

**Environment and Sustainability
Committee**

**The Well-being of Future Generations
(Wales) Bill**

Consultation Responses

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The Well-being of Future Generations (Wales) Bill

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National Assembly for Wales
Environment and Sustainability Committee
WFG 01
Well-being of Future Generations (Wales) Bill
Response from MR C Mason

Dear Sir/Madam

RESPONSE TO THE 'FUTURE GENERATIONS' BILL CONSULTATION.

1)CONTEXT IS CRUCIAL

The proposals in the Bill seem to have been drafted without any reflection on the context in which they will be applied. A very brief historical perspective on the evolution of the public services across the UK and the evolution of Sustainable Development (SD) policy within the Welsh Government (WG) provides this important context.

i)Public Service.

In a phrase, since 1979 public services have been seen as both part of the problem and part of the solution to our economic, environmental, and social problems.

The new Conservative Government of 1979 gradually, by the mid '80's, promoted greater centralisation and tighter control of public finances and its commitment to privatisation (PFI, etc) to reduce the role of the state in service provision. The emphasis became one of outcomes and efficiency. This cultural change proceeded almost unchecked, with the most recent expression intensifying the drive for efficiencies and privatisation in the context of draconian austerity measures, which will extend at least until 2019. The expectation is that public services will 'do more with less' and outsource as many services as possible.

As part of the solution public services have been 'encouraged' to ensure that the UK is 'open for business'. This has found expression in the activities of the UK Government to make the labour market more flexible (zero hour contracts, part-time employment, more self-employment and a reduction in employment rights), all in the interests of economic growth. The Department of Work and Pensions has played a crucial role. Before the recession sanctions were consistently at between 130,000 and 150,000 per annum, in the UK. Soon after the financial crash this figure rocketed to 540,000 cases annually,

"partly thanks to toughening regulations , but largely owing to changing mood music, which encourages officials to exploit their existing powers with less mercy, the unemployed are being punished more often" (T Clark, 'Hard Times', page188, 2014)

Other regulatory agencies have also played their part, the enforcement of environmental and planning policies have been eased in order to facilitate and enable development to the extent , for example , that County Councillors consider the extraordinary intensification of agriculture as *"the modern way"*, and *"natural "* (Pembrokeshire Herald, page 13, 1st August 2014). The impact of increasing nitrate levels on waterways is something to be managed not prevented, not that enforcement is an option given the reduced staffing levels. Affordable housing targets set by Local Planning Authorities, and required by the WG, have reached mythical and comical status as planners know that any attempt to achieve them will be countered on appeal and likely to be frowned upon by the WG if they delay or inhibited development and growth (the wealth of purchasers adds to GDP, according to one planner).

The role of public services is to support the economic imperative and, as far as possible, 'mop up' the mess left behind (poverty, increasing mental illness, obesity, economic and social exclusion and increasing inequality, etc.), with the help of the voluntary and community sectors.

What this history tells us, which should encourage the WG, is that cultural change is possible if there is sufficient political will, a strong leadership and a clarity of purpose. The downside of recent changes is an erosion of the welfare safety net and public services (both quantity and quality), greater insecurity for many, both employed and unemployed, and an erosion of empathy with and respect for service users, and with that an erosion of trust in public agencies. This cultural change, its corrosive power, is deeply embedded across society and is not something that can be easily reversed, if ever!

ii) Sustainable Development: Principles, Central Organising Principle (COP) and Goals.

Since an earlier consultation on the Sustainable Development Bill in 2012 the WG seems to have made very little, if any, progress on developing the concepts underpinning this Bill. A name change to 'Future Generations' makes the subject more accessible, which can only be a good thing. However it is a very real concern that sustainable development was made a statutory commitment in 1998, and little has changed, in terms of substance, during the intervening years, except of course global economic, social and environmental trends that demand an urgent response!

Over the last 3-4 years SD has been adopted as a COP and you have committed to the view that long-term thinking and decision-makers, (only 'big decisions'), 'recognising the connection' between social justice, economic prosperity, and the management of natural resources' (written statement 2013), will promote cultural change and help achieve a number of, selective, objectives.

Your chosen principle is a short extract from the long discredited Bruntland definition of sustainable development. You seem unable to recognise what the function of a principle is, which is to guide and direct decisions, and that the phrase you have adopted will not achieve this.

It is difficult how understand how you have arrived at this unconvincing approach when just a few years ago you considered and sought to 'Welshify' the 5 UKSDC principles. Rather than seeking to clarify your approach you seem to be enmeshed in a desire to remain as ambiguous as possible. As Thomas and Rhisiart said in 2004 "*there is still no fully accepted definition of sustainable development and no real consensus as to the implications for policy prescriptions*". The same situation pertains now in 2014!

Equally as worrying is a selection of 6 goals that make no reference to bio-diversity or governance and it is unclear what the goals being proposed actually mean. What do 'more equal', 'fair share', 'healthier' actually mean and what resources, mechanisms and policy instruments are you recommending public bodies, including the WG, adopt that will influence them and, crucially, by when? Without clear direction from the WG, clear and realistic targets, and with a timetable of milestones to monitor progress that impact on ALL decisions, these goals will be meaningless.

It seems to the outside observer that this Bill is yet another example of 'belief based', rather than 'evidence based', policy making. The cynic would argue that dropping this Future Generations Bill into the unsympathetic maelstrom of public service restructuring, described above, indicates that the WG is keen to be seen to doing something, anything, but that the initiative, however well intended, is bound to fail. The 'mood music' will not change as a result of rhetoric and a 'light touch'.

2) CULTURAL CHANGE: REALISTIC?

It is clear that a committed Government can, over time, bring about cultural change. On that basis the desire to do so should not be dismissed out of hand. However, any such proposal has to be convincing, after all there is no point, other than symbolism, in raising expectations knowing they cannot be met.

Without clear evidence that what you are proposing is robust and durable then it is difficult to judge your proposals. This is a view expressed by PwC in the financial statement; a concern that as there is no baseline data on current cultures and behaviours then the nature and cost of cultural change cannot be estimated.

There would seem to be a number of questions that the WG needs to answer in order to explain and justify this Bill:

Question 1 :How would you characterise the existing culture and the potential for change?

It is not unknown for public bodies to think long-term and to recognise the connection between social, economic and environmental objectives. In fact many, if not all, would argue with some confidence that they do this already. As one local planning officer told me in 2007, sustainable development is;

"how the economic, social and environmental interact. It's what planner do, it's embedded in planning guidance". Planning law places a duty on LPA's to encourage sustainable development".

I doubt very much if any public body would admit to not thinking long-term, and they could certainly find evidence to prove that they do when making big (important?) decisions.

As to the goals of healthier, more equal, etc, again it would be very easy for public bodies to claim that these goals are implicit if not explicit in their existing statutory duties, to; ensure the wellbeing of their residents or area, and, to encourage sustainable development, etc.

Question 2: What are the barriers to change and how do you intend to overcome them?

The WG sponsors the recently established NRW, which is an amalgamation of 3 previously existing public agencies. One wonders what lessons were learned about the challenges of encouraging a unifying culture and whether they have been applied to the thinking behind the Future Generations Bill? How will you respond if cultural change is seen as a threat or an unnecessary obligation? There must be a concern that without convincing evidence and inducements the Bill may only receive a token response.

It is important that you are aware of just how strong the resistance to cultural change is likely to be, and the ability of organisations to appear to be doing something, but in fact do nothing. For example, the Local Planning Authorities who insist that their Local Development Plans encourage sustainable development. When asked by the Local Service Board (LSB) to provide outcome measures the response was that any planning decision contrary to the plan constitutes a reduction in sustainability ! When questioned at an LSB sub-group the planners made it clear that they were using the word 'sustainable' to refer to the plan, i.e. the plan was sustainable as long as planning committee decisions conformed to and endorsed it! This is a quasi-legal use of the term sustainability and has no relevance to sustainable development!!

The challenge for the WG is clear which is to amend your current approach so that: the principles are clear enough to guide decisions, you explain what you mean by 'long-term' and 'big decisions' and why, you provide practical examples of your understanding of the connection between economic, social and environmental objectives, and you set targets for each of the goals so that success can be measured and evaluated.

Question 3 ; How much will change cost?

It is interesting that PwC seem to conclude, in the absence of this information, that change will incur a cost to the WG, yet this may not be the case. Change and restructuring may save money in the longer term, as it has with mutual contracts in Oldham and community partnerships in North Dorset, by working closely with residents. Unfortunately the Principles of Public engagement which the WG launched and promoted in 2011 have yet to have any significant impact.

Question 4: Are your goals amenable to public sector action and intervention?

Where is the evidence that poor health, economic inequality, and poverty, for example, are the result of the failure of public bodies to think long-term or to understand the link between economic, social and environmental objectives ? Social and redistributive policies are notoriously difficult to implement when opposing 'market forces'. However public bodies could help reduce economic inequality and in-work poverty by changing wage differentials (the ratio of highest to lowest paid) and public sector wage levels. You could provide healthy food in hospitals for staff, and to patients to help their recovery and as an example to the public. You could use procurement law and recruitment and selection policy in the public sector to provide job and training opportunities for local people?

It would be naïve not to recognise that current fiscal pressures and the limit to devolved powers constrain your range of responses and potential impact. However in the context of this Bill recent written statements do not encourage confidence. In July 2013 Mr Cuthbert AM said 'make every effort' to safeguard the long-term interest of the people of Wales with regard to health, inequality, skills etc. 'Every effort' is far from convincing, and sows a seed of doubt about the commitment of the WG to this new policy agenda.

Question 5: Will this cultural change lead to different decisions from those made in the past?

All the evidence to date strongly suggests that the WG is wedded to the notion that economic growth and economic regeneration will enable the 'evils' of poverty, etc, to be overcome. To quote

Jackson, you are caught in the growth dilemma (T Jackson, 'Prosperity Without Growth', 2009). It is very difficult to see how adopting your very vague understanding of SD as a COP along with thinking long-term and recognising a link between economic, social and environmental objectives will provide an effective countervailing policy and programme of action

It is even more difficult to see how public servants can be expected adopt and advocate a different culture from that which they experience day-to-day. The culture change achieved by UK Governments over the last 30 years, described above, and the latest episode since 2010, impacts on every public body in Wales, including the individuals who work in them. Organisational culture is a consequence of economic trends and personal attitudes, values and behaviour, which, currently, are dominated by the economic imperative: our belief in economic growth and competitive consumption. The ultimate test for the impact of the Future Generations Bill would be the response to the following questions:

- Would a proposal to build £15bn a motorway relief road be rejected?
- Would a decision for the strict implementation of pollution control regulations to reduce nitrate levels in the Haven be approved even if it meant that dairy herd size had to be restricted?
- Would affordable homes targets have a better chance of being achieved at the expense of the profit margins of land owners and developers?
- Would pay differentials in the public sector be reduced to 1:10?
- Would a One Planet Development policy be formulated for urban residential developments providing zero carbon construction, kitchen gardens and allotments?

If the answer to these questions is NO, then you will need to explain what specific interpretation of; sustainable development, a long term perspective and understanding of the relationship between economic, social and environmental objectives, you are adopting and recommending, and why? Without this clarification it would be logical to conclude that the WG had selected an interpretation of SD which enables it to be seen to be fulfilling its constitutional commitment but at the same time continuing with 'business as usual' through symbolic and token legislation.

My view is that, at best, you will receive reports that public bodies have made every effort but have had to give priority to short term growth measures and managing public expenditure cuts.

3)AN ALTERNATIVE APPROACH TO A SECURE FUTURE.

What I have characterised above is a Government, and policy advisers, struggling to appear to be doing something that lives up to its statutory commitment to SD, but finding the economic conditions and organisational cultures unsympathetic and unmalleable. This can be explained by collusion and an addiction to a collective 'cognitive dissonance' whereby you believe that the future you imagine or envision is actually achievable when the real world is completely different. The invitation to the 'National Conversation', organised by Cynnal Cymru, expresses this dissonance most clearly. It is couched in terms of 'The Wales We Want' as though we have the option to choose a Wales using unlimited resources and unfettered by the harsh realities which will confront us over the next 50 years. This offer is verging on the irresponsible, but not surprising in a world fixated on consumption

Whatever research and information sources the WG's policy advisers are drawing on I strongly suspect that it will be material that supports the current policy imperatives (what the decision takers want in order to deliver their manifesto and promises). I doubt whether 'thinking the unthinkable' is culturally acceptable, yet, as Senge , et al, make clear, it is the inability to 'see reality' and the imperative to change that is critical:

" the signals of threat are always abundant and recognised by many yet somehow they fail to penetrate the corporate immune system response to reject the unfamiliar" (Senge, 2005).

I assume, therefore , that some AMs and WG policy officers are aware of the various respected commentators warnings of the limits and dangers we face and the need to adopt an alternative approach to development (ie , not growth, but doing things better in a way that reduces or dependence of fossil fuels, reuses and recycles resources and protects and minimises the exploitation of natural resources and biodiversity);

-L.Elliott and D. Atkinson argue that *" there has to be an acceptance that the UK has hit rock bottom and needs to change"*, ('Going South', page 344, 2012)

-The OECD recently predicted 4 decades of stagflation combined with climate change impacts and increasing inequality (July 2014),

-The Ministry of Defence report 'Global Strategic Trends-Out to 2045', July 2014, warns of the effects of climate change, pressure on natural resources, the authority of the state diminishing in the face of multinational companies and national loyalty weakening by increased migration.

-D.Runciman, on climate change, *"Anyone who thinks that technological innovation driven by market forces will solve this problem is deluding themselves. As yet, climate change hasn't got politically scary enough: there needs to be a greater threat of violence. That's the truly scary thought"*, 2014.

-D Graeber *" If we want an alternative to stagnation , impoverishment and ecological devastation we're going to have to figure out a way to start again"*, 2014.

-F. Mount, *"if you look at inequality of income alone, you will not grasp the full extent of social dislocation in Britain. You must consider also the inequality of treatment and the inequality of respect"*, ('The New Few', page 257, 2012) .

The WG needs to ask itself why growth, with all its costs, is so attractive and for whom? The advocates of economic growth consistently argue that it is the only way to solve our problems, yet these problems persist and deepen as a result of our current model of growth. We can either choose to continue with our current approach, knowing that a crisis is rapidly approaching , or we can take stock and start scenario building in order to identify the steps we need to take to make the transformation to a sustainable and secure future.

Of course this will take political will and strong leadership within the WG, and all pubic bodies, and this may not be forthcoming as the focus is likely to continue to be the economic imperative at the cost of all other imperatives. In the interim, irrespective of the progress of the Future Generations Bill, I would strongly advise that the WG set up a 'Futures Group'. This would be an internal cross-departmental working group with the task of developing an alternative scenario for Wales and to propose a process for transformation from our current approach. This group ought to take as its starting point:

- A remit to 'think the unthinkable' and challenge myths and assumptions about the benefits of growth.
- Adopt a set of clear SD principles, those of the UKSDC would be most suitable.
- Appreciate that all decisions have to conform to these principles and that they are inter-related. 'Cherry picking' is not an option.
- A recognition that policy statements and good intentions are not enough to effect change and that all policies are prone to distortion or failure due to the economic imperative and market forces. Therefore robust implementation arrangements are critical to avoid policy failure .
- Commit to clear meaningful objectives, and outputs and targets that are measurable.
- Be realistic about the limits to the impact of public policy. Focus on where public sector action can have the greatest direct impact.
- A commitment to engagement and accountability. Engagement with the public improves policy and service delivery, and accountability increases social cohesion.
- Recognise and draw upon the lessons from, and experiences of, the range of local activities which constitute 'the seeds of change and transformation'

This work would provide an initial discussion paper focussing on the likely future(s) for Wales which will then stimulate discussion across the country, involving all sectors. The group should produce an interim report within 6 months of being set up and a final report within a year.

Please can you confirm that you have received this response and that you will reply to my questions?

Yours sincerely

Mr C. Mason,
Public Policy Consultant,
Dip TP, M Litt, MSc

National Assembly for Wales

Environment and Sustainability Committee

WFG 02

Well-being of Future Generations (Wales) Bill

Response from Merthyr Tydfil Local Service Board (LSB)

Merthyr Tydfil Local Service Board Response to the Consultation on the Well-being of Future Generations (Wales) Bill

The Merthyr Tydfil Local Service Board (LSB) welcomes the Committee's invitation to comment on the Well-being of Future Generations (Wales) Bill 2014 as part of the Assembly's scrutiny process.

❖ Introduction / Key Concepts

- Merthyr Tydfil LSB is pleased to note the move to make Public Service Boards (PSBs) and Well-being Plans a statutory requirement. Merthyr Tydfil LSB understands Welsh Government aim to make LSBs/PSBs stronger by placing it on a statutory footing.

- We believe it's important the Bill recognises the progress made by LSBs to date and supports PSBs to build on progress made; rather than seeking to 'reinvent the wheel'. We believe PSB's should be an evolution of Local Service Boards, not a replacement.

❖ Improving Well-being

- Part 2 of the Bill outlines that Welsh Ministers must publish national indicators that may be applied for the purpose of measuring progress towards the achievement of well-being goals; and lays a copy of these indicators before the National Assembly. Merthyr Tydfil LSB is keen to identify the timeline for the introduction of this raft of national indicators as this is not explicit within the Bill.

- Merthyr Tydfil LSB believes it is very important that there is a consistent and streamlined approach to the identification of the national indicators/outcome measures. Between the various public sector bodies there are already a plethora of reporting mechanisms, requirements and indicators, some of which will be relevant to the areas covered by the Bill. In particular, new indicators will need to be aligned with the recently published National Outcomes Framework for Social Services (linked to the Social Services and Wellbeing (Wales) Act); as well as the NHS outcomes and population measures which are shared and not duplicated.

- Merthyr Tydfil LSB would appreciate some clarity regarding any potential overlap between the sustainable development duty on public bodies; early adopters of the Well-being of future Generations Bill and the work required to prepare of one of the ten 'building blocks' linked to the development of a long term strategy up to 2050.

❖ Public Service Boards

- Some LSB members expressed concerns regarding the prescriptive approach taken by Welsh Government re: the new membership structure for PSBs. A number of points were noted linked to this:
 - The Board notes the appointment of the Chief Executive of Natural Resources Wales and the Chief Fire Officer as statutory members of each Board. We note the aims behind this; however, we have some concerns regarding the practicalities of two persons being able to attend each PSB meeting across their geographical service area ie. South Wales or all Wales;

- Merthyr Tydfil LSB is not clear on whether the legislation will allow delegation of responsibilities but would make the point that if this were the case; substitutes **must** have clear decision-making capability. If this were not the case; the benefit of involvement will be lost or, at least could slow down action flowing from the Board meetings if there was a consistent need to revert to the most senior officers for final decisions;
- There is a need to sustain the current high-functioning LSB partnership within Merthyr Tydfil; this has been key to the progress made against actions and measures in the SIP. The restructuring of the LSB/PSB may increase the risk of partners placing PSB-related activities lower on their organisational agendas;
- In Section 9.1 (Point 193) of the Explanatory memorandum accompanying the Bill; reference is made to Fire & Rescue authorities playing a key role in improving general well-being by undertaking activities such as improving community safety etc. We agree the Fire and Rescue authorities contribute to this agenda; however, there appears to be no linear links to the delivery of the Crime & Disorder Act in Merthyr Tydfil where Police take the main lead – this may reflect a lack of awareness as to delivery ‘on the ground’ at a local authority level and could lead to ‘old ground being covered’;
- In Section 9.1 (Point 194 and 195) of the Explanatory memorandum accompanying the Bill; reference is made to National Resources Wales (NRW) becoming a statutory member of PSBs to understand sustainable development and to strengthen the environmental aspects of well-being plans supporting integration of these with social and economic objectives. Members of Merthyr Tydfil LSB noted this may be positive; however, there was a risk that without local knowledge the impact/support which could be offered by the NRW Chief Officer would be lessened. They also highlighted that clarity was required regarding how the introduction of NRW would offer direct benefits to the communities across Merthyr Tydfil;
- It was noted that there may be an opportunity for conflict to arise with the Chief Constable & the Police and Crime Commissioner being ‘invited participants’; it was noted this may not be the case for Merthyr Tydfil/Cwm Taf as positive working relationships are in existence between the agencies in this area; however, it could be an issue in other areas;
- Merthyr Tydfil LSB has benefitted greatly from having an independent Chair. We strongly feel this should be explicitly permitted within the legislation, subject to certain matters being agreed (e.g.) consultation with all members (statutory and non-statutory). Should the opportunity for the appointment of an independent Chair be lost; there could be a corresponding loss of independent oversight;
- No specific reference is made explicit in the Bill re: the inclusion of a young person’s representative on a PSB; bearing in mind this links to provision under the Well-being of Future Generations Bill, this would appear to be an oversight which should be addressed in the Bill. Membership of the Merthyr Tydfil LSB includes representation of young people through the Chair of our Youth Forum and our Youth Mayor. Children and young people’s right to participate in all matters affecting them is enshrined in Article 12 of the United Nations convention on the Rights of the Child (UNCRC). When given the opportunity to participate, young people are also given the opportunity to make change – personally in their lives, in their communities and globally. In Wales, the children and young people’s participation agenda has developed in a distinct and unique way; these developments are set within the framework of Welsh

Government's commitment to the UNCRC, now formally adopted as the basis of all its work regarding children and young people (Rights in Action – Welsh Government 2004).

