **with** people. This means involving people in the design and delivery of services, recognizing people’s own strengths and tailoring services accordingly.” (p.10) The Well-being of Future Generations (Wales) Bill has the potential to be a key tool in delivering this vision, and it is vital that it makes provision for the genuine involvement of citizens and communities.

Purpose of the Act

10. The focus of the Act is on the “governance arrangements” of public bodies. There is therefore ambiguity to the extent of the functions of the Act, which would benefit from clarifying. Our response emphasizes the importance of engagement throughout, but without clarity and coherence about the purpose and extent of the legislation, it will be difficult to engage people and communities.

Goals, objectives and indicators

11. Colleagues in the Third Sector Sustainable Development Alliance have made representation about the Goals and their descriptions.
12. In order for the goals, objectives and indicators to be meaningful, there will need to be specific and measurable.

Principles

13. The Bill sets out the matters public bodies need to take into account in applying the sustainable development principle (Part 2, section 8(2)). We believe these could be strengthened and are vital considerations throughout the whole Bill and its supporting guidance, as follows:
14. **Long term needs** - At present there is no clarity about what “long term” means: what kind of timescale it refers to. The Future Generations report, to be published by the Commissioner, includes the requirement that it should “take greater account of the long-term impact of the things that [public bodies] do.” While we welcome this provision as we believe this is vital to shift decision making from the immediate or short term, it would benefit from greater clarity (see also under ‘prevention’ below). In order to achieve this objective, we would strongly encourage including a requirement to publish a future implications report, as recommended by the Early Action Taskforce. There has been much discussion about whether budget setting and procurement would explicitly feature on the face of the Bill, or whether these activities would be captured. Introducing an explicit requirement about publishing the long-term implications of decisions, both as part of the national Future Trends report and as a

requirement for other public bodies, would help ensure that all public bodies make decisions which are prudent financially, socially and environmentally.

15. **An integrated approach** - Considering how objectives “*may* contribute to meeting one objective” would not lead to a truly integrated approach.
16. **Involving those with an interest** - While we welcome the recognition in the Bill of the need to seek advice and to consult, we believe that the provisions could go considerably further: beyond “must consult” to a genuine, first-stage and meaningful involvement of people, communities and community groups, to enable decisions to be made collectively and democratically.
17. **Acting in collaboration** - The requirement in the Bill is for public bodies to consider how acting in collaboration *could* assist in meeting objectives. Again, ?
18. **Deploying resources to prevent problems** - Short-term (1-3 year) budgetary cycles and purchasing / funding decisions - and indeed electoral cycles - militate against longer-term thinking (e.g. 10 years). Investing resources to prevent problems occurring requires a recognition that the benefits may not accrue for a number of years. For example, the feasibility study and business case for the development of an early intervention mental health service (commissioned by WCVA, Cwm Taf Health Board and Interlink RCT) established that the service might not deliver real savings until year 6. An explicit requirement for public bodies to consider the long-term would help shift decision-making to the longer term.
19. We would emphasise the principles of co-production and community engagement, which we believe should be embedded throughout the legislation. They may be set out as follows (from Community Development Cymru):
 - **Social Justice:** Building an equal and fair society where all community and human rights are promoted and oppression in any form is challenged.
 - **Self-determination:** Individuals and groups identifying shared issues and concerns to enable them to take collective action.
 - **Working and Learning together:** Valuing, sharing and using the skills, knowledge, experience and diversity within communities to collectively bring about desired changes.
 - **Sustainable Communities:** Supporting communities to develop their strengths, resources, and independence whilst making and maintaining links to the wider society.
 - **Participation:** The right for all to be active participants in the processes that affect their communities and lives.

- **Reflective Practice:** People learning from their collective and individual experiences to inform their future action.
20. It is also important that any analysis or assessment of need also involves an analysis of resources. This is vital in shifting public service provision from addressing deficits and looking at the capabilities, contributions and resources of people and communities. This is articulated in the Social Services and Well-being (Wales) Act 2014 (see below).

Advisory Panel to the Commissioner

21. The advisory panel to the Commissioner represents a panel of Welsh Government appointments, and we would recommend the appointment of an independent third sector representative on the panel.

Public Service Boards

22. The change from Local Service Boards to Public Service Boards represents a potentially significant development. In order to operate effectively, Public Service Boards will need access to appropriate evidence to inform their planning and decisions; and will need sufficient capacity and resourcing.
23. We welcome the commitment in the Bill to engage bodies representing voluntary organisations as statutory invitees to the Public Services Boards. We regard the input of the County Voluntary Councils as vital to representing the view of local community groups, and view the third sector as key partners and contributors to public service design, development and delivery.
24. We also echo the points made above regarding engagement. In order to have greater visibility and legitimacy to make decisions, Public Service Boards will need the genuine involvement of people, communities and community groups at the earliest possible stage and throughout the assessment of local well-being and the development of local well-being plan.
25. Again, the emphasis for Public Service Boards before publishing their assessments is that they “must consult”. We would like to see a greater emphasis on community engagement principles so that assessments and plans are *jointly* developed.

Consistency with other Welsh Government legislation

26. We would also emphasise that the language and intent needs to be consistent with other Welsh Government legislation, in particular the Social Services and Well-being (Wales) Act 2014.

Conclusion

27. In summary, we believe there is scope to strengthen the provisions in the Bill to reflect a genuine commitment to engaging people and communities in the decisions regarding improving the current and future well-being of Wales.

WCVA
September 2014

Attached: *Putting People at the Centre*, WCVA

Putting people at the centre

Pack Page 55

**Start with the people, not the systems
and empower us all to take part**

Wales Council for Voluntary Action represents, campaigns for and supports voluntary organisations, community action and volunteering in Wales.

WCVA is committed to a strong and active third sector building resilient, cohesive and inclusive communities, giving people a stake in their future through their own actions and services, creating a strong, healthy and fair society and demonstrating the value of volunteering and community involvement.

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We believe that there is an urgent need to transform public services in Wales by:

- Treating people and communities as assets and equals in design and delivery
- Building services around the person and community
- Unlocking potential resources of time, money and expertise to combine with state funding
- Using existing state resources to enable and maximise citizen and community action, capital and care

Change is needed now because:

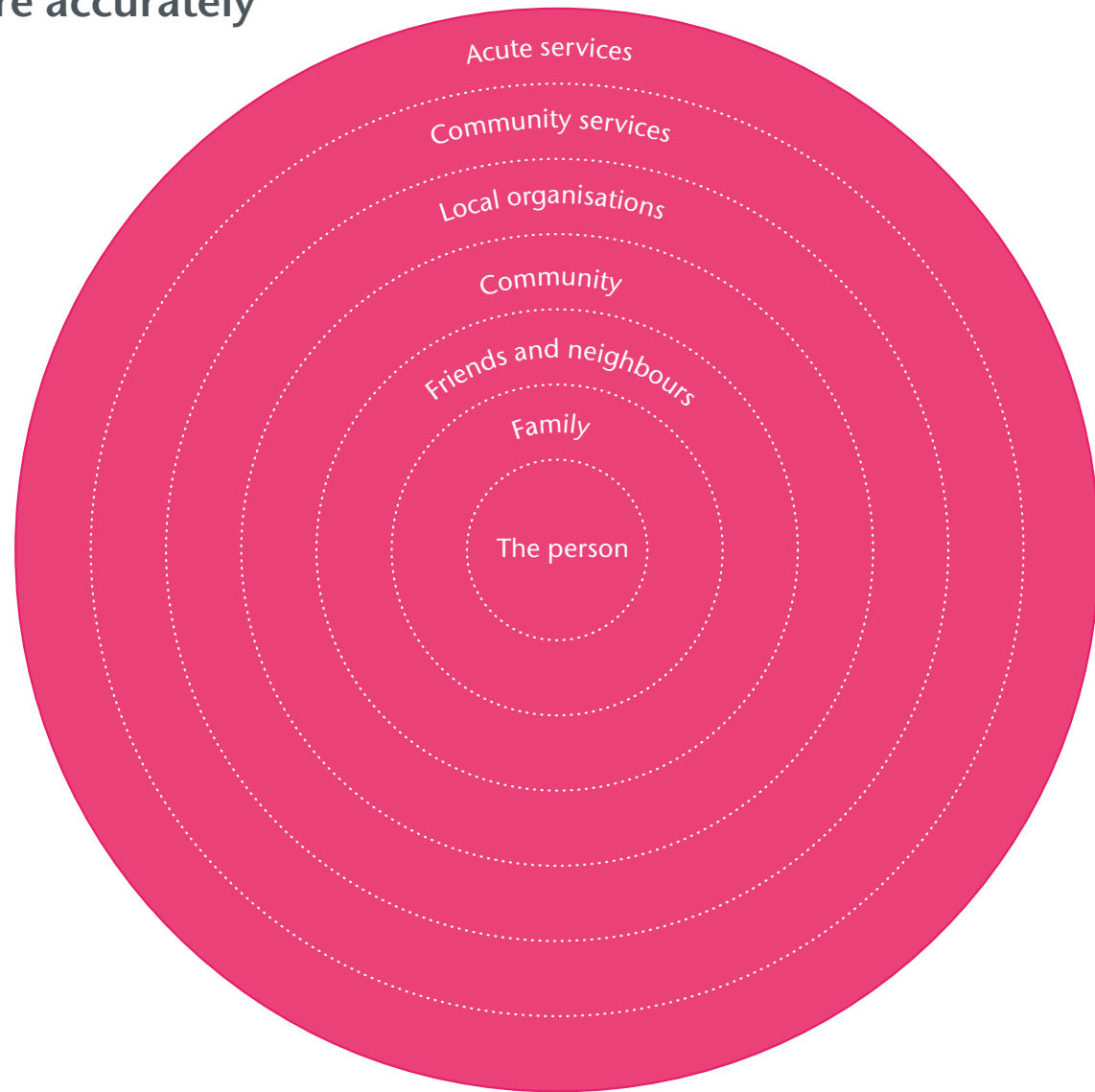
- Money is running out
- Efficiencies alone will not be enough
- Demand for acute services is rising
- Preventative and community services are being cut
- Quality of life cannot be delivered by the state alone
- Community action and volunteering is not being capitalised
- Communities need to be resilient at the local neighbourhood level

This is why many people are now looking at a different co-produced public service, which places the citizen and community at the centre, with the state as the enabler and facilitator.

This co-production or sharing of responsibility, power and resource recognises more accurately how we actually live our lives.

It meets our needs to live in safe, healthy and prosperous and attractive places and accords with our understanding that quality of life is determined by a mix of individual, family, community and state action in which the former will often be the most important.

Wales has a strong and proud history of community action and mutualism and the third sector can build upon this history of shared vision, mobilisation, responsibility and action in the following ways.



1 Engaging individuals and communities in identifying need or working together to meet those challenges. Co-designed services are often more likely to succeed in every way and enable the individual and community to be strengthened and empowered.

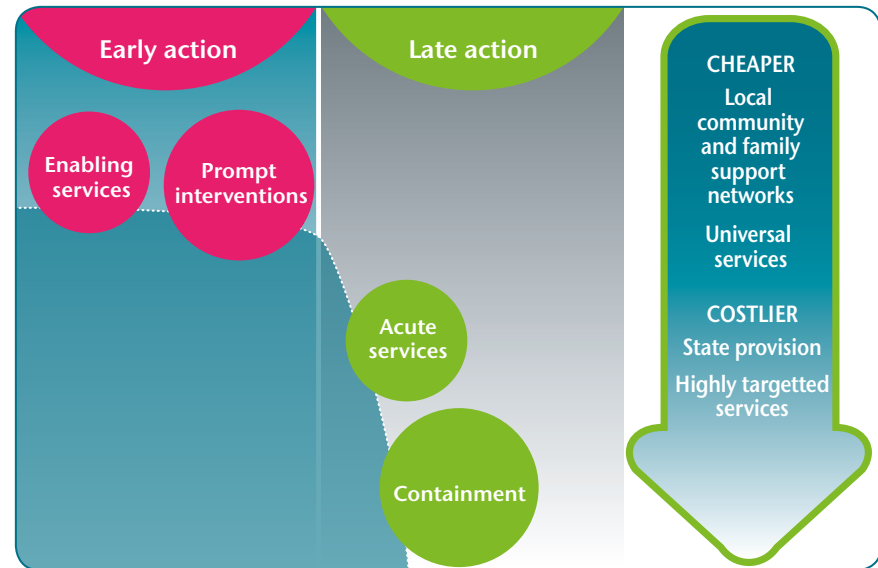
Llwynhendy is a community of 4,500 people outside Llanelli. Community consultation highlighted concern about an area of derelict land known as the tip used for fly tipping and a magnet for anti social behaviour. A project was set up to transform the 'tip' into a growing green space and with government money and planning permission, volunteers from across the community. Project not only transformed the site but is also considering taking on adjacent garages as workshops and developing a garden share scheme.

This is a good example of co-production, using community development techniques to solve a set of interrelated problems in a deprived Communities First area which has since moved up the deprivation rating and lost its Communities First status.

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2 Taking action early to avoid longer term demands on more expensive services

Early action is cheaper than late action, but we spend most of our public money on the latter.



[The Triple Dividend Community Links]

Many third sector services eg, Care and Repair, community transport, befriending and social clubs are essential to maintaining people in their community but are now at risk through cuts. We need more third sector services not less, if demands on acute or residential services are not overwhelming.

3 Developing alternative forms of service delivery

There are some exciting examples of co-production in action but they are patchy, rarely replicated and again under threat. A major driver of co-production is citizen directed support (CDS), which enables the individual to choose and pay for the services they want. This can be done individually or pooled with others to develop new forms for patterns of service directly tailored and designed by the individual.

Some families find that traditional respite care for children with complex needs does not work.

'In a new environment, out of his routine he struggled to sleep, eat or drink enough. He came home on the verge of hospitalisation. It was not respite for us.'

However, through a 'citizen directed service' (personal) budget, they were able to buy very specialist overnight stays, short breaks with foster families and care provided in families' houses as well as social and leisure centres. Where services did not exist, Scope has helped parents of disabled children pool resources and jointly purchase tailor made short breaks and leisure activities and share transport etc and support one another. In this way a better service has emerged with more flexible and sustainable options.

The Guardian 14/8/2013

The backbone of a co-production approach is engagement with and support from the local community and this needs to be unlocked, enabled and nurtured with access to support information, training resources and the development of a portfolio of assets.

The continued existence of many local amenities can no longer be taken for granted, but developing and maintaining 'community hubs' is a crucial building block to the co-production approach which can also provide alternative ways of avoiding closures by ownership transfer, reconfiguring the service, community involvement and service reduction.

Two councils want to cut expenditure on libraries.

In Council 1 the decision is taken by the Cabinet and the library is closed, with protests and negative publicity which do not alter the decision. Staff are made redundant and there is no longer a service in the area of any sort.

Council 2 went to the community with its proposals and asked for ideas. The community propose transferring the freehold of the library building to a development trust; and transferring the library service to a nearby community centre with spare capacity, and running it with a mix of residents and a paid co-ordinator. The trust sells the original building and uses the proceeds to establish an endowment to pay towards the co-ordinator. Other ongoing costs are met by a continued revenue grant from the Council that is 80 per cent less than previous expenditure. The service and at least one associated job are maintained.

4 Community services

Co-producing statutory services requires intelligent commissioning, which can involve the community and lead to broader requirements and new forms of service including users co-operatives, mutuals, community interest companies or charities.

Micro enterprises delivering services

The project is designed to generate small, highly tailored community-based care packages for frail and vulnerable older people, provided by independent 'microenterprises'. A micro-enterprise may take the form of a single volunteer or small team of volunteers, a social enterprise or a sole trader or small business but in any case the relationship between the older person and the micro-enterprise relies on co-production for its successful delivery. The micro-provider delivers the package in a close relationship with the client and strong connections to the health care staff who helped initiate the process are maintained throughout. In the medium to longer term, this shift in the balance of care is intended to reduce demand on acute health services to the extent that resources can be transferred to establish sustainable community-based provision.

Bragg Enterprises, Fife

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5 Acute services

The success of a co-production approach should reduce or at least stabilise demands on acute services. There is a considerable amount of interest in introducing a greater degree of user engagement and service transformation within acute hospital and criminal justice systems. These approaches are seeking to design services using the multiplicity of resources which improve wellbeing of users, families, carers and communities in such situations.

Twilight service: 'out of ours' home from hospital transport and risk assessment

This service prevents unnecessary admission to hospital by offering transport home from hospital for patients over 55 year old who are medically fit for discharge from A&E at two local General Hospitals, and to prevent readmission to hospital by risk assessments in the home and referrals to community and statutory support organisations.

The Twilight service is funded by health and social services and operates five days a week, between 2pm and 10pm. Drivers, all of whom are bilingual, are available in the two hospitals to transport patients home in a friendly manner. Each patient is transported home, helped to settle and offered a home safety check and referral to other activities/services if appropriate.

F Zinovieff & B Collis (2010) The Role of the Voluntary Sector in Delayed Transfer of Care (DToC)/Hospital Discharge and Prevention of Readmission

6 Scrutiny

Independent scrutiny can improve the quality of a decision and therefore the outcomes. Measures to develop access and engagement for informed citizens are a key component of co-production, since scrutiny completes the design – delivery – assess cycle.

Local scrutineers

Mantell Gwynedd (the county voluntary council for Gwynedd) and Cyngor Gwynedd (Gwynedd Council) have worked closely in order to maximise third sector participation in the scrutiny process. Mantell Gwynedd has a formal system in place to ensure that the third sector has a strong voice in respect of the local authority's scrutinising processes. Mantell Gwynedd has a 'bank of scrutineers' from the third sector providing input in certain specialist areas. The third sector also has input in setting the scrutiny agenda for the county.

It must be noted however that the new cabinet regime in Gwynedd raises a fundamental question regarding the influence of scrutiny in the future. There have been incidences recently of the ten cabinet members making a decision despite scrutiny recommendations. Therefore Mantell Gwynedd anticipate that it may be more difficult to attract individuals from the third sector to scrutinise in light of these circumstances.

Bethan Russell Williams, Chief Officer, Mantell Gwynedd

Third sector organisations have vital roles to play in scrutiny: groups can assist scrutiny committees through providing advice, expertise, frontline evidence and most importantly by providing a conduit to (often disenfranchised) citizens' voices. We support the co-option of third sector organisations to scrutiny committees.