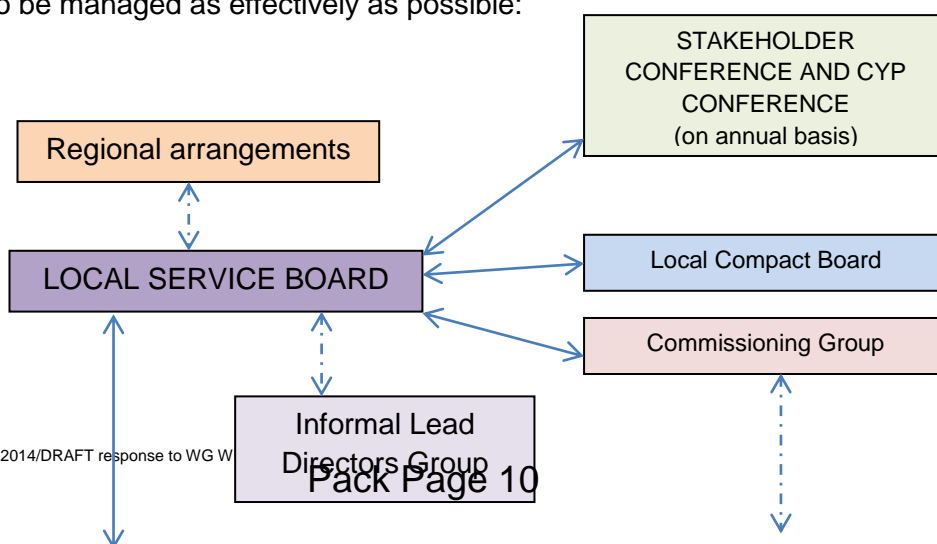
- In Section 49(1) of the Policy Intent document: ultimately the performance of Local Service Boards needs to be judged on change (improvement) in defined outcomes for local people. Evidence to demonstrate this (e.g.) indicators etc. are important and challenging. Merthyr Tydfil LSB feels there will be big challenges in measuring progress against goals consistently across Wales.

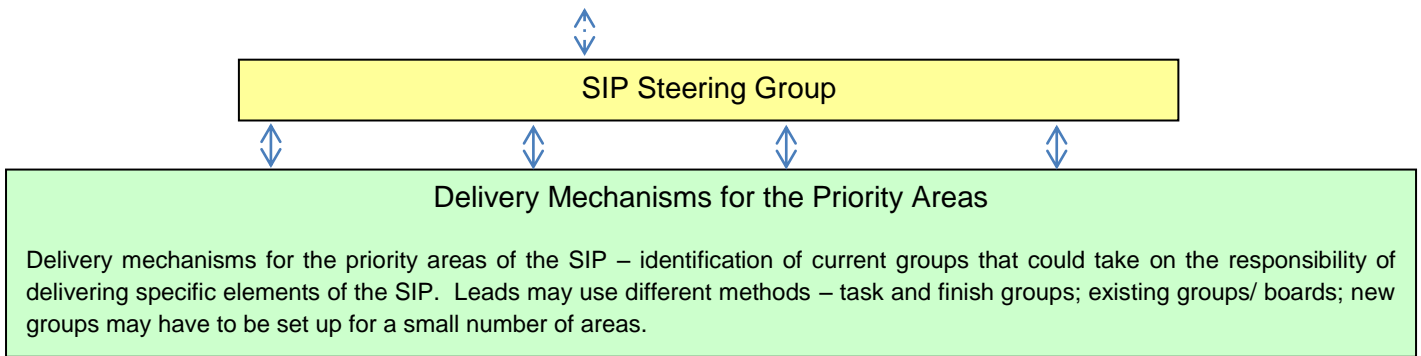
❖ Miscellaneous

- Some LSB members outlined the direction in Chapter 3 of the Bill under this heading referenced the following: “*Welsh Ministers may direct 2 or more PSBs to merge if the Welsh ministers consider it would be beneficial to the local aim of each Board*”. It was noted no final decisions had been made regarding the merger of local authority areas (who would merge with who). Additionally, members noted that discussions are taking place (within Welsh Labour) on a proposal that local authorities could merge across boundaries where a robust business case has been produced. Merthyr Tydfil LSB has requested clarification as to whether this has been considered when preparing the Well-being of Future Generations Bill.
- It is noted that reference is made in the Policy Intent document supporting the draft Bill to the examples of positive collaborative working across the Cwm Taf region. This reference to work in our area is welcomed as recognition of the good work already being done and the positive and flexible approach that has been adopted to tackle a number of issues and multi-agency service redesigns across the 2 local authority areas.
- LSB members highlighted the introduction of the Social Services and Well-being (Wales) Bill noting there were a number of areas where this linked in strongly with the introduction of the Well-being of Future Generations (Wales) Bill 2014. Risks of undertaking tasks which would be duplicated across differing sections of the Authority were noted.

❖ Schedule 3

- Under Schedule 3 Point 5 (administrative support); there's a statement outlining that the local authority must make administrative support available to the PSB. Clarification is sought as to whether the cost of this administrative support would need to be funded from the current local authority budget or should the costs of this administrative support be met by sharing it across the core members of the PSB;
- Under Schedule 3 Point 6 (sub-groups and delegation); the Bill states a PSB sub-group must include at least 1 PSB member. Does this regulation include 'Task and Finish' groups? We would not expect a Chief Officer to be available to attend an operational or task and finish group.
- Merthyr Tydfil LSB and its supporting network has been established to enable the significant areas of focus to be managed as effectively as possible:





- Merthyr Tydfil LSB updated its structure in July 2013 to ensure the developing requirements of SIP delivery were met and to include the most appropriate Operational Leads to report back on progress against their priority outcomes and areas. To facilitate this; Merthyr Tydfil LSB replaced its' former Partnership Board with a SIP Steering Group – this Steering Group is made up of operational/middle managers from across the partnership. The structure enables the LSB opportunities to provide challenge to the SIP Priority Leads on progress/performance made to date and offer observations/suggestions of service delivery etc. We are unclear as to whether this arrangement would need to be re-configured once again? Also, as this would be a sub-group of the LSB/PSB; would we require a PSB member to attend meetings of this group? This clarification would need to be received before Merthyr Tydfil LSB could look at the practicalities of delivering the SIP (and subsequently the Well-being Plan) so they might identify positive/negative impacts arising from introduction of the Bill.

❖ Other Areas

- Concerns about very tight timescales for the preparation of the responses to this consultation were raised; particularly as the consultation takes place over the prime summer holiday period;
- The general public are already feeling the impact of reduced services in some areas as a result of having to manage the ongoing austerity measures across public and third sector services. Although information on the introduction of the Well-being of Future Generations (Wales) Bill is circulating across professionals, the public at large are unaware of these changes and may not meet them positively. This coupled with the costs of any government re-organisation (which will run into millions of pounds) could add further pressures on public services. It is recommended Welsh Government review opportunities to deliver this message to the 'people on the street' and implement this publicity as soon as practicably possible.

Response to Environment Committee Consultation:

The Well-Being of Future Generations (Wales) Bill General Principles

August 2014

Introduction

Chwarae Teg exists to deliver our vision of a Wales where women achieve and prosper. We do this by working with women to broaden horizons and build confidence and skills; working with employers to create modern workplaces that are successful by harnessing everyone's contribution; and working with influencers, educators and decision makers to build a society that values, supports and benefits women and men equally.

Embedding sustainable development into policy making and public services is an important move and Chwarae Teg welcomes the Well-Being of Future Generations (Wales) Bill ("the Bill") as a method to do this. We are pleased to respond to this consultation and address the questions listed in the Terms of Reference in our detailed response below.

Key points

1. Sustainable Development has 3 aspects: economy, society and environment. All 3 must be viewed and treated equally in the implementation of the Bill and should be reflected in the National Indicators.
2. Women remain notably under-represented in decision making in Wales. It is important that Public Services Boards are gender balanced (50% women) so that they better represent the communities they serve.
3. Robust data is key to shaping and assessing work undertaken to achieve the well-being goals. This data must be gender disaggregated to ensure that the different impact of the Bill on men and women is taken into account and neither is unfairly disadvantaged by the implementation of the Duty.

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

- 1.1. Placing statutory duties on Government and public bodies has been successful in embedding action to tackle issues such as inequality. This suggests that a similar approach to embedding sustainable development could also be successful.
- 1.2. It's important that as the Bill progresses best practice is learnt from previous exercises, like the introduction of the Public Sector Equality Duties, to ensure the new duty is implemented smoothly and effectively.

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

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

- 2.1.1. Chwarae Teg works to achieve our vision of a Wales where women achieve and prosper. Legislating to ensure public bodies are working to “improve the economic, social and environmental well-being of Wales” could play a vital role in achieving this vision.
- 2.1.2. To affect significant, lasting change, sustainability must be put at the heart of public services and policy making so we welcome the establishment of the sustainable development principle.
- 2.1.3. The governance principles listed in the Explanatory Memorandum should help public bodies in applying the principle but will need to be accompanied by appropriate support, guidance and training to ensure these are embedded across the organisation.
- 2.1.4. We believe that public bodies specified are the correct bodies to be covered by these duties and **would also support steps to encourage organisations not bound by the duty to adopt sustainable development principles. Procurement could be used to achieve this in part but good practice should also be promoted.**

2.2. 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

- 2.2.1. The well-being goals set out in the Bill provide a strategic vision which can help guide the work of public bodies to build a sustainable Wales. We believe that these are the right goals, which are inextricably linked to one another. To meet the goals this link must be understood so that an integrated approach can be taken. **It is also important that all goals are given equal footing to ensure that the 3 dimensions of sustainable development are addressed.**
- 2.2.2. The framework that the well-being goals provide will help to provide a focus for public bodies when setting their objectives. However, **more detail about what these goals look like “on the ground” and for different groups is needed. This information was collected as part of**

the National Conversation engagement event and it's important that this continues to inform the Bill as it moves forward and the work of the Commissioner once in post.

2.2.3. The action required by public bodies needs to be based on comprehensive, reliable data. Current issues with data, such as no disaggregation by protected characteristic, need to be addressed to ensure that assessments and objectives are made with an accurate picture of local need.

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

2.3.1. The interim report following the National Conversation stated that respondents believe a clear set of measures are required if we are to accurately track progress against the well-being goals.

2.3.2. **National indicators set by Welsh Ministers are welcome but should follow further consultation and engagement to determine what progress against these goals looks like to the people of Wales.**

2.3.3. The Memorandum states that data will be disaggregated to a local level. It is also important that it is disaggregated by group. Progress against the goals must be achieved for all members of society. For example the changes required to make Wales a more equal nation for women will differ from those needed to address inequality for men. **This can only be assessed accurately if gender disaggregated data is collected.**

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

2.4.1. The Future Generations Commissioner should help ease the implementation of the new duties and become an important source of support and guidance to public bodies.

2.4.2. The **Commissioner's Report** will be an important document which should guide the work of WG and public bodies across Wales. As such, it **should be prepared through wide ranging engagement and consultation.** The Third Sector is well placed to support the Commissioner to engage with different groups, especially those traditionally harder to reach. Chwarae Teg would be happy to assist in the future to provide a gender perspective to the Commissioner and their work.

2.4.3. The **Commissioners Advisory Panel** should consist of expertise across all of the well-being goals. Currently the goals "a more equal Wales" and a "more prosperous Wales" do not appear adequately represented on the advisory group. **Therefore the core membership should be expanded to include a member with expertise in the economy and another with expertise in equalities.**

2.4.4. Both the post of Commissioner and additional members to the panel will be appointed through the public appointments system. Work has been undertaken in recent years to address the under-representation of women in public life. We welcome continued action to support women directly and to ensure that the application process is gender neutral. **We hope to see work in this area continue to ensure that positions such as those created by this Bill are equally accessible to women.**

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

- 2.5.1. We welcome moves to place integrated community planning on a statutory basis and the role that the Public Services Boards (PSB) will play in ensuring that an effective, joined up approach is taken to placing sustainability at the centre of public services and policy making at a local as well as national level.
- 2.5.2. The inclusion of the third sector as an invited participant is also a welcome move as these organisations are often best placed to feed in the views and experiences of the community and protected groups. While the County Voluntary Council will bring valuable insight to the PSB we would suggest that **the group would also gain from considering the role that other third sector organisations could play in representing the views and experiences of protected groups.**
- 2.5.3. Women remain notably under-represented in public life in Wales and as a result policies and decision making is not being informed by the knowledge and experience of women. **We recommend that efforts be made to ensure that all PSBs are gender balanced.**
- 2.5.4. A key role of the PSB will be the preparation of the assessment of local well-being, which aims to provide a “detailed understanding of the inequalities between different groups in the population”. **Preparation of this assessment should therefore follow robust consultation which engages with all protected groups, especially those that are harder to reach.** This will ensure the assessment provides the comprehensive evidence base needed to inform the work of the PSB and the local public bodies.
- 2.5.5. It’s also important that lessons are learnt from the roll out of Equality Impact Assessments so that issues around consistency and insufficient data can be avoided.
- 2.5.6. Under current plans the PSB will establish their own performance management systems. Echoing our earlier point about the need for a clear set of measures to assess progress, it’s important that performance measures set by PSBs are consistent across Wales and informed by the National Indicators.

3. How effectively the Bill addresses Welsh international obligations in relation to Sustainable Development

- 3.1. Rio+2020 commits States to “ensure the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations.” The Bill aims to embed this commitment across all public bodies in Wales and is a welcome move.
- 3.2. “The Future we Want” produced following Rio+2020 highlights the importance of pursuing gender equality and women’s empowerment as part of sustainable development. It also states the need to achieve sustainable development by promoting “sustained, inclusive growth”, reducing inequalities and creating greater opportunities for all. If the Bill is to achieve this **it is important that the different ways that men and women interact with the environment, the labour market and other public services is taken into account.**

- 3.3. For example, women are more likely to rely on public transport, make use of public services and be responsible for the environmental duties of the household, such as recycling.
- 3.4. Women also continue to work below their potential in low paid, part time work and face a range of barriers to entering and progressing in the workplace. Wales cannot be more equal or more prosperous unless women are able to make a full contribution to the economy and to society. **Therefore action to help women achieve and prosper should be a key element of work to achieve the well-being goals set out in the Bill.**

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

- 4.1. The well-being goals as set out in the Bill, if achieved, could have a significant impact on Wales socially, economically and environmentally, but will only be achieved if all public bodies give the new duties the same level of priority. Therefore **ensuring consistency in the applications of the duty across Local Authority areas must be a priority.**
- 4.2. Decreasing budgets could also act as a barrier. The duties within the Bill will require quite a large amount of work, especially from Local Authorities. Some may find it difficult to achieve what is required without additional resources.
- 4.3. **The potential impact of the Williams Commission Report should also be considered.** While the outcome of this report is not yet clear, it will affect the implementation of this Bill and should therefore be considered as the legislation moves forward.
- 4.4. The quality of data available may also act as a barrier. To effectively assess well-being and track progress a robust evidence base is vital. **The data used to inform public bodies and PSBs must be comprehensive and disaggregated by protected characteristics.**

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

- 5.1. As outlined above women interact with the labour market, environment and society differently to men and as a result will be affected differently by this Bill. The action required to achieve the Well-Being Goals for men and women will also differ as a result.
- 5.2. These differences must inform the progress of the Bill and the development of National Indicators. It is also vital that public bodies and Public Services Boards carry out robust equality impact assessments as they develop well-being plans and objectives to ensure that all members of the community benefit from the implementation of the Bill.

Conclusion

Chwarae Teg welcomes this Bill as part of Welsh Government's continued commitment to embedding sustainable development into public bodies and policy making. It is vital that as the Bill progresses WG continue to consult and engage with people across Welsh society to ensure it delivers for everyone.

It is vital that the 3 aspects of sustainable development; society, economy and environment, are given equal standing and that the different impact the Bill could have on men and women is considered throughout the legislative process. If this

happens the Bill could play a central part in building a Wales where women can achieve and prosper.

Recommendations

We recommend that:

1. Bodies not bound by the duty should be supported to adopt sustainable development principles and the role of procurement in delivering this should be investigated.
2. National Indicators should be set following further consultation and engagement to determine what progress against these goals look like to the people of Wales.
3. Data collected to inform objectives and well-being plans and to assess progress against the well-being goals must be disaggregated by gender.
4. The core membership of the Commissioner's Advisory Panel should be expanded to include a member with expertise in the economy and another with expertise in equalities.
5. Public appointments to the post of Commissioner and to the Advisory Panel should be carried out in a gender neutral way.
6. All efforts should be made to ensure that Public Services Boards are gender balanced.
7. The inclusion of third sector organisations other than CVCs in Public Services Boards should be considered to ensure a diverse and wide range of views and expertise can guide the work of the Board.
8. Consultation and engagement, especially with hard to reach groups, should be a key part of work to compile an assessment of local well-being.

Chwarae Teg would be happy to discuss any of the above in more detail. Please contact:

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1. Introduction

1.1 The Campaign for the Protection of Rural Wales (CPRW) is Wales' foremost landscape charity. Our aims as a campaigning organisation are, to raise public and political awareness of the value and role of Welsh landscapes as resources which are not only contribute significantly to the nation's well-being significance but are also of international importance.

1.2 We believe that landscapes when responsibly cared for and their management adequately resourced, are capable of delivering **all** the well-being outcomes the Welsh Government seeks in promoting the sustainable development ambitions outlined in this Draft Bill.

1.3 CPRW therefore welcomes the opportunity to comment on the content of this initial version of the Draft Bill and offers our provisional support in principle for its approach. We believe however that some important refinements and additions to the Bill are necessary if it is to be effective. These we outline hereafter.

2. Recommendations

2.1 CPRW invites the Committee to address the following "Issues of Concern" to ensure the Bill eventually fulfils its Well-being aims in a fully comprehensive and integrated manner.

To do this, we therefore recommend the Bill must include specific provisions which:

- 1:** Define the term "Sustainable Development", in a way which enables this approach to be unambiguously understood and implemented
- 2:** Refer to the need for defined and agreed environmental thresholds to ensure sustainable development is facilitated in a responsible manner.
- 3:** Clearly articulate environmental well-being as an intrinsic and critical component of national well-being.
- 4:** Accept that if an irreconcilable conflict arises when seeking to fulfil any of the three individual dimensions of the Sustainability "Common Aims" of the Bill, safeguarding the integrity of environmental well-being will prevail.
- 5:** Ensure that the status, integrity and resilience of Wales' most iconic landscapes, (three National Parks and five AONBs), to ensure that the fundamental contribution these areas make to the nation's overall public well-being is safeguarded.
- 6:** Ensure that every National Park Authority is classified as constituent member of any Public Service Board established within its respective areas.
- 7:** State that a refined version of an existing Protected Landscape Management Plan is recognised as the Well-being Plan for that part of the constituent Local Authority area within which that Protected Landscape is located.

3. Evidence to support our Proposals

3.1 CPRW strongly contends that Wales' landscapes are important not only because of the diversity and quality of their scenic qualities but also because they are the invaluable frameworks which inextricably link nature with culture, the past to the present and man with his environment in a distinctively Welsh way.

3.2 Welsh landscapes also provide a multitude of benefits and act as our "daily life support systems." Not all of these benefits are physical, tangible or have a recognisable market values, indeed some are immeasurable but still of enormous personal and psychological significance. The characteristic "Sense of place" and "Y Cynefin" Welsh landscapes create therefore underpin the quality of Welsh life, the national well-being of Welsh people and act as powerful economic and tourist resources for the many who visit and enjoy Wales.

3.3 We therefore contend that high quality, resilient and healthy landscapes create healthy nations and an economically prosperous and healthy society. Distinctive landscapes are an unmistakable and crucial dimension of the well-being of 21st century Wales. Any Bill therefore which promotes well-being and does not recognise this fact and the immeasurably contribution Welsh landscapes make to public's well-being, is therefore in our view inadequate.

3.6 As signatories to the European landscape Convention, we contend the Welsh Government through this Bill, must give due recognition and include specific provisions which ensure that the landscapes of Wales are recognised as important dimensions of the nation's wellbeing and are thereafter safeguarded and managed so they continue to contribute to the future public well-being and at the same time help achieve the sustainable ambitions of this Bill.

3.7 CPRW therefore contends this Bill must include provisions which clearly link the approach to future public well-being with the protection and need to facilitate the responsible stewardship of all Welsh landscapes and seascapes.

Detailed critique of the Bill

4. CPRW's Issues of concern: Nos 1, 2 and 3

- The Bill does not adequately define the term "Sustainable development"
- The Bill does not recognise the fact that Sustainable development can only be achieved within prescribed Environmental limits
- The Bill does not adequately recognise that the quality and diversity of the Welsh environment is an inherent and important dimension of Welsh public life and contributes significantly to personal, social and economic well-being.

4.1 Context

4.1.1 Part 1 Para 3 expresses the Sustainable development approach the Bill seeks to promote as: "*seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs*"

4.2 Response

4.2.1 The use and interpretation of the words “sustainable development” and “principle” are wholly inappropriate and inadequate.

4.2.2 If provisions of the Bill are to be implemented in an objective, practical and measurable way then the term Sustainable development must be clearly defined. The current wording is an aspirational representation of the concept of “Sustainability and intergenerational equity” and not one which defines the necessary parameters which would enable judgements to be made about whether development or change is sustainable. In particular the definition does not recognise the accepted Welsh Government principle that sustainable development can only being achieved within defined environmental thresholds and limits.

4.2.3 In addition, if performance in achieving Sustainable development is to be measured, any description of this term must be expressed objectively and in assessable terms. Referring to Sustainable development merely as a “principle” is not we believe prescriptive enough and should be deleted in favour of a clear definition of the term.

4.3 CPRW’s recommended Amendments to the Bill

1. The word “*principle*” is deleted from the title “Sustainable development principle” in Page 1 para 3
2. The existing definition of sustainable development on Page 1 Para 3 is replaced by the following
“...development which, within defined environmental limits, secures social, economic or environmental benefit, in ways which does not compromise the integrity of any of these individual elements or aspirations nor the ability of future generations to meet their own needs”
3. The wording of the Goal of “A resilient Wales” on Page 3 Para 6 (1) Table 1 is amended to read

A resilient Wales	<i>A rich and diverse natural and cultural environment, where the range and integrity of healthy and functioning ecosystems are maintained within accepted environmental limits and remain able to meet future social and economic needs in a responsible manner.</i>
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5. CPRW’s Issue of concern: No 4.