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The way forward for public service partners in Wales

WCVA asks our public service partners to commit to, and work with us in these actions for Wales:

1 Engagement

- Engage citizens and communities in design and delivery of services as an equal partner and active participant
- Develop and support community hubs as the 'backbone' of community co-production
- Maintain local support to groups including funding, governance, fundraising and volunteering
- Expand and introduce citizen directed support

2 Prevention and early intervention

- Invest in third sector services
- Adopt intelligent commissioning instead of short term competitive procurement practice
- Commission new forms of community services to enhance and meet the needs of people
- Consider the Wales Wellbeing Bond to create a new service or reengineer an existing one and decommission creatively
- Don't cut local amenities, but recognise them as an essential part of future public services and co-produce alternative ways of maintaining local amenities – do this as part of an 'early intervention and support strategy'

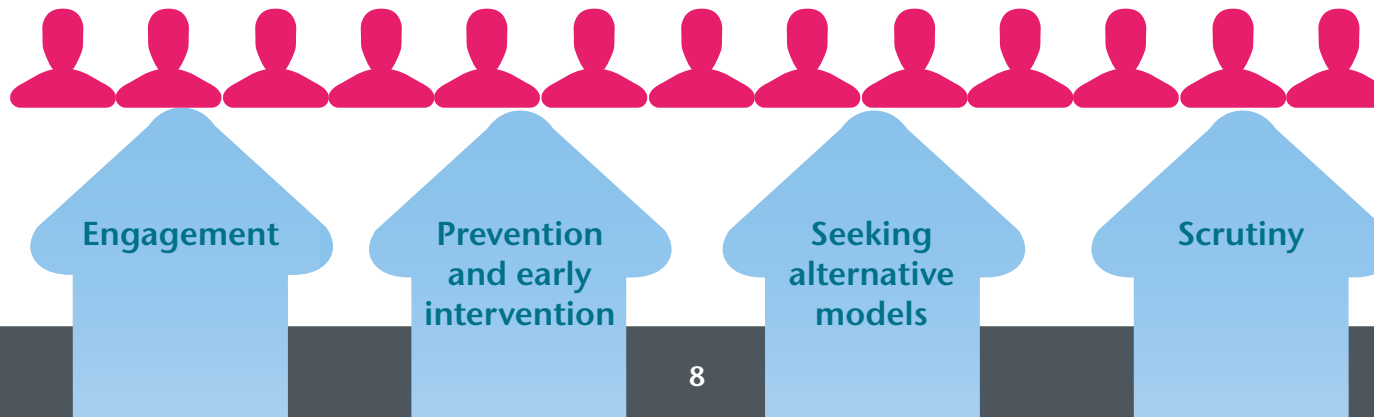
3 Seeking alternative models

- Use flexible and new forms of finance which can then be recycled into other community initiatives
- Pilot new service models of co-operatives, mutuals, community interest companies and charities
- Consider joint statutory/third sector special purpose vehicles, for instance to improve people's/ carer's experiences of acute health and criminal justice services
- Support Street Ambassadors, community currencies and Timebanking

4 Scrutiny

- Introduce a duty to ensure citizen and third sector involvement in scrutiny processes
- Support the development of models of citizen scrutiny
- Work with the third sector to engage citizens' voices, as well as the expertise of the third sector in diverse policy and service areas

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**Wales Carers Alliance response to the National Assembly for Wales’
Environment and Sustainability Committee Consultation on**

The general principles of the Well-being of Future Generations (Wales) Bill

Carers and the Wellbeing of Future Generations (Wales) Bill

1. The Wellbeing of Future Generations Bill is the third piece of Welsh legislation to cover strategic planning for carers since 2010.
2. The Carers Strategies (Wales) Measure 2010 was introduced by the Welsh Government, following a proposed Legislative Competence Order by Plaid Cymru. The Measure placed a duty on Local Authorities, Local Health Boards and NHS Trusts to prepare, publish and implement a strategy for carers, with Local Health Boards as the lead agency. The detail of the strategies were provided for by regulations and included amongst other things; identification of carers, the provision of information, training of front-line staff, engagement with GPs and consultation with carers. The Measure came into force in 2012.
3. In 2013 the Welsh Government published the Social Services and Wellbeing (Wales) Bill which repealed the Carers Strategies Measure. The Wales Carers Alliance opposed the repeal of the Measure and the Welsh Government introduced an amendment to the Bill in January 2014 to address these concerns. Section 14.3 of the Social Services and Wellbeing (Wales) Act 2014 maintains a duty on LHBs to report to Welsh Ministers on any sections of the local health and wellbeing strategies which relate to carers (via the Single Integrated Plans).
4. The Wellbeing of Future Generations (Wales) Bill tabled in July 2014 subsequently repeals section 14.3 of the Social Services and Wellbeing (Wales) Act 2014. This Bill, which aims to simplify and streamline strategic planning for public bodies in Wales, putting Public Service Boards on a statutory footing with a duty to assess, plan and report on their objectives to improve the wellbeing of their populations, only contains one reference to carers in section 36.
5. The Wales Carers Alliance is concerned about the oversight of the legislative process which has incrementally diluted the legal status of strategic planning for carers in Wales; in particular the specific duty, as the lead agency for carers strategies, on LHBs and NHS Trusts and the detail of the local carers strategies, provided for by regulations under the Carers Measure.

6. The Wellbeing of Future Generations Bill aims to simplify and streamline strategic planning for public bodies in Wales and to ensure the needs of the present are met without compromising the ability of future generations to meet their own needs. There are major demographic changes facing our society and the ability to meet the increasing demand for care (both paid and un-paid) in a sustainable manner is going to be a considerable challengeⁱ. With regards to meeting this demand, evidence demonstrates that investment in carers-focused services has a positive impact not only on the health and wellbeing of carers but also in reducing the amount of time spent in hospital by people with long-term health conditions and avoiding delays in transfer of care^{ii iii iv}. This aligns with the Wellbeing Goals outlined in section 6 of the Bill (including 'A healthier Wales' and a 'More equal Wales') as well as the sustainable development principle.
7. As such, the role of public bodies in supporting unpaid carers as individuals and through carer-focused services is therefore very relevant to the aims of the Wellbeing of Future Generations Bill and the Wales Carers Alliance welcomes putting Public Service Boards and local wellbeing plans on a statutory footing. We are concerned however that in the desire to streamline strategic planning important legal provisions for carers have been lost.
8. The only reference to carers in section 36 of the Bill relates to the population needs assessments under section 14 of the Social Services and Wellbeing (Wales) Act 2014 and in no way replicates the detailed strategic planning for carers outlined in the Carers Strategies (Wales) Measure 2010. Assessments undertaken by the Public Service Boards will have to include carers but the Bill does not specify the content of the local wellbeing plans under section 37. The current Single Integrated Plans are extremely variable in regards to carers, ranging from no mention at all, to one sentence or maybe a paragraph. A number of local authorities though have appropriately included a section on carers in their current Single Plans, acknowledging and summarising their involvement in the local LHB carers strategy e.g. Cardiff, The Vale of Glamorgan, Denbighshire, Merthyr and RCT. Similarly the Bill provides no detail on the content of the reports under section 44 and as there are no regulatory provisions under these sections of the Bill, Welsh Government will not be able to prescribe the content of the local wellbeing plans or reports under regulations either.

Aelodau:

Age Cymru, Anabledd Dysgu Cymru, Cymdeithas Genedlaethol Awtistiaeth Cymru, Cymdeithas Alzheimer, Cymdeithas MS Cymru, Cynhalwyr Cymru, Cyswllt Teulu Cymru, Fforwm Cymru Gyfan, Gofal a Thrwsio Cymru, Hafal, Macmillan Cancer Support, Parkinson's UK, Plant yng Nghymru, SNAP Cymru, Y Gyndeithas Strôc, Ymddiriedolaeth Christan Lewis, Ymddiriedolaeth Gofalwyr

Members:

Age Cymru, All Wales Forum of Parents & Carers, Alzheimer's Society, Care & Repair Cymru, Carers Wales, Children in Wales, Christian Lewis Trust, Contact a Family Wales, Hafal, Learning Disability Wales, Macmillan Cancer Support, MS Society Wales, National Autistic Society Cymru, Parkinson's UK, SNAP Cymru, Carers Trust, The Stroke Association

9. There are over 370,000 carers in Wales^v and for the vast majority of these their main contact with statutory agencies is via a health care professional^{vi}, which is why it is so important to maintain a clear and specific duty on LHBs and NHS Trusts for carers. The Wales Carers Alliance is calling for the Wellbeing of Future Generations Bill to maintain LHBs and NHS Trusts as the lead agencies for carers as well as ensuring that the detail of the current local carers strategies are not lost, such as; the identification of carers, the provision of information, training of front-line staff, engagement with GPs and consultation with carers.
10. The Wales Carers Alliance has provided officials with a number of suggestions for how this can be accomplished and we look forward to working with Ministers and officials to achieve a satisfactory outcome.

September 2014

ⁱ 2011 Census

ⁱⁱ Williams, E, Fitton, F (1991) Survey of carers of elderly patients discharged from hospital. *British Journal of General Practice*, 41, 105 – 108

ⁱⁱⁱ Conochie, G (2011) *Supporting Carers: The Case for Change*; London: The Princess Royal Trust for Carers and Crossroads Care.

^{iv} Bebbington, A, Darton, A, Netten, A (2001) *Care Homes for Older People: Volume 2. Admissions, Needs and Outcomes*; University of Kent: Personal Social Services Research Unit

^v *Carers Strategies (Wales) Measure 2010 Guidance issues to LHBs, NHS Trusts and Local Authorities Welsh Government (2011)*

^{vi} *The Generation Strain: Collective Solutions to Care in an Ageing Society IPPR report (2014)*

Aelodau:

Age Cymru, Anabledd Dysgu Cymru, Cymdeithas Genedlaethol Awtistiaeth Cymru, Cymdeithas Alzheimer, Cymdeithas MS Cymru, Cynhalwyr Cymru, Cyswllt Teulu Cymru, Fforwm Cymru Gyfan, Gofal a Thrwsio Cymru, Hafal, Macmillan Cancer Support, Parkinson's UK, Plant yng Nghymru, SNAP Cymru, Y Gyndeithas Strôc, Ymddiriedolaeth Christan Lewis, Ymddiriedolaeth Gofalwyr

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Title: Well-being of Future Generations (Wales) Bill

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Tel: 01639 620771

Address: Barnardo's Cymru Policy and Research Unit
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1. Information and working context of Barnardo's Cymru

Barnardo's Cymru has been working with children, young people and families in Wales for over 100 years and is one of the largest children's charities working in the country. We currently run 88 diverse services across Wales, working in partnership with 19 of the 22 local authorities, supporting in the region of 8,500 children, young people and families last year. Barnardo's Cymru services in Wales include: care leavers and youth homelessness projects, young carers schemes, specialist fostering and adoption schemes, family centres and family support, parenting support, community development projects, family support for children affected by parental imprisonment, domestic abuse and parental substance misuse, short breaks and inclusive services for disabled children and young people, assessment and treatment for young people who exhibit sexually harmful or concerning behaviour and specialist services for children and young people at risk of, or abused through, child sexual exploitation and young people's substance misuse services.

Every Barnardo's Cymru service is different but each believes that every child and young person deserves the best start in life, no matter who they are, what they have done or what they have been through. We use the knowledge gained from our direct work with children to campaign for better childcare policy and to champion the rights of every child. We believe that with the right help, committed support and a little belief, even the most vulnerable children can turn their lives around.

- | |
|---|
| <ul style="list-style-type: none">▪ This response may be made public.▪ This response is on behalf of Barnardo's Cymru. |
|---|

Inquiry submission

Barnardo's Cymru works with families, children and young people across Wales and a substantial element of the work we deliver is commissioned by local authorities as part of their work to secure better outcomes for children and young people and to meet the requirements of Welsh Government.

1. The 'common aim' principle

- 1.1.** We are disappointed that the 'common aim' principle as presented on the face of the Bill does not include any reference to children's rights and the UNCRC. The Child Rights Impact Assessment (CRIA) that is published with the Bill states that *'the Bill will potentially support and promote the UNCRC but it is for the organisations already responsible for public services to deliver solutions – it is up to them to decide what their well-being objectives will be and how they will meet them'* (Step 3, Para 1,CRIA). It is of concern that a piece of legislation which has the term 'future generations' in its title does not include direct reference to measures to promote children's rights in line with Welsh Government intentions as contained in the Rights of Children and Young Persons (Wales) Measure 2011.
- 1.2.** The CRIA accompanying the Bill does not give proper consideration to the ways in which the Bill could be strengthened to directly promote children's rights but rather considers how the 'common aim' should/is likely to provide opportunities for better outcomes for children.
- 1.3.** The Social Services and Well-being (Wales) Act includes provision that *'a person exercising functions under this Act in relation to a child' ... 'must have due regard to Part 1 of the United Nations Convention on the Rights of the Child'*. The Well-being of Future Generations (Wales) Bill would be considerably strengthened if the same provision were to be included on the face of the Bill. Such provision would also ensure the Minister's duty to give due regard to the United Nations Convention on the Rights of the Child was clearly demonstrated. The omission of such provision represents a lost opportunity to promote children's rights and the UNCRC in Wales in a way that will impact on the lived experiences of children in Wales.

2. The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies.

- 2.2.** The Social Services and Well-being (Wales) Act defines 'well-being' against eight domains for people and in relation to one further domain for children and two additional domains for adults (Part 1, page 5, lines 5-22). The relationship between the well-being goals contained in the Bill and well-being as defined in the Social Services and Well-being (Wales) Act is not clear. Clarity is needed on the ways in which the well-being objectives that local authorities must develop in relation to the Bill will relate to the duties to promote well-being imposed on them through the Social Services and Well-being (Wales) Act. This is potentially confusing for duty bearers and for the public, in particular children and young people.

- 2.3.** As set out in response to item 1 above we would like public bodies exercising functions under the Bill to be required to have due regard to Part 1 of the United Nations Convention on the Rights of the Child as is the case with the Social Services and Well-being (Wales) Act.

3. The approach to measuring progress towards achieving well-being goals and reporting on progress

3.1 The Social Services and Well-being (Wales) Act requires the Welsh Minister to issue a statement specifying the well-being outcomes that are to be achieved for people who need care and support and carers who need support. The Deputy Minister issued such a well-being statement in 2013.¹ The statement describes the well-being outcomes that people who need care and support and carers who need support can expect and how Welsh Government will measure whether these outcomes are being achieved. The statement describes aspects of well-being that relate to all areas of an individual's life. On June 26th, 2014 Welsh Government published 'The national outcomes framework for people who need care and support and carers who need support, 2014-15; working document'.² The well-being statement sits within the national outcomes framework. The second phase of the national outcomes framework includes outcome indicators to measure whether national policies and local practices are supporting people to achieve the well-being outcomes described in the well-being statement and includes indicators related to measured data outcomes. The 'what people can expect' indicators sit across both elements of the national outcomes framework and the new Local Authority Social Services Performance Measurement Framework.

3.2 Clarity is needed on the relationship between the national indicators that may be applied for the purpose of measuring progress towards the achievement of the well-being goals introduced by the Bill and the well-being outcomes contained in the national outcomes framework under the Act. As a provider of services that now sit under the Social Services and Well-being (Wales) Act and of services designed to deliver on the objectives currently contained in Single Integrated Plans (that will become Well-being Plans under the Bill) we would seek clarity on the synergy between future reporting frameworks. We understand that a shared Outcome Framework in relation to Tackling Poverty programmes including Communities First, Families First and Flying Start is also being developed. It is not clear how these overlapping but separate outcomes frameworks and indicators will fit together in a way that does not impose onerous reporting requirements that will draw from shared evidence on population well-being.

4. The establishment of a Future Generations Commissioner for Wales.

4.1. We welcome the fact that the Children's Commissioner for Wales will be a member of the advisory panel that will provide advise to the Commissioner on the exercise of Commissioner's functions.

¹ <http://wales.gov.uk/docs/dhss/publications/130416frameworken.pdf>

² [National Outcomes Framework 2014](#)

5. The establishment of statutory Public Service Boards, assessments of local Well-being and development/implementation of local well-being plans.

- 5.1.** Under arrangements that preceded the introduction of Local Service Boards strategic Children and Young People's Partnerships (CYPPs) were in place in each local authority in Wales. Welsh Government commissioned research carried out by Barnardo's Cymru and Action for Children³ suggests that changes in structures, in particular the removal of Children and Young People's Partnerships (CYPPs) in many areas of Wales has reduced the quality of dialogue between the public and the third sectors. CYPPs were seen as a useful forum for not only providing networking opportunities but also as a means for stake-holders to contribute to strategic plans or at the very least to have their opinions heard. While they recognised that some areas had replaced the CYPPs with other structures, respondents felt these arrangements were not as useful. As providers of services on the ground Barnardo's Cymru and other third sector organisations are well placed to understand the needs of and issues facing children, young people and families in local communities. Clarity is needed on the arrangements that will be made to ensure that the third sector will have opportunities for meaningful engagement with statutory Public Service Boards in relation to issues for children, young people and families.
- 5.2.** The same research (see 5.1 above) found that the extent of consultation with third sector providers varies widely across Wales. Participants reported that they are often responding to Local Authority strategic plans rather than contributing to them. This is in contrast to the experience of Barnardo's Cymru under old arrangements, where through close working across the CYP Partnerships delivery partners were able to both inform and better understand the development and aims of Children and Young People's Plans.
- 5.3.** The introduction of Single Integrated Plans (SIPs) provided for the discharge of duties that were previously discharged through the production of Children and Young People's Plans. Children and Young People's Plans used the framework of the Welsh Government's 7 Core Aims for all children and young people which were in turn directly related to the UNCRC. The Children's Commissioner for Wales published his Child Poverty Strategy Progress report in October 2013.⁴ The Children's Commissioner reported that he had assessed the SIPs published by local authorities in terms of how far they demonstrated a commitment to tackle child poverty. The Children's Commissioner found that the majority of SIPs included a clear focus on child poverty and actions on reducing the number of children in poverty. However he was also found that a small number of SIPs had a focus on poverty but did not specifically prioritise child poverty. The Children's Commissioner for Wales also reported concerns that only around a third of SIPs included reference to the UNCRC and/or Welsh Government's 7 Core Aims.