- The Bill does not provide any indication of the priority of the stated Well-being Goals in circumstances where the pursuance of one may result in irreconcilable conflict with another.

5.1 Context

5.1.1 Nowhere in provisions of the Bill is the significant contribution or public benefits that the natural and cultural qualities of well cared for landscapes and seascapes make and contribute to the quality of Welsh life and public well-being fully recognised.

5.1.2 Additionally the Bill does not indicate (Page 3 -5 Para 6- 8), that in the event of there being a conflict of interest when pursuing any of the six Wellbeing goals, which of these takes precedence.

5.2 Response

5.2.1 The Bill must include provision to safeguard the wellbeing role that high quality and diverse Welsh landscapes and seascapes current provide and recognise the contribution that all designated areas of environmental importance (especially the three National Parks and five AONBs) contribute to the nation's sense of identity, quality of life and overall public well-being.

5.2.2 Given the multi dimension role of Well-being, in those instances where the retention of environmental resilience is paramount in ensuring national well-being, the well-being Goal of ensuring "A resilient Wales" must have primacy

5.3 CPRW's recommended Amendments to the Bill

1. Add a new sub paragraph 6 (5) on Page 4 as follows

"Where the promotion of one aspect of Well-being as contained in the Common aim or equally in pursuance of a specific Well-being Goal, results in an irreconcilable conflict with the Goal of maintaining the integrity of "A resilient Wales", the latter would take precedence."

6. CPRW's Issues of concern: Nos 5, 6 and 7

- The crucial national role that Wales' National Parks and Areas of Outstanding Natural Beauty play in furthering public well-being is not recognised and hence not appropriately safeguarded.
- Given the significant role that National Parks and AONBs contribute to the nation's well-being, their role as a constituent member of any Public Service Board, within their respective area, should be guaranteed.
- National Parks and AONBs have Management Plans produced in collaboration with relevant stakeholders which has sustainability as its core principle. These Plans subject to refinement, should be recognised and regarded as the Well-being Plans for that part of their constituent Local Authority areas.

6.1 Context

6.1.1 The resources and ecosystems within the Protected Landscapes of Wales provide fundamental life support services for the nation and are also important and highly valued economic, social, health and learning resources which enhance all public well-being.

6.1.2 The coordination and integration of activities within Protected Landscapes is currently the responsibility of National Parks Authorities and AONB Partnerships. These organisational systems are best placed to promote sustainable approaches to planning, resource use and public management in their areas.

6.1.3 Equally National Park and AONB Authorities currently have a statutory obligation to prepare and implement Integrated Management Plans for their respective areas. These Plans have the sustainability of the natural and cultural resources of these area, the welfare of local communities and the general well-being of the visiting public at their core.

6.2 Response

6.2.1 The current provisions of the Bill recognise neither the crucial national role nor their front line function that Wales Protected landscape play in achieving public well-being, social enrichment and economic prosperity. This role should be recognised and is best achieved if National Park Authorities in particular are specifically named as “constituent members” of any Public Service Boards established within their respective areas.

6.2.2 Given the current scope, legal status and sustainability focus of Protected Landscape Authority’s work, refinement of the scope of their statutory Purposes and the Management Plans for their areas, would enable these document to be endorsed as the Well-being Plans for these environmentally sensitive areas. The provisions of the Bill should acknowledge and facilitate this proposal.

6.3 CPRW’s recommended Amendments to the Bill

- An additional criterion is added to Section Part 2 after Para 8 (2) (b) namely

“The body’s objectives would avoid impacting on the integrity of the special qualities of any area designated because of its international or national landscape or nature conservation importance”

- Add an additional category of member to those currently listed at Part 4, Public Service Boards, Para 27 (2) namely

“A National Park authority for a National Park in Wales any part of which falls within the local Authority area”

- Delete reference to “A National Park authority for a National Park in Wales any part of which falls within the local Authority area” Page 16 Part 4 “Other Partners” at Paragraph 30 (1) (d)

- Add on Page 21 Chapter 2 “Local Well-being Plans” after Para 37 (7) and before Para 37 (8)

“A Well-being plan for any National Park or Area of Outstanding Natural Beauty or part of it in Wales, must give primacy to safeguarding and enhancing the integrity of any special quality which characterises these internationally designated areas.”

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August 29th 2014

National Assembly for Wales
Environment and Sustainability Committee
WFG 05
Well-being of Future Generations (Wales) Bill
Response from JJ Wood

WELL-BEING OF FUTURE GENERATIONS (WALES) BILL

I would like to make a contribution to the Future Generations Bill especially in relation to the matter of Climate Change. I applaud the intentions of the Welsh Government to attempt to produce legal obligations in respect of the type of Society in which our descendants will live for many years/decades to come in contrast to so many government actions which aim to alleviate mostly short term and frequently immediate problems.

It seems to me that climate change is probably the most important of these long term problems as its effects are so far reaching and can rarely be addressed with short term solutions.

We all understand climate change to most likely produce more unpredictable and extreme weather events some of which we hope may be beneficial. But the effects can be and I believe are already showing themselves to be vitally important. We live on an already overcrowded world where any habitable environment is already well occupied; climate change effects which include sea level rise ,floods, droughts and temperature extremes will result in huge movements of people from newly uninhabitable areas due not only to flooding but equally also from crop failures. water shortages, extreme heat or cold resulting in severe overcrowding, resource and water shortages and general stress. Future generations in those areas still habitable will inherit an increasingly unpleasant and possibly aggressive - ridden environment in which all the present facilities and enjoyable pursuits will no longer be available. Already large numbers of people are leaving areas of dubious habitability ; this will increase¹

It is vital to reduce the impact of Climate Change and I fear failure to do so will render most other actions intended to produce a better future doomed to failure and overtaken by events related to overcrowding and shortages of the essentials of life.

Perhaps the Welsh Government can provide a rallying call to tackle this major world problem, one which seems to have been ignored in the face of events many of which have their roots in climate change and can only increase.

Yours sincerely

(J. J.Wood)

Community Housing Cymru Group Written Evidence to the Environment and Sustainability Committee into the Inquiry into the general principles of the well-being of the Future Generation Bill

Introduction to Community Housing Cymru Group (CHC Group)

CHC Group is made up of Community Housing Cymru, Care & Repair Cymru and Crew Regeneration Wales, who came together to form a Group in 2010 to jointly champion not-for-profit housing, care and regeneration, effectively collaborating for communities. Community Housing Cymru (CHC) is the representative body for housing associations and community mutuals in Wales, which are all not-for-profit organisations. Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales and ensure that the Welsh social housing movement is kept fully informed and represented.

The Welsh Government recently confirmed that as Registered Social Landlords (RSLs) are not auditable public sector organisations they are exempt from the Future Generations Bill. There is no legal commitment for housing associations in Wales to meet upcoming requirements of the Welsh Government's Future Generation Bill of putting sustainable development as a core commitment of its work.

Although CHC Group and members are exempt of the Future Generations Bill, CHC are happy to provide oral evidence in front of the Energy and Sustainability Committee if required.

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

The principles of sustainable development should be embedded in all legislation and guidelines for government officials and public sector organisations.

The Welsh Government needs to ensure that sustainability and sustainable development continues to be at the centre of policy making in Wales.

Issues of sustainability will need to be a core concern of government and the bill should ensure that Wales leads in this requirement. There is considerable scope for improving lives through progressive legislation, and while the CHC Group welcomes the introduction of the bill, it is also important to note that non-legislative interventions are just as important. It is also important that clear links are made between the bill and the various policy and legislative developments being led through different departments in Welsh Government in order to ensure that it is effective and part of an integrated change. The new bill will provide Wales with a unique opportunity to develop more integrated policy and practice which has long been recognised as the major requirement for improved public services and maximising outcomes for the population of Wales.

The Welsh Government needs to ensure that public sector organisations put an emphasis on sustainability and sustainable development when developing or revising policies, initiatives or plans. The new bill should ensure that sustainable development is at the heart of public sector decision making and delivery. The Welsh Government should develop a structure and procedures for imposing a duty on public sector bodies to meet sustainable development requirements.

The Welsh Government also needs to have a legal requirement to ensure that all public bodies in Wales consider how their procurement activities contribute to environmental, social and economic benefits.

The new Future Generations Commissioner for Wales needs sufficient powers and authority to impartially scrutinise the work of the Welsh Government and public sector bodies in Wales to ensure that they adhere to the new Future Development Bill.

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

General principles and goals

The CHC Group is committed to the idea of a sustainable Wales. CHC Group is generally satisfied with the general principles and goals of the Future Generations Bill.

CHC members will play an integral role in helping the Welsh Government meet its sustainable development wellbeing goals in Wales.

CHC Group members contribute significantly to the energy efficiency and continual improvement and investment of housing in Wales. CHC Group members will play a significant role in helping the Welsh Government meet its Future Generations well-being goals. CHC Group is an integral part of the economic prosperity and

recovery, health and developing attractive communities in Wales. The Welsh Government did not provide any objectives, outcomes or timeframes for meeting the 6 wellbeing goals. CHC Group suggests that to ensure that the Future Generations Bill is a success; the Welsh Government needs to set specific objectives against each goal. Each objective needs to have realistic targets and outcomes that can be measured effectively.

The goals need to be scrutinised by the Welsh Government, public services boards and the office of the Future Generations Commissioner for Wales.

The Welsh Government needs to consider developing local and regional sustainable development objectives alongside overarching objectives within each goal. Wales has a unique geography with different demographic needs. Each region should have its own sustainable development objective based on local and regional gaps in provision and need. These could be developed and fed into the overarching objectives within each goal.

The Welsh Government needs to set guidelines for local public services boards to scrutinise each objective and goals set against local targets and initiatives. The public service boards will be responsible for measuring progress towards achieving well-being goals and reporting on progress of each objective and outcome.

Future Generations Commissioner for Wales role, powers, responsibility, governance and accountability

The new Future Generations Commissioner for Wales should have the same powers and responsibility as the Older People and Children Commissioners for Wales. The Welsh Government needs to set new legislation to ensure the new Future Generations Commissioner for Wales post is able to scrutinize and if necessary penalise public bodies efficiently.

The Future Generations Commissioner for Wales should be able to criticise the Welsh Government and the bodies on which the duty will be placed. The commissioner office will be crucial in providing some kind of performance benchmarks. Without these performance benchmarks, it may well become very difficult for many senior staff to understand and know what it is they actually need to do to prepare for being subject to the Future Generation duty.

The new Future Generations Commissioner role should have similar governance structure as the Older People and Children Commissioners for Wales and should be accountable to the National Assembly for Wales and the Welsh Government. The Future Generations Commissioner for Wales should be scrutinised by the National Assembly for Wales within a designated committee, for example the Environment and Sustainability Committee.

We believe that the most useful function of the proposed new Future Generations Commissioner is to be the sole source of sustainable development advice and support in Wales. CHC Group are concerned that there are currently a great many sources of information on sustainable development and the practical measures that organisations can take to become more sustainable. These are reinforced by an ever-growing body of regulation and legislation.

Establishment of statutory Public Services Boards

The Bill aims to establish Public Services Boards to assess the economic, social and environmental well-being of areas.

Although Housing associations are exempt from the Future Generations Bill, they play a large role in the economic, social and environmental well-being of areas in Wales. Housing associations are about far more than bricks and mortar. They play a significant role in the economic, social and environmental role in communities in Wales. Housing associations play a key role in community regeneration and development, investing heavily in regeneration and employment in Welsh communities. Many housing associations provide supported housing to vulnerable people and are providers of not for profit care. They have a substantial impact on tenants' health and wellbeing.

Many of our members have built strong links with Local Service Boards and Local Health Boards to deliver a variety of services. This has included, for example, collaborations to collocate primary care services with community centres and learning centres, extra care facilities housing GP surgeries, reducing delayed transfer of care and reducing the amount of "out of county" placements.

For these reasons Housing associations will have a key role to play on any public service board.

It is however, unclear from the consultation:

- Whether the new Public Services Boards will complement and work alongside Local Service Boards and Local Health Boards. Local Services Boards have been developed to ensure public services are effective and citizen focused, will these be replaced with the Public Services Boards?
- Who the Public Services Boards will be accountable to - the Welsh Government, Future Generations Commissioner or the public?

At Community Housing Cymru, we have sought to strengthen partnerships, and create opportunities by for example, launching a Health, Housing & Social Care network in addition to holding an annual conference dedicated to the topic of health and housing. This has to date involved working closely with the Welsh NHS Confederation, the representative body for Local Health Boards and NHS Trusts in Wales. Through this close collaboration we have shared expertise and brought our respective members together to consider the challenges and opportunities at hand in jointly serving communities' healthcare needs. Going forward the network will provide a stage to share best practice and expand this to other areas to realise the full benefits across Wales from successful projects operating in certain areas of Wales.

CHC are happy to provide the committee with further written evidence on the great work the HA sector is doing in supporting the key areas of sustainable development, including regeneration, economic development and health and well-being.

For further information, please contact Tomos Davies, Energy and Sustainability Officer, e-mail: tomos-davies@chcymru.org.uk

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3 September 2014

Dear Sir/Madam

General Principles of the Well-being of Future Generations (Wales) Bill

The Carnegie United Kingdom (UK) Trust welcomes the opportunity to respond to the Environment and Sustainability Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill. The Trust works to improve the lives of people throughout the UK and Ireland, by changing minds through influencing policy, and by changing lives through innovative practice and partnership work.

We welcome the introduction of the Bill and the duty placed on public bodies to promote the economic, social and environmental wellbeing of people in Wales. We **strongly support** the general principles of the Bill.

We have chosen only to respond to the terms of reference where we have experience and relevant evidence. Further information on our work is available on our website www.carnegieuktrust.org.uk.

EVIDENCE BASE

The Carnegie UK Trust has been actively involved in promoting wellbeing in policy since the establishment of the first [Carnegie Roundtable on Measuring What Matters in Scotland](#) in 2010. Since 2011 we have published [case studies](#) of how governments and civil society organisations measure wellbeing in France, the USA and Canada; made recommendations on [next steps for the Scottish National Performance Framework](#); funded a [policy assessment tool](#) which uses wellbeing indicators to critique policy proposals; and explored how to [promote wellbeing in Northern Ireland](#).

Our work in Wales has included supporting [Wales Public Services 2025](#), including our joint publication *Weathering the Storm: A look at small countries public services in times of austerity*. Our UK-wide programme on the [Enabling State](#) has also included Welsh stakeholders.

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

The Bill establishes in legislation the duty on public authorities to contribute to a ‘common aim’. Our international research strongly supports this duty. We found that wellbeing approaches to policy allowed the framing of a shared vision to direct the activities of public services.

We identified three ways in which such an approach improves policy-making:

- **Identifying gaps:** Using a wellbeing approach to policy development often highlights issues that were not previously seen as policy priorities. Alternatively, it can show differences in experiences between different groups in society.
- **Shifting to prevention:** Wellbeing frameworks shift policy attention from remedial policies to preventative ones. For example, by focusing on prevention to improve health outcomes or using physical activity to reduce crime, the wellbeing perspective appears to encourage decision-makers to look for creative ways of improving wellbeing by focusing ‘up-stream’.
- **Joined-up solutions:** Wellbeing frameworks provide government with a holistic view of the impact of current policies. In our case studies, this was often followed by a renewed emphasis on finding joined-up solutions and overcoming the dominant, silo-based way of working.

2.2 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

We welcome underpinning the common aims statement with more specific ‘goals’. Our work on wellbeing measurement internationally, and in Scotland, has found that a single wellbeing framework, or dashboard, to which all public services are aligned, is an effective approach to improving wellbeing. This approach would ensure that the Welsh Government is measuring its progress against a range of social, economic and environmental outcomes.

We note that the wellbeing goals are already well developed. There is general consensus internationally on the ‘domains’ of wellbeing (see for example, OECD Better Life Index). Most of these are included within the goals as drafted, however we would suggest the

inclusion of 'quality of work' alongside employment would be a benefit. We would also recommend that a reference was made to civic engagement. We believe that public services and government in Wales are experiencing the same loss of trust observed in other parts of the UK and Europe. Specific reference to the importance of citizen involvement in decision-making (through both elections and other participatory mechanisms) would help to address this issue.

We are aware of the Wales We Want conversations. Again, our international research supports this aspect of the development of the Bill. We found that wellbeing frameworks were most successful when they had actively engaged citizens in the development of goals and indicators. This provides the framework with added legitimacy. There is a clear intention that public bodies will consult with citizens when setting wellbeing objectives, the Welsh Government should lead by example and ensure that citizen engagement is at the heart of its process for setting the wellbeing goals and national indicators. We see an opportunity to develop the proposed duty on Welsh Ministers to consult with 'other such persons as they consider appropriate' in setting wellbeing indicators to specifically engage citizens, the third sector and businesses, as each has important insights and strengths to bring to wellbeing.

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

We welcome the proposal for Welsh Ministers to publish an annual report on the progress made towards meeting their wellbeing objectives and for this to be laid before the National Assembly following the end of the financial year. In our discussions in Canada, the US and Scotland the accessibility of this information has been critical. Particular attention is required to ensure that data is presented in a way that engages the public directly. We would urge the Welsh Assembly to see the audience for the update as the people of Wales and invest in it accordingly.

There are also pros and cons of having an annual report (proposed here and used in Virginia, USA) and a 'real time' system (favoured by Scotland). The delays inherent in producing an annual statistical update can limit its usefulness in terms of policy-making. We would recommend both an online system, updated when data becomes available (see for example [Scotland Performs](#)) and an annual report.

We recommend that the Welsh Assembly set aside time to debate the annual statistical update to ensure that it is used as an accountability tool.

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

Our research shows that wellbeing frameworks are helpful in linking central and local

government activity. The proposals in the Bill would focus all public services on achieving these goals and creates a 'golden thread' linking service specific policy developments to overarching strategy. We are unclear of whether there are any planned links to resource allocation but would recommend this is investigated as 'anchoring' the goals in financial mechanisms can help overcome strong cultural barriers to joint working and prevention.

It is particularly important that all sections of the community have the opportunity to debate local wellbeing plans and participate in setting local outcomes. It is often local people who understand best what local priorities should be and what needs to happen to improve wellbeing. We therefore welcome the proposal for public service boards to consult representatives of residents in the area, local businesses, trade unions and others with an interest in the area's economic, social and environmental wellbeing. We would recommend that every effort is made to engage directly with citizens during this process.

The publication of reports by community councils of the progress made towards meeting the objectives included in the local wellbeing plan is also an important way of engaging the public after the development of the plan.

Concluding remarks

We hope that you find these comments helpful. We would be delighted to provide oral evidence on our experiences in Scotland, Northern Ireland and internationally if this would be of use to the Committee.

If you would like to discuss our response, or would like to find out more about our work please contact my colleague Lauren Pennycook, Policy Officer at lauren@carnegieuk.org or by telephone 01383 721 445.

Yours faithfully,



Martyn Evans
Chief Executive

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

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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.

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



Environment and Sustainability Committee

Inquiry on the General principles of the Well-being of Future Generations (Wales) Bill

Written submission by the World Future Council

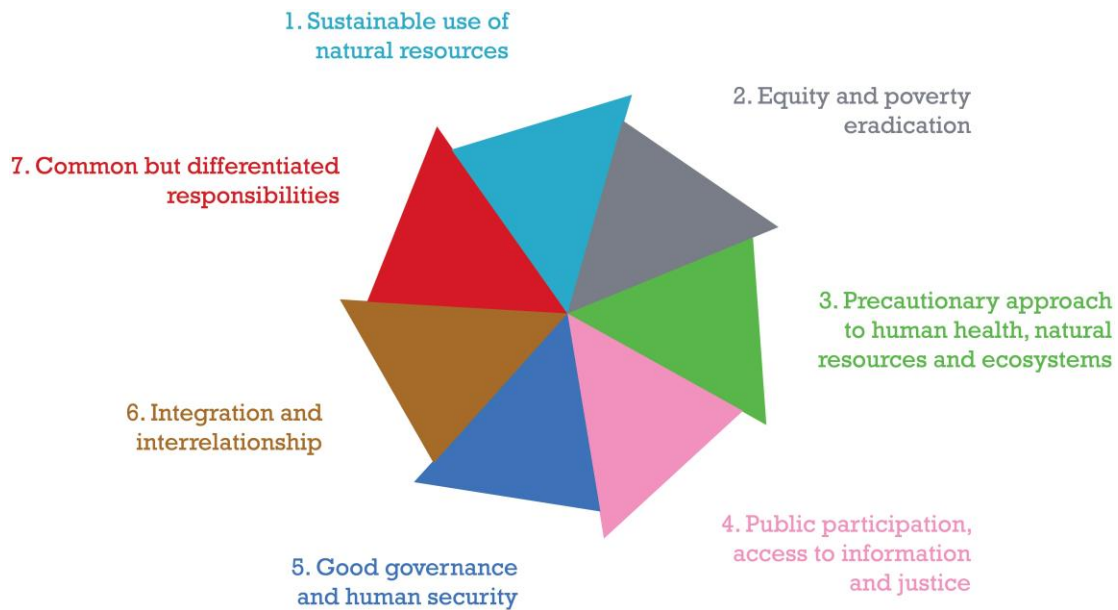
The World Future Council consists of 50 eminent global change-makers from governments, parliaments, civil society, academia, the arts and business. We work to pass on a healthy planet and just societies to our children and grandchildren with a focus on identifying and spreading effective, future-just policy solutions. The World Future Council was launched in 2007 by Jakob von Uexkull, Founder of the 'Alternative Nobel Prize'. It operates as an independent foundation under German law and finances its activities from donations.