³ Barnardo's Cymru and Action for Children (June 2014), *Beyond Barriers: promoting best practice in commissioning, procurement and collaborative working for children, young people and their families across Wales*, funded by Welsh Government

⁴ <http://www.childcom.org.uk/uploads/publications/402.pdf>

- 5.4. The loss of a clear focus on planning directly linked to a child right's framework and promotion of rights under the UNCRC that has been seen in relation to the move from Children and Young People's Plans to Single Integrated Plans should be remedied through expectations on the face of the Bill in relation to Well-being Plans. The introduction of a duty to have due regard to the UNCRC for those carrying out functions under the proposed legislation (see para 1.3 above) would provide a safeguard against any further dilution of planning aligned to the promotion and delivery of children's rights under local planning processes.

Agenda Item 2

National Assembly for Wales

Environment and Sustainability Committee

WFG 69

Well-being of Future Generations (Wales) Bill

Response from Welsh Local Government Association

Well Being of Future Generations (Wales) Bill

September 2014



WLGA • CLILC

INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales. The three national park authorities and three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. WLGA welcomes the opportunity to submit comments to the Environment and Sustainability Committee's inquiry into the general principles of the Well Being of Future Generations (Wales) Bill.

On a general note, WLGA is supportive of the overall aim of the Bill of ensuring public bodies make sustainable development their central organising principle. With some financial support from the Welsh Government, the Association has been running a Sustainable Development Framework for a number of years to support local authorities in developing their understanding of sustainable development (SD). We have piloted work with the City and County of Swansea to help them in their efforts to mainstream SD. In the current year we are working with eleven 'early adopter' local authorities and the three National Parks to work through the implications of the Bill and ensure that necessary preparatory work is being undertaken. The learning from Swansea and the 'early adopters' has been, and will continue to be, shared with the other local authorities (for further detail see [Sustainable Development Framework : Environment and Regeneration : TOPICS : Welsh Local Government Association](#)).

COMMENTS ON SPECIFIC TERMS OF REFERENCE

(i) How the Welsh Government should legislate to put sustainability and SD at the heart of government and the wider public sector

4. Sustainable development is an all-embracing concept which relates fundamentally to the way we think about and do things we are already planning or doing. As subject matter for legislation this is quite unusual and challenging. Most legislation involves the introduction of a discrete set of actions or prohibitions.
5. SD requires public bodies to think differently, weighing up social, economic and environmental factors before coming to a (political) decision. Invariably there is not a clear 'right' or 'wrong' answer. Instead, following an assessment of all available evidence (including likely future trends) a decision has to be taken which is felt to be in the best interests of not only today's but also future generations. This makes it a very difficult subject to legislate upon. However, the introduction of legislation will

force public bodies to take the matter seriously and the approach taken in the Bill does have the potential to change practice. There are some caveats to this general support which are included in paragraphs 9 and 10 below.

(ii) The general principles of the Well-being of Future Generations Bill and the need for legislation in the following areas:

(a) The 'common aim' and 'sustainable development principle' established in the Bill and the 'public bodies' specified

6. There is a need for a clear definition of SD in the Bill. The 'common aim' and the 'SD principle' together provide a definition. It is questionable, however, whether the introduction of the additional terminology about common aims and principles is necessary or even (un)helpful in this respect. The public bodies listed, coupled with the ability to involve 'other persons' who exercise functions of public nature, appears a sensible approach given current arrangements under the devolution settlement.

(b) The approach to improving well-being , including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies.

7. By providing an overarching framework of goals and objectives for Wales the Bill provides useful context and a much needed single point of reference and source of co-ordination for *all* areas of activity. This should help to break down 'silo' approaches both within and between organisations as links and interactions (positive and negative) between different activities start to be thought through and addressed 'upstream', at the planning stages.
8. While generally the WLGA support the Welsh Government's approach to improving well-being in Wales, there are some caveats to this though. First, it is important that the legislative requirements around goals and objectives do not degenerate into a bureaucratic and burdensome exercise – especially at a time of severe financial pressure for all public bodies. SD thinking has the potential to drive out waste and duplication and encourage a focus on prevention and demand management – all of which can help public bodies in the current climate. However, if too much time has to be spent documenting evidence and undertaking audits and assessments these benefits will be undermined. Secondly, the Bill should be amended to secure clarity about the implementation of the goals set up in the Bill. As they stand, the goals are too high level. While the description of the goals in the table is very useful, a further

level of explanation would be needed. It would be very useful if the Welsh Government were to bring down the description one level and if the Bill were amended to ensure the Welsh Government issues guidance on the meaning of the descriptions of the goals, for example on what is meant by 'proportional use of resources' under the description of the first goal.

9. Thirdly and related to this, there needs to be greater clarity over the ability and power of Welsh Ministers to change goals. The Bill provides for Ministers to add, remove or amend the title or description of a goal and, if necessary as a result, to revise their objectives. Clarification is needed as to how often this could take place to ensure that this does not happen too often. Such changes would have significant implications for public bodies in reviewing their objectives and subsequent collaboration with other persons. The procedures (other than consultation) that would need to be followed need to be set out more clearly (e.g. would such a significant change demand use of the super affirmative procedure in the Assembly?). Fourthly, in circumstances where one public body's objectives will impact on another's, there is the question of 'who goes first?' It is not clear how this should be achieved if each public body determine its own objectives and then meet with others to consider the implications and come to a consensus; (there are implications for Scrutiny involvement in the initial objectives, the revised consensus objectives both for the Local Authority and the Public Services Boards) or should they meet before determining their objectives to discuss integration and co-operation? Timescales will be critical here, with the potential for delay (allowing for arrangement of meetings etc.) The Bill should be amended to clarify each of these elements. Finally, the requirements in the Bill must facilitate open discussion between organisations – including with the Welsh Government if there are instances where the various demands the Welsh Government places on public bodies are felt collectively by the organisations to work against or prevent an SD approach in the exercise of their functions or are considered to not be based upon Sustainable Development principles

(c) The approach to measuring progress towards achieving well-being goals and reporting on progress.

10. There has to be a balance between measuring progress towards delivery of goals (outcome –focused) and measuring the extent to which SD principles have been embedded in the governance of public bodies (inevitably process-focused). The achievement of goals will take time to evidence – e.g. becoming a healthier nation will

not happen overnight. Annual reports therefore may reveal little progress in terms of outcomes for some time. Moreover, any changes in Welsh Government goals/objectives will impact on reporting and the ability of public bodies to demonstrate progress.

11. It will therefore be important to have some measurement/reporting of improvements in governance arrangements which are flexible and proportionate. The Bill drives a change of culture which cannot be measured with traditional auditing systems. The Bill currently only requires the production of annual reports to enable some sort of measurement of progress. This is an appropriate system as long as it is not only a quantification exercise and that demonstration of change in practice, culture and behaviour is made. The Bill could make provision for guidance to be produced in collaboration with the public service to detail this a bit further.

(d) The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability

12. WLGA has previously indicated its support for the establishment of an independent Commissioner role. It is important that the Commissioner post has a basis in law and cannot easily be amended or deleted following a change of Government/policy.
13. The powers and responsibilities outlined in the Bill appear to be largely advisory though. Indeed, where the Commissioner makes a recommendation to a public body Section 20(1) suggests that it can be ignored (if it thinks there is good reason not to follow the recommendation or decides on an alternative course of action). Section 20 might need tightening up to clarify for example what is meant by 'good reason' allowing the departure from the Commissioner recommendation. This is indeed a very subjective concept which if interpreted very liberally could undermine the status of the recommendations and even the credibility of the Commissioner.
14. Sections 23 and 24 refer to work with other Commissioners but there is no reference to the Wales Commissioner for the Equality and Human Rights Commission. Whilst the Bill provides for the Commissioners to work jointly it is not clear how and if this would happen in practice. The Bill identifies the need for the public bodies to collaborate and have an integrated approach the Advisory Panel members must be required to do likewise. The Bill needs to be amended to this effect. A co-ordinated approach is, however, essential if public bodies are not to have multiple requirements being placed upon them. Furthermore, it would be worthwhile considering whether there would be merit in integrating or aligning certain aspects of the Wales specific equality duties, as

well as other statutory planning and reporting requirements, with the needs assessment and well-being plan.

15. The provisions in Schedule 2 appear broadly adequate to enable the Commissioner to be held to account. However, it must be remembered that there will always be differences in opinion on what is the 'most sustainable course of action' and that local democracy has a role to play in balancing considerations. It is not clear if the Commissioner would be seen as the ultimate arbiter on such issues or if, for example, the complaints procedure they have to produce would allow for some form of dispute resolution. The Bill should be amended to address this issue and the scenario when the Commissioner is party to the dispute.

(e) The establishment of statutory Public Services Boards, assessments of local well-being and development /implementation of local well-being plans.

16. The WLGA and local authorities have previously questioned the need to make Local Service Boards (now Public Services Boards (PSB)) statutory. The WLGA also emphasised that the strength of LSBs is the cooperation and collective commitment between partners and that the Board itself is merely a means to an end. Therefore, making a Board statutory risks legislative prescription with accompanying bureaucratic duties of reporting and regulation and risks shifting the focus away from relationships, flexibility and creativity to process and compliance.
17. Unfortunately, these concerns appear to have been realised in the Bill as currently drafted. Much of the prescriptive detail is inappropriate for inclusion on the face Bill (such as specific assessments required) and could be more effectively incorporated into supporting guidance, not least because it is likely to be superseded by future legislative impacts and would provide flexibility to consider reports and assessments relating to the economy and the environment.
18. The role of the Welsh Government and relationship with local PSBs is likely to confuse accountability. In the current LSB model, the Welsh Government (represented by senior officials) plays a clear and constructive role in a locally-led process. Whilst the Bill sets out continued Welsh Government membership of the PSB, the Bill allows Welsh Government to prescribe the role and processes of the PSBs and confers powers on Ministers (such as the power to over-turn local plans). There is an obvious tension between Welsh Government membership of the Board and participation in decision-making and these new powers. This changes the dynamic of the Board and potentially undermines what has been a positive and productive relationship between WG officials and other partners.
19. Perhaps even more importantly, these duties and the Ministerial powers which make the PSBs and Well Being Plans less 'local' both in name and status, undermining the

fact that they should be owned by those organisations and communities. It is unclear why Ministers should effectively have powers to veto locally approved plans which have been informed by community engagement and needs analysis. The provisions of the Bill relating to the oversight of the plans by the Welsh Ministers should be removed from the Bill to protect the democratic element of the process

20. While there are references to consultation (following the completion of an assessment of plan), reference to engagement is notably absent from the proposals. This does not reflect LSBs' efforts to establish effective engagement processes at the heart of planning in order to ensure their collective priorities reflect and meet the needs of the communities they serve. This reinforces the impression that these provisions in the Bill are process-focused and reorient the Well Being Plan further towards the delivery of national goals. Provision for engagement should be inserted into the Bill.
21. In recognition of the value of the voice of local communities, there should be a consequential duty on Welsh Ministers to have regard to local intelligence, needs assessments and wellbeing plans to inform its own national evidence and policy development; this has been a missed opportunity during the past 14 years of community strategies and, subsequently, single-integrated plans.
22. The proposals around scrutiny of PSBs should allow for local discretion in terms of how the scrutiny process is managed so that local authorities can use their resources and expertise to best effect and ensure sufficient democratic engagement. Furthermore, the proposed relationship between the scrutiny committee/s, the PSB and Welsh Government clouds accountability. The Bill describes a quasi-regulatory role for the scrutiny committee, with recommendations being reported to Welsh Ministers and the Auditor General for Wales (in addition to the PSB). The Bill also effectively provides Ministers with a power to call-in plans or needs assessments for consideration to local scrutiny. This undermines the essence of scrutiny, which is about local accountability and a clear inter-relationship between the body being scrutinised and the scrutineers. The Bill should be amended so that these powers are only used in exceptional circumstances - such circumstances being defined in guidance subject to affirmative resolution procedure.
23. With regards overview and scrutiny, neither Section 33 of the Bill nor the Explanatory Memorandum refers to Section 61 of the Local Government (Wales) Measure on 'Scrutiny of Designated Persons'. The two pieces of legislation describe similar but overlapping powers, duties and processes for the scrutiny of public service partners. It is therefore not clear whether Section 33 of the Bill repeals Section 61 of the 2011 Measure.
24. Section 46(3)(a) of the Bill should be amended to give freedom of choice to local authorities to voluntarily merge regardless of whether or not they are served by the same LHB. Such amendment would guarantee consistency with the current White Paper out for consultation 'Devolution, Democracy and Delivery White Paper – Reforming Local Government'

(iii) How effectively the Bill addresses Welsh international obligations in relation to sustainable development

25. The WLGA welcome the fact that the Welsh Government has taken into account both the UN and EU perspectives when preparing this Bill

(iv) Any potential barriers to the implementation of these provisions and whether the Bill takes account of them.

26. The Bill is planned to come into force for public bodies from 2016. Because the new system proposed in this Bill will replace and regroup existing processes there should be no major barriers to the implementation of the Bill. Saying that, for local authorities the prospect of imminent reorganisation will be a significant influence on their forward plans. It will be difficult for authorities to invest in long term plans for their areas when their short term futures are uncertain and a merger with neighbouring authorities might result in a change in priorities. The Bill is different to many others in that what it is really seeking is a change in culture which takes time and has capacity implications (such as training). Whilst there is merit in seeking to progress this as soon as possible, staff changes as a result of reorganisation are likely to cause disruption and some loss of expertise.
27. Cuts in local government funding will also reduce their capacity to undertake preventative areas of work that are likely to be identified as priorities arising from their longer term thinking and planning. Further down the line, while local authorities and their partners might have identified a preferred course of action, in line with SD principles, external constraints such as this are likely to pose significant challenges that may prevent them from being able to pursue such preferred course of action in every instance.
28. That said, there is value in maintaining momentum as SD thinking will need to be at the forefront in the planning to establish the new, merged authorities. In addition, the more people who join the new authorities who are already 'thinking SD' the easier it will to embed necessary practices. Any work undertaken in this respect can help to inform plans of the new authorities.
29. A key factor to the success of the implementation of the Bill will be the extent to which the Bill's provisions lead to changes in the way Welsh Government operates itself. If it helps to join up the work of the different departments then a more co-ordinated framework and approach by the Welsh Government will help LAs break down their

own 'silos' of activity, often built up in response to specific Welsh Government policies, funding systems or internal organisation.

(v) Whether there will be any unintended consequences arising from the Bill

30. The Bill should not give legislative grounds for Welsh Ministers or indeed, members of the public, to challenge local decisions that they do not agree with. Careful consideration should be given to ensure that local decisions and plans can only be challenged against whether or not they followed a process in line with the SD principle.

(vi) The financial implication of the Bill

31. The Explanatory Memorandum outlines estimated cost implications of 'Doing Nothing' and 'Introducing Legislation' around Public Services Boards and preparation of Local Wellbeing Plans.

32. The Bill states that the local authority must provide administrative support for the PSB; the Welsh Government currently provides £50,000 per year to each authority for such purposes, yet the Explanatory Memorandum is silent as to whether such funding will continue under the current arrangements. This would be a new statutory burden on authorities and should therefore be fully funded by the Welsh Government.

33. Whilst the Explanatory Memorandum intimates that the Bill is merely legislating for the voluntary status quo around support, preparation of needs assessments, public engagement and scrutiny of public service planning, the legislation introduces new statutory expectations around those activities which will inevitably require additional cost. There will be significant new regulatory burdens and associated costs due to the range of prescribed statutory duties which do not seem to have been reflected in the estimated costs at all.

Year 1

Activity	Total per PSB	LA Contribution	LA % Contribution
Production of Wellbeing Assessment	£26,800	£23,600	88
Production of Wellbeing Plans	£28,400	£21,300	75
Public Engagement	£31,900	£18,900	59
Scrutiny Officer Support	£7,600	£7,600	100
Total 'Start-Up' Costs	£94,500	£71,400	76

Subsequent Years

Activity	Total per PSB	LA Contribution	LA % Contribution
Updating Wellbeing Assessment	£9,200	£7,100	77

Public Engagement	£18,800	£10,700	57
Scrutiny Officer Support	£7,600	£7,600	100
Producing Annual Report	£16,300	£11,800	72
Total Annual Costs	£51,900	£37,200	72

34. The Welsh Government’s estimated costs clearly show that local authorities will carry not only the administrative burden but also the financial burden of the local wellbeing planning process; however Welsh Government have underestimated the costs associated with local authority contributions towards PSB activity; not least as they do not include costs for the administrative support and organisation of (the proposed 6) meetings of the PSB (a statutory duty falling on the local authority) and the regulatory burden of the scrutiny role; the figures underestimate the actual costs on authorities, which will further distort the respective contributions from all partners.
35. It is important to note that in the Explanatory Memorandum members’ costs include only the costs of members’ attendance at meetings (estimated at 2 hours each); it does not include the time or cost of preparation for meetings.
36. The WLGA notes that the Bill does not require PSB partners to make adequate resources available to the PSB process; Welsh Government projected opportunity costs of its representatives attending PSB meetings, do not outline any further or ongoing contributory support to the PSB process. There is a risk to local government efficiency if no extra money is found to compensate these additional functions. Given the significant national capacity and resources available to the Welsh Government, notably within Stats Wales, some initial and ongoing analytical contribution in particular to the production of wellbeing assessments should be expected to support local authorities and PSBs in the creation of their plans. This would reinforce the partnership between the Welsh Government and the local authorities and make more proportionate the respective contributions to such partnership. Given the proposed value and stock being given to the well-being plans, so that they can become meaningful, appropriate funding needs to be made available beyond the amount committed in the Explanatory Memorandum. To achieve this the Welsh Government might need to regroup functions scattered across activities and align such funding on the well-being plans.

(vii) The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation

37. As referred to in 9 above greater clarity is required over the ability of Welsh Ministers to change goals. Chapter 5 of the Explanatory Memorandum [for Section 6(3)] identifies an affirmative procedure for the Minister to amend the well-being goals. We acknowledge the reason for the procedure, however because ‘any change to well-being goals could have a significant impact on the public bodies covered by the Bill.’ we recommend that this should be a **super affirmative** procedure.

38. The power to issue directions to Public Service Boards to merge s.46(2) and/or collaborate s.47(2) should be reconsidered as such decisions should only be left to local determination as the Welsh Ministers might not be in the best position to assess what would be 'beneficial in the local aim of each Board' under section 46.
 39. The proposed powers delegated to Welsh Ministers under s.21(8), s.31(1), s.39(3), s.52(1), s.55(3) and Schedule 2, paragraph 12(2)(a) are acceptable
 40. The level of Assembly control of the delegated powers to make regulations of the Welsh Ministers under section 49(1) needs to be increased to either: Option 1. Super affirmative procedure for the first set followed by an affirmative procedure for subsequent set of indicators and standards or: Option 2. An Affirmative procedure for the first set followed by negative procedure for subsequent set. Standards and indicators need to be monitored and measured, any changes to these could require changes to measurement and monitoring processes, a negative procedure is therefore not acceptable
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Well-being of Future Generations (Wales) Bill
Response from Brecon Beacons National Park Authority

WELL-BEING OF FUTURE GENERATIONS (WALES) BILL 2014 inquiry
Response from National Parks Wales

National Parks Wales (NPW) represents the 3 National Park Authorities (NPAs) in Wales. NPW welcomes the Wellbeing of Future Generations Bill, believes NPAs in Wales have long made a contribution to the sustainability of Wales and are primed to make a lasting contribution to the Well-being of Future Generations agenda. NPW would welcome the opportunity to provide oral evidence to the enquiry.

NPW responses are given in italics against the points in the inquiry document (underlined):

1. How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector;

Existing legislation has put sustainability is at the heart of National Park Authorities' policy and delivery, through the National Park Management Plans (NPMPs) and other strategies and their implementation.

For example, in the Brecon Beacons NPMP Sustainability is a guiding principle: "Sustainability is essential in order to provide future generations with a national park that can, at the very least, be enjoyed and utilised as it is today." "Broad scale issues such as climate change require international action but can be addressed within the Park via landscape-scale actions" "The NPMP is subject to appraisal in order to assess potential social, economic and environmental impacts of the proposed aims, goals, policies and actions".

Similarly in Snowdonia NP: Sustainability and sustainable development are at the core of Snowdonia National Park's policy framework and operational activities. All relevant documentation strives to deliver sustainable development within the National Park context, including; the National Park Management Plan and Local Development Plan. The NPMP's Vision places sustainability and wellbeing at the core of Snowdonia. The LDP's core Development Strategy places sustainable development at the heart of landuse planning in the National Park. Given that Wales' National Parks are regarded as test-beds for sustainable development, this level of commitment and delivery is recognised as being at the forefront of sustainable development in Wales. In addition to both statutory plans, the Authority's suite of supplementary policy documents – linked either to the NPMP or LDP, demonstrate a similar commitment to sustainable development, including: the National Park Recreation Strategy, Sustainable Development Supplementary Planning Guidance, the Renewable Energy and Low Carbon Supplementary Planning Guidance. All relevant documents have also undergone stringent sustainability appraisals as dictated by National guidance and legislations.

In addition the NPA / NPMP role in wellbeing extends beyond the NP boundary eg. watercatchment management, carbon sequestration, recreational health & wellbeing resource, economic generator for Wales across a number of unitary authority areas, particularly in the case of Brecon Beacons National Park with impacts on the tourism economies of the South Wales Valleys Authorities as well as those of Powys, Monmouthshire and Carmarthenshire. Examples of the wider impact of NPs:

- *Economic activity that is concerned with the protection or management of the environment, or dependent in some way on the environment supports 10,738 jobs directly within the National Park boundary and a further 2,033 jobs across Wales, generating 0.7% of Wales total GDP.*
- *In a survey 73% of Wales residents had visited a National Park in the previous year. National Parks have been described as ‘Wellbeing Factories’, providing access to open space, for activities beneficial to health and wellbeing*
- *Other ecosystem services provided by the National Parks include: clean water, water storage in the uplands to reduce lowland flooding, carbon storage, and clean air. The value of carbon sequestered through peat and woodland within the National Parks is estimated to be between £24.4m and £97.2m.*
(Valuing Wales’ National Parks ARUP 2013)
- *Brecon Beacons NP supplies drinking water to 750,000 people in South Wales*
- *Jobs linked to Snowdonia National Park’s environment are in excess of 4,450 with an associated turn-over of almost £675,000 per annum.*
- *Snowdonia National Park attracts over 5.5 million tourists every year*

In delivering NPMP actions the 3 NPAs continue to deliver ground breaking projects demonstrating sustainable development delivery. For example in SNPA: targeted improvements to the recreation infrastructure aimed at protecting the National Park’s special qualities whilst encouraging access, providing land managers with information on how to manage their land assets sympathetic to catchment-wide requirements and carbon sequestration, continually add-value to partnership working to improve upland peatlands (for carbon storage, water management and biodiversity) and foster a profitable relationships between the National Parks’ special qualities and the private sector, mainly in the local produce and tourism sectors. Snowdonia is among Wales’ most recognised brands and is Britain’s most widely recognised National Park.

2. The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas –

- The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified;

With regards to the ‘common aim’ & ‘SD principle’ – together they set a complimentary framework to deliver well-being goals at both a national & local level. The Bill may need to be more specific about what happens if there is an irreconcilable conflict between the ‘common aim’ (delivering short-term results) vs. the ‘sd principle’ (delivering long term goals). In this respect, the legislation governing NPA’s may offer a way of balancing potentially conflicting outcomes/goals (i.e. the ‘Sandford principle’...section 62 of the Environment Act (Wales) 1995).

- The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies;

Wellbeing goals are welcomed. Locally driven & locally meaningful approaches for their delivery are important, to deliver appropriately to local needs and help maintain local distinctiveness.

It is essential that reporting requirements do not become more onerous and must not be additional to reporting requirements under, for example, Local Government measure requirements. Integrated reporting

(bringing together the range of duties reported on in one place), if adopted as the sole reporting process rather than an additional reporting strand, will deliver meaningful information, bringing together strands of activity without imposing an undue additional reporting burden. This has been discussed in the WFG Bill Reference group by WAO as a potentially beneficial approach. Programme and population accountability are both relevant- showing the impact of areas of activity.

Creating a clearer set of indicators as a means of improving performance should be seen as a positive step forward for Wales. It also offers an opportunity to keep the public sector (and key partners) focussed on key national & local priorities – but only if the suite of indicators isn't too unwieldy and cumbersome. Welsh Government may need to establish a clear set of 'core' statutory indicators that all public bodies have to deliver against.

In light of the above comment, the 'Scotland Performs' model seems to offer a good example of utilising clearly defined indicators to improve both national and local performance against agreed long-term outcomes (<http://www.scotland.gov.uk/About/Performance/scotPerforms>).

- The approach to measuring progress towards achieving well-being goals and reporting on progress;

*It is important that the measurement of well-being is achieved through a recognisable set of indicators adopted not just in Wales but ideally across the UK to support benchmarking:
(<http://wales.gov.uk/statistics-and-research/sustainable-development-indicators/?lang=en>)*

There is some concern amongst NPA's in Wales that the duties imposed on public bodies should be appropriate to the scale of the organisations listed in the Bill (i.e. a 'one size fits all approach' won't work and could prove overly beauracratc for smaller public bodies such as NPA's)

In this respect further clarification is needed regarding the interplay and potential overlap of the duties placed on public bodies through the WFGB Bill and the existing Local Government Wales Measure. In particular, there is a danger that the annual dimension of Improvement Plan reporting (developed under the Local Government Measure) could be at odds with the long-term approach being advocated by the WFGB. Ultimately, the WFGB offers an opportunity for WG & WAO to streamline the existing audit approach with all outcomes & performance being judged against the 'Annual Well-Being Report'. We would favour the Bill being amended to include an requirement on WAO to publish annual guidance on how they will audit the requirements of the Bill and its relationship with other audit requirements such as LGM.

Further possible conflict with LG Measure is the requirement to publish well-being objectives which contribute to the statutory well-being goals. Are the well-being objectives in addition to the improvement objectives required under the LG Measure?

National Park Management Plans bring together on an area basis actions by a range of partners- many in support of WFG Goals. For example, The BBNP National Park Management Plan Action Plan 2010-15 lists outcomes and associated priority actions to achieve these. Many (not all) are BBNPA led or facilitated. This applies equally to all three National Park Management Plans. Integrated reporting, including NPMP action plan delivery reporting has the potential to measure progress on wellbeing goals. The NPMP's delivery on the WFG Goals is illustrated in the following table (Similar delivery across the range of goals is achieved through the PCNP NPMP actions):

<i>Wellbeing Goal</i>	<i>Example BBNPA & SNPA Actions</i>
A prosperous Wales BBNPA	<ul style="list-style-type: none"> • Implement activity tourism strategies within environmental sensitivity. • Develop locality & themed business clusters under COLLABOR8 • Maintain and develop business training programmes. • Apply for revalidation of European Geopark status.
SNPA	<ul style="list-style-type: none"> • Regeneration and economic development initiatives relevant to NP designation: SNPA has either led or been a leading partner in initiatives relating to landscape scale improvements, improving the local and regional recreation infrastructure, adding value to the Snowdonia brand and assisting businesses in linking their activity to the NP designation • Assisting in the provision of employment and skills improvement initiatives based on land management industries, renewable energy programmes, leisure and recreation and culture and heritage sectors. • Leading & supporting significant EU and Lottery bids
A resilient Wales BBNPA	<ul style="list-style-type: none"> • Secure funds, implement 1 large, area-based land management project. • Manage NPA-owned land. • Attract new investment for managing the Park's landscape to mitigate and adapt to the effects of climate change. • Encourage and support community-led initiatives that build awareness of and resilience to climate change, fossil fuel depletion and carbon
SNPA	<ul style="list-style-type: none"> • SNPA strives to ensure economic prosperity has a resilient base • All relevant policy documents demonstrate a commitment to reducing our reliance on fossil fuels and reducing fuel poverty
A healthier Wales BBNPA	<ul style="list-style-type: none"> • Increase the use of the NP by excluded groups. • Increase awareness of and provision for people with disabilities and easier access requirements in the countryside. • Provide targeted countryside access information in a wider variety of accessible formats.
SNPA	<ul style="list-style-type: none"> • Work to ensure equitable access to SNP's wealth & range of recreation opportunities - addressing cultural, social, economic and physical barriers-in partnership with local partners (most notably the North Wales Outdoor Partnership) and other Welsh NPs (Mosaic Project)
A more equal Wales BBNPA	<ul style="list-style-type: none"> • Deliver community based outreach programmes such as Crossing Park Boundaries that increase the value of and benefit from the NP designation. • Continue to develop and deliver the Social Inclusion action Plan
SNPA	<ul style="list-style-type: none"> • Developing opportunities as in "a healthier Wales " above
A Wales of cohesive communities BBNPA	<ul style="list-style-type: none"> • Deliver a Sustainable Development Fund which meets the strategic priorities of the National Park Management Plan • Support allotments development • Link public transport to BBNPA promoted routes. • Recent BBNPA agreement to develop plans for BBNP as a Dementia Friendly NP
SNPA	<ul style="list-style-type: none"> • SNPA continues to work with LA's to promote sustainable travel solutions to Mt. Snowdon, for example a Park-and-ride service from the surrounding villages
A Wales of vibrant culture and thriving Welsh language BBNPA	<ul style="list-style-type: none"> • Provide local people with access to information, interpretation and education on their environment and promote the benefits on offer • Provide information, orientation and interpretation at identified gateways and honeypot sites. • Produce a suite of guidance for built heritage. • Develop a regional strategy to protect, manage and monitor the Park's historic environment.
SNPA	<ul style="list-style-type: none"> • SNPA recently purchased the home of wartime poet, Hedd Wyn - posthumously presented with the Eisteddfod's bardic Chair in 1917, following his death. This hill farm is almost unchanged since his day. SNPA have successfully accessed substantial Lottery funding to develop Yr Ysgwrn into a heritage centre.

- The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability; and

We believe a FG Commissioner can play an important role in supporting public bodies , enabling sharing of best practice and monitoring the profile of the Future Generations Bill, as well as holding Welsh Government to account for delivery of Wellbeing Goals. The appointment of a Commssioner will provide a focus and ambassador for related work.

- The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.

There is a need to clarify the relationship between statutory National Park Management Plans and Public Service Board Wellbeing Plans and the NPA role in Public Service Boards)/integrated community planning. NPMPs are local wellbeing plans and should be included as such in the Bill. For example, In the case of BBNPA the NPA is not represented on any of the constituent LSBs. BBNPA was formerly a member of Powys LSB. This was slimmed down, resulting in lack of NPA representation. Current arrangements do not enable BBNPA WFG Bill involvement through LSB/PSB framework. Similarly in Pembrokeshire PCNPA is not represented. NPAs have a responsibility under the Bill but no opportunity to influence the Well-being plan.

PSB's will need to be representative of all key areas of well-being development- Including National Parks and NPAs . In particular, NPAs have a role in the well-being of their areas and (as the planning authorities for their area) should be represented on the relevant PSB's. The WFGB should make provision for NPAs to be members of PSBs.

SNPA is represented on all relevant LSBs, however they we are not part of the Regional Ambition Board for the North Wales – a key omission given the National Park's importance to the regional economy. In developing any regional plan, National Park Authorities must be included as key partners and delivery organisation, to this end, appropriate consultation should be undertaken with NPAs NPMP, LDPs and other relevant document – for example Recreation & Access Strategies.

- 3. How effectively the Bill addresses Welsh international obligations in relation to sustainable development;

The inclusion of NPA's in the WFGB process will ensure that Wales continues to contribute to shared goals across the global community of protected areas through both the IUCN Global Protected Areas programme and the European Landscape Convention.

- 4. Any potential barriers to the implementation of these provisions and whether the Bill takes account of them;

Any loss of dedicated resources for delivery of a more sustainable future is a potential barrier to implementation. The Bill potentially gives the opportunity for linking together disparate sources of funding to create larger landscape management for ecosystems delivering a wider range of interconnected benefits. A range of differently scaled interventions are needed to enable sustainability and future wellbeing:

eg Resources for large scale landscape management for ecosystems services to benefit future generations: water resources, flood management , climate change mitigation, access for health and wellbeing benefits

eg.in NPAs the Sustainable Development Fund (SDF) is an important lever for delivering local sustainability- enabling locally led action, leveraging in funding and acting as a seedcorn for bigger sustainability delivery.External evaluation confirms value of NPA development officers in enabling locally led sustainability.

The Scrutiny review of Inspiration and benefit from BBNP revealed local people receive a wide range of benefits from the National Park and BBNPA activity, including frequently cited wellbeing benefits, and Scrutiny Review provides one potential model for monitoring delivery:

“I know my well-being benefits hugely from being able to simply look and take in the wonderful vistas”

“Enjoyed. Gave me something to wake up for and look forward to’ (BBNPA Rural Skills participant)

5. Whether there are any unintended consequences arising from the Bill;

6. The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum and Regulatory Impact Assessment; which estimates the costs and benefits of implementation of the Bill); and

Costs to the NPAs are unknown as additional requirements (beyond monitoring & reporting) are unknown. Our major concern is the potential for an additional burden of reporting with a staff resource cost. Evidencing and reporting of the provisions of the bill need to be appropriate to the scale of the organisation. The annual dimension of NPA’s Improvement Plans, developed under the Local Government Measure, is at odds with the long-term approach being advocated by the WFGB. The worse-case scenario is that NPAs need to continue to meet the LG Measure and also have a new reporting regime as a result of the WFGB. WG and WAO need to develop one audit approach that covers all our requirements.

As 2. above, integrated reporting for each NPA (bringing together existing reporting requirements eg Equality, Welsh language, BIP etc) in a single report in addition to making a for a meaningful report on a range of Future Generations goals, has the potential to reduce the overall resource commitment to reporting, freeing up more staff time for delivery.

7. the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate

Well-being of Future Generations (Wales) Bill



Adrian Paci. *Per Speculum*, 2006. Film on 16mm, duration 8min.
Courtesy of Galleria Francesca Kaufman, Milan.

Consultation by the National Assembly for Wales
Environment and Sustainability Committee

Written submission from the Arts Council of Wales

September 2014

“If the scientists are right, we’re living through the biggest thing that’s happened since human civilisation emerged. One species, ours, has by itself in the course of a couple of generations managed to powerfully raise the temperature of a whole planet, to knock its most basic systems out of kilter. But oddly, though we know about it, we don’t know about it. It hasn’t registered in our gut; it isn’t part of our culture. Where are the books? The poems? The plays? The goddamn operas?”

Bill McKibben *Open Democracy* (2005)

“This disparity between the rich and the poor has been noticed. It has been noticed, most acutely and not unnaturally, by the poor. Just because they have noticed it, it won't last for long. Whatever else in the world we know survives to the year 2000, that won't. Once the trick of getting rich is known, as it now is, the world can't survive half rich and half poor. It's just not on.”

C P Snow *The Two Cultures* (1959)

Consultation on the Well-Being and Future Generations (Wales) Bill:

Our response to the terms of reference

1. Legislating to put sustainability and sustainable development at the heart of government and the wider public sector

We endorse and support the Welsh Government's commitment to putting sustainability and sustainable development at the heart of government and the wider public sector. We particularly welcome the broadening of the Bill's designation to include the concept of well-being.

We recognise that climate change and environmental protection are amongst the most urgent issues of our time. There can be no doubting that they require urgent and focused action. However, we believe it to be a significant improvement that the Bill now acknowledges well-being as central to creating a strong, vibrant and ultimately sustainable society. Addressing issues of well-being helps to create resilient communities with individuals whose lives are happy, creative, positive and productive.

We want to help the arts sectors to understand and address these issues, ensuring that the arts sector demonstrates active leadership in helping to shape the cultural and creative industries for the future. However, we believe that a truly intelligent approach to sustainability will extend beyond environmental concerns, important though they are, to embrace the cultural, economic and social considerations that sustain our sense of resilience and well-being. The Bill, as currently titled, provides the philosophical framework within which this can happen.

The arts have a key role to play in supporting the principles of well-being and sustainability.

The arts illuminate and give life to the wide range of strategies that underpin public life. From arts and health to cultural tourism, public art to town centre re-generation, the arts bring meaning, enjoyment and well-being to our everyday lives.

The Welsh Government wants Wales to be fair, prosperous and confident, improving the quality of life of its people in all of the country's communities. The Arts support this. And if we allow it to happen, the Arts will be a guide, a commentator, a critic, a persuader, a leader in the campaign that must now unfold – because that's what culture can do.

2. The general principles of the Bill

The “common aim” and “sustainable development principle”

We support the framework of legislation for public bodies’ duties. As a Welsh Government Sponsored Body we would expect to set and publish our sustainability goals, measure our progress and report the results publicly.

We are broadly in favour of the definition of sustainable development that is being proposed. However, in its evolution from the definition first presented in “One Wales, One Planet”, some key features have been lost.