Achieving Future Justice

1. Our vision of Future Justice is to change unsustainable trends and create fair conditions for future generations – starting today. Future Justice is about recognizing that the planet and people are interconnected. Current business models are driven by short term profit and stakeholder demands for immediate returns. This is additionally fuelled by a culture of bonuses and money-making at all costs – exacerbating wealth inequality as well as encouraging disregard for the environment and sustainable development. Future Justice is about adapting and changing policies to new scientific evidence, so that we can begin transforming our world. It is a path towards a more secure, just, equal and creative world.

7 Principles for Future Just Law-making

2. The World Future Council methodology for Future Just Lawmaking offers an innovative approach to policy analysis providing a coherent, participatory and comprehensive tool for best policy practice in sustainable development.
3. The 7 Principles are based on the 2002 International Law Association Delhi Declaration on Sustainable Development Law. They were adopted by the 192 states participating in the World Summit on Sustainable Development in 2002. The Future Just Lawmaking methodology aims to facilitate implementation of these principles. The 7 Principles reflect the interconnected nature of the challenges we face and help avoid unintended consequences and inconsistencies in our policy-making to address these challenges.
4. The methodology provides a practical tool to assist policymakers to design, amend or evaluate laws, supporting the work of national, regional and local government, international organisations, public policy institutions and civil society.



Principle 1: Sustainable use of natural resources.

Our forests, minerals, oil, land and water are not limitless. Nor is the capacity of our world to absorb pollution. Overuse of natural resources and over-burdening of natural systems is becoming an increasing problem and will make life even more challenging for current and future generations.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law result in fair and sustainable use of natural resources?
- Will the law support easing of the global challenges facing all humanity, such as climate change, overfishing and biodiversity loss?
- Will the law mandate respect for nature and encourage citizens to act as its trustees?

Principle 2: Equity and poverty eradication

While many people are overwhelmed with choice, billions still struggle to survive. Our economic system has tended to concentrate wealth while excluding the poor and vulnerable. Social and economic exclusion increases anxiety, wastes human potential and undermines communities. It hampers wellbeing even in rich societies and will result in instability and tension for future generations. This principle helps create societies in which people are treated with fairness and dignity.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law explicitly address poverty reduction and uphold human rights?
- Will the law improve social justice, gender equity and indigenous rights?
- Will the law acknowledge the needs of future generations, protecting opportunities for them?

Principle 3: Precautionary approach to human health, natural resources and ecosystems

Humanity has already learned the consequences of unchecked pollution. Resources are wasted, ecosystems are damaged, people suffer and clean-up costs ensue. When a precautionary approach is adopted, the threat of serious irreversible harm is reduced, and technology and the economy are guided to respect human wellbeing and nature. The precautionary approach is a policy principle that saves money and saves lives.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law promote prevention and precaution in the face of scientific uncertainty?
- Will the law place the burden of proof on the economic operator to demonstrate product safety?
- Will the law give people a voice in setting an acceptable level of risk?

Principle 4: Public participation, access to information and justice

If policy makers don't talk or listen to their constituents, they are missing out on opportunities for public engagement. This means that people cannot hold their policymakers to account. Democracy and the rule of law are likely to suffer. Only with full information can people engage in responsible citizenship. Openness and transparency are fundamental to good governance. This principle is about enabling open, educated and engaged societies.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law provide procedures and opportunities for public consultation?
- Will the law mandate open access to information?
- Will the law uphold the right of appeal and the right to seek redress if citizens feel negatively impacted?

Principle 5: Good governance and human security

Armed violence and abuse of power undermine trust in institutions and authorities and promote corruption in society at large. The wasted opportunities for development and social justice from impunity, bribery and corruption are eroding secure living conditions. Respect for the rule of law, democratic principles and active post-conflict reconciliation increase people's sense of security. Stable and open democratic government means human potential can flourish.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law mandate specific institutions to implement and enforce the law?
- Will the law promote peaceful conflict resolution and reduce fear and want?
- Will the law prohibit corruption and abuse of power in its implementation?

Principle 6: Integration and interrelationship

Few problems, whether local, national or international, have simple direct causes. Poverty for example may be caused by environmental degradation, poor education, unfair economic systems, social inequalities, poor government, or more likely a combination of all these factors. Effective policies are those that consider and address all factors influencing the policy outcome, and are bold enough to cut across government departments to provide an integrated approach.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law integrate social justice, environmental protection and economic stability?
- Will the law reflect the environmental and social impacts of development?
- Will the law measurably improve environmental protection and social justice?

Principle 7: Common but differentiated responsibilities

When addressing global challenges, it is clear that different societies, regions and communities are starting from different situations. While international policy-making has demonstrated the will to set common goals to address the biggest challenges, different nations should assume differing levels of responsibility for bringing the goals to life, depending on their capacities. The same may apply within nations: it is realistic to expect that wealthy partners can contribute more, especially if they profited from harmful activity.

In order to evaluate whether this principle is being respected the following questions should be asked:

- Will the law take into account historical inequalities when imposing obligations?
- Will the law reflect the local reality as regards technology, resources, values and traditions?
- Will the law minimise costs faced by the poorest and most vulnerable?

Further information on the 7 Principles is available here: <http://www.futurepolicy.org/6099.html>

Establishing a Future Generations Commissioner for Wales

5. The Committee has considerable existing experience and evidence to draw upon. Several countries around the world have created Guardians or Commissioners for the long term, even to the point of giving them the mandate to engage in the legislative process. Information and elaboration on each of the former and current bodies, including the legislative mandate are available on our website, www.futurejustice.org, with specific details on Hungary, New Zealand, Malta and Israel.
6. Of course each institution is different, dependent on national circumstances, socio-political systems and procedures etc. Wales will need to consider the functions and responsibilities according to existing systems and structures. With this caveat in mind, we have drawn up some key functions of the Commissioner. Given the breadth of relevant issues, reaching beyond just the environment, or sustainability, the Commissioner will need to work across disciplines and departments, encouraging others to work outside of typical silo approaches. The Commissioner will need to possess expertise in the fields of sustainable development, human rights, planning, bringing the understanding of diversity of cultures, and the heritage behind them. They will need to be guided in their work by the values of independence, transparency and public participation, fairness and objectivity, professionalism, accessibility and effectiveness.
7. Specific functions should include:

To provide the leading authority and leadership to the Bill by advising the Welsh Government on long term policies and approaches of how to implement the Bill across Wales;

To provide views, recommendations and advice, with a view to supporting and coordinating commitments, actions and programmes by public bodies related to protecting the needs of future generations, implementing the Bill and meeting related indicators;

To participate in relevant forums, debates and legislative processes where relevant;

To identify, learn, assess and understand problems and future threats facing Wales and promote a long-term planning approach in policy and decision-making;

To identify and investigate gaps, weaknesses and impairment of intergenerational equity in existing legislation, activities and policies, and to make publicly available the reports of such investigations;

To provide guidance and support on implementing existing international commitments, working with the UK, Scottish Government and Northern Ireland Executive where relevant;

To build the capacity of public bodies and relevant institutions related to protecting the needs of future generations;

To collaborate and engage with public bodies, the private sector and civil society, developing partnerships where appropriate;

To investigate complaints and use judicial systems in order to safeguard the needs of future generations;

To promote and protect the realization of the right to a healthy environment of present and future generations and propose alternatives to decisions and actions that could endanger healthy environments and sustainability for future generations;

To engage with scientific bodies and academic institutions to promote research and technical exchange relevant to protecting the needs of future generations;

To promote public participation by encouraging public bodies to offer full and open engagement on key decisions, facilitating their involvement where possible with a particular emphasis on encouraging the participation of youth and vulnerable groups;

To develop and coordinate educational and informational programmes relevant to the Commissioner's mission, with a particular emphasis on educating youth and vulnerable groups;

To report annually to the Welsh Government on progress towards and challenges facing efforts to implement the Bill.

8. Based upon our ongoing research, the World Future Council has identified a number of defining characteristics, which help to ensure optimal impact and accountability of these institutions:
 - a) The Commissioner should be *independent*, and seen to be impartial and unbiased. The Commissioner should not hold any another post. The Commissioner's office should be legally independent.
 - b) The Commissioner's office should be *effective*; its decisions should be legally binding and it should be resourced to sufficiently carry out its duties.
 - c) The Commissioner's office should be *transparent*; it needs a clear and direct mandate and should report annually to the National Assembly for Wales on its work and findings, with the opportunity for Assembly Members and representatives from outside the Assembly to raise questions.
 - d) The Commissioner's office should be *legitimate* by democratic standards, (as is currently the case since the position is part of the proposed Bill). The individual should be selected and appointed by the National Assembly for Wales.
 - e) The Commissioner should have *access to information*; it needs extensive authority to request whatever files are deemed relevant.

- f) The Commissioner's office should be *accessible for integrative assessments*; it should allow for institutionalized and inclusive input and assessment, with full, open access from civil society.

Key Elements of the Parliamentary Commissioner for Future Generations in Hungary

"In order to ensure the protection of the fundamental right to healthy environment Parliament shall elect the Parliamentary Commissioner for Future Generations as special ombudsman." Act LIX of 1993 on the Parliamentary Commissioner for Civil Rights¹

Established in 2008, the Commissioner performed three duties: complaints investigation, parliamentary advocacy and strategic development and research. Investigations were the core of the Commissioner's activities. The Commissioner possessed effective legal means with which to not only influence the conscience and goodwill of society and decision makers, but also to establish the potential for enforcing legal remedy in the case of decisions concerning the environment. In this sphere the Commissioner was able to conduct official investigations and probes into the received notices. In the case of the environment being endangered, actively, or by default, the Commissioner could order termination of all damaging practices. If the practices did not stop, the Commissioner could initiate authorial measures, take legal proceedings and could establish a summary offence or criminal information. The Commissioner could call upon authorities to carry out environmental measures, and where necessary, turn to the senior echelons of that authority. In order to complete his tasks, the Commissioner could request information and data on any questions related to the environment and its protection.

He could issue general recommendations. He could express an opinion on the drafts of statutory instruments and other governmental motions, on the long term plans and concepts of local governments and on the obligatory effect of international agreements. The Commissioner gave considerable time and attention to the matter of procedural rights, such as public access to and the quality of environmental information and the framework of and opportunities for genuine public participation. In this regard, he was a leading defender and enforcer of the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

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**National Assembly for Wales
Environment and Sustainability Committee
WFG 10
Well-being of Future Generations (Wales) Bill
Response from University of Dundee School of Law**



School of Law

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Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA.

3 September 2014

To the Committee Clerk

**Consultation
General principles of the Wellbeing of Future Generations (Wales) Bill**

I am delighted to have the opportunity to contribute to the consultation on the above Bill.

I have taught and researched in the areas of public, environmental law for 22 years and more specifically, in sustainable development law for the past 16 years. I am the author of *Sustainable Development Law in the UK – From rhetoric to reality* (Earthscan/Routledge, 2012). Recently, I have been examining national and sustainable discourses in both Wales and Scotland and following closely the numerous environmental law developments in Wales including the WFGB. I have also been advising the WWF in Wales on some aspects of the Bill.

Wales should be commended on its historically strong stance towards promoting a meaningful and transformative approach to sustainable development in its schemes especially One Wales, One Planet. It should also be commended on its decision to legislate to put sustainability at the heart of government and to dedicate an Act to so doing.

I do have a number of comments relating to the some of the terms of reference of your

inquiry.

Point 1 of the Consultation How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector. In my book I suggested a version of the following approach to legislating to embed sustainability.

- a) A strong declaration of the Government's intent to put sustainability at the heart of government. One should not underestimate the importance of a strong, symbolic statement. A provision based on the commitment in the Welsh strategy would work very well as statement of purpose: 'sustainable development (the process that leads to Wales, becoming a sustainable nation) will be the central organising principle of Government, and we will encourage and enable others to embrace sustainable development as their central organising principle and a general duty imposed on all public bodies' (WAG, 2009, p13).
- b) A strong clear duty to promote sustainable development in ALL public sector activities. I suggested that the phrasing commonly used in UK statutes worked well 'contribute / further to the achievement of sustainable development'.
- c) I have come around to the view that a definition of sustainable development should be included but it should go beyond Brundtland and reflect the nations priorities. It is difficult to see past the excellent modern, progressive definition in the One Wales, One Planet: '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. '(WAG, 2009, p8).
- d) The declaration and duty should be supported by strong procedural obligations that are enforceable and measurable. The obligation to produce the scheme (or include sustainability in the overall programme for government –even better) should be statutory and certain rules as to its development and review included. The basics about timeframes, consultations, targets and indicators should be included. The provisions in the 2006 Act could be incorporated in the Bill.
- e) Any report mentioned should be published and go somewhere to be reviewed.
- f) There should be clear lines of advice and accountability set out in the statute and an independent body charged with providing independent advice, support and review. The role of the SDC in Scotland before its demise provides a good model.
- g) The role of the Audit Wales should be explicitly set out in the Act and the relationship between the above body, the Audit Wales and the Assembly clearly explained would have been from being a statutory body.
- h) Other details about the principles behind sustainable development, consultation procedures, targets, indicators, the role of EIA, sustainability appraisal, other public sector reports and other procedures should be set out elsewhere in regulations or guidance. Important details like the principles should be subject to the affirmative

resolution. My reasons are fourfold:

- To make an impact, the essential and game changing aims of this Bill need to be clearly and plainly stated.
- The duties and procedures then need to logically follow on from this main aim. Too much detail runs the risk of watering down the message and the symbolism as the reader gets bogged down in layers of interpretation
- Too much detail crystallises what should be a fluid concept and runs the risk of binding future Governments to what is essentially the policy of the current Government. This increases the likelihood of amendments or repeal with every new Government.

Points 2 and 3 of the Consultation - These relate to the provisions in the Bill itself: general principles the “common aim” and “sustainable development principle” 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; measuring progress and reporting on progress; the Future Generations Commissioner for Wales, international obligations in relation to sustainable development etc., I have addressed these under slightly different headings: symbolism; overall structure; purpose / aim/ goals; duty / aim; procedures and institutions.

Symbolism

(a) The Bill will only really be ground breaking if it includes important symbolic and ambitious terminology. Its title goes a long way towards this aim. ‘The Wellbeing of Future Generations’ is the best title I have encountered. Spain has the Sustainable Economy Act, Canada, Manitoba and Quebec have Sustainable Development Acts, California has Global Warming Solutions Act, Illinois have the Green Governments Illinois Act.

(b) Compared to the symbolic and powerful language used in One Planet One Wales – ‘fair share of resources’, or ‘environmental limits’ much of the language in the actual Bill is watered down. There is also no mention taking into account ‘impacts of activities outside Wales’, Left unchanged and once crystallised as law, the current wording could actually slow progress.

Overall Structure

(a) This type of dedicated one stop shop approach to altering the way we govern is very innovative but it needs to genuinely be a one stop shop. The Welsh Ministers are already subject to similar obligations under the Government of Wales Act 2006 (to produce, review and monitor a scheme). There is no mention as to how these fit with the new objectives and reports in the Bill. Similarly, local authorities already need to produce and review various plans and there is no mention how these plans relate to the ones in the Bill. To be truly innovative, the Bill would set out the main governance tools for LA and WM. As far as I am aware no government has managed to achieve this in legislation. The Scottish Government comes close but it relies entirely on policy to do this. Obviously, the new provisions in the Bill

would need to be at equally robust as their predecessors. I do not think this is the case at the moment.

(b) Public bodies are subject to an aim, they must seek to apply the sustainable development principle (as defined), they must pursue the common aim by seeking to achieve the well being goals, they then must set and publish wellbeing objectives that are designed to maximise their contribution to the achievement of the well being goals. This approach is complicated and difficult to follow. The symbolism is lost in the layers.

(c) The Bill is long and repetitive compared to other dedicated legislation in Canada, Manitoba, Quebec, Hungary and certain US states.

Purpose of Bill / Aims and Wellbeing Goals

(a) The purpose and aim should be phrased as the drivers of the change towards embedding sustainable development. By limiting the purpose to governance arrangements, much of the symbolism in the Bill is unnecessarily lost. Public bodies by their actions will influence the behaviour and values of others - the regulated, individuals and businesses so there is no need for the purpose to be so limited.

(b) The phrase 'take into account' is very weak and again reduces the impact of the Bill. Stronger phrasing is used elsewhere such as 'promote', 'further' or 'designed to ensure'. More innovative, symbolic and powerful examples exist elsewhere that are not limited to governance. Some refer to environmental limits, future generations or global impacts more directly. See Sweden, Minnesota, Quebec, Australia

(c) The original aim set out One Wales, One Planet is much more symbolic, progressive than the purpose as set out as it explicitly makes reference to environmental limits, and only using our fair share of resources. Ideally, the Bill would also refer to taking account of the external impact of activities in Wales.

Duty / Aim

(a) Several dedicated "Sustainable Development Acts" fail to contain any aim or duty on public bodies and this is a major limitation to what are otherwise strong Acts. (See Manitoba and Canadian Federal Act). This Bill would be groundbreaking if it included a clear duty.

(b) The Bill asks public bodies to 'pursue a common aim'. The fact one needs to look elsewhere to find the aim affects the clarity of the message. It does not explicitly create a substantive duty on public bodies. This is unfortunate in terms of symbolism and in terms of allocating responsibility. An aim is not as powerful or as symbolic as a duty. An aim is a nice thing to happen, it is not an obligation to do something. If the word duty is problematic – 'responsibility', obligation, or simply 'shall' all are suitable and stronger alternatives.

(c) The aim to improve the economic social and environmental wellbeing is laudable as

it explicitly refers to integration however, there is no reference to environmental limits or to future generations or to impacts beyond Wales' borders. As such, it is a return to the balancing acts of the past and reflects a return to weak sustainability. Relying on the goals to address these issues takes away from the symbolism of the aim itself. This should be the 'WOW' factor of this Bill and it is not. This weakness is compounded by the fact it is worded as an aim not a duty (see above).

(e) It would be simpler, more powerful and more straight forward to, in one section, impose a duty on public bodies, the Welsh Ministers and public service boards that in the exercise of their functions they are to improve the wellbeing of Wales for the present and future generations in furtherance of sustainable development. Then have another section that provides that in exercising this duty they are to pursue the following goals.

(f) The explicit aim in s. 6 seems to only apply to named public bodies and not the Welsh Ministers themselves or other public bodies. This is limiting. Indeed many jurisdictions extend the duty to the private sector. This extension is not in keeping with UK legal tradition but it does highlight how the aim is not particularly ground breaking. See - Montana

(g) Provisions in Hungary, Quebec, Australia, Spain, Montana, Minnesota provide examples of stronger wording for public duties, objectives and aims as well as more direct references to limits, outside impacts and future generations. Some of these provisions have already been held to be enforceable.

(i) The definition provided for the 'sustainable development principle' does not accurately reflect the Brundtland definition. Moreover, by making SD a principle the aims become overly complicated. Further, 'seeking' is insufficiently ambitious. The definition of sustainable development set out in One Wales, One Planet is progressive, specific to Wales and would be transformative.

Procedures

(a) The statements of the wellbeing objectives are potentially very powerful. They are related to the Wellbeing goals and the common aim. However, the provisions themselves need to be streamlined and strengthened. They also need to be merged to avoid repetition and ensure the Welsh Ministers comply with the rules set out in s. 7 and 8.

(b) More specifically:

- i. Why is integration referred to only in s.8(2)(b) when it should actually apply to the whole Bill? Integration should be part of the Wellbeing goals.
- ii. How do the objectives fit with other objective setting and review activities for public bodies? Could these be assimilated into one obligation?
- iii. Arguably, much of the detail should appear in separate regulations. This would significantly improve the readability and symbolism of the Bill as a whole. Indeed, at present I am not sure what extra detail the guidance in s.15 could add.

- iv. What are the consequences of failing to produce wellbeing objectives, reports etc or failing to improve.? The basics do need to be included in the Bill
- v. It is unclear how the well being objectives of the Welsh Ministers and Future Trends reports fit with the obligations in the Government of Wales Act 2006 – this needs to be streamlined

Institutions

(a) Since the demise for the Sustainable Development Commission, the Future Generations Commissioner is a major advance compared to elsewhere in the UK. That said, the FGC could be more powerful and more independent. At the moment s/he is appointed by the Welsh Ministers (like Manitoba) so is not independent of government. S/he could be appointed by the Assembly (see Hungary). S/he 's duty is to promote and to monitor. There is very little opportunity for the FGC to 'call to account'. The section 21 report is vague and makes no mention of the word 'progress'. What are the consequences for no progress? (See Canada – Public Accounts Committee Scrutiny). The FGC only engages with public bodies, the Welsh Ministers and the Advisory panel who are named or appointed by the Welsh Ministers and thus, not independent either. There is no mention of the FGC's role in relation to the public (present or future) (See Hungary). Oddly there is no reference to civic society either. Moreover, many of the FGC's powers are permissive (may) rather than mandatory. Once again, the provisions are longwinded. See former arrangements of the SDC in Scotland, Hungarian Ombudsman

(c) Finally, there is no mention about how the FGC's work relates to that of the AGW or vice versa. This is crucial given the value for money reports the AGW has produced in the past and will do in the future. See SDC for Scotland above and Canada. Note the two Canadian acts (Auditor General Act 1985 and the Sustainable Development Act refer to one another and allocate power very clearly

Points 4-7 of the Consultation – Others are better placed to respond to these.

Overall, I believe the introduction of this Bill is a positive move that should be welcomed. As the Bill goes through the legislative process I believe effort should be made to improve the clarity of its message and thus, increase its potential as a driver for change by:

- making specific reference to living within environmental limits, using only our fair share of resources, taking into consideration of external impacts of activities in Wales in the Government's overall aim (see p.2 (a) above);
- imposing a clear duty on Welsh Ministers and public bodies in relation to sustainable development and future generations (see p. 4-5 (e) above);
- incorporating the provisions of s. 71 of the Government of Wales Act;
- taking out all the layers interpretation and leaving the detail to regulations and guidance;
- strengthening the provisions on the roles and relationship of the Commissioner and Audit Wales.