We would therefore advocate an amended definition along the following lines:

“Sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations in ways which:

- promote social justice and equality of opportunity;
- enhance the natural and cultural environment and respect its limits using only our fair share of the earth’s resources
- sustain our environmental and cultural legacy in ways which do not compromise future generations’ ability to meet their own needs.”

Ultimately, however, it will be for the Welsh Government to articulate and describe a different future. And in doing so, it should not be obsessed with the “what?” to the exclusion of everything else – there must be equal importance paid to the “how?”

The approach to improving well-being – the well-being goals

A prosperous Wales

No comments offered.

A resilient Wales

We recognise that the proposed definition focuses on natural environment and bio diverse ecosystems. Clearly this is important. However, there are other facets to resilience – the human dimension – that involves the robustness, ingenuity and creativity of individuals and communities, and their ability to adapt and withstand unexpected shocks.

The arts are well able to develop and nurture this type of resilience. Engaging in creative activity increases individuals’ or communities’ confidence and feeling of self-worth; and provides a sense of empowerment. These are qualities that contribute positively to well-being and resilience. (See also “A Wales of cohesive communities” below.)

We would therefore advocate a slightly amended definition along the following lines:

“A biodiverse natural environment with healthy functioning ecosystems that nurture the potential of human creativity and capability to support social, economic and ecological resilience and the capacity to adapt to change.”

A healthier Wales

No comments offered.

A more equal Wales

We strongly support this goal. A generous, fair-minded and tolerant society values and respects the creativity of all its citizens.

It's a society that embraces equality and celebrates difference, wherever it's found in race, gender, sexuality, age or disability. There's so much that can enrich and expand our culture and we would suggest that our vision should be of an approach to sustainability that more fully reflects diversity.

Change is rarely neutral or low impact, even when we aspire towards less bad outcomes. Nevertheless, social justice issues are nearly always a consequence of legislative change. It is government's job to protect the vulnerable against the implications of its own legislation.

We would therefore advocate a slightly amended definition along the following lines:

“A society that enables people to fulfil their potential no matter what their background, culture or circumstances on a fair and equal basis.”

A Wales of cohesive communities

(See section above on “A resilient Wales”.)

A Wales of vibrant culture and thriving Welsh language

Imagine Wales. And when you've done that – pictured it, heard it, enjoyed it, read about it, celebrated it – try to think of our country without song, the spoken word on stage and screen, without poetry and novels, and dance and sculptures and ceramics and paintings and images, and all of the living traditions – in both our languages – that make our contemporary culture so potentially dynamic.

Culture is about the things that we do, whether stretching the mind or the legs. It can be alone, mountain biking in the Brecon Beacons, walking the coastal path in Pembrokeshire, putting the branches on the family tree from parish and county archives. Or together, whether in a band rocking a Caernarfon pub, in the crowd at the Green Man Festival, or in concert with the BBC National Orchestra of Wales.

And for many people, 'doing' is as important as 'seeing' – sometimes more so.

There is a very strong tradition of amateur and community involvement in the arts. Whether singing in a choir, playing in a football team or participating in Eisteddfodau, amateurs and volunteers have been as much part of the cultural DNA of Wales as our award-winning athletes, artists and national companies. Large numbers of people take part in the arts as amateurs and volunteers.

Because culture is fun.

Singing with a choir, entering your first fun run with friends, writing a poem, enjoying the exuberance of dancing – these are all experiences that we cherish and remember throughout our lives. And taking part can lead to all kinds of benefits. We can get pleasure from learning to dance, sing, or to swim that length a little faster, to turn our thoughts and ideas into poems, stories and pictures. We can become more confident in the company of others, share dreams and imaginings, find out about ourselves and the communities that we live in.

And even if we don't actually want to do things ourselves, we're fascinated by watching others doing them, or enjoying what they've done. It's what fills seats at the Wales Millennium Centre, the Scala in Prestatyn or the Liberty Stadium in Swansea. It's what draws the crowds to our National Museums, Hay Festival, and Helf a Gelf. It can be the joyous tribal celebration which brings the tens of thousands to the National Eisteddfod or to watch Wales at the Millennium Stadium.

Culture can boost our personal, physical and mental well-being. But culture can also have a huge impact on the economic health and social well-being of communities.

We celebrate culture in Wales through the medium of English and Welsh.

We're a bi-lingual nation – legally, socially, culturally, and as individuals and communities. And nothing makes Wales more distinctive than the Welsh Language.

Our languages provide the means to understand and enjoy an extraordinarily rich literature and culture. We make sense of our identity through the languages that we speak. We take pride in belonging to a community that identifies itself through the words that convey its cultural beliefs and experiences.

Culture and the arts thrive on this exploration of the lived experience. We're many 'Wales', culturally, geographically, economically and linguistically. If Art can capture this, then the possession and extension of the Welsh language becomes one of the keys to unlock the connective strands within our common culture.

We would therefore advocate a slightly amended definition along the following lines:

“A society that values, promotes and protects the importance of culture, heritage and the Welsh language, and which encourages people to make, enjoy and take part in the arts, and sports and recreation.”

Measuring and reporting on progress

At the moment, auditing frameworks are fairly linear and metric where possible. The Bill encourages a multi-layered, multi-dimensional approach based on more collaboration and partnership. We endorse this approach. However, this can be very difficult to capture in current reporting mechanisms. We have worked closely with the Welsh Audit Office and the WLGA in trying to develop more sophisticated reporting mechanisms including a *‘triple bottom line’* approach.

Through the Chief Culture and Leisure Officers of Wales (CLOW) we have developed a joint RBA ‘scorecard’ with the overarching aim “The Wellbeing of citizens”. This brings all relevant partners (local authorities, CyMAL, Sports Wales, Arts Council of Wales) together under a shared vision showing where each partner contributes. Progress can be tracked against those high level targets. Although in embryonic stage, this approach will allow us to report on not only the financial impact but the social, economic and environmental impact of our work. For this to be truly meaningful it needs to include the whole of the public sector and would ultimately challenge current practices. We believe, however, that it would be worth the effort.

The establishment of a Future Generations Commissioner for Wales

We support the establishment of a Future Generations Commissioner for Wales, providing that they are furnished with the appropriate powers. The Commissioner is the guardian of the interests of future generations and must be equipped with the tools and the authority to fulfil this role. We believe that the democratic legitimacy of the post would be enhanced if the Commissioner was appointed by the National Assembly rather than the Welsh Government (as currently proposed).

Progress – in terms of the quality of outcomes – will not be achieved just through compliance with standards and measures. Much will depend on the ambition and quality of approach adopted. There might, therefore, be benefit in establishing clear lines of demarcation between the Auditor General for Wales/Wales Audit Office and the proposed Commissioner. The former could confirm that legal obligations are being met, whilst the latter could focus more on the quality of outcomes.

Public Service Boards – assessments and implementation of local well-being

No comments offered.

3. Addressing Welsh international obligations

Wales does not itself have international treaty or protocol obligations in relation to sustainable development. Such obligations are the responsibility of the UK Government.

Nevertheless, as a progressive nation we welcome Wales' ambition to be a responsible global citizen.

It will be important that Wales' ambitions reflect the changes taking place under the auspices of the United Nations as it moves from the Millennium Development Goals to the Sustainable Development Goals. The latter are more eclectically defined and offer a diversity of ways for nations to reflect the many challenges currently facing the world including inequality, climate change, poverty, deprivation and environmental degradation.

4. Potential barriers

We suspect that one of the most significant barriers is likely to be the general levels of knowledge and understanding of well-being and sustainability.

The Arts Council of Wales recognises that it has a key leadership role in encouraging the arts sector to respond positively to the requirements of the Bill. This means more than 'spinning' the media messages. It won't be enough just to use the arts as a communications finishing school for the tough or difficult stories: rather the arts must themselves develop the stories (and the ways of telling them) that encourage insight and understanding.

The concept of "well-being" within policy development will also require a different mind-set. Well-being shifts the debate away from the remedial to the preventative: prevention rather than cure. This is a more positive framework within which to develop new thinking and policy solutions.

5. Unintended consequences

No comments offered.

6. The financial implications of the Bill

The development, implementation and monitoring of data is likely to have an additional cost. The ability to assemble the right indicators and to assess them rigorously and expertly would challenge the current skills and expertise within our staff team. Nevertheless, we are investing in training and professional development and hope to build our capability to an appropriate level.

7. The appropriateness of powers for Welsh ministers

No comments offered.

Appendix: About the Arts Council of Wales

Who we are and what we do

We are an independent charity, established by Royal Charter in 1994. Our principal sponsor is the Welsh Government. We also distribute funding from the National Lottery and raise additional money where we can from a variety of public and private sector sources. We are the country's funding and development organisation for the arts.

Our vision is of a creative Wales where the arts are central to the life of the nation.

Our strategy is straightforward – it's summed up in just three words:

- **Make** –
- **Reach** –
- **Sustain** –

Making art, ensuring it connects and giving it a durable legacy are all part of the same picture. All three, when taken together, contribute to well-being and sustainability.

When we talk about **Make**, we mean artistic creation. We want to foster an environment for our artists and arts organisations in which they can create their best work. Because if we **Make** well, we inspire.

If we inspire, more people in Wales will enjoy and take part in the best that our nation has to offer. This is at the heart of our ability to **Reach**, and crucially to reach further than before.

And if in doing this, something of worth is created in what is made or who is embraced, then we should ask how we protect and **Sustain** these things in ways that work economically and that can endure.

Our services

- **we support and develop high quality arts activity** – we invest public funding, provided by the taxpayer, and allocated to us by the Welsh Assembly Government. We use these funds to help the arts to thrive in Wales
- **we distribute Lottery funds** – through applications to our Lottery funding programmes we are able to invest in projects that develop new arts activity, supporting individuals and organisations

- **provide advice about the arts** – through our staff and our advisers we have the largest concentration of specialist arts expertise and knowledge in Wales
- **we share information** – we are the national centre of a network of information and intelligence about the arts in Wales. We also have strong international links in the UK and beyond
- **we raise the profile of the arts in Wales** – we are the national voice for the arts in Wales, making sure that people are aware of the quality, value and importance of the country's arts
- **we generate more money for the arts economy** – initiatives such as *Collectorplan* (our scheme to encourage more people to buy art) and our success in securing European funding brings more money into the arts economy in Wales
- **we influence planners and decision-makers** – the arts take place in many different settings. They can have a dramatic impact on the quality of people's lives, and the places in which they live and work. The arts are also frequently at the heart of initiatives for economic and social regeneration. Our job is to ensure that the contribution that the arts can make is recognised, valued and celebrated
- **we develop international opportunities in the arts** – through our agency, Wales Arts International, we promote contemporary culture from Wales and encourage international exchange and collaboration between artists and arts organisations
- **we promote small-scale performances in local communities** – our Night Out scheme provides financial incentives to encourage the promotion of high quality arts activity in local community venues

SOUTH WALES FIRE & RESCUE SERVICE

RESPONSE TO CONSULTATION ON THE WELL-BEING OF FUTURE GENERATIONS (WALES) BILL

1. **How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector**

The Bill is a good starting point. However, other areas of legislation may conflict with the achievement of the goals and this must be considered.

Legislation on its own will not be effective; a comprehensive programme will need to be put into place to educate and inform the public and future generations about the goals and how they can be best achieved. However, considering the ongoing funding cuts that public bodies are facing, this approach could be compromised by bodies' inability to allocate appropriate resources (human and financial) to effectively supporting any meaningful change.

Welsh Government will also need to consider how a shrinking Welsh public sector will impact on future health, well-being and poverty to Wales.

2. **The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas:**

- **The “Common Aim” and “Sustainable Development” principle established by the Bill and the “Public Bodies” specified**

The only concern is how the purpose of the Act will be met in a real and meaningful way without the robust collection of data (protected characteristics) that clearly demonstrates improvement of well-being for all communities in Wales.

- **The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies**

Whilst the common aims as defined are considered valid, the whole approach is confusing. It may be clearer to allow the public sector to agree 'common objectives' for their area for inclusion in the well-being plan rather than each member body deciding their own and providing

themes on which the plans could be based; therefore, building a common partner approach to local needs in delivering future well-being.

- **The approach to measuring progress towards achieving well-being goals and reporting progress**

It is important to be able to compare success across all bodies and to be able to judge meaningful improvement across all sectors of society. Therefore any metrics that are developed need to focus on outcome.

- **The establishment of a Future Generation's Commissioner for Wales and the Commissioner's role, powers, responsibility, governance and accountability**

Establishing a Commissioner is fine but it is suggested that the Equality & Human Rights' Commissioner should also be included in the advisory panel. However, it must be ensured that such a panel should not detract from the goals by promoting their own agenda but ensuring compliance and integration with relevant laws.

- **The establishment of statutory public service boards and assessment of local well-being plans**

The concept of public service boards is well embedded through the local service board approach; however the concept is further strengthened by the statutory member approach. With regard to fire and rescue services, the legislation states that either the Chief Fire Officer, Chair of the Fire & Rescue Authority, or both, should attend. This would mean the Chief Fire Officer/Chair having to attend 10 boards which will be extremely difficult to achieve. It would be better to allow for a representative to be appointed by the Chief Fire Officer and either write the legislation accordingly or allow the Chief Fire Officer delegation to appoint a representative. Such action will allow the Service to structure its approach to public sector bodies more effectively.

Careful consideration of extant legislation is also needed, such as the Crime & Disorder Act 1998 that establishes community safety partnerships, and how these structures will integrate with the public service boards.

3. How effectively the Bill addresses Welsh international obligations in relation to sustainable development

Whilst it is acknowledged that we have an impact beyond our border and that the Welsh Government contributes to the network of local government for sustainable development, it is only when we have success within Wales can

we truly influence others. The goals of this Bill and what it is intended to achieve in Wales should not be compromised by what needs to be achieved internationally as this will often be outside of our control or area of major influence.

4. **Any potential barriers to the implementation of these provisions and whether the Bill takes account of them**

The Bill is not specific enough. It is unclear on how the objectives are to be achieved and it may be better to introduce themes around which the plans can be framed. It is also unclear how organisations will be audited with regard to their compliance with the provisions of the Bill. Also, how are public service boards going to be audited on their collective contribution to improving community well-being across a large regional or sub-regional area?

5. **Whether there are any unintended consequences arising from the Bill**

There is potential conflict with other pieces of legislation and there is also potential conflict from other national initiatives that are taking place/being proposed.

The role of conflicting structures will need to be considered: regional collaborative boards, existing community safety partnerships and city regions.

6. **The financial implications of the Bill (as set out in part 2 of the explanatory memorandum and regulatory impact assessment, which estimates the costs and benefits of implementation of the Bill)**

Whilst the explanatory memorandum explores many cost options, it is not clear how accurate these costs are. It must be remembered that the Welsh public sector is facing unprecedented cuts to budgets and are engaging with communities over multi-million pound cuts to their budgets to introduce requirements which effectively put extra burden on public sector bodies but may not be in the best interests of all at the moment.

7. **The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in chapter 5 of part 1 of the explanatory memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation)**

Whilst it may be sensible for Welsh Ministers to have these powers, the use of them will need careful consideration given the comments earlier in this response about budgets.

Subordinate legislation and Welsh Ministers should establish the vision and allow local partners to develop delivery plans to secure the future well-being of individuals, families and the communities they serve.



GIG
CYMRU
NHS
WALES

Iechyd Cyhoeddus
Cymru
Public Health
Wales

Response to the general principles of the Well-being of Future Generations Bill

1 Introduction

Public Health Wales welcomes the opportunity to contribute to the Environment and Sustainability Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

The significance of this Bill for public health in Wales is intrinsically linked with the content and progress of the proposed Public Health Bill, the white paper for which has recently been consulted upon. Public Health Wales submitted a comprehensive response to the Public Health White Paper in June 2014 and a further supplementary response in August 2014, once we had viewed the Well-being of Future Generations (Wales) Bill. The supplementary response prepared in August 2014 is cross-referenced to various points we raise in this consultation response. It is attached in full for information (attachment 1).

Public Health Wales is willing to provide oral evidence to the Committee and for the reasons outlined below and in attachment 1, we believe that it is important for the Committee to have the opportunity of hearing directly from the health sector. We welcome the Commissioner for Sustainable Futures, Peter Davies's intention to increase the engagement with health interests as signalled in the "*The National Conversation-the Wales We Want*" interim report.

In providing this response to the Committee, Public Health Wales has had regard to the accompanying Explanatory Memorandum. In doing so, it is apparent that some things appear to be regarded as implicit in the wording of the Bill. Public Health Wales will state where we feel that reference must be more explicit; it is inappropriate to assume that the reader is interpreting the Bill in the way envisaged.

Public Health Wales has also had regard to the White Paper on Local Government Reform, and the accompanying document *Devolution, Democracy and Delivery-Improving public services for people in Wales*. The Well-being of Future Generations Bill sets out the vision that public services will pursue, whilst the White Paper and accompanying documents set out the direction for the reform of public services to steer them towards achieving that vision.

2 Legislating to put sustainability and sustainable development at the heart of government and the wider public sector

Public Health Wales welcomes the commitment to sustainable development as a central organising principle and the strong message that legislating for sustainable development sends out. There is reciprocity between public health and sustainable development- you cannot have one without the other.

Public Health Wales views the Bill as an opportunity for gaining a wider understanding, and broader application, of the principles of 'prudent healthcare'. NHS Wales is working hard to ensure that 'doing the right thing at the right time' is translated into effective clinical practice which increases capacity, reduces the need for multiple interventions and provides the individual with the best outcome in the timeliest manner. We would further advocate this approach being applied more broadly to the delivery of all public services and in strategic partnerships. Working in a holistic and integrated way will support the drive towards 'prudent healthcare' in Wales. Delivering this agenda will require ambition, consensus and co-ordinated delivery across the system.

3 Response to the general principles of the Bill and the need for legislation

3.1 The common aim and sustainable development principle established in the Bill and the public bodies specified.

Public Health Wales agrees with the sustainable development principle but, as outlined in detail in the attachment 1, the absence of health as a core element of the common aim is of great concern. We recognise that "social, economic and environmental well being" is encompassed within a wide definition of health. However, in the view of Public Health Wales, it is wholly inappropriate to discuss wellbeing in the common aim, in terms that do not explicitly encompass health as a fundamental part of well being.

Public Health Wales recognises that when working with partners and stakeholders, "health" is still sometimes seen as the responsibility of the NHS. Much time and energy has been expended in seeking to gain recognition that health and well being is a much broader concept. The Future Generations Bill provides the opportunity to be explicit about the central role of health and well being in sustainable development.

We find it particularly telling that health and wellbeing serve as key examples in the Explanatory Memorandum. Paragraphs 127-129 highlight health in all policies as an example of the need for integration and in paragraph 130, health is cited as the example for preventative action. "Healthier people" is the opening phrase in discussing the policy intention of the Bill:

"The Welsh Government has set out the difference that it wants to make to the lives of people in Wales *'healthy people living productive lives in a more prosperous and innovative economy, safer and more cohesive communities, with lower levels of poverty and greater equality; a resilient environment with more sustainable use of our natural resources and a society with a vital sense of its own culture and heritage'* (at paragraph 44 of the Memorandum).

Public Health Wales agrees with the bodies identified as public bodies in the Bill but queries why the Welsh Ambulance Service NHS Trust has been omitted from the list.

3.2 The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies

Public Health Wales recognises the need for measures and structures to be put in place to encourage and monitor compliance with the proposed legislation. We welcome the recognition that these must be integrated at all levels; that fundamentally the longer term impacts (positive and negative) must be considered as well as the shorter term impacts.

In regard to the specific goals, attachment 1 sets out the concerns of Public Health Wales in relegating the reference to health to one of six well-being goals rather than its explicit inclusion in the common aim. This omission results in a failure to optimise the opportunity to embed "good health at the centre of the Wales we want" (Welsh Government, 2014, Public Health White Paper).

In addition, whilst implicit in the majority of the well-being goals, Public Health Wales would highlight the significant omission of the alleviation of poverty within the well-being goals. The significance of poverty and inequalities are acknowledged in the Explanatory Memorandum but are not referred to on the face of the Bill. This diminishes these important wellbeing considerations. Sustainable development is impossible if we do not address the inequities that exist within Wales and how Wales relates to the rest of the World. The Future Generations Bill does not explicitly reference the need to tackle inequalities today in order to address the impact on future generations - a fundamental aim for sustainable development in Wales. More importantly inequities exist in disadvantaged communities in Wales which, because of pre-existing health and socioeconomic problems, compromise the ability of individuals and communities to cope with, or adapt to, the challenging environment in which they live. Failure to recognise explicitly these inequities is likely to result in missed opportunities to collaborate, misplaced and ineffective interventions aimed at confronting and addressing these issues, poor use of scarce resources and ultimately failure in closing wide inequality and inequity gaps for future generations.

The Bill repeals existing legislative requirements in which health and wellbeing are explicit considerations (NHS (Wales) Act 2006, requirement for local health, social care and wellbeing strategies). Public Health Wales understands that this is part of the legislative process and of streamlining local planning processes. However, whilst the Explanatory Memorandum (para 217) states "*The Bill as a wholeis intended to implement the "health in all policies" approach*" this is not explicitly stated on the face of the Bill. This gives rise to concerns that health may not receive the priority consideration that it warrants in the local integrated planning process.

Public Health Wales is keen to appropriately support the Welsh Government in the preparation of statutory guidance referred to in the Explanatory Memorandum, with particular reference to health in all policies and health impact assessment.

3.3 The approach to measuring progress towards achieving well-being goals and reporting on progress

Public Health Wales urges that development of the approach to measuring progress takes account and is highly cognisant of processes and structures already in place when seeking to improve the measurement and documentation of progress towards achieving well-being goals. There are already substantial reporting arrangements, a plethora of local and national plans and outcome frameworks in place and under development. At a time when resources are limited, care must be taken to recognise what already exists, to set clear expectations and reasonable timescales and thus allow transition towards the coherent and robust approach that is envisaged.

The Bill does provide an opportunity for the NHS in Wales to work closely with the rest of the public sector. The explicit requirement for shared responsibility to achieve well being goals will assist the NHS in holding others to account and to being held to account for a range of actions intended to promote health improvement in both national and local populations.

As a public sector body, Public Health Wales will seek to act as an exemplar in how we meet the requirements of the Bill and share our experience with partners across the public sector and society as a whole.

3.4 The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability

Public Health Wales would expect the Commissioner's role to be on a par with other commissioner roles established in Wales, in respect of the independent voice and scrutiny role associated with such positions. The establishment of this position sends an important signal that sustainable development is indeed central to Welsh policy and that systems are being established to strengthen existing governance systems for improving wellbeing in Wales. Public Health Wales notes

that the Explanatory Memorandum, read alongside *Devolution, Democracy and Delivery – Improving public services for people in Wales* sets out a reform agenda that seeks to strengthen local integrated planning and democratic scrutiny of local progress.

It is disappointing that the Future Generations Commissioner would be accountable to the Welsh Government rather than to the National Assembly as are existing Commissioners.

3.5 The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.

It will be important to move carefully and prudently from the existing local integrated planning arrangements, as outlined in the Explanatory Memorandum to build upon and exploit the important foundations of integration and partnership working that already exist at locality level. We welcome the placement of these voluntary partnerships onto a statutory footing, but wish to stress that the voice of health and wellbeing must have equivalence with those of social, economic and environmental concerns.

Public Health Wales welcomes appropriate efforts to strengthen, integrate and simplify the system for planning public services. However, we are troubled that the duration of any Public Service Board is tied so clearly to the local political cycle. Planning for health (and indeed for sustainable development) requires periods much longer than the local electoral cycle allows and the Explanatory Memorandum recognises long term as 25 years or more. Improvements in, and steps to protect, public health can be short, medium and long term. It will be difficult to reconcile short term political priorities with a long term agenda.

Public Health Wales would advocate for clear direction and consistency in determining how Public Service Boards will define a “community”. It is important to consider how data is routinely collected, collated and capable of being analysed. This is important in ensuring that local data can be easily and appropriately accessed and presented to inform various assessments.

4 Addressing Welsh international obligations in relation to sustainable development

The Welsh Government must work with governments across the UK, in Europe and internationally to ensure that the best outcomes are achieved for all. While this legislation encourages progress in Wales, there remain critical issues that demand a UK-wide, or international approach, for example food and product safety, environmental controls, agricultural policy, scientific and technological developments and controls.

The current Bill does not adequately address Welsh international obligations. Wales should be actively: sharing best practices; engaging more with the European Commission; learning from/sharing with small countries comparable

with Wales in tackling social disadvantages and inequities in dealing with the impacts of austerity; and developing closer working with countries such as New Zealand which have a similar focus on sustainability. From the public health perspective, Sir Michael Marmot's endeavour to work with a wide range of countries to tackle health inequities and social disadvantage offers a platform for Wales to contribute to this agenda on the international stage.

5 Potential barriers to the implementation of these provisions

Potential barriers to the implementation of this Bill include those of a practical nature, moving from existing arrangements to the newly introduced requirements, ensuring continuity of services and partnership working whilst re-writing and re-formatting plans and setting up governance structures. These opportunity costs should not be under-estimated at this time of austerity, change and uncertainty, particularly in local government.

The Bill is reliant upon a major change in culture, in the public sector itself and in the communities that these bodies serve. As far as individuals are concerned, it is recognised that their ability to make choices and adopt particular behaviours is very much a product of the circumstances in which people live their lives. People need to be educated and empowered to have the knowledge and understanding to remain in good health and receive appropriate interventions. The public sector will need to move from the model of the public as passive recipients to a model in which people are enabled and empowered to take responsibility in shaping and contributing to their communities and to improving and maintaining their own quality of life. Importantly, there are major changes required in outlooks, attitudes, practices and cultures in the public sector that must be addressed, that the Bill does not take account of. The proposals for public sector reform will of course seek to address this, to align national and local political priorities in order to overcome the considerable barriers to achieving the common aim. The success of the Bill is reliant upon Welsh Government departments working cohesively towards the common aim. There will be significant challenges and debates ahead.

6 Unintended consequences arising from the Bill

The very existence of the Bill appears to have had consequences in terms of the nature of the proposed Public Health Bill. The latter has been reduced to a narrowly focused set of short to medium term objectives to be achieved in one government term. The holistic and strategic consideration of health in all policies, for the short, medium and importantly long term was trailed to be in the Well being of Future Generations Bill. The Bill has been drafted in a manner which fails to include health in the common aim and health in all policies is merely implicit. This means that there is every chance that despite two potentially impactful pieces of legislation that could set public health in Wales on a trajectory to be envied on the international stage, Wales could be left with no notable levers to

make the strategic, large scale changes that are needed to address public health challenges. Amongst these are the legacy of ill-health in Wales, an ageing population with higher expectations and demands of public services at times of austerity and a population facing contemporary threats to their health and wellbeing

This point is explored fully in Attachment 1.

7 The financial implications of the Bill

It is essential that there are further discussions on the implementation of the Bill to ensure that there is a realistic assessment of the costs, capacity and time needed to implement the Bill. The Explanatory Memorandum in relation to the Regulatory Impact Assessment appears to underestimate how much work all public bodies will need to undertake in order to fully exploit the opportunities envisaged by the Bill. The calculations presented regarding the costs of undertaking needs assessments appear to fall short of the likely true costs of such an exercise.

8 The powers in the Bill for Welsh Ministers to make subordinate legislation

Public Health Wales notes that in Section 36(3)(h) of the Bill Welsh Ministers have the power to prescribe other assessments that must be taken into account by Public Service Boards. Public Health Wales hopes that our concerns on the omission of health impact assessment and health needs assessment are heeded in any amending of the Bill and incorporated on the face of the Bill.

Attachment 1 - Supplementary Response to the Public Health White Paper

Author: Susan Mably, Consultant in Public Health

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1 Summary

At the time of the initial response to the Public Health Bill the view of Public Health Wales was that the absence of both the adoption of a „health in all policies“ approach, and requirements for the use of health impact assessment in the Public Health White Paper, were only acceptable if they were then addressed adequately in the Future Generations Bill.

Having now reviewed the Future Generations Bill, Public Health Wales is of the view that „health in all policies“ and the requirements for health impact assessment are not adequately incorporated within the Future Generations Bill. This makes their omission from the Public Health White Paper all the more significant. Public Health Wales would recommend that this is addressed by encompassing health in all policies and health impact assessment explicitly within the proposed Public Health Bill.

Other comments relevant to the Public Health White Paper response that Public Health Wales wishes to make in light of the Future Generations Bill include:

- Public Health Wales would stress that the failure to specifically reference health in the „Common Aim“, illustrates the concerns that Public Health Wales expressed in our response to the Public Health White Paper, *“the strategic, holistic vision that Public Health Wales envisaged for the Public Health Bill risks being dissipated and lost, unless they are comprehensively covered in the Future Generations Bill.”*
- Public Health Wales believes that an opportunity to prioritise and promulgate the understanding of health and well-being has been missed by omitting to specify health as one of the aspects of well-being alongside *social, economic and environmental considerations*.
- Public Health Wales welcomes sustainable development as a central organising principle being placed on a statutory basis.
- Public Health Wales would wish the definition of “a healthier Wales” used in the Future Generations Bill to extend beyond telling people how to behave and the choices that they should make, towards implementing evidence based interventions on a large scale, encompassing health protection, improvement and health service quality. Public Health Wales is concerned that the lifespan of Public Service Boards is reliant upon local authority electoral cycles, which are incompatible with the longer term timescales required for health

(specifically public health) planning. Consequently, this may impact on the ability to achieve medium and long term sustainable improvement.

- Public Health Wales highlights the need for careful introduction of these proposals, during a challenging period for local government and other local services.
- Public Health Wales is committed to support the successful implementation of the Future Generations Bill and the Public Health Bill.

2 Introduction

Public Health Wales submitted its initial response to the Public Health White Paper in June 2014. That submission was produced prior to the publication of the *Well-being of Future Generations (Wales) Bill* (Future Generations Bill). Therefore, Public Health Wales requested an opportunity to submit a supplementary response to the Public Health White Paper, having had the opportunity to review the content of the Future Generations Bill. This document provides that supplementary response.

The main concerns raised in the initial response to the Public Health Wales response to the Public Health White Paper were the lack of reference to "health in all policies" and health impact assessment.

3 Health in All Policies

For many years, Wales has been ambitious in efforts to integrate health considerations into policy making at national and local levels. This has manifested in, for example, the introduction and support of partnership working as the norm; a local strategic planning framework which places health and well-being as an integral element of protecting and improving quality of life and the active promotion of "health in all policies". These ambitions have been clearly articulated in current policy documents, including Together for Health, Our Healthy Future and Fairer Health Outcomes for All (FHOFA). The Welsh Government's ambitions reflect an international agenda, endorsed by WHO (see for example Leppo et al, 2013)

In the Ministerial Foreword to the Public Health White Paper, it is stated that;

"The Future Generations Bill will.....demonstrate how a "Health in All Policies" approach forms a central part of our wider agenda."

Public Health Wales responded to the Public Health White Paper with a variety of comments including:

"... it must carry the commitment for health in all policies and it must set out the duties and responsibilities for the main challenges for the public health system in Wales. Unless these are covered within the Future Generations Bill, by reducing the ambitions of the Public Health Bill to "a set of practical measures- capable of being put into practice in this Assembly term", there is a risk that the Bill significantly loses its status."

"Public Health Wales believes that the inclusion of the commitment for health in all policies will raise the profile of public health in society and increase awareness and knowledge of public health issues across government departments (national and local) and among those who develop and implement policy. It is only through this mechanism that we can effectively build a society that prides itself on enabling a healthier population, that actively supports people living healthier for longer across all age groups and that provides an equitable and fit for purpose model of care and support when people need it."

Public Health Wales is concerned that the narrow focus on specific issues in the Public Health White Paper, and the failure to promote "health in all policies" in the Future Generations Bill, leaves a chasm where major levers for public health, such as the use of local authority planning policy to address obesogenic environments, are not encompassed within legislation. Therefore, Public Health Wales remains concerned that the major public health challenges that we face may not be effectively addressed within the proposed legislative framework as outlined in the current versions of Public Health White Paper and the Future Generations Bill.

Public Health Wales welcomes sustainable development as a central organising principle being placed on a statutory basis.

However, Public Health Wales is of the opinion that the relevance and importance of health and wellbeing has been diluted within the Future Generations Bill. The failure to specifically reference health in the "Common Aim", illustrates the concerns that Public Health Wales expressed

in our response to the Public Health White Paper, *“the strategic, holistic vision that Public Health Wales envisaged for the Public Health Bill risks being dissipated and lost, unless they are comprehensively covered in the Future Generations Bill.”*

4 Health Impact Assessment

Health impact assessment is a flexible and systematic process that can (and does) support the Welsh Government’s stated aims of open and transparent engagement, collaboration and partnership working and preventative action and mitigation. In Wales, health impact assessment is an integrated process, incorporating consideration of the economic, social and environmental determinants of health and well-being.

Wales has a long established international reputation in this area and Public Health Wales’ practical expertise is regularly drawn upon in respect of international publications, conference presentations and training of people from across the World. Public Health Wales endorses this internationally recognised approach to considering the impact on health and wellbeing of policy and decision making at national and local level.

Fairer Health Outcomes for All recognised the importance of health impact assessment *“to support a health in all policies approach as a systematic way of taking health into account as part of the policy making process”*.

Public Health Wales, in the initial response to the Public Health White Paper, stated that:

“...there is the opportunity to reinforce the use of health impact assessment (HIA) as an important element of such an approach to policy (health in all policies). Public Health Wales recommends that HIA is made a statutory requirement for all policies, with due regard to proportionality, resource implications and costs.”

Elements of health impact assessment are included within the Future Generations Bill. However, the broad ranging health impact assessment as practised in Wales is not referred to explicitly. Reference is made to an “integrated approach to considering how a body’s objectives may impact upon the three aspects of wellbeing”. This will inevitably lead to impact assessments that focus primarily on social, economic and environmental wellbeing, with no consideration of the depth and breadth of potential health impacts.

Public Health Wales wishes to see the inclusion of a requirement to undertake health impact assessment in the Public Health Bill in light of the content of the Future Generations Bill.

5 Other Comments on the Future Generations Bill pertinent to the consideration of the Public Health White Paper and a proposed Public Health Bill.

There are aspects of the Future Generations Bill that Public Health Wales view as very relevant to achieving our collective ambition of a healthier, happier and fairer Wales. These are outlined below.

5.1 The Common Aim and health

The Common Aim as drafted highlights elements that are intrinsically linked with public health - economic, social, and environmental well-being.

The Interim Report from the pilot National Conversation on "The Wales We Want" reflects discussions:

"Many also stated the critical need to align the Well-Being of Future Generations (Wales) Bill with the Social Services and Public Health Bill, among others, with suggestions that "Health in all policies" is reflected in achieving each of the goals"

"Although the goals need to be seen as an integrated set, the on-line survey asked for priorities, with responses highlighting "health" followed by "use of natural resources" and "safer, more cohesive communities" as the top priorities."

This suggests that rather than being one of six well-being goals, participants thought that the top priority of health should be reflected in each of the goals. The simplest way of achieving this is to elevate health into elements of the common aim by including its specific reference in the definition alongside economic, social and environmental well-being.

5.2 Health as a Well-being Goal

Public Health Wales notes that health has been included as a well-being goal in the Future Generations Bill. This gives some assurance that health is a consideration that must be taken into account at national and local level

However, Public Health Wales is concerned that health considerations will not receive sufficient prominence during the implementation of the future Act. Positioning health as a well-being goal rather than as a core element of well-being is too indirect and runs the risk of health being downgraded in the hierarchy of considerations.

Public Health Wales feels that it is insufficient to place reliance on health considerations being "implicit". These concerns are furthered by:

- a) the intention to repeal Section 40 of the National Health Service (Wales) Act 2006, (the requirement for each local authority and each Local Health Board to jointly produce a health and wellbeing strategy). A reliance on an "implicit" obligation rather than a requirement for explicit consideration of local health and well-being is a backward step.
- b) the lack of reference to local health needs assessments in the indicative list of local assessments in Section 36(3) of the Future Generations Bill. Such health needs assessments, have routinely been undertaken in past years to support local health and well-being planning arrangements. It is Public Health Wales' view that if health was one of the key aspects of the common aim, such an omission in the Future Generations Bill would not have arisen.

5.3 The definition of "a healthier Wales" used in the well-being goal

A bespoke definition has been developed for "a healthier Wales" for the Future Generations Bill which is:

"A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood".

Public Health Wales welcomes the inclusion of both mental and physical health in this definition and also the recognition that we are seeking to "maximise" health for all, no matter what their current health status.

However, this definition is too narrow, and there is insufficient emphasis on the protection and promotion of health, whether secured through policy, existing high quality services, legislation or other means.