If I can be of any assistance, please do not hesitate to contact me at the address above.

Yours sincerely
Professor Andrea Ross

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.

National Assembly for Wales
Environment and Sustainability Committee
WFG 12
Well-being of Future Generations (Wales) Bill
Response from UK Environmental Law Association's Wales



**The UK Environmental Law Association's Wales Working Party
Evidence Submission on the Well-being of Future Generations Bill
to the
National Assembly for Wales's Environment and Sustainability
Committee**

Executive Summary

1. The UK Environmental Law Association (UKELA) is pleased to have the opportunity to submit its views and comments to the National Assembly for Wales's Environment and Sustainability Committee on the contents of the Well-being of Future Generations Bill.
2. UKELA aims to make the law work for a better environment and to improve understanding and awareness of environmental law. Its members are involved in the practice, study or formulation of Environmental Law in the UK and the European Union. UKELA attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors. The Association prepares advice to UK Governments with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared by UKELA's Wales Working Party with input from its Planning and Sustainable Development Working Party.
3. Overall, UKELA is supportive of the aims of this Bill and the proposals contained therein. It commends the Welsh Government for taking steps to embed the principle of sustainable development in the work of the public sector in Wales in the interests of future generations. UKELA is also of the view that a number of changes to the current Bill would strengthen implementation once it becomes legislation; afford equal weight to the environment alongside economic and social considerations; and help ensure accountability and effective delivery of

the aim and goals. The following points are put forward for consideration:

- A clear definition of sustainable development should be included and the following is put forward for consideration:

“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

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.”

[Paragraph 9]

- The inter-relationship between sustainable development and well-being needs to be specified in the Bill.

[Paragraph 10]

- The wording in Sections 6 (1) should be changed to:

“Each public body is to pursue the common aim by fostering the achievement of well-being goals”.

[Paragraph 11]

- Consideration should be given to widening the scope of public bodies covered by the Bill.

[Paragraph 12]

- The definition of Well-being goals and their description need to be revised to take account of the full range of issues necessary for sustainable development, in particular inclusion of reference to living within environmental limits and using only a fair share of the earth’s natural resources.

[Paragraph 13]

- In Section 6, the environment goal and descriptor should be re-drafted to ensure that more prominence is given to protection and enhancement of the environment as a way of ensuring the well-being of future generations.

[Paragraph 14]

- Consideration should be given to including references to environmental principles as enshrined in the Treaty on the

Functioning of the European Union and EU secondary legislation.

[Paragraph 15]

- Sections 8 (1) (b), 37 (4) (b) and 39 (1) should be supplemented by drafting as to where responsibility lies for assessing reasonableness as to the requirement to “take all reasonable steps.....” and the nature of that assessment.

[Paragraph 16]

- The Future Generations Commissioner and the Advisory Panel should be appointed by the National Assembly for Wales, rather than Welsh Ministers to ensure independence for Government and impartiality (Section 16 (2).)

[Paragraph 17]

- The general duty of the Commissioner needs to be clarified and strengthened. It is suggested that the following should substitute the drafting in Section 17:

(a) *To uphold the sustainable development principle by-*

(i) *acting as the guardian of the interests of future generations, and*

(ii) *ensuring that public bodies take greater account of the long term impact of the things they do*

[Paragraphs 18 and 19]

- Consideration needs to be given to including more references to climate change throughout the Bill, in particular in the goals. The Commissioner should also have specific responsibility under Section 18 (1) (d) for advising on sustainable development and climate change.

[Paragraph 20]

- In Section 20, UKELA is concerned about the obligation on public bodies that “must take all reasonable steps” as this may provide scope for a public body to reject a recommendation or to take an alternative course of action in response to a recommendation.

[Paragraph 21]

- Under Section 22, UKELA suggests that the legislation should be amended so that the Commissioner has a general duty to consult a wide range of bodies and individuals about the

Commissioner's work and a specific duty to consult on the contents of the annual report.

[Paragraph 22]

- In respect of Section 24, UKELA is of the view that representatives of local authorities, the economy and the voluntary sector should be statutory members of the Future Generations Commissioner's Advisory Panel and that an amendment to this effect should be made.

[Paragraph 23]

- As regards Section 24 (2) consideration should be given to providing for all advisory panel members to be able to nominate an alternate.

[Paragraph 23]

- The Bill should make it clear where accountability lies for ensuring effective implementation of local well-being plans.

[Paragraph 25]

- In Sections 37 and 39, "*take all reasonable steps.....*" should be replaced with "*.....must foster the meeting of those objectives....*" and "*.....must foster within its area the meeting of objectives.....*" respectively.

[Paragraph 26]

DETAILED ANALYSIS

Overview

4. UKELA welcomes the stating of the purposes and aims at the commencement of the Bill. This should assist with interpretation of the Act at the time of implementation. It also notes that this is relatively unique in UK legislation. UKELA is supportive of the purpose of the Bill and applauds the Welsh Government's quest to further its commitment to sustainable development by embedding the principle of sustainable development into the work of the public services in Wales. The Welsh Government, through this legislation, has the opportunity to lead globally in developing a public services culture in Wales that puts sustainable development at the heart of policy making and service delivery.
5. The quality of the environment is fundamental to the well-being of current and future generations in terms of their health, and social and economic well-being. Protection and enhancement of the environment should, therefore, be the central plank of the legislation so it is disappointing that it is not particularly prominent in the draft Bill. UKELA is concerned that there may be a danger that the social and

economic pillars of sustainable development could dominate, particularly in view of the prominence given to prosperity. If the social pillar pursues well-being objectives that are dependent to a significant extent on the growth of GDP then inevitably the social and economic pillars of sustainable development will be capable of dominating the environment pillar. Sustainable development requires solutions that achieve a balance between the three pillars and make the most of synergies between them.

6. The landscape and environment of Wales is exceptionally diverse and beautiful, and should be protected and enhanced for future generations. UKELA is further concerned that the Bill, as currently drafted, does not give sufficient prominence to the importance of the inherent value of the environment as opposed to its functional qualities. Nonetheless, without a healthy, thriving natural environment Wales will not be able to prosper economically, the health of its people would suffer and our culture, heritage and communities would be at risk. The environment underpins the health and well-being of communities, by providing resources and assets that have the potential to produce value and service the Welsh economy. In UKELA's view, the importance of the environment is underplayed and appears to be at odds with the proposals for the Environment Bill, which is concerned with natural resource management to ensure that our landscapes, water, land and other living resources are maintained and enhanced to support the development of communities and businesses. Protection and enhancement of ecosystem services is fundamental to the well-being of future generations. The Well-being of Future Generations Bill and the proposals for the Environment Bill are fundamental to sustainable development in Wales. It is important, therefore, that there is consistency and complementarity in terms of their key principles and policy objectives.
7. Another concern relates to the Bill's focus on processes, rather than the achievement of desired outcomes for the environment that will support healthy living, economic development, preservation of culture and communities for the people of Wales. The absence of outcomes in relation to the goals is worrying, particularly in the light of the report of the recent United Nations High Level Political Forum¹ which states that sustainable development goals are to be accompanied by targets focused on measurable outcomes.
8. The Welsh Government has the chance, through this Bill, to be innovative and unique in the way it takes forward sustainable development. However, the Bill in its present form is not particularly pioneering as most of what it contains has precedents in other international legislation. UKELA is offering its comments below to

¹ www.sustainabledevelopment.un.org/focussdgs.html Introduction to the Proposal of the Open Group for Sustainable Development Goals U.N. 2014 (19 July 2014) Preamble @[18]

support the development of legislation that is truly ground breaking to serve the people of Wales and serve as a model for other administrations.

Purpose, Aim, Sustainable Development Principle and Classification of Public Bodies

9. The purpose of the Bill is commendable. It is fundamental for the Bill to achieve its purpose that it contains an appropriate definition of sustainable development. UKELA notes that the definition in the draft Bill is a modified and, in our view, a somewhat compromised version of the Brundtland sustainable development definition. It is disappointing that a definition of sustainable development in the context of the Welsh public service has not been included. The absence of a clear definition of sustainable development in respect of Wales could lead to varying interpretations of what the principle means in practice and may not achieve the overall aim of improving the economic, social and environmental well-being of Wales. UKELA believes that it would be better to adopt the definition of sustainable development included in “One Wales, One Planet”² which is as follows:

“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

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.”

This is a more comprehensive definition of sustainable development and one with which the Welsh public sector is already familiar. The definition also makes clear the importance of respecting environmental limits to the achievement of sustainable development.

10. It is recognised that the well-being duty reflects broadly that for local authorities which is enshrined (for Wales only, following the Localism Act 2011) in section 2 of the Local Government Act 2000. However, the bringing together of well-being with sustainable development could lead to a lack of clarity amongst those interpreting the legislation as to whether decisions are to achieve sustainable development or well-being, or where the balance should lie between the two concepts. It is important to specify the inter-relationship between sustainable development and well-being in the legislation, as this will provide the

² <http://wales.gov.uk/topics/sustainabledevelopment/publications/onewalesoneplanet/?lang=en> One Wales: One Planet – The Sustainable Development Scheme of the Welsh Assembly Government. May 2009.

foundation for the follow up guidance, which should aim to ensure that those implementing the duty will have a clear understanding of the relationship between the two concepts. However, if the sustainable development definition suggested above in paragraph 9 is adopted, the connection between sustainable development and well-being would be clearer.

11. UKELA's main concern in relation to the duties for improving well-being is the relative weakness of the terminology in Section 6 (1), i.e. "Each public body is to pursue the common aim by seeking to achieve....." This is an easy duty to discharge and in legal terms would be difficult to challenge if a particular body was not diligent enough in carrying out their duties. It is suggested that an amendment be made to change the wording to:

"Each public body is to pursue the common aim by fostering the achievement of the well being goals"

would place a stronger duty on public bodies to achieve the legislation's intentions. As illustrated in Sections 6 (i) and 17 (a), implementation is highly contingent on the loose language contained in the Bill. It is important that the drafting is tight and clear to ensure there is no scope for avoiding taking forward the necessary commitment of sustainable development in order to ensure the well-being of future generations.

12. It is disappointing that the classification of public bodies in the Bill is quite narrow and does not cover the full range of public bodies operating in Wales or even those listed in the White Paper. In particular, UKELA is disappointed at the omission of Higher Education Institutions and community councils, as they are considered crucial to the achievement of sustainable development. Welsh universities are well placed to introduce sustainable development into curricula for numerous relevant course programmes, whilst community councils have an important role to play in ensuring sustainable development is embedded at local levels. The failure to include as wide a classification of public bodies as possible will inevitably lead to a disjointed approach to driving forward sustainable development, as those outside the scope of the legislation will not have the same impetus to achieve its overall aim.

Well-being Goals

13. UKELA is of the opinion that neither the definition of well-being goals nor their descriptors address the full range of issues necessary for progress towards sustainable development to be assessed. It is possible that these goals may have been based on the National Well-being indicators published by the Office of National Statistics, only four of which relate to the environment. Collectively, these indicators amount to a narrow concept of sustainable development and UKELA is concerned about the considerable scope for their misinterpretation. The goals are also very similar to the vision of sustainable development in

“One Wales: One Planet”, the Welsh Government’s Sustainable Development Scheme, with the exception being a reference to environmental limits and use of natural resources. UKELA considers that reference should be included to respecting environmental limits and using only our fair share of the earth’s resources.

14. UKELA believes that the environment goal 2 in Section 6 simply referred to as “A resilient Wales” and described as “aiming for a bio-diverse environment with healthy functioning eco-systems that support social, economic and ecological resilience” is inadequate. The use of the phrase “A resilient Wales” is not particularly meaningful to most people and the accompanying description does not reflect the goal in any meaningful way. The word “resilience” implies withstanding shock. The dictionary definition refers to “being capable of regaining original shape following some sort of deformation” or “a person recovering from hardship or illness”. It follows, therefore, that this terminology will not be a readily understood goal in relation to protection of the environment and consequently technical interpretation may be difficult. Furthermore, UKELA is of the view that the goal and its description as currently drafted imply maintaining the status quo, rather than improving the environment for future generations. This is particularly the case, given the use of the word “support” in the description, which indicates an intention to sustain, rather than enhance, the environment in accordance with both the precautionary principle and also the higher level environmental principle enshrined in Article 3 of the Treaty on the Functioning of the European Union, referred to in the following paragraph 15. It is also important that this legislation supports the reforms that have been proposed for environmental law in Wales. The proposals in the Environment White Paper aim to ensure the “maintenance and **enhancement** of Wales’s natural resources”; we believe it would be better to use this terminology here.
15. The new approach to applying the sustainable development principles in Part 2, clause 8 (2) is helpful and unique in UK legislation. However UKELA is concerned generally about the absence throughout the legislation of reference to the environmental principles enshrined in the EU Treaty and the practices and standards incorporated in EU secondary legislation on the environment. In particular, there is no mention of the precautionary principle and the overarching EU principle that requires “a high level of protection and improvement of the quality of the environment” (Article 3 of the Treaty on the Functioning of the European Union). It is evident, therefore, that the goals and their descriptors present too narrow a framing of sustainable development.
16. UKELA is concerned about the wording in Section 8(1) (b) which states that [A public body must] “take all reasonable steps (in exercising its functions) to meet those objectives in accordance with the sustainable development principle”. It is unclear as to who will be assessing reasonableness and whether such an assessment would be subjective (i.e. does the relevant public body itself consider them reasonable) or

objective (i.e. would a [hypothetical] reasonable public body in the same circumstances consider the steps reasonable). Moreover, it would be helpful in legislative terms if it could be made apparent whether this is “reasonableness” in the common public law ‘Wednesbury’ sense or whether it is the steps themselves which must be reasonable.

The Future Generations Commissioner

17. The appointment of the Commissioner (Section 16) by Welsh Ministers could give rise to perceptions of lack of independence and the appointment possibly being open to political interference, particularly in the light of clause 7 (2) of Schedule 2 which gives Welsh Ministers the power to dismiss the Commissioner. In the interests of impartiality and independence, UKELA is of the view that the appointment of the Future Generations Commissioner should be made by the National Assembly for Wales, rather than Welsh Ministers. Similarly, in order for the Commissioner’s Advisory Panel to be free from political influence, UKELA suggests that its appointments under Section 22 (2) should be made by the National Assembly.
18. The general duty of the Commissioner (section 17) is unclear in relation to whether the duty is to monitor the extent to which the well-being objectives are being met, or simply with respect to sustainable development. This is a fundamental point that needs to be addressed. UKELA is concerned that, in practice, the Commissioner will have limited powers and no wider powers to investigate areas of concern or possibly even question public bodies on their performance in relation to the legislation’s aim.
19. As mentioned above in paragraph 11, UKELA is of the view that the wording “seek to safeguard” in the specification of the duty of the Commissioner should be strengthened by changing to “foster the safeguarding of ...” as in legislative terms the words “seek to” is a very loose requirement and, in effect, an aspiration only. There is a danger that a Commissioner could take a narrow view of the requirement and consequently be insufficiently instrumental and effective as possible in helping to ensure that public bodies achieve the well-being goals. It is suggested that a more robust wording for the Commissioner’s role could be as follows:

(a) To uphold the sustainable development principle by-

(iii) acting as the guardian of the interests of future generations, and

(iv) ensuring that public bodies take greater account of the long term impact of the things they do

However, if the drafting of the Bill is amended to ensure a role for the Commissioner in respect of meeting the well-being objectives, rather

than sustainable development *per se*, the above suggested amendment will need to be adapted accordingly.

20. In 18 (1) (a), the reference to providing advice on climate change is noted. However, apart from mention of a low carbon emission economy in the goal of a prosperous Wales, there is no further reference to climate change elsewhere in the Bill. The single mention of climate change is indicative of a parochial approach. Overall, the Bill is very specific to Wales and its administrative and physical boundaries; we believe that account should be taken of Wales's impact on the UK and international situations and its contribution to the global effort. If it is envisaged that the Commissioner is to play a meaningful role in relation to climate change, UKELA suggests that this needs to be evident in the drafting, possibly by inclusion of a particular reference in the goals. As regards, 18 (1) (d), UKELA suggests that this should also include reference to advice being given on the sustainable development principle, as well as achievement of the well-being goals.
21. In respect of section 20 on the duty to follow the Commissioner's recommendations, UKELA is concerned again about the use of the wording "must take all reasonable steps". As currently drafted, a public body can avoid compliance with recommendations if it is satisfied on its own account that it has taken into consideration the guidance from Welsh Ministers. Therefore, publication of a response to the Commissioner's recommendations does not guarantee their adoption. The current wording could lead to the power of the Future Generations Commissioner being undermined and, even more importantly, dilute accountability for delivering the goals, whilst taking account of sustainable development. UKELA believes that the section provides scope for a public body to either reject a recommendation or to take an alternative course of action in response to a recommendation. This is worrying, particularly as the circumstances under which these courses of action can be taken are unclear.
22. Section 22 refers to the Commissioner's duty to consult the advisory panel, public bodies and other organisations and individuals. This is to be done before the annual report is published, but the purpose of the consultation is unclear. UKELA is unclear on the interpretation of public bodies in this context. If the legislation intends to empower the Commissioner to consult the wider public sector and non-governmental organisations, the drafting should make this clear. UKELA also suggests that the duty to consult should cover two aspects: first, a general duty to consult a wide range of bodies and individuals about the Commissioner's work and secondly, a specific duty to consult on the contents of the annual report.
23. The membership of the Commissioner's advisory panel (Section 24) covers the interests of children, older people, the Welsh language, public health and the environment. Although it is noted that Welsh Ministers have the power to appoint other persons, UKELA is concerned at the

absence of a member representative of the economy and suggests that the Bill should refer specifically to an individual, such as the Chair of the Confederation of British Industry in Wales, as a statutory advisory panel member. This will ensure a balance between social, economic and environmental interests. In the light of the key role public service boards and local authority scrutiny committees will have in the implementation and governance processes, UKELA considers that there should be representation from local authorities on the advisory panel. The voluntary sector also has a major part to play in helping achieve the desired legislative outcomes and should be represented on the advisory panel. UKELA, therefore, suggests that amendments to this effect should be introduced. UKELA has noted an inconsistency in Section 24 (2) whereby there is no provision for delegating for alternates in respect of the Commissioner panel members ((2)(a), (b) and (c)).

Public Service Boards

24. UKELA welcomes the requirement for local integration and is pleased to note that the proposed legislation details how this integration is to be brought about. Nevertheless, it needs to be recognised that the role of overview and scrutiny committees will be crucial to the success and effectiveness of the Local Well-being plans.
25. UKELA believes that the Bill should be amended to specify lead responsibility for accountability on implementation of local well-being plans. As currently stated (Section 44), annual progress reports detailing implementation are to be sent to overview and scrutiny committees, as well as to Welsh Ministers, the Auditor General Wales and the Future Generations Commissioner. However, a particular weakness is the failure to state where ultimate power for ensuring implementation of plans is effectively carried out.
26. In respect of local well-being plans (Section 37), public services boards, in the same way as public bodies, are expected to “take all reasonable steps.....”. The same argument set out in paragraph 15 above, applies here. It also applies in relation to community councils (Section 39). UKELA proposes that “take all reasonable steps.....” should be replaced with the stronger requirement of “.....must foster the meeting of those objectives.....” and “must foster within its area the meeting of objectives on the local well-being plan that has effect in its area”, respectively. UKELA is concerned that, whilst community councils with gross income or expenditure over £200k p.a. are required to take steps towards meeting the objectives set out in local well-being plans, such bodies will not be subject to the general duty.

Professor Robert Lee Dr Haydn Davies Dr Victoria Jenkins
UKELA Wales Working Party



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

RCP (Wales) consultation response

About us

The Royal College of Physicians plays a leading role in the delivery of high quality patient care by setting standards of medical practice and promoting clinical excellence. We provide physicians in Wales and across the world with education, training and support throughout their careers. As an independent body representing more than 30,000 fellows and members worldwide, including 800 in Wales, we advise and work with government, the public, patients and other professions to improve health and healthcare.

Amdanom ni

Mae Coleg Brenhinol y Meddygon yn arwain y ffordd o ran darparu gofal o ansawdd uchel i gleifion drwy osod safonau ar gyfer arferion meddygol a hybu rhagoriaeth glinigol. Rydym yn darparu addysg, hyfforddiant a chefnogaeth i feddygon yng Nghymru a ledled y byd drwy gydol eu gyrfa. Fel corff annibynnol sy'n cynrychioli mwy na 30,000 o gymrodorion ac aelodau ym mhedwar ban byd, gan gynnwys 800 yng Nghymru, rydym yn cynghori ac yn gweithio gyda'r llywodraeth, y cyhoedd, cleifion, a gweithwyr proffesiynol eraill i wella iechyd a gofal iechyd.

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05 September 2014

GENERAL PRINCIPLES OF THE WELL-BEING OF FUTURE GENERATIONS (WALES) BILL

Thank you for the opportunity to respond to the National Assembly for Wales Environment and Sustainability Committee inquiry into the general principles of the Well-being of Future Generations (Wales) Bill. Our response is informed by our fellows and members in Wales.