There is a focus on understanding choices and behaviours in the definition. It is well-recognised that the freedom and ability to make choices and

behaviours are strongly associated with the circumstances in which people live- the essence of a public health approach and of this Bill.

There is undoubtedly more that can be done to increase professional and public understanding about motivation and drivers for healthy choices and behaviours. However, Public Health Wales would wish the definition of "a healthier Wales" used in the Future Generations Bill to extend beyond telling people how to behave and the choices that they should make, towards implementing evidence based interventions on a large scale, encompassing health protection, improvement and health service quality.

5.4 The Role, Duties and Functions of the Future Generations Commissioner

Public Health Wales is interested in how the Commissioner's role as adviser, as described in Section 41, will be reconciled with local accountability. The positioning of the Commissioner in an "approval" role appears to be a potential impediment to local decision making powers.

5.5 The Lifespan of a Public Service Board

The lifespan of the proposed Public Services Boards is wholly reliant upon local authority election cycles.

Public Health Wales is concerned that this reliance is incompatible with the longer term timescales required for health (specifically public health) planning. Consequently, there is a risk that the success of the Future Generations Bill, established to stimulate sustainable, long term thinking, may be compromised by the potential to interrupt medium and long term sustainable improvement.

5.6 Resource implications for Public Bodies during the transition to the new arrangements

It is recognised that these arrangements will take the place of existing strategic planning arrangements for public bodies. The time to make this transition, the impact on service delivery and opportunity costs associated with such changes, cannot be disregarded and Public Health Wales would stress the need for careful introduction with realistic timescales. These changes are proposed at a time of austerity and of system change particularly for local government.

It is recognised that as a public body, the introduction of the Future Generations Bill will have associated resource implications for Public Health Wales, including the provision of support at national level and the

support of up to 22 Public Service Boards through our local teams. Public Health Wales is committed to supporting the successful implementation of this legislation and would welcome early discussions as to what might be required.

6 Conclusion

Having considered the Well-being of Future Generations (Wales) Bill, Public Health Wales reiterates our view that in the Public Health Bill there is a once in a generation opportunity to place public health at the centre of our public policy and practice in Wales in order to enable people to live healthy, long lives with a public service that is organised to promote self-care, prevent ill-health and keep people healthier for longer.

Public Health Wales thinks that as currently drafted, the Public Health White Paper and the Future Generations Bill do not comprehensively provide the legislative basis to address the major public health challenges in Wales and would like to see strengthening of the elements outlined above.

Public Health Wales would be happy to assist in any further discussions and/or suggestions as to how to strengthen these areas in order to optimise these pivotal pieces of legislation.

7 References

Collins, J and Koplan, J.P. *Health Impact Assessment: A Step Toward health in all policies JAMA*. 2009;302(3):315-317 (doi:10.1001/jama.2009.1050)

Leppo, K., Ollila, E., Peña, S., Wismar, M and Cook, S. (2013) (Editors) *Health in All Policies- Seizing opportunities, implementing policies*

Welsh Government, 2009, *Our Healthy Future*

Welsh Government, 2011, *Together for Health- A Five Year Vision for the NHS in Wales*. Welsh Government, 2011, *Fairer Health Outcomes for All- Reducing Inequities in Health Strategic Action Plan*

National Assembly for Wales
Environment and Sustainability Committee
WFG 34
Well-being of Future Generations (Wales) Bill
Response from Welsh NHS Confederation



Briefing for:	National Assembly for Wales Environment and Sustainability Committee.
Purpose:	The Welsh NHS Confederation response to the inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.
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Introduction

1. The Welsh NHS Confederation, on behalf of its members, welcomes the opportunity to contribute to the Environment and Sustainability Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.
2. By representing the seven Health Boards and three NHS Trusts in Wales, the Welsh NHS Confederation brings together the full range of organisations that make up the modern NHS in Wales. Our aim is to reflect the different perspectives as well as the common views of the organisations we represent.
3. The Welsh NHS Confederation supports our members to improve health and well-being by working with them to deliver high standards of care for patients and best value for taxpayers' money. We act as a driving force for positive change through strong representation and our policy, influencing and engagement work. Members' involvement underpins all our various activities and we are pleased to have all Local Health Boards and NHS Trusts in Wales as our members.
4. The Welsh NHS Confederation and its members are committed to working with the Welsh Government and its partners to ensure there is a strong NHS which delivers high quality services to the people of Wales.
5. The Well-being of Future Generations (Wales) Bill represents an exciting and timely, yet challenging, opportunity for the NHS, the wider public sector and the health and well-being of the population of Wales. The Welsh NHS Confederation and our members consider the Bill to be an important opportunity to address the complex long-term challenges we experience in Wales, including health inequalities, tackling poverty, demographic changes and public engagement. However, to achieve the 'common aim' and 'well-being goals' within the Bill, it is vital that a 'health in all policies' approach is adopted and that requirements for the use of health impact assessments are incorporated in the Bill. Achieving true sustainable development requires a huge culture change and it is unlikely that legislation alone can achieve that.

6. The Welsh NHS Confederation is willing to provide oral evidence to the Environment and Sustainability Committee. We believe it is important for the Committee to have the opportunity to hear directly from the health sector.

Terms of Reference

i) How the Welsh Government should legislate to put sustainability and sustainable development at the heart of Government and the wider public sector;

7. The Welsh NHS Confederation welcomes the inclusion of putting sustainable development on a statutory basis and as a central organising principle. We can see examples where there have sometimes been a failure to meet the needs of the present population, which can compromise the ability of future generations to meet their own needs. One example of this relates to obesity. Had past generations fully recognised the threats of the developing an ‘obesity environment’, and appropriately responded to the risks this brought, the situation today might well have been somewhat different.

8. As well as putting sustainable development at the heart of Government and the public sector, it is important that the Bill provides an opportunity for gaining a wider understanding, and broader application, of the principles of ‘prudent healthcare’. NHS Wales is working hard to ensure that ‘doing the right thing at the right time’ is translated into effective clinical practice which increases capacity, reduces the need for multiple interventions and provides the individual with the best outcome in the timeliest manner. We would further advocate this approach being applied more broadly to the delivery of all public services and in strategic partnerships. Working in an holistic and integrated way will support the drive towards ‘prudent healthcare’ in Wales. Delivering this agenda will require ambition, consensus and co-ordinated delivery across the system.

ii) The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas –

a) The ‘common aim’ and ‘sustainable development principle’ established in the Bill and the ‘public bodies’ specified;

9. The Welsh NHS Confederation supports the ‘common aim’ and ‘sustainable development principle’ established in the Bill. We recognise that the interpretation of the ‘common aim’, as described in the Bill through the term ‘economic, social and environmental well-being’, has the potential to encompass health in its widest definition. However we do recommend that health is included in the ‘common aim’ as well as in the ‘well-being goals’.
10. From a Local Health Board perspective, in terms of joint working with Local Authorities, using the term ‘well-being’ could avoid the difficulties which can arise from using the term ‘health and well-being’ when health is still predominately seen as ‘the business of the NHS’. Particularly in a time of austerity, it would be counter-productive to promote the perception that health is solely the responsibility of the NHS. So while it is useful to have ‘well-being’ within the definition of the

Bill, we would argue that there is scope for spelling out more clearly what the term ‘well-being’ covers.

11. In acknowledging the positives of having well-being within the definition, we also recognise that there is a considerable risk in not including the term ‘health’ in the ‘common aim.’ Such an omission means there is a failure to capitalise on the opportunity to embed *“good health at the centre of the Wales we want”*, as stated by Welsh Government in the Public Health White Paper.
12. Health is a priority for the people of Wales. The interim report from the pilot National Conversation on ‘The Wales We Want’ⁱ stated: *“Although the goals need to be seen as an integrated set, the online survey asked for priorities, with responses highlighting ‘health’ followed by ‘use of natural resources’ and ‘safer, more cohesive communities’ as the top priorities.”* This suggests that rather than being one of six well-being goals, participants thought that the top priority of health should be reflected in each of the goals. The simplest way of achieving this is to elevate health into elements of the ‘common aim’ by including its specific reference in the definition alongside ‘economic, social and environmental well-being’.
13. Furthermore, the absence of health from the ‘common aim’ is a missed opportunity to secure the wider adoption of health impact assessments as an essential part of all local and national policy development. Elements of health impact assessments are included within the Bill but the broad ranging health impact assessments are not referred to explicitly. Reference is made to an *‘integrated approach to considering how a body’s objectives may impact upon the three aspects of wellbeing’*. This will inevitably lead to impact assessments that focus primarily on economic, social and environmental wellbeing (the ‘common aim’), with no consideration of the depth and breadth of potential health impacts. The Welsh NHS Confederation recommends that the inclusion of a requirement to undertake health impact assessments within the Bill would considerably strengthen the likelihood of ensuring explicit consideration is given to the impacts on a ‘healthier Wales’.
14. In relation to ‘public bodies’ the Welsh NHS Confederation is disappointed and concerned that the Welsh Ambulance Services NHS Trust has not been included within section 5 of the Bill. It is unclear why the Welsh Ambulance Services NHS Trust has been omitted as a public body when all the Local Health Boards, the two other NHS Trusts in Wales and other services, including the Welsh Fire and Rescue Authority, have been included. We would assert that the Welsh Ambulance Services NHS Trust is an integral part of the drive to improve health and healthcare and makes a significant contribution to the well-being of communities. The exclusion of the Welsh Ambulance Services NHS Trust from the list of organisations included as ‘public bodies’ within the Bill raises important governance issues that needs clarification from the Welsh Government.

b) The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies;

15. As highlighted above, the Welsh NHS Confederation is disappointed that health is not included in the ‘common aim’ and appears only as part of one of the six ‘well-being goals’. We are concerned that health considerations will not receive sufficient prominence during the

implementation of the future Act. Positioning health as a ‘well-being goal’ rather than as a core element of well-being is too indirect and runs the risk of health being downgraded in the hierarchy of considerations.

- 16.** The Bill is a crucial first step in tackling the culture of ill health in Wales as it recognises that health is much more than health services. Better health is the responsibility of all sectors and while the Welsh Government has already taken steps to infuse health into various sectors - including legislation for children and young people, housing and active travel - the Bill is an opportunity to progress this work further.
- 17.** In relation to the definition of ‘a healthier Wales’ included within the Bill, we welcome the inclusion of both mental and physical health and the recognition that we are seeking to ‘maximise’ health for all, no matter what their current health status. However, this definition is too narrow and there is insufficient emphasis on the protection and promotion of health, whether secured through policy, existing high quality services, legislation or other means.
- 18.** It is important that when considering the six ‘well-being goals’ we do not fall into the trap of disaggregating them and seeing the ‘healthier Wales’ goal as only the responsibility of the NHS. It is of fundamental importance that all partners recognise that all six ‘goals’ contribute equally to the overall well-being of the population, and that each contributes to the delivery of the others.
- 19.** In addition, while implicit in the majority of the ‘well-being goals’, the Welsh NHS Confederation would recommend that the alleviation of poverty is included. Sustainable development is impossible if we do not address the inequities that exist within Wales and in how Wales relates to the rest of the world. It is vital that the Bill ensures that the Welsh Government is obliged to consider the impact poverty has on people’s well-being. The Bill needs to be more explicit in relation to how the Welsh Government and public bodies are going to ensure that poverty and financial inequality are tackled in Wales.
- 20.** The impact of poverty on health is significant. The Marmot reportⁱⁱ found that people living in the poorest areas of England and Wales will, on average, die seven years earlier than people living in the richest areas. Evidence shows that people living in deprived areas develop multiple conditions earlier than people in more affluent areas and many people of working age have multiple conditions.ⁱⁱⁱ On average, between 2009-2010 and 2011-2012, almost a quarter of people in Wales (23%) were in low income households - higher than in both England and Scotland.^{iv} Many of these factors are interlinked, and a person’s overall well-being will affect their ability to adopt healthy behaviours.^v
- 21.** Finally, it is important that there is a consistent and streamlined approach to the identification of ‘well-being goals’. Presently between the various public sector bodies there are a number of reporting mechanisms, requirements and indicators, some of which will be relevant to the areas covered by this Bill. In particular any new indicators will need to be aligned with the recently published National Outcomes Framework for social services, as part of the Social Services and Wellbeing (Wales) Act, as well as the NHS and Public Health outcomes frameworks. It is vital

that, as far as possible, the number of meaningful outcomes and population measures are shared.

c) The approach to measuring progress towards achieving well-being goals and reporting on progress;

22. The Welsh NHS Confederation recognises the need for measures and structures to be put in place to encourage and monitor compliance with the proposed legislation. We welcome the recognition that these must be integrated at all levels and that fundamentally the long-term impacts (both positive and negative) must be considered as well as the short-term impacts.
23. The Bill provides an opportunity for improving the ways in which the NHS in Wales works together with the rest of our public sector partners. The explicit requirement for shared statutory responsibility to achieve the well-being goals is particularly important as it will substantially help the NHS' ability both to hold to account, and to be held to account, by their partners for a range of actions which promote population health improvement.
24. The Welsh NHS Confederation would recommend that the development of the approach to measuring progress is highly cognisant of existing processes and structures in place. There are already substantial reporting arrangements, local and national plans and outcomes frameworks in existence or under development. At a time when resources are limited, care must be taken to recognise what already exists and allow transition towards a coherent approach.

d) The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability;

25. We would welcome the appointment of a Commissioner for Future Generations. Such a position would be an important signal that sustainable development is central to Welsh policy. However, we would expect the role to be on a par with other Commissioner roles established in Wales.
26. It is disappointing that the Commissioner would be accountable to the Welsh Government rather than to the National Assembly, as is the case with the Older People's Commissioner, the Children's Commissioner and the Welsh Language Commissioner. The Commissioner's powers and responsibilities need to be clear to enable the public and the bodies subject to the Bill to understand what the Commissioner can and cannot do.

e) The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.

27. The Welsh NHS Confederation supports the establishment of statutory Public Service Boards to enable stronger commissioning and planning discussions. Health Boards are already moving at pace to integrate services more effectively. A logical next step would be to transform Local Service Boards into the new Public Services Boards if there is clear evidence that Local Service Boards have been effective and any lessons learnt from the current Local Service Board's, in terms of the form and functions, are considered. From a structural perspective, morphing one to

the other may seem to be the logical solution but Public Service Boards must be able to deliver on the requirements of the Bill.

28. We welcome the move to reform integrated community planning and simplifying the system, removing the need to develop separate plans for aspects which can much more efficiently be addressed together. We note that there will remain a tension between planning cycles given the focus on three-year planning within the NHS and the different national and local political cycles.

29. We do have some concern about the duration of the Public Service Boards being linked to political cycles. Planning for health (and indeed for sustainable development) requires periods much longer than the local electoral cycle allows. Consequently, there is a risk that the success of the Well-being of Future Generations Bill may be compromised by the potential to interrupt medium and long-term sustainable improvement.

iii) How effectively the Bill addresses Welsh international obligations in relation to sustainable development;

30. This Bill is vital to the Welsh population but the Welsh Government must work with Governments across the UK and other nations to ensure that the best outcomes are achieved for all. While this legislation progresses in Wales, there remain critical issues that demand a UK-wide, or international, approach, for example the way food processing and labelling is governed.

iv) Any potential barriers to the implementation of these provisions and whether the Bill takes account of them;

a) Health Impact Assessments

31. As previously highlighted, the omission to include health impact assessments explicitly within the Bill could be a barrier to the achievement of a 'healthier Wales'. The major public health challenges that we face may not be effectively addressed within the proposed legislative framework, as outlined in the current versions of the Public Health White Paper and the Well-being of Future Generations Bill.

32. For many years, Wales has been ambitious in efforts to integrate health considerations into policy making. While in the Public Health Green Paper nearly half the questions related to health impact assessments, the subsequent Public Health White Paper did not contain this proposal. It seems that, despite wide support, health impact assessments have been dropped from the Public Health White Paper in its current form. However the Ministerial foreword to the White Paper stated: *"The Future Generations Bill will...demonstrate how a 'Health in All Policies' approach forms a central part of our wider agenda."* As highlighted previously, this has not been explicitly included in the Well-being of Future Generations Bill and the 'once in a lifetime' opportunity for Wales to take an international lead could, therefore, be lost.

33. The inclusion of the commitment for health in all policies will raise the profile of public health in society. It will also serve to increase awareness and knowledge of public health issues across Government departments (national and local) and among those who develop and implement

policy. It is only through this mechanism that we can effectively build a society that prides itself on enabling a healthier population, that actively supports people living healthier for longer across all age groups and that provides an equitable and fit-for-purpose model of care and support.

b) Reforming Local Government.

34. Within the Bill, Public Service Boards and Local Well-being Plans would take the place of existing strategic planning arrangements for public bodies. To make this transition the impact on service delivery and costs associated with such changes cannot be disregarded. There is the need, therefore, for careful introduction with realistic timescales. These changes are being proposed at a time of austerity and of system change, particularly for Local Government.
35. Local Government responsibilities within the Bill will need to have regard to the Williams Commission proposals for Local Government reorganisation and the Reforming Local Government White Paper. Full consideration should be given to the capacity within Local Government to deliver these proposals successfully at a time when service cuts and reductions in service standards are all too apparent.

c) Empowering people

36. The Welsh NHS Confederation welcomes the recognition in the Bill that it will be essential for individuals, communities and organisations to commit to make changes now to manage the future challenges that we face. However it is essential that, as far as individuals are concerned, it is recognised that their ability to make choices and adopt particular behaviours is very much a product of the circumstances in which people live their lives. People need to be educated and empowered to have the knowledge and understanding to remain in good health and receive appropriate interventions.
37. It is vital to recognise that there will need to be a major change in culture and approach in order for the public sector truly to embrace the very different ways of working required to make this Bill a reality. Although co-design and co-production are beginning to happen in some parts of the public sector, the prevailing mindset in many areas is still one in which citizens and service users are passive recipients of services. In order to move towards the kind of engagement needed for the success of this Bill, there will be a significant task in terms of skilling public sector staff to work with people and communities in a way which recognises assets to build on, rather than problems to be solved. Similarly, there is a major cultural shift required to move away from the view of public services as delivery agents to passive populations, to a greater focus on localities in which everyone does their bit.
38. The future success of the NHS relies on us all taking a proactive approach to health and ensuring that we create the right conditions to enable people in Wales to live active and healthy lifestyles. The sustainability of the NHS and other public bodies is the responsibility of everyone in Wales, but do we understand this? In the Welsh NHS Confederation discussion paper 'From Rhetoric to Reality - NHS Wales in 10 years' time'^{vi} we referred to the need to find a way of informing and building a new understanding of how the NHS should be used, embodied by an agreement with

the public that would represent a shared understanding. Within this paper we highlighted the importance of working with the public to co-produce services and reduce demand, releasing capacity in the system.

v) Whether there are any unintended consequences arising from the Bill;

a) Repealing National Assembly Legislation

39. One of the unintended consequences of this Bill is that it will repeal legislation that has recently been passed by the National Assembly for Wales but is not yet in force.

40. The Public Services Boards and Local Well-being Plans introduced within this Bill may align local and national strategic planning through the well-being goals. But the Bill would also be repealing a range of statutory provisions relating to plans for a range of groups, including the duty in section 40 of the NHS (Wales) Act (2006) to prepare Health and Well-being Strategies. The repeal of section 40 of that Act will also repeal the amendments made to that section by section 14 of the Social Services and Well-being (Wales) Act 2014, including the requirement for any part of a health and well-being strategy relating to the health and well-being of carers to be sent to Welsh Ministers. We are concerned that the Bill will repeal requirements where health and well-being considerations are explicit, to be replaced with this legislation where health is only implicit.

b) Public Health Wales Bill

41. The significance of this Bill for health is intrinsically linked with the content and progress of the proposed Public Health Bill. The Welsh NHS Confederation submitted a comprehensive response to the Public Health White Paper in June 2014 and it is disappointing that the responses to the Public Health Bill have not been considered over time before this Bill has been introduced. The interim report from the pilot National Conversation on ‘The Wales We Want’^{vii} reflects this: *“Many ... stated the critical need to align the Well-Being of Future Generations (Wales) Bill with the Social Services and Public Health Bill, among others, with suggestions that “Health in all policies” is reflected in achieving each of the goals.”*

42. When responding to the Public Health White Paper, we were of the view that the absence of both the adoption of a ‘health in all policies’ approach, and requirements for the use of health impact assessments in the Public Health White Paper, were due to the fact that they would be included in the Well-being of Future Generations Bill. The fact that health impact assessments are not adequately incorporated within this Bill makes their omission from the Public Health White Paper all the more important. The very existence of the Well-being of Future Generations Bill appears to have had consequences in terms of the nature of the proposed Public Health Bill. The latter has been reduced to a narrowly focused, siloed set of short to medium term objectives to be achieved in one Government term. The manner in which this Bill has been drafted, with health absent from the ‘common aim’ means that there is every chance Wales could be left with no notable levers to make the strategic, large scale changes that are needed.

vi) The financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum and Regulatory Impact Assessment; which estimates the costs and benefits of implementation of the Bill);

43. Our reading of the material in the Explanatory Memorandum in relation to the Regulatory Impact Assessment suggests that it may have been underestimated how much work all public bodies will need to undertake in order to fully exploit the opportunities envisaged by the Bill. For example, the calculations presented regarding the costs of undertaking needs assessments has been underestimated. Therefore it is important that in further discussions on the implementation of the Bill a realistic assessment of the capacity and time needed by local partners is considered.

vii) The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum, which contains a table summarising the powers for Welsh Ministers to make subordinate legislation).

44. We note that in Section 36(3) (h) of the Bill Welsh Ministers have the power to prescribe other assessments that must be taken into account by Public Service Boards. We hope that our concerns on the omission of health impact assessment are considered and incorporated on the face of the Bill.

Conclusion

45. The Welsh NHS Confederation is committed to supporting the successful implementation of the Well-being of Future Generations Bill and the Public Health Bill. Through these Bills there is a once in a generation opportunity to place health at the centre of our public policy and practice in order to enable people to live healthy, long lives with a public service that is organised to promote self-care, prevent ill-health and keep people healthier for longer.

ⁱ The Wales we want, July 2014, An Interim Report from the pilot National Conversation on ‘The Wales We Want’

ⁱⁱ The Marmot Review, February 2010, Fair Society, Healthy Lives

ⁱⁱⁱ The NHS Confederation, May 2014, The 2015 Challenge Declaration

^{iv} Joseph Rowntree Foundation, September 2013, Monitoring poverty and social exclusion in Wales

^v NHS Confederation and Faculty of Public Health, October 2011, From illness to wellness: achieving efficiencies and improving outcomes.

^{vi} The Welsh NHS Confederation, January 2014, From Rhetoric to Reality – NHS Wales in 10 years’ time

^{vii} The Wales we want, July 2014, An Interim Report from the pilot National Conversation on ‘The Wales We Want’

Agenda Item 7.1

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



Alun Ffred Jones AM
Chair, Environment and Sustainability Committee.

29 July 2014

Dear Ffred

Well-Being of Future Generations (Wales) Bill

At the Finance Committee meeting on 16 July the Committee considered the financial implications of this Bill. At this stage we have decided not to ask the Minister to attend Committee but we have written to him on a number of points. I attach a copy of this letter for your information.

Furthermore, there are a number of areas in the Bill which your committee may wish to consider with public sector stakeholders, namely:

Costs to specified public bodies

The EM states that the costs to public bodies in Wales of meeting the requirements of the Bill are intended to be met within existing resources for setting corporate objectives and reporting against them. The EM also explains that the Welsh Government commissioned research to establish the baseline costs for setting strategic objectives within organisations⁵. The EM details how PSBs will have increased costs of around £537,000 over the first five years of the Bill for attending meetings, publishing well-being assessments and additional scrutiny arrangements. *It would be useful to verify these figures with the specified public bodies to see if they think they are realistic and whether they may need to reprioritise away from frontline resources.*

Yours sincerely,

Jocelyn Davies AM
Chair

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Jeff Cuthbert AM
Minister for Communities and Tackling Poverty
Welsh Government

29 July 2014

Dear Minister

Well-Being of Future Generations (Wales) Bill

At the Committee meeting on 16 July the Committee considered the financial implications of this Bill. The Members had a number of queries which we would appreciate your views on.

Attached at annex A is details of the areas we would like a response on. I am also sending a copy of this letter to Alun Ffred Jones AM Chair of the Environmental and Sustainability Committee.

Yours sincerely,

Jocelyn Davies AM
Chair

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Annex A

Impact of the Williams Commission on Public Service Governance and Delivery

The costs contained within the Bill on Public Service Boards are based on the current position of 22 local authorities and 19 Local Service Boards, and are split between local authorities and other specified public bodies. If the recommendations of the Commission on Public Service Governance and Delivery are taken forward and there are local authority mergers then consequently there would be fewer Public Service Boards and as the RIA acknowledges 'any costs would reduce accordingly'.

The Committee requests that you provide details as to newly merged local authorities would be required to produce new local well-being assessments and plans and establish new Scrutiny Committees, and if any assessment of potential savings has been made.

Costs to specified public bodies

The EM states that the costs to public bodies in Wales of meeting the requirements of the Bill are intended to be met within existing resources for setting corporate objectives and reporting against them. The EM also explains that the Welsh Government commissioned research to establish the baseline costs for setting strategic objectives within organisations. The EM details how PSBs will have increased costs of around £537,000 over the first five years of the Bill for attending meetings, publishing well-being assessments and additional scrutiny arrangements.

The Committee would be grateful to receive details of any discussions undertaken with the specified public bodies to verify these figures to see if they think they are realistic and whether they think the costs may result in the need to reprioritise away from frontline resources.

Additional audit fees

The EM explains that by law the AGW is required to charge fees for auditing the accounts of local government and other public bodies. Under the provisions in the Bill the AGW will be auditing the specified public bodies with sustainable development as one of their core principles. The EM states that it has not been possible to provide figures for the audit fees charged to each individual body that will be subject to the Bill duties.

The Committee requests that you provide details of additional costs that specified public bodies could be expected to pay to have their accounts audited.

PricewaterhouseCoopers (PWC) report

Paragraph 327 of the EM indicates that PWC were commissioned to assess the administrative impact of the legislation on public bodies subject to the Bill, but – whilst identifying the need for cultural change within organisations, improved leadership and better partnership working – were unable to provide a quantified assessment of the costs involved. The EM explains that the organisations who participated in the PWC research:

(...) were not able to establish a baseline position in relation to their current cultures and behaviours and as a result PWC were unable to provide even a broad estimate of the likely costs associated with cultural change⁷.

The PWC report concludes that the benefits of the Bill significantly outweigh the negative administrative impacts associated with implementation.

The Committee would be grateful if you could provide estimates of the cost of implementing cultural changes in specified public authorities.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref: LF CS 0929 14
Jocelyn Davies AM
Chair
Finance Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

17th September 2014

Well-being of Future Generations (Wales) Bill

Thank you for your letter of 6 June 2014 to the then Minister for Communities and Tackling Poverty, regarding the costs associated with the Well-being of Future Generations (Wales) Bill.

The attached annex provides the information that you have requested. I trust that this is helpful and responds to the Committee's specific questions.

Carl Sargeant AC / AM
Y Gweinidog Cyfoeth Naturiol
Minister for Natural Resources

Bae Caerdydd • Cardiff Bay
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English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
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*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)
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Annex A

Impact of the Williams Commission on Public Service Governance and Delivery

The Finance Committee requested that I “provide details as to whether merged local authorities would be required to produce new local well-being assessments and plans and establish new Scrutiny Committees, and if any assessment of potential savings has been made.”

The planning cycle for the production of assessments of local well-being and local well-being plans will be linked to the electoral cycle. The Bill set out that each Public Services Board must publish its first local well-being plan no later than one year after an ordinary election under section 26 of the Local Government Act 1972. An assessment of local well-being is to be undertaken and published a year before this (effectively at the same time as the elections).

At present, the timetable for potential mergers and subsequent elections has not been finalised, although the likely key milestones are set out in the *Reforming Local Government* White Paper and are used below for illustration. We would expect assessments of local well-being and local well-being plans to be produced, triggered by the elections as per the planning cycle set out in the Bill, including in areas where local authorities merge. For example, those local authorities unchanged by the *Reforming Local Government* White Paper and undertaking the elections in 2017 would be expected to publish their assessment of local well-being in April 2017 and to have produced their local well-being plan by the end of April 2018.

The Bill leaves it to the discretion of the local authority as to which overview and scrutiny committee, if there is more than one, it designates for the purpose of reviewing and scrutinising the Public Services Board. Therefore a “new” committee may not be required.

The Regulatory Impact Assessment (RIA) sets out the costs associated with preparing and updating local assessments of well-being, preparing local well-being plans, and scrutiny under “Option 2: Legislate to reform integrated community planning”. The standard approach to developing an RIA is to reflect confirmed policy changes only and, since the revised local authority structure has not yet been finalised, the RIA for the Bill is based on the ‘status quo’ of 19 Local Service Boards currently producing 21 needs assessments and plans.

An illustrative assessment of potential savings has been based on the proposals for strategic mergers set out in *Devolution, Democracy and Delivery: Improving public services for people in Wales*, which sets out a preference for “Option 1” of 12 local authorities.

Using the estimated costs set out in the RIA, the potential savings from the reduced number of Public Services Boards (PSBs) producing a reduced number of assessments and plans could be up to a maximum of £496,800 compared to the status quo.

However, this would be on the assumption that the PSB does this work within the costs estimated in the RIA for an individual PSB. It is likely that the larger local authority areas created by the mergers will require additional resources to produce both assessments and plans and therefore the savings could be less than this. If we estimate that efficiency savings will mean that a new, larger PSB will at most incur 75% of the combined costs of the two PSBs operating prior to merger, then the savings would be in the region of £248,400.

Scrutiny arrangements would result in a saving of approximately up to £90,000 per annum.

	“Status quo” (21 assessments and plans produced)	Reduced number of PSBs (12 assessments and plans produced)	Max saving (if new, merged, PSB operates at costs estimate for a <i>single</i> PSB in RIA)	Min saving (if merged PSB incurs 75% of the combined costs of <i>two</i> PSBs)
Assessment of wellbeing (Estimated in RIA at £26,800 per PSB)	£562,800	£321,600	£241,200	£120,600
Local well-being plans (Estimated in RIA at £28,400 per PSB)	£596,400	£340,800	£255,600	£127,800
Scrutiny (Estimated in RIA at £9,000 per PSB)	(22) £198,000	(12) £108,000	(pa) £90,000	(pa) £90,000

These calculations are based on the assumption the current joint arrangements for LSBs would have been carried forward as the status quo, i.e. with 19 LSBs in operation, but with only Gwynedd and Anglesey producing joint assessments and plans.

It is assumed that even where there are joint LSBs the work of the LSBs is currently scrutinised in each local authority area.

Costs to specified public bodies

Under this heading you requested that I provide “details of any discussions undertaken with the specified public bodies to verify these figures to see if they think they are realistic and whether they think the costs may result in the need to reprioritise away from frontline resources”.

It is important to emphasise that the Bill will impact on the way that specified public bodies set their well-being objectives, and the nature of those well-being objectives. It will impact also on how they go about achieving those well-being objectives and how they allocate their resources. In this way, the Bill will influence the way in which an organisation as a whole works. Most importantly, the sustainable development principle will not be an “add-on” but will be fundamental to what organisations aim to achieve and the way in which they operate.

All the organisations captured by the provisions of the Bill already have the mechanisms in place to meet the duties in the Bill, including publishing their corporate objectives and reporting annually on their actions, therefore there are no additional costs anticipated as a result of the legislation.

The development of the Regulatory Impact Assessment was informed by discussions during seven engagement events run by PwC with an agreed selection of stakeholders looking at the potential administrative impact of the Bill. These were:

City and Council of Swansea
Natural Resources Wales
Powys County Council
Abertawe Bro Morgannwg University Health Board
Vale of Glamorgan Council
Cardiff Council
Welsh Government

Given time constraints, it was not possible to test the finalised figures with the bodies before the scrutiny process began. However, we continue to work with the Welsh Local Government Association and thirteen public bodies as part of our work to encourage early adoption of the Bill’s provisions.

Additional Audit fees

Under this heading you requested details of additional costs that specified public bodies could be expected to pay to have their accounts audited.

It is the Wales Audit Office (WAO) that must set a scheme relating to the charging of fees for public bodies to have their accounts audited and so the WAO will be better placed to provide the information that you have requested. The level of those fees is set by the WAO, subject to consultation with certain consultees, and the scheme takes effect after approval of the National Assembly for Wales. It is a fundamental principle in recognition of the independence of the Auditor General for Wales (AGW) and WAO that the Welsh Government does not prescribe how the AGW undertakes his duties or the fees relating to audit.

However, you may wish to note that, as the AGW sets out in his most recent Code of Audit Practice, he has adopted the principle that “*audit work must be undertaken with regard to sustainable development as a central organising principle for integrated decision making and reporting by audited bodies*” within the five principles that underpin the audit work of the AGW.

In his most recent Annual Report, the AGW has confirmed that he is seeking to “report more comprehensively on sustainable development, on equality and on the use of the Welsh language”.

PricewaterhouseCoopers report/ Costs of cultural change

Under this heading you requested estimates of the cost of implementing cultural changes in specified public authorities. I would echo the words in the PwC report that say that “the Williams Commission recommendations and the provisions of the Bill present a unique opportunity to legislate for change in sustainable development behaviours and introduce a delivery vehicle that will enable these behaviours to be more effectively discharged... The Future Generations Bill could have the gravitas and support to trigger the level of change highlighted by the Williams Commission, recognising that although many organisations’ self-assessment was that they had the ability to change their own behaviour, it may require legislation to accelerate the speed and scale.”

It is very difficult to put a cost to changing behaviour and culture particularly as the drivers are often numerous and cannot work independently of one another. The drivers include the signal sent by the legislative duties in the Bill, the example set and messages cascaded by leaders in the public service (Government Ministers, Assembly Members and Chief Executives), formal leadership training programmes and the role of the Future Generations Commissioner for Wales in providing advice, support and challenge.

With regard to the leadership, I agree with the PwC report where it states: “The role of leadership is equally important across executive and political structures. From a risk perspective, organisational culture, whilst complex, is not necessarily costly to change providing that the desire, direction and leadership are clear”.

Alongside the Bill, the Welsh Government has published a delivery agenda for reforming public services in “*Devolution, Democracy, Delivery – Improving public services for people in Wales*” this sets out our vision and describes complementary actions we will be taking to improve the governance and delivery of public service in Wales.

With regard to training and the facilitation of change, it will be for Academi Wales and the Future Generations Commissioner for Wales to ensure that our leaders, both current and future, fully understand the sustainable development principle that the Bill provides for. For example, this will mean in some cases re-purposing our existing leadership programmes to embed the governance approaches set out in the Bill to reflect the fact that they are integral to achieving the objectives set by the public service. The resources allocated for this will be set out as part of the wider service reform programme.

The Bill also gives the Commissioner the power to make recommendations to a public body on how steps can be taken to achieve well-being objectives in a manner that is consistent with the sustainable development principle. The costs of this have been accounted for in the Regulatory Impact Assessment (pages 99 – 103).

Y Pwyllgor Cyfrifon Cyhoeddus Public Accounts Committee

Alun Ffred Jones AM
Chair of the Environment and
Sustainability Committee
National Assembly for Wales
Cardiff Bay CF99 1NA



26 September 2014

Dear Ffred,

As discussed at the Public Accounts Committee's meeting of 16 September, I am writing following the Auditor General for Wales's letter to you of 4 September, relating to the Future Generations (Wales) Bill.

As might be expected, the Public Accounts Committee has a close interest in the ability of the Auditor General to undertake Value for Money studies according to his judgement and priorities – including taking account of the Committee's views. This is a key issue for us, both as the Committee that scrutinised the Public Audit (Wales) Act 2013 and as our programme of work is closely aligned with the Auditor General's series of Value for Money studies.

Naturally, the Public Accounts Committee is not aware of the Welsh Government's rationale for not including a duty on the Auditor General in the Bill, as was set out in the White Paper. Similarly, we are not aware of their assessment of the potential impact that the expectations set out in the Bill's Explanatory Memorandum will have on the ability of the Auditor General to determine his programme of Value for Money studies.

We would hope that the concerns raised by the Auditor General are given careful consideration by your Committee in scrutinising the Bill. Additionally, given our close interest in this matter, the Committee would be grateful if you could provide an update on this issue and your Committee's views in the course of your scrutiny.

I am copying this letter to the Auditor General for Wales, and to the Minister for Natural Resources.

Yours sincerely,

Darren Millar AM
Chair

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Agenda Item 9

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