1. The RCP believes that the Welsh Government must take this opportunity to reduce health inequalities by addressing why so many people in Wales have poor health outcomes. We know that these outcomes can be linked to poverty, lifestyle, culture and deprivation. Many of these reasons are historical and deep-rooted in some communities in Wales, and will require a raft of measures.
2. This is why the RCP believes that legislation is only one part of the toolkit for improving public health. All levers must be used to improve and protect health. We believe that our members and fellows have a key leadership and advocacy role to play in tackling the social determinants of health. Doctors and public health specialist teams should work together more closely in shaping services and developing programmes to promote and protect people's health, prevent ill health and tackle health inequalities. However, doctors and healthcare teams must be supported by a strong legislative framework.
3. The focus of public health should lie on preventing, not just managing poor health. Many of the underlying reasons for health inequality in Wales cannot be solved by solely local initiatives and local authorities but will need a more strategic national approach by the Welsh Government. The Well-being of Future Generations Bill should provide an enabling framework which will galvanise and support the Welsh Government and other bodies to address emerging public health issues proactively as they arise.
4. The Welsh Government should be prepared to use a number of public health interventions available (including regulation) and must coordinate action across different government departments and partners. We are supportive of legislation that takes an 'all society' approach to a broader conception of health problems and we would support a requirement on appropriate bodies to consider how to reduce and prevent health inequalities and involve

communities in their decision making. However, we urge Welsh Government to consider the specifics implied by this Bill in more detail as soon as possible.

5. We recommend that integration and collaboration on public health must be embedded across the NHS, local authorities and the Welsh Government. We strongly believe that a greater emphasis on joint working across bodies will be vital to the success of this legislation. **This is why we are calling for a duty on Ministers to consider the health impact of all policies coming out of the Welsh Government.** This was in the Welsh Government's green paper on public health last year, and we are extremely concerned to see that it is no longer being proposed in the recently published white paper. However, these health impact assessments must not become a box-ticking exercise. The Welsh Government must consider how best to ensure that reducing inequality and improving health outcomes underpins everything they do.
6. There must be a solid evidence base for all reforms to support public health knowledge, policy and practice. The Welsh Government must put in place a system to measure outcomes (for example, diet, physical activity and actual BMI) and process, with a particular emphasis on barriers to success. An economic evaluation would also be valuable. In addition, there must be sufficient investment in effective and sustainable public health services. This will save the Welsh NHS money in the long term.
7. New legislation on public health would provide us with a collective response to preventing and reducing public health harms and would pave the way for future behaviour change. Legislation has a role in changing socio-cultural norms: by putting in place penalties for unacceptable behaviour, we make a statement about that behaviour. Two excellent examples of this approach are seat-belt legislation and smoke-free legislation, which are widely understood to be fundamentally-important catalysts in changing attitudes, expectations and behaviour in road safety and smoking respectively. Law can be an essential tool for creating the conditions that enable people to live healthier lives.
8. In November 2014, the RCP will be partnering with the UK Health Forum and the Royal Society for Public Health to host a policy development roundtable looking at the aims, objectives and outcomes from this Bill. We are keen to use these discussions to influence further evidence which we would like to submit to the committee ahead of Christmas recess for their consideration.

The RCP welcomes this opportunity to respond to your inquiry into the general principles of the Well-being of Future Generations (Wales) Bill. We are happy to give oral evidence, if invited. If you have any questions, please contact our colleague, Lowri Jackson, RCP senior policy adviser for Wales, at Lowri.Jackson@rcplondon.ac.uk or on 029 2050 4540.

With best wishes,



Dr Alan Rees
RCP vice president for Wales
Is-lywydd yr RCP dros Gymru



Dr Andrew Goddard
RCP registrar
Cofrestrydd yr RCP

National Assembly for Wales
Environment and Sustainability Committee
WFG 14
Well-being of Future Generations (Wales) Bill
Response from Directors of Public Health

Well-Being of Future Generations (Wales) Bill

Comments from the Directors of Public Health to the Inquiry by the National Assembly Environment and Sustainability Committee

1. The Bill represents a very exciting, timely, though challenging opportunity for the NHS, the wider public sector and the population of Wales to address the complex long term challenges facing Wales – inequality and the unequal distribution of access to resources, benefits and opportunities. It supports the development of medium and long term strategy and there is a clear role for “system leadership” and public health advocacy by the health boards in the geographical areas they serve.
2. We support the merging of the Local Service Boards into Public Service Boards, so as to enable co-terminosity with health board footprints. We believe this would be a positive move and enable stronger commissioning and planning discussions. In some health boards partners are already moving at a pace to transform the well established Local Service Boards into the new Public Services Boards, with the work of the health boards being aligned with the LSB Single Integrated Plans. We are confident that the Public Service Boards will add strength to senior leadership across the public sector. Clarity is needed to ensure the public health voice is present on the PSB. The health boards all have a DPH and public health team in place to be the link to central services in Public Health Wales.
3. We welcome the fact that the Bill is consistent with and supports the application of the principles of Prudent Healthcare laid out for the NHS by the Minister for Health and Social Services.
4. We welcome the opportunities through the Bill for improving the ways in which we work together with our local public sector partners. The explicit requirement for *shared statutory responsibility (para 66)* for achievement of the well-being goals across partners, we believe, is particularly important as it will substantially help in our ability to both hold to account, and be held to account by, our partners for a range of actions which promote population health improvement. We welcome the move to reform integrated community planning and simplify 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, however, between planning cycles given the focus on 3 year planning within the NHS and the different national and local political cycles. Whilst not insurmountable, this will add complexity.

5. Acknowledging that the impact of the Commission on Public Service Governance (The Williams Review) on local government structures is not yet clear this will have a major impact on how the public sector locally is able to respond to the opportunities offered by the Bill. We note the reference in the Bill to the definition of communities as *areas within a local authority area which are large enough to show differences between them and have a sense of identity but not as small as electoral wards (para 209)*. We recognise and welcome this as a reasonable definition but would also stress that there is a considerable challenge in getting to the point at which such communities will be identified and are recognised both by themselves, and by the bodies within the public sector which serve them. Work to address this will need to begin sooner rather than later.

6. We welcome the 6 well-being goals but it is difficult to see how the bill can be legislatively enforced. We see opportunities to strengthen the Health Impact Assessment approach as part of the process and there may also be merit in considering a gateway type process going forward, rather than a simple checklist approach. This would allow greater scrutiny at all levels and by all sectors.

7. We believe it is particularly important that we do not fall in to the trap of “disaggregating” the 6 Well-Being goals and seeing our NHS responsibility only related to the Healthier Wales goal. It is of fundamental importance that all partners recognise that all 6 Goals contribute equally to the overall sustainable well-being of the population, and that each contributes to the delivery of the others. The description of this interrelationship in paragraph 127 is very helpful in this respect. We would suggest that such a presentation in relation to the other goals would be very helpful in underlining the fundamental importance of this interrelationship.

8. It is important to note that the Common Aim as described in the Bill through the term “social, economic and environmental well-being” implicitly encompasses health in its widest definition as, for example, defined by the WHO.

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

9. We welcome this broad view of health. It is our experience that using the term “well-being” to describe our joint working with local partners avoids the difficulties which can arise from using the term “health and well-being” when health is seen as “the business of the NHS”. The significant austerity colleagues in local government are now experiencing has the potential to exacerbate the perception that health is what the NHS is responsible for (and should, therefore, pay for) and so we are comfortable with the definition in the Bill.
10. However, we also recognise that there is a considerable risk that not including the term health in the Common Aim could fail to capitalise on the opportunity to embed “*good health at the centre of the Wales we want*” – as articulated by Welsh Government in its explanation of the narrower focus outlined in the Public Health White Paper. Without an explicit reference in the Common Aim, other interpretations of the purpose of the Bill could easily be made.
11. The absence of this from the Bill, and also from the Public Health White Paper, means that there is a missed opportunity to secure the wider adoption of Health Impact Assessment as an essential part of all local and national policy development, and a requirement in significant developments. We would strongly advocate that including this within the Bill would considerably strengthen the likelihood of ensuring explicit consideration of the impacts on the healthier Wales as envisaged in the Well-Being Goal.
12. We welcome the inclusion of the statutory basis for sustainable development as a central organising principle.
13. We welcome the inclusion in the Bill of the outcomes based approach. We believe that this has much to offer in terms of clarity about what needs to be done and by whom. Again, this is an aspect which resonates across the public sector, although we acknowledge that we have more to do in the NHS in terms of its application.

14. We welcome the recognition in the Bill that it will be essential for *individuals, societies and organisations to commit to make changes now to manage the future challenges that we face (para 10)*. However it is essential that it is recognised that the ability for individuals to make choices and adopt particular behaviours is very much a product of the circumstances in which they live their lives.
15. Our reading of the material in the Regulatory Impact Assessment suggests that there may have been a significant underestimate of the amount of work all public bodies will need to undertake in order to fully exploit the opportunities envisaged by the Bill. This comment particularly relates to the calculations presented regarding the costs of undertaking needs assessments. However, we would acknowledge that this section was complex and challenging to follow, and it may be that we have misinterpreted what was presented. We do not believe this has a material bearing on our views of the Bill itself but it will be important that in further discussions on the implementation of the Bill a realistic assessment of the capacity and time needed to develop local responses will need to be made with local partners.
16. We believe it is vital to recognise that the change in culture and approach which will be required in order for the public sector to truly embrace the very different way of working needed to make this Bill a reality cannot be over-estimated. Although co-design and co-production are beginning to be used in some parts of the public sector, especially in areas where a “whole place” approach is taken, 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 the Bill describes will require significant work in terms of skilling public sector staff to work with people and communities in a way which recognises assets to be built 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.

Yours sincerely

S. L. Hayes

Dr Sara Hayes

On behalf of the Executive Directors of Public Health for the Health Boards of Wales

National Assembly for Wales
Environment and Sustainability Committee
WFG 15
Well-being of Future Generations (Wales) Bill
Response from Samaritans



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Committee Clerk
Environment and Sustainability Committee
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4 September 2014

Dear Sir/Madam

Samaritans welcomes the opportunity to respond to the inquiry into the general principles of the Well-being of Future Generations (Wales) Bill. We are pleased to see Welsh Government is prepared to legislate in this area and provide a framework for the continual improvement of well-being in Wales. We welcome the purpose of the Act to ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account. The main points we wish to make are summarised here.

1. Samaritans would want to see a clear definition of ‘well-being’ – the key concept in the Bill.

Setting out what is meant by well-being for the purpose of the Bill will clarify what the Bill is aiming to achieve, help to galvanise support and establish measures of progress.

2. Samaritans welcomes the ‘healthier Wales’ goal and the accompanying description which recognises mental well-being. However there is opportunity for this to be

strengthened to ensure the well-being goal and objectives reflect the importance of parity of esteem between physical and mental health.

Central to this approach is the understanding that there is a strong relationship between mental health and physical health, and that this influence works in both directions. Poor mental health is associated with a greater risk of physical health problems, and poor physical health is associated with a greater risk of mental health problems.¹

3. Samaritans would want the Bill to refer to efforts to reduce suicide and self-harm.

Suicide and self-harm are significant public health issues in Wales, which can be partly addressed through reducing health inequalities. The approach to measuring progress towards achieving well-being should draw on data relating to suicide and self-harm.

4. Samaritans would like the Bill to explicitly refer to co-production; ensuring public bodies have a clear responsibility to engage individuals and communities in setting and meeting well-being objectives.

In Part 2, Section 8.2 (c), the Bill refers to ‘the importance of involving those with an interest in the objectives, by seeking their views and taking them into account’. There is an opportunity to strengthen this to drive improvements in the effectiveness of the engagement of people in Wales.

Samaritans would be pleased to provide further evidence to the Committee as required.

Yours sincerely



Sarah Stone

Executive Director for Wales

¹ Bailey, S., Thorpe, L. & Smith, G. (2013) Whole-person care: from rhetoric to reality. Royal College of Psychiatrists, p.9. Available at <https://www.rcpsych.ac.uk/pdf/OP88.pdf>. Royal College of Psychiatrists' definition of 'parity of esteem' available at <https://www.rcpsych.ac.uk/policyandparliamentary/whatsnew/parityofesteem.aspx>



APPENDIX 1

About Samaritans:

Samaritans' Vision is that fewer people die by suicide. We work to achieve this by making it our Mission to alleviate emotional distress and reduce the incidence of suicidal feelings and suicidal behaviour. We do this by being available 24 hours a day to provide emotional support, reaching out to high risk groups and communities, working in partnership with other organisations and influencing public policy and raising awareness.

Our service is guided by our values of listening, confidentiality, people making their own decisions, being non-judgemental and offering people human contact.

Samaritans has nine branches in Wales run by 691 volunteers across the country. In 2013, Samaritans in Wales received a total of 161,170 contacts, by phone, email, text message, and face-to-face.

National Assembly for Wales
Environment and Sustainability Committee
WFG 16
Well-being of Future Generations (Wales) Bill
Response from Cynnal Cymru – Sustain Wales

Cynnal Cymru – Sustain Wales
Response to the
Environment and Sustainability Committee's consultation
for a Well-being of Future Generations (Wales) Bill

Background

In April 2012, Cynnal Cymru – Sustain Wales won a major tender from the Welsh Government, to assist in the development of, and engagement around, a new proposed Sustainable Development Bill. Since the contract inception, Cynnal has been helping the Welsh Government in many ways: on the Welsh Government's behalf, we run the Climate Change Commission for Wales. In a similar vein, we run the Sustainable Development Charter and we service the office of the Commissioner for Sustainable Futures. We set up and administered the launch of the Wales We Want national conversation and run both the web site and the further development of the National Conversation.

With regard to the Bill, we have provided the Secretariat for the Reference and Advisory Group together with its various sub committees as well as disseminating the output emerging from the Group.

Commentary

The Bill now sits with the Senedd. We welcome the wish of the Environment and Sustainability Committee to further improve and hone the Bill under Scrutiny.

No country in the world has put into place such a relevant and important piece of legislation to safeguard present and future generations. For this, the Welsh Government is to be congratulated that there is such a Bill. We welcome that the Bill as presented remains a framework, a process whereby it demands of those affected by it, that all decisions be made, looking through the prism of sustainable development, with the vision of achieving a sustainable Wales. That must not be lost: our belief, therefore, is that, throughout the scrutiny process, the framework process must be maintained, indeed strengthened.

There is a possible implication with regard to how the naming of the Bill is perceived: the Bill states “ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account”. This is to be praised but there is a risk that, unless the Bill makes clear that it is to take action now, for current generations as well, some may put off taking the necessary action in face of current priorities. “Future generations” might convince some that action *now* can be delayed. Clearly, it cannot and no doubt the Scrutiny process will make that plain.

The inclusion of a series of goals is welcomed, as this in part reflects the major changes taking place under the aegis of the United Nations as it moves from the Millennium Development Goals (MDGs) to the Sustainable Development Goals (SDGs). SDGs offer the way for world nations to reflect, and work towards, outcomes that better portray the actions necessary to address the many challenges facing the world currently, not least inequality, climate change, poverty, deprivation, environmental degradation and failures in education, employment, training together with a host of others. As an

aside, the new Bill has in it 6 goals to be achieved: those working on the UN SDGs have presented 17 – and that is the rub when considering the new Bill here in Wales, but more of that below.

Critique

As stated, we welcome the intention of the Welsh Government that the new Bill proposes. Setting a core, or central, organising principle, for sustainable development for the public sector in Wales is essential and to be supported. However, we have a concern that there is no clear definition of sustainable development on the front of the Bill. It is evident that people, in general, are themselves not certain regarding what this is but also, if we do not specify what we are aiming towards, how will we know if and when we get there? An additional point is that, if the Sustainable Development definition is not firmly stated, it would be much easier for this to be watered down under a different legislature. The Welsh Government already has a good definition at its fingertips, that contained within the excellent “One Wales, One Planet” report. We suggest that this be used as the overriding lodestone, the overall Vision that drives and guides the whole Bill. This we suggest will in turn help to ensure all see that this Bill is indeed an over-arching Bill, an umbrella for all other legislation governing Wales. Without this change, the Bill can be criticised as being weak, not least by using phrases such as “seeking .. to ensure sustainable development”. The duty needs to be made clear and strengthened. “Seeking” is simply not strong enough.

In terms of the placing of this Bill within the Wales hierarchy of would-be and existing legislation, it is clear that a Bill covering sustainable development must be at the apex of any other legislation. For sustainable development to be at the core of government thinking and decision making, all other legislation must be subservient to that. This needs to be better stressed in the Bill before us or it runs the risk of being in a silo, of not being given the priority it needs to be. For example, there are several elements of legislation going through the system currently, including a new Planning Bill and a new Environment Bill: whatever the issues in and around both Bills, both should be “governed” by the Future Generations Bill. This needs to be made clear in the new Bill and in subsequent implementation.

The essence of the Bill, what it aims to achieve, has been presented in six goals as stated above. Regarding the proposed goals, as already mentioned, we welcome that these exist, but question if these are as they should be. We fear that there are gaps and, in turn, weaknesses which together will weaken the Bill both in terms of its impact and of its coherence. In addition, the goals are not consistent in how they are framed. There is a risk of ambiguity and an ability for the goals set to be seen as being achieved when, for many of us, they may not have been. At the heart of this, is that, of the six well-being goals, three are comparative. For example, Goal Three states “A healthier Wales” but the question is Healthier than what?... with no base line available, a slight improvement in overall health could suggest success in this goal. Even where the goal is not comparative, such as where Goal One appears to be more specific : “A prosperous Wales” – it needs backing up by what is meant by “prosperous”. The description attached makes no reference to the type of economy, and indeed type of employment, we wish to support. The Welsh Government commitment to so-called “green” growth needs to be highlighted here, supported as it is by the excellent CBI report on such growth.

An overall review of all the Goals by the Scrutiny process is strongly recommended by Cynnal Cymru – Sustain Wales to develop a less comparative approach or, if to be comparative, being clear as with what baseline this is being compared. We encourage the focus to be on less ambiguity. A goal should

be a goal, especially given the scale and the challenge faced by the public service bodies affected by the Bill.

We are concerned that areas vital to a sustainable community have not been included, or are stated insufficiently. The primary issue is of scope: we recognise and laud that this remains a framework Bill, but it misses much from that framework: it does not cover all public sector roles and responsibilities. Most importantly here, procurement, vital to a sustainable economy, is not addressed. Nor, added to this, is budget setting. Together, these would have the greatest effect on a sustainable economy for Wales and thus must be included, especially given that public sector procurement has such a vital role in the Wales economy. Not having this in the Bill suggests it is missing a vital element of helping to create a sustainable Wales.

Cynnal Cymru – Sustain Wales, although focussed clearly on Wales, fully recognises the vital role of Wales in a wider world: this Bill does not sufficiently recognise this. The lack of a global dimension weakens the Bill and will damage its status in the wider world. If we are, through this Bill, to make a real difference and become an exemplar on the world stage, this must be addressed. Climate Change has a poor profile in the Bill. In *The Wales We Want* conversations, Climate Change is seen as a crucial priority. The Bill, both to reflect Wales' community wishes *and* a global priority, must be a key priority in the Bill. Targets for relevant and challenging reductions in emissions of the gases that contribute to global warming must be stressed. We recognise that this is not a Bill for detail – it is a framework – but without a framework for Climate Change, it is a lesser Bill.

The issue of governance of the implementation process is, we fear, weak and liable to potential changes in emphasis by a future Welsh government. Of specific concern is that of the new Commissioner. The Bill has presented that this is a role appointed by, and answerable to, the Welsh Government: we feel that this should be answerable to the Senedd, not least by so doing, it is then seen to avoid the risk of interference, and improve transparency. The Bill identifies a range of posts to support the Commissioner. We must declare an interest here in that we have undertaken a similar role for the existing Commissioner for Sustainable Futures but feel, strongly, that this Office should be a separate body, fully funded by the government to ensure that, not only is it independent, but it is seen to be independent. There is precedent akin to how the Office of the Auditor General is funded and governed. We are also unsure if the proposed budget will be enough for the Commissioner to undertake all the proposed roles, not least the investigative element of what s/he will be undertaking. This element, in turn, needs to be strengthened with the “critical friend” element being brought more to the fore. If not, the risk is that no real change will be evidenced, not least if and when the Commissioner offer criticism to the Welsh government itself.

Finally, the Bill, quite clearly, is focussed on the public sector. Sadly, some elements of the quasi-public sector, such as housing associations and both further and higher education, no longer feature in the Bill as presented. We regret that, not least as the three elements are vital if we are to achieve a sustainable Wales.

In that context, and with again a declaration of interest, we recognise the role played by the Sustainable Development Charter as being a vehicle in which those not affected by the Bill, such as the private and voluntary sectors, are able to commit to making sustainable development a core activity for what they do and how they do it. This aids the work of the Welsh Government to help us all move towards a sustainable Wales.

Cynnal Cymru – Sustain Wales

via

David Fitzpatrick

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National Assembly for Wales
Environment and Sustainability Committee
WFG 17
Well-being of Future Generations (Wales) Bill
Response from Office for National Statistics (ONS)

Written evidence from the Office of National Statistics on the Well-being of Future Generations Bill

Introduction

Thank you for the opportunity to comment on the draft Bill.

The Office for National Statistics (ONS) launched the Measuring National Well-being Programme in November 2010 with the aim to develop an accepted and trusted set of National Statistics to help people understand and monitor national well-being. Measuring national well-being is a long term development programme and the ONS is recognised internationally as playing a lead role in its development. One of the objectives is to see the transition of this work into the main-streamed business environment to ensure ongoing delivery of benefits; therefore ONS welcomes the Bill as an important innovation in meeting this goal.

ONS in developing measures of national well-being aims to ensure that information is reported in a consistent framework that recognises the three main pillars of the economy, environment and social (the draft Bill's three aspects of its aim to improve well-being); the four capitals (Physical, Natural, Human and Social); and the various domains (e.g. Health, Education, Where we live, Personal finance, etc), as well as the dimensions of Sustainability and Equity (see further comments below under Section 2).

The ONS, acting on behalf of the Government Statistical Service, is also supporting the development of the Post 2015 Sustainable Development Goals by providing statistical advice and comments and will assess the robustness, timeliness and relevance of the measures proposed. In addition, the ONS is now responsible for publishing the Sustainable Development Indicators.

The following comments concentrate on the definition of well-being and the related goals, targets and measures to reflect ONS's main interests.

Part 1, Section 2 - Aim of public bodies to improve well-being

The aim '*of public bodies is to improve the economic, social and environmental wellbeing of Wales in accordance with the sustainable development principle*' highlights the 3 pillars that are used to gain a better understanding of overall well-being. However, care needs to be taken regarding the use and understanding of what 'well-being' refers to. It is often the adjective or prefix that denotes what well-being refers to - for example, national well-being, personal or individual wellbeing, physical well-being, etc. The Bill may need to clarify that well-being refers to national well-being (in this case, Wales) unless otherwise specified.

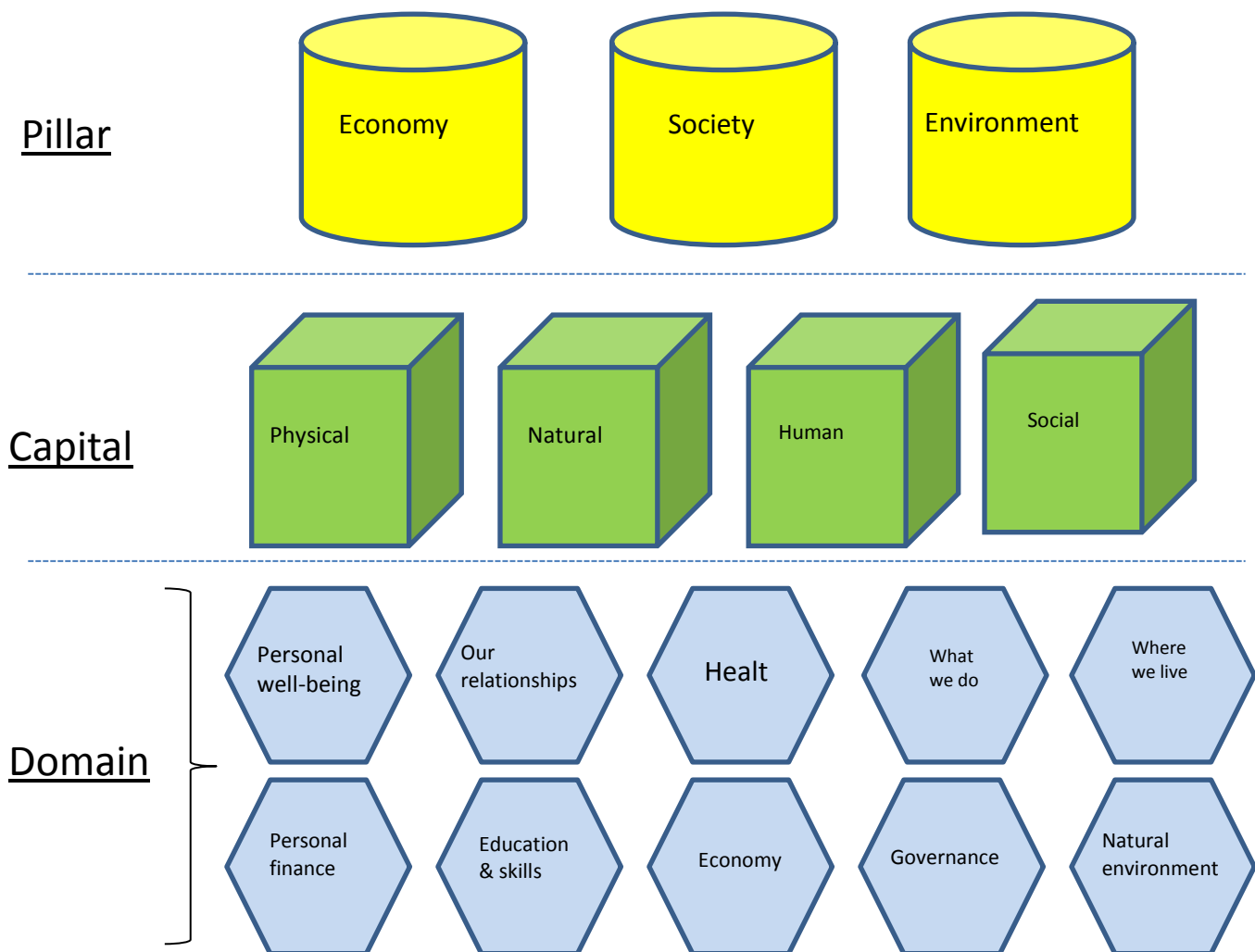
The Commission on the Measurement of Economic Performance and Social Progress Report (Stiglitz et al. 2009), known as the Stiglitz Report, has had a significant influence on international developments of well-being measures. The report identified the key dimensions of well-being to include health, education, social connection, political voice, unpaid household work, and the present and future condition of the environment. The Commission

noted that “all these dimensions shape people’s well-being and yet many of them are missed by conventional income measures.”

Traditional measures of progress such as GDP are increasingly considered an incomplete picture of the state of the nation. The Commission argued that no single measure can summarise something as complex as the well-being of the nation and any system of measurement must encompass a range of different measures. GDP only measures activity within ‘the market’ producing estimates of physical capital; however, much of what maintains and enhances well-being occurs outside of the market. The Commission further argued that applying a broader definition of wealth, to include natural capital, social capital and human capital, could provide a better understanding of national well-being.

Figure 1 presents a simple comprehensive framework for understanding and monitoring national well-being. It highlights the three main pillars of the economy, social and the environment (the draft Bill’s three aspects); illustrates the four capital stocks (ie Physical (produced), Human, Social and Natural); and the 10 domains currently used to monitor national well-being. The dimensions of sustainability and equity need to be further developed and considered as fitting this framework.

Figure 1. Three presentations of national



Section 6: Well-being goals

The draft Bill proposes 6 high level well-being goals. An important element will be how these goals can be translated to targets and these targets monitored and measured (see also comments below related to National indicators). Should the Bill be more specific regarding how the goals relate to specific outcomes with clear time-bound targets (eg by 2025..)?

The draft Bill has an obvious relationship with the international development of the Post 2015 Sustainable Development Goals (SDGs) (see link here for more detail>

<http://sustainabledevelopment.un.org/index.php?menu=1300>). Although the SDGs are not expected to be finalised until September 2015, should the Bill consider aligning the Welsh goals with those agreed at an international level?

Section 11: National indicators and annual well-being report

The choice and use of a set of National indicators to monitor, measure and report on progress will be a critical part of the successful implementation of the Bill. Considerations about measurement must not be an afterthought for the Bill. It is important for policy makers to work closely with statisticians in developing a set of targets and indicators that are statistically robust and measurable.

It is also important that the indicators consider what is important, not just readily or currently available. It may be that new measures are required to monitor what is important and relevant for this work and relevant steps taken to develop these. Of course there may be cost implications.

The disaggregation of the National indicators will also be an important element. The Bill notes in Section 35(4) that an analysis must refer to any national indicators. It will be desirable that the National indicators selected are also consistently available at a local level.

It may be considered that to gain maximum acceptance and trust in the National indicators that they should be assessed by the UK Statistics Authority to obtain National Statistics status, if not already.

The ONS's well-being programme aims to provide an overview of wealth accounting, including the four capitals, as well as producing headline measures of national well-being and sustainability. The concept of comprehensive wealth is important as having a present day estimate of this wealth signals our future prospects for well-being and prosperity. In turn, the way in which this wealth is changing over time indicates how these future prospects are altering.

ONS already publishes Produced or Physical capital as part of the National Accounts and is continuing to develop and publish regular Human capital estimates as part of the measuring national well-being programme. Initial estimates of Natural capital were published in May 2014 and could be combined with these two capitals to further develop the first comprehensive wealth account for the UK. The ONS has also published a discussion paper on Social Capital on 18th July, thereby recognising the need to consider the economy, environment and social pillars to gain a fuller understand of overall well-being.

However, measurement of the capital stocks is at different stages, but as they mature it might be possible for them to eventually come together in the first comprehensive national wealth account. Growth or depletion of national wealth might in future provide an important headline national well-being metric.

The balance of depletion and investment determines the extent to which the stocks of produced, human, social and natural capital are maintained and highlights our ability to sustain the existing pattern of social and economic activity. GDP and our traditional measures of economic progress provide little indication of the sustainability of underlying activity and whether the well-being of current generations is being enhanced at the expense of future generations. ONS's well-being programme is helping to address this by progressing measurement of all four capital stocks.

Section 12: Future Trends Report

The draft Bill notes that Ministers must publish a '*future trends report*'. Predictions of likely future trends in the economic, social and environmental well-being could vary considerably. There are differences between forecasts and projections and their related assumptions. It will be important in any report that these assumptions are clearly identified so that users of the report can interpret the results appropriately.

A definition of forecasting is the process of making statements about events whose actual outcomes have not yet been observed. Prediction is a similar, but more general term. Both might refer to formal statistical methods employing various amounts of time series, cross-sectional or longitudinal data.

Both qualitative and quantitative forecasting techniques can be used when analysing future trends. Qualitative forecasting techniques are subjective based, often based on the opinion and/or judgment of experts or survey respondents, and are usually used when past data are not available. Quantitative forecasting models are used to forecast future data as a function of past data.

As noted earlier, assumptions, particularly related to risk and uncertainty, are central to forecasting and prediction. It is generally considered good practice to indicate the degree of uncertainty attaching to forecasts.

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4 September 2014



WALES AUDIT OFFICE
SWYDDFA ARCHWILIO CYMRU

National Assembly for Wales
Environment and Sustainability Committee
WFG 18
Well-being of Future Generations (Wales) Bill
Response from Chair, Wales Audit Office
Wales Audit Office / Swyddfa Archwilio Cymru

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Date 4 September 2014
Pages 1 of 4

Dear Chair

The Well-Being of Future Generations (Wales) Bill: Consultation on General Principles

1. Thank you for the invitation to provide evidence to the Committee on the general principles of the Well-Being of Future Generations (Wales) Bill. I am sorry that, because of other commitments, I am not able to attend the Committee to give evidence on 1 October. I hope that this written submission, combined with the Auditor General's evidence, will be sufficient to inform your deliberations.
2. You will know that the Wales Audit Office has been established as a statutory board and that, since 1 April 2014, it has been responsible for employing staff, procuring services, and providing other resources to enable the Auditor General to exercise his functions. It also monitors and advises the Auditor General.
3. Given the Board's responsibility for resources, it seems appropriate that we specifically address the sixth question (on the financial implications of the Bill) set out in your invitation, though there are, of course, connections with your other questions. I have discussed your other questions with the Auditor General, and we agree that it is appropriate that he responds to them as they relate to the conduct of audits which are within his purview).

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)

4. The Bill is innovative and has wide-ranging implications for the public bodies covered by the duties that it imposes. While this innovation provides an

opportunity for appropriate focus of public administration, it makes identifying the financial implications of the Bill a difficult task. This is evident from paragraph 327 of the Explanatory Memorandum, which noted that PwC were commissioned (we understand by the Welsh Government) to assess the administrative impact of the legislation on public bodies but were “unable to provide a quantified assessment of the costs involved”.

5. As the Board does not itself have public audit functions, it is not appropriate for us to attempt to analyse in any depth the Government’s costing across the public sector. However, given our responsibility for providing resources to enable the Auditor General to discharge his functions it is appropriate for us to comment on the Government’s costings as they relate to the Wales Audit Office.
6. We are concerned that the Explanatory Memorandum includes an on-going annual cost of audit review work of £130,000. This figure is attributed to the Wales Audit Office’s estimate of income and expenses for 2014-15, which reflects some early tentative costing undertaken in response to the White Paper, *A Sustainable Wales: Better Choices for a Better Future* (2012). Our 2014-15 estimate noted that, “as the Bill is yet to be published, it is very difficult to properly assess the level of required activity and associated cost”. (This material was also headed “Areas of uncertainty”).
7. We should emphasise that the £130,000 figure was produced in relation to the policy set out in the 2012 White Paper, which proposed “...a duty on the AGW, to include an examination of how organisations have embedded sustainable development as their central organising principle...”.
8. The White Paper’s policy proposal was of course quite different to that now set out in the Explanatory Memorandum (reflecting the provisions of the Bill), which at paragraph 390 is expressed as:

“This means that the AGW is under a duty to consider the effectiveness and efficiency of the use of resources for the majority of the bodies covered by the Bill in undertaking the FG Bill duties (amongst other functions) – namely the setting of well-being objectives and taking all reasonable steps to achieve the objectives in a manner consistent with the sustainable development principle – on an annual basis as an integral part of the audit of accounts”.

(We would also emphasise that our legal advice indicates that this explanation in paragraph 390 is not entirely correct).

9. Indeed we understand that the Welsh Government did not obtain confirmation of whether its use of the £130,000 figure was appropriate before including it in the


Explanatory Memorandum. The Welsh Government did request information on the cost of audit under the proposed Bill, to inform its Regulatory Impact Assessment. In order to provide such information, Wales Audit Office staff had several meetings and exchanges of correspondence, including to request the relevant provisions of the Bill. As the Welsh Government did not provide the relevant provisions, our staff were able to give only a range of indicative cost estimates, which were necessarily caveated as being subject to change pending confirmation of the Bill's provisions. These estimates ranged from a minimal (almost check-list) approach with annual costs of some £225,000 through to a reasonably thorough professional audit with annual costs of some £870,000.

10. In our view, while work still needs to be done on identifying how the Bill as it stands interacts with existing audit functions, the cost of the Bill in terms of audit functions is more likely to lie the range mentioned above than at the level quoted in the Explanatory Memorandum.
11. That said, I should also note that we consider that the Bill could be amended so as to reduce costs in terms of audit functions. For example, as suggested in the Auditor General's response to the 2012 White Paper, the Bill could be used as an opportunity to reform the Local Government (Wales) Measure 2009, and so probably reduce local government review costs. In particular, the extensive requirements for the Auditor General to audit improvement authority improvement plans and undertake assessments of authorities' compliance with the improvement duties of the 2009 Measure could be reduced if there were a duty to undertake sustainable development examinations under the Bill along the lines suggested in the 2012 White Paper.
12. Similarly, it is unfortunate that the focus on principles in the 2012 White Paper has been diluted by the inclusion of goals and provision for objectives in the Bill. Goals and objectives introduce both complexity and ambiguity, which will increase the quantity (and therefore the cost) of work that needs to be undertaken.
13. It is also unfortunate that the Bill places no duty on the Auditor General to examine how organisations have embedded sustainable development as their central organising principle. Instead, reliance on existing duties under which the Auditor General must satisfy himself as to whether bodies have made appropriate arrangements for securing economy, efficiency and effectiveness (sections 17 and 61 of the Public Audit (Wales) Act 2004), will lead to confusion and debate about the appropriateness of the extent of work to arrive at such satisfaction.
14. Indeed, the duty to satisfy himself as to whether appropriate arrangements have been made is not the same as the Government's statement that there is a "duty to consider the effectiveness and efficiency of the use of resources ... in undertaking

the FG Bill duties... namely the setting of well-being objectives and taking all reasonable steps to achieve the objectives". This in turn may lead to debate about fee levels that will need to be charged by the Wales Audit Office, which in itself will consume additional resources.

15. In summary, we consider that the Bill provides an opportunity to appropriately focus public administration in Wales. We do, however, consider that the audit function costs set out in the Explanatory Memorandum are inappropriately and misleadingly low. We also consider that the Bill has missed opportunities to reduce or avoid costs by providing the Auditor General with a specific duty to examine the embedding of sustainable development as the central organising principle.
16. I am copying this letter to Jocelyn Davies given the Finance Committee's responsibility for scrutinising the Wales Audit Office's estimate of income and expenses.

Yours sincerely



Isobel Garner
Chair, Wales Audit Office

National Assembly for Wales
Environment and Sustainability Committee
WFG 19
Well-being of Future Generations (Wales) Bill
Response from National Federation of Women's Institutes-Wales



National Federation of Women's Institutes-Wales

**Response to the Environment and Sustainability Committee consultation on
the Well-being of Future Generations (Wales) Bill**

Background

The National Federation of Women's Institutes (NFWI) is an educational, social, non-party political and non-sectarian organisation. It was established to ensure that women are able to take an effective part in their community, to learn together, widen their horizons, improve and develop the quality of their lives and those of their communities and together influence local, national and international affairs. The WI has an unrivalled reputation as a voice of reason, integrity and intelligence on issues that matter to women and their communities.

The WI is a grass-roots, member-led organisation and is the largest voluntary women's organisation in the UK with more than 210,000 members in 6,600 WIs. In Wales there are 16,000 members belonging to 13 Federations and over 600 WIs based in local communities across the country.

Since its inception in 1915, the WI has been at the forefront of sustainable development and a commitment to sustainable development is a cross-cutting theme that underpins all its work. Over the years, NFWI-Wales has developed a number of initiatives promoting sustainable development. The Pathway to the 21st Century: Celebrating Our Communities established in 1998 showed members playing an active and visible part at the heart of their communities and at the same time fulfilling the aims of the organisation "to improve the quality of life of the community". In 2005, a range of sustainability projects were developed in response to the WI's 90@90 report which looked at how consumer behaviour had changed over the WI's 90 years existence and the effect our actions were having on the environment and climate.

General principles of the Bill

NFWI-Wales welcomes the Welsh Government's commitment to introducing legislation to improve the response of the public sector in meeting the needs of future generations. This Bill provides a unique opportunity for Wales to introduce ground-breaking legislation and to become a world leader in sustainable development.

We do not believe that the current duty on public bodies is strong enough. The principles of sustainable development need to be embedded across all areas of decision-making. We support the wording suggested by the Sustainable Development Alliance that “*every public authority must exercise their functions in order to achieve sustainable development*”. We are disappointed that the Bill does not define sustainable development. The Bill must include a clear definition of sustainable development that public bodies can aspire towards achieving.

The sustainable development principle in the Bill is weak and is diluted by the inclusion of the words ‘*seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs*’. The wording of the principle must be strengthened if the legislation is to be taken seriously by public bodies.

Well-being goals

We welcome the setting of well-being goals. However we are concerned that the current goals are very broad and suggest that more specific goals are set. We feel it will be difficult to measure success in relation to the current goals.

International obligations

We are disappointed that there is no mention on the face of the Bill of Wales’ international obligations in relation to sustainable development. We believe that this undermines the credibility of the legislation. The current Bill does not take into account the impact of decisions made by Welsh Government and other public bodies in Wales on countries across the world. It is vital that the impact of Wales’s actions on a global level are recognised within the legislation. Through this legislation, we believe that Wales has the opportunity to take the lead in addressing global issues such as food security and climate change.

Food security is a global issue. Ensuring people have a safe, sustainable and nutritious supply of food is likely to be one of the most significant public policy challenges of this century. As fast-developing countries grow wealthier and their populations continue to expand, demand for food will grow ever-more pressing. By 2050 it is expected that the current population of 7 billion will have grown to 9 billion. Individual consumption is also on the rise and consequently demand for food is increasing at a much faster rate than the population. Combined with more frequent extreme weather such as drought and floods, there are already signs that food shortages are becoming a very real issue.

Climate Change

NFWI-Wales is disappointed that climate change is not specifically addressed in the Bill. Addressing climate change and reducing Wales’ carbon emissions are central towards achieving a sustainable Wales.

Climate change is the single biggest threat to both people and the planet. Although we may escape the worst of the effects of climate change in our generation, it is future generations which will be hit – our children and grandchildren.

Climate change is already have a disproportionate impact on people in developing countries and it’s women that are being hit hardest. Globally, women are more vulnerable to the impacts of climate change due to our different social roles and status. In the UK and other developed countries, increasing costs for energy, transport, healthcare, and nutrition are likely to affect women more than men.

Tackling climate change is crucial to achieving sustainable development. Through this legislation, Wales has an opportunity to make a difference and reduce Wales' impact on climate change by the incorporation into the Bill of targets to reduce Wales' emission of greenhouse gases. If greenhouse gas emissions continue unchecked, we will see more natural disasters.

The establishment of a Future Generations Commissioner for Wales

We welcome the establishment of a Commissioner however we have grave concerns over the power and duties of the Commissioner as currently drafted in the Bill.

The wording of the Commissioner's responsibilities is weak in many areas, for example, point 17 (ii) '*encourage* public bodies to take greater account of the long-term impact of the things that they do' and section 19 on '*recommendations*' to the Ministers and to public bodies.

The power of the Commissioner must be strengthened. The Commissioner must be independent of the Government and should have the power to scrutinise delivery and hold Welsh Ministers and public bodies to account.

To truly make an impact in embedding the principle of sustainable development, the Commissioner must have the power to influence change. Over the years, there have been examples of current Commissioners speaking out strongly on behalf of the groups they represent and they have been able to use their powers to press for change and to carry out inquiries. The Future Generations Commissioner for Wales should be granted power in line with current Commissioners.

Public Services Boards and local well-being plans

We welcome the establishment of Public Services Boards and the preparation and publication of local well-being plans.

It is will important to ensure that women are involved in the Public Services Boards. Women are powerful agents of change and have a unique role in leading the way to achieving sustainable development as guardians of natural resources, primary decision-makers in household consumption, educators of the next generation and key voices within communities.

Even though commitments were made as far back as 1992 United Nations Conference on Environment and Development in Rio, women's contribution to sustainable development continues to be undervalued and goes unrecognised.

Women are significantly under-represented in decision-making. For sustainable development to become a reality, we need to see more women involved in leadership and decision-making positions at all levels of society.

National indicators

We welcome the publication of national indicators. In developing national indicators, it will be important that Welsh Ministers consult with the third sector in addition to the Commissioner and other public bodies.

Guidance

It is vital that strong guidance issued by Welsh Ministers to support the delivery of the Bill by public bodies.

Potential barriers to the implementation

We fear that the omission of a strong definition on sustainable development and a weak sustainable development principle could hinder the impact of the Bill. Strong legislation is needed to embed the principles of sustainable development at all levels of public life, however the Bill in its current form does not deliver that.

The powers of the Future Generations Commissioner for Wales also need to be strengthened. It is vital that the Commissioner can hold Welsh Government and other public bodies to account. The Commissioner should also have a key role in scrutinising the well-being objectives set by public bodies and the local well-being plans of public services boards.

Well-being of Future Generations (Wales) Bill
Response from Auditor General for Wales

**Response of the Auditor General for Wales to the Environment & Sustainability Committee
consultation on the general principles of the Well-being of Future Generations (Wales) Bill**

Summary

1. I welcome the stated general purpose of the Act, i.e. that it is “to ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account”. This provides an opportunity to address issues raised in some of my reports, such as, Sustainable development and business decision making in the Welsh Assembly Government (2010), and in the Williams Commission report. I think the provision for a “common aim” (improving the economic, social and environmental well-being in accordance with the sustainable development principle) is appropriate, though I do think that the matters to be taken into account in applying the sustainable development principle should include living within environmental limits. I also think a more clearly principle-based approach, rather than one that is mixed with a goals and objectives approach, as set out in the Bill, would be more streamlined and probably more effective.
2. I am disappointed that the Bill misses the opportunity to address some potential barriers to its implementation. These include omission of reform of the Local Government (Wales) Measure 2009, which provides an improvement planning approach that is at odds with the Bill’s concept of sustainable development as the core principle for public bodies’ operations. Similarly, the lack of a specific review function for the Auditor General within the Bill will lead to an expectation gap in relation to review arrangements, which I believe will prove unhelpful to the achievement of the Bill’s purposes.

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

3. I think it is appropriate that the Welsh Government should seek legislation to put sustainable development at the heart of government and the wider public sector. That said, the principle-based approach set out in the Welsh Government’s White Paper, *A sustainable Wales: better choices for a better future* (2012), rather than the goals and objectives approach, as set out in the Bill, would be both a more streamlined and probably more effective approach. I provide further detail on this point below.

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**
4. The combination of the “common aim” (clause 2) and the “sustainable development principle” (clause 3) is, in my view, a well-considered and practical approach to establishing sustainable development as the central organising principle of the public sector in Wales. It resets the frame of reference for public administration in Wales. Given robust and proportionate implementation, this has the potential to have a positive impact on the quality of decision-making and governance in the specified public bodies in Wales.

5. In 2005, the OECD stated that the effective implementation of sustainable development required, among other things, a common understanding of sustainable development. The “common aim” and the “sustainable development principle” should be conducive to establishing such a common understanding.
6. To provide an effective and practical steer to influence decision making behaviour, it is helpful that the Bill sets out a limited number of matters to be taken into account so as to meet the sustainable development principle (clause 8(2)). However, I consider that a key matter that is missing is improving well-being within environmental limits.

- 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. The Bill unhelpfully mixes a management by objectives approach with a principles- based approach. I recognise that setting national goals appears attractive and reflects the United Nations process of establishing Sustainable Development goals. Effective goal setting at a national level is very challenging. It raises the following particular risks:
 - the goals may not be effective drivers for the change that the Bill seeks to bring about, as public bodies may assign their existing activities under these goals, but
 - more specific goals amount to target setting, which can lead to the inefficiencies of micro-management and gaming (playing to the rules, but not actually achieving good outcomes)¹.
8. A key advantage of a principles-based approach is that it can be applied at all levels, and to a range of bodies, in a meaningful and proportionate way. It can be applied proportionately to key decisions, such as, corporate planning, budget setting and procurement. Such proportionate application can help minimise the risk of increased bureaucracy. Indeed, in my view the more clearly principles-based approach of the 2012 White Paper would have enabled public bodies (and their stakeholders) to apply the sustainable development principle to agreeing the outcomes that they seek, and to agreeing the way in which they seek to achieve those outcomes. I fear that, unfortunately, the combination of a prescribed objective-setting approach will engender more mechanistic behaviour, leading to the drawbacks identified above.
9. While the criteria for selecting the goals, as set out in para 71 (page 18) of the Explanatory Memorandum, seem well-considered, it is not clear that the goals as set out in the Bill “collectively result in a sustainable Wales which respects environmental limits”. There is no mention of environmental limits in the goals or their descriptions. A wide range of international research² notes that it is reference to environmental limits that distinguishes sustainable development from “business as usual”.

¹ See, for example, *The nature of planning constraints*, Report to the House of Commons Communities & Local Government Committee, University of Cambridge, March 2014. Also, *Systematic side effects of over-prescribing goal setting*, Working Paper, Ordóñez et al, Harvard Business School, 2009.

² For example, *Governance for sustainable development: the challenge of adapting form to function*, edited by William M. Lafferty, Edward Elgar, Cheltenham UK, 2004

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

10. I consider the Bill's provisions for national indicators and an annual well-being report appropriate. Such indicators and reporting are important for increasing the ability of people and government to track progress, even if only in broad terms. It is, however, important to be realistic about these indicators: establishing useful and appropriate indicators is a difficult task, and the Bill's provisions cannot in themselves guarantee their relevance, measurability and accuracy. It is encouraging to see that the Welsh Government has engaged with the Office of National Statistics and drawn upon international good practice to inform its approach.
11. It is also important to bear in mind that the goals, as currently framed, cannot be achieved by the public sector alone. This is unavoidable. (Reframing them in terms of achievement by public sector alone would not be realistic or appropriate, as it would be unlikely to lead to goals that represent broad improvement of economic, social and environmental well-being.) Related to this, it is likely to be very difficult to disaggregate the public sector contribution from that of other sectors. Indicators can therefore generally only be used to track the progress of Wales, or, in some cases, parts of Wales. For the most part, it will not be possible to rely on indicators to assess the performance of particular public bodies in achieving goals.
12. I should at this point note that it is not necessary to have goals in order to have useful indicators. Indicators can be used to track progress towards desired outcomes without such outcomes being set as specific goals (or targets). As mentioned above, setting specific goals risks perverse behaviour, such as gaming, because of the particular emphasis on particular changes and the expectation that organisations are seen to contribute to those changes. Indicators can allow broad progress to be tracked with less risk of such perverse behaviour.

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

13. I supported the approach for establishing a Future Generations Commissioner as set out in the 2012 White Paper. The approach proposed a role which combined a convening role across civil society, with communicating and building an understanding of what the application of the sustainable development principle means in practice, commissioning and drawing upon research and good practice from within and beyond Wales, providing support and advice, and providing a "state of the nation report". A Future Generations Commissioner undertaking this role would have provided valuable expertise on sustainable development for public bodies to draw upon. As set out in the 2012 White Paper, the roles of the Future Generations Commissioner and the Auditor General were complementary in strengthening accountability for implementing the duty.
14. As proposed in the Bill, the Future Generations Commissioner will have a role in monitoring and assessing the achievement of well-being objectives by the public bodies. This raises two problems: limited capacity and a conflict in roles. In terms of capacity, if the Commissioner has to devote resources to monitoring and assessing achievement, the Commissioner will have fewer resources to devote to promoting knowledge. The conflict of roles issue is that combining monitoring with promoting knowledge is likely to make public bodies less open to seeking advice and discussing problems with the Commissioner. Such a problem is evident from our own experience of developing materials for our Good Practice Exchange. Audited bodies are often

reluctant to discuss their experiences for fear of providing material that might be subject to public criticism. I am therefore concerned that the Commissioner's ability to undertake an effective convening role, and so be the hub for expert knowledge in sustainable development, will be compromised by the procedural pressures of monitoring and assessing.

15. However the role of the Commissioner is defined, it would be better if the Commissioner were appointed by the National Assembly, rather than the Welsh Government. Appointment by the National Assembly would give the Commissioner greater independence, and it would better convey the importance of the role.

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

16. I welcome the Bill's provision that the "local aim" of public service boards is to "improve the economic, social and environmental well-being" of their areas in accordance with the sustainable development principle and that public service boards are to contribute to the pursuit of the "common aim" (clause 34). The provisions concerning Public Service Boards are, however, very detailed, prescriptive and focused on process. Furthermore, they seem to indicate a heavy emphasis on the social aspect of the local and common aims at the expense of the economic and environmental aspects. Clause 36(3) exemplifies this. In listing seven specific social assessments that must be taken in to account in preparing assessments of local well-being, the clause seems to be at odds with the balance of the "common aim"—there is no provision requiring account to be taken of assessments that are directly relevant to economic and environmental well-being. A more balanced and enabling approach would be to require the board to take account of a range of economic, social and environmental assessments, in a balanced and integrated manner.

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

17. As I understand the situation, strictly speaking, Wales does not itself have international treaty or protocol obligations in relation to sustainable development. Such obligations fall to the UK Government, and accordingly the Welsh Government and other public bodies in the UK are required to comply with the Climate Change Act 2008, which is the UK Government's principal means of meeting commitments agreed at the 1992 UN Conference on Environment and Development. Despite this, practically and more broadly, Wales clearly has its part to play in meeting generally accepted international obligations.
18. The Bill goes some way towards an appropriate contribution. This is evident from the Bill's definition of sustainable development being essentially the same as that produced by the World Commission on Sustainable Development. However, the absence of emphasis in the Bill on living within environmental limits undermines this contribution. This is because the consequences of not living with environmental limits have strong international implications.

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

19. As I noted in my response to the 2012 White Paper, the Local Government Measure (Wales) 2009 places sustainability as one of seven "aspects of improvement", and it places extensive

improvement planning and reporting duties on local authorities in terms of those seven principles. In effect, the 2009 Measure makes sustainable development one of seven competing priorities, which is incompatible with the Bill establishing sustainable development as the core principle for public bodies' operations (see para 408 of the Explanatory Memorandum). This conflict between the two pieces of legislation is likely to lead to confusion in local government, and so the 2009 Measure will act as a barrier to implementation of the Bill.

20. The 2009 Measure also places duties on the AGW to audit and assess authorities' compliance with improvement planning and reporting duties. In my response to the 2012 White Paper, I suggested that it would be appropriate to reform the 2009 Measure so that it was made more compatible with sustainable development as the central organising principle. Among other things, reducing the extensive assessment requirements placed on the Auditor General by the 2009 Measure and replacing them with a duty to undertake sustainable development examinations (such a duty was proposed in the White Paper) would mean that the Auditor General could appropriately focus on collaboration between authorities, rather than being tied to assessment of individual authorities.
21. As noted above, the 2012 White Paper proposed "to place a duty on the AGW, to include an examination of how organisations have embedded sustainable development as their central organising principle in relation to the duty". The Bill does not, however, place such a duty on the Auditor General, despite provision for such a duty being within the Assembly's legislative competence. Para 390 of the Explanatory Memorandum inaccurately (in effect) says that sections 17 and 61 of the Public Audit (Wales) Act 2004 mean that the "AGW is under a duty to consider the effectiveness and efficiency of the use of resources for the majority of bodies covered by the Bill in undertaking the FG Bill duties (amongst other functions) – namely the setting of well-being objectives and taking all reasonable steps to achieve the objectives in a manner consistent with the sustainable development principle – on an annual basis as an integral part of the audit of accounts."
22. I regret that I must advise the Committee that this is not correct. The duties in sections 17 and 61 of the 2004 Act require the review of arrangements for securing value for money, not the testing of whether resource utilisation has itself proved, or not proved, effective. Furthermore, as section 17 of the 2004 Act only applies to local government bodies, and section 61 of the 2004 Act only applies to NHS bodies, reliance on these sections would leave central government bodies (the Welsh Government and its sponsored bodies) without review. While sections 17 and 61 of the 2004 Act are useful, they do not in themselves provide for the kind of review that the Welsh Government appears to consider they provide.
23. My current study powers, particularly those under section 41 of the Public Audit (Wales) Act 2004 and section 145A of the Government of Wales Act 1998, are capable (but potentially only on an occasional basis) of providing the kind of review that the Welsh Government has in mind. I say potentially only occasionally because such studies are at my discretion. While I might consider reviews of sustainable development progress important, my successor might not, and, in any event, such a review would need to be considered against other study topic areas. Furthermore, in deciding on what studies to undertake, I must also take account of the views of the Public Accounts Committee (or for local government studies, associations of authorities), and it is entirely possible that other studies would find greater support. As the Welsh Government does not have the power to insist that particular studies are undertaken, if it is

indeed the Welsh Government's policy intent that such studies should be undertaken in future, then explicit provision for this should be made in the Bill.

24. The absence of such specific provision for appropriate review means that review and scrutiny arrangements that are needed to help ensure successful implementation are not as strong as they could be. This omission is therefore another barrier to successful implementation.
25. I would also note that the specified public bodies include the majority of those Welsh public bodies who would be expected to play a key role in respect of the Bill. However, the omission of any need for regard to the "common aim" or the sustainable development principle on the part of review bodies, such as Estyn and myself, would seem to be a potential weakness. Providing for the common aim and the sustainable development principle to apply to review bodies would help ensure that review functions give due consideration of whether other bodies are exercising their functions in accordance with the Bill.

Whether there are any unintended consequences arising from the Bill

26. The barriers identified under the previous question may be unintended consequences of the Bill as drafted.

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)

27. I recognise that, as stated in para 326 of the Explanatory Memorandum, it is not possible to quantify the costs and benefits of the activities and changes that result from public bodies' objectives, which are yet to be set. I do, however, consider that it is appropriate that the Explanatory Memorandum attempts to set out an indicative cost for the administrative activities that will result from the Bill, such as the setting of objectives, annual reporting against objectives, consequential additional audit work, the work of the Future Generations Commissioner and the work of Public Services Boards.
28. The cost indications for such administrative arrangements appear, however, to be somewhat underestimated, for the following reasons:
 - a. There appears to be no allowance for work that will be needed to make the change from existing corporate objective setting and reporting processes to objective setting and reporting in compliance with the Bill. (For example, local authority costs for corporate objectives in 2015-16 in table 17 on page 91 (i.e. with the Bill in effect) are the same as those costs in table 14 (i.e. with no Bill).) At the very least, relevant staff of public bodies will need to undertake some additional work in the first two years so as to understand the new objective-setting and reporting requirements of the Bill. Furthermore, given the conflict between the seven aspects of improvement of Local Government (Wales) Measure 2009 and the Bill's sustainable development principle, as noted in para 19 above, the staff of authorities will have to spend some time working through how these differing requirements can be reconciled (if indeed they can be).
 - b. Throughout the Regulatory Impact Assessment, where the Government has sought to calculate costs based on time of staff and their salary (for example, table 3 on page 75), it appears that it has used gross salary costs but has not applied unavoidable oncosts,

such as National Insurance and employer pension contributions. If this is the case, then such cost indicators are understated by about 30 per cent.

- c. The local authority annual salary rates appear in many cases to be understated. For example, the annual director salary for a large local authority in table 3 on page 75 is given as £75,000. The pay policy statement 2014-15 for City & County of Cardiff, however, states that director salary from 1 April 2013 is £120,000, and that for the City & County of Swansea gives a scale of £95,000 to £110,000 from 1 April 2014. (The Memorandum says that table 3 also applies to Rhondda Cynon Taf, for which an equivalent pay policy statement is not available.)
- d. The extent of work required by some of the work processes that are identified seems underestimated. For example, para 464 of the Explanatory Memorandum states that Local Service Boards meet on average six times a year for two hours, but no time is taken into account for preparing for meetings or travel. The two hour average meeting duration also seems somewhat short. While I have not undertaken a review of the length of such meetings, I gather from general experience that they usually take about five or six hours.
- e. As mentioned in the Chair of the Wales Audit Office's submission to the Committee, the cost estimate included for the Auditor General (for work in all sectors, not just local government) in the Explanatory Memorandum is not appropriate and is probably understated.
- f. Also as mentioned in the Chair of the Wales Audit Office's submission (and above), the discrepancy between the Welsh Government's expectation of the kind of review that can be provided within the Auditor General's existing functions and other interpretations of those functions may cause debate about fees and other resourcing. Such debate will itself consume resources.

29. I should make clear that my observations are based only on a reading of the Explanatory Memorandum, rather than an audit of the underlying working papers. (Such an audit would be possible, but would need to be arranged, including in terms of PAC views on such work and, in practical terms, administrative access arrangements with the Welsh Government during the legislative process.)

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).

30. Generally, the powers to make subordinate legislation seem appropriate to the content of the Bill. However, given the importance of the Future Generations report (clause 21), it would seem more appropriate for the provision for amending the definition of the reporting period to require affirmative procedure, so that such changes are approved in Plenary.

Annex: Other comments of the Auditor General for Wales on the Well-being of Future Generations (Wales) Bill and its Explanatory Memorandum

The Bill

Clauses 13 and 14, Annual reports by the Welsh Ministers and annual reports by other public bodies

1. There is no provision in the Bill for any external review of annual reports so as to verify their accuracy. Without such review, bodies may publish annual reports that mislead the public and others. Such review appears to fall outside the Future Generations Commissioner's duties, including the duty under clause 17(b) to "monitor and assess the extent to which well-being objectives set by public bodies are being met". Such review also falls outside the Auditor General's current duties. It would be open to the Auditor General to undertake reviews of annual reports under current Auditor General study powers, but, given competing demand for study resources, such work would not necessarily be of sufficient relative priority as to be selected for delivery.

Clause 23, Joint working

2. Clause 23 provides joint working provisions that apply where the Future Generations Commissioner intends to provide advice or assistance relating to a matter that is similar to the subject matter of a review by the Children's Commissioner, the Older People's Commissioner or the Welsh Language Commissioner. It may be appropriate to make similar provision in relation to matters that are subject to review by the Auditor General.

Clauses 33(2)(c), 35(6)(c), 37(8)(c), 43(6)(c) and 44(5)(c)

3. These provisions require a raft of documents concerning public services boards to be sent to the Auditor General:
 - a) Local authority overview and scrutiny committee reports and recommendations with respect to the public services boards;
 - b) Public services boards' assessments of local well-being;
 - c) Public services boards' local well-being plans;
 - d) Public services boards' amended local well-being plans;
 - e) Public services boards' annual progress reports.
4. While this material may be useful contextual information for the Auditor General's studies and other work, as the Auditor General has no functions in respect of public services boards *per se*, it is not clear what specific purposes these requirements to send documents serve,

nor what the Auditor General would be expected to do with them. The absence of provision concerning what functions the Auditor General should undertake in relation to the documents raises the risk of a gap between the expectations of the Welsh Government (and perhaps others) and what the Auditor General provides.

Clauses 37 and 44, publication of well-being plans and annual progress reports

5. Clause 37 requires public services boards to publish their first well-being plans no later than one year after the next ordinary election (and clause 43 allows well-being plans to be amended at any time). Clause 44 requires public services boards to publish annual progress reports no later than one year after the publication of their well-being plans and subsequently no later than one year after the publication of the previous report. Consequently, well-being plans and progress reports for different public services boards will cover different 12 month periods, which will inhibit or prevent fair comparison between public services boards. Well-being plans and progress reports that do not align with financial year reporting risk not being regarded as part of mainstream business reporting.

Para 5(3) of Schedule 2 (Future Generation Commissioner pension provision)

6. Para 5(3)(b) of Sch 2 appears to either provide for the Welsh Ministers to pay pension contributions in respect of former Commissioners (instead of current Commissioners), or provision for the payment of pension contributions in respect of current Commissioners has been omitted.

Para 9 of Schedule 2, Future Generations Commissioner's staff

7. Para 9(5) requires the Commissioner to obtain the approval of the Welsh Ministers for the numbers, terms and conditions, and payment of staff. The Commissioner would be more independent if his resourcing were instead subject directly to National Assembly oversight.

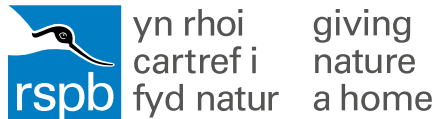
Paras 11 and 16 of Schedule 2, Future Generations Commissioner complaints procedure and annual report

8. It seems somewhat excessive for the Bill to prescribe that the Commissioner must establish complaints procedures (para 11). It seems excessively bureaucratic to require the Commissioner to summarise complaints in his annual report (para 16).

The Explanatory Memorandum

9. **Para 316** – This refers to Auditor General's reports in the public interest with regard to Caerphilly, Carmarthenshire and Pembrokeshire. It should be noted that these reports were from the appointed auditor and not the Auditor General.

National Assembly for Wales
Environment and Sustainability Committee
WFG 21
Well-being of Future Generations (Wales) Bill
Response from RSPB Cymru's



Evidence submitted by RSPB Cymru to the Inquiry of the Environment and Sustainability Committee into the general principles of the Well-being of Future Generations (Wales) Bill
September 2014

RSPB Cymru is part of the RSPB, the country's largest nature conservation charity. The RSPB works together with our partners, to protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations. The RSPB has over 1 million members, including more than 51,000 living in Wales.

1. Introduction

- 1.1 RSPB Cymru welcomes the Well-being of Future Generations (WFG) Bill as an important further step on the road to a more sustainable Wales. However, as it stands the Bill needs strengthening and greater clarity before it can be read with confidence as a legal delivery mechanism for sustainable development (SD). We therefore welcome this opportunity to submit evidence to the Environment and Sustainability Committee stage 1 scrutiny of the legislation. We would welcome the opportunity to elaborate on the issues outlined in this paper in oral evidence sessions.
- 1.2 This legislative approach to moving forward with SD in Wales helps build on *One Wales: One Planet*. It is indisputable that the pace of movement towards sustainable living has been slow; the introduction of a legal requirement for public bodies should help to accelerate the overall pace of change. Whilst business (including commercial, agriculture, fisheries, etc), industry and individuals will not be directly governed by the Bill, it is to be expected that their links to government and public bodies will ensure that the principles of thinking and living sustainably will have a broader reach.
- 1.3 Sustainable development is recognised in *One Wales: One Planet* as the 'central organising principle' for government in Wales, not only for now but indefinitely into the future. The wording and provisions within the WFG Bill must therefore be sufficiently robust to ensure continued delivery of SD despite external changes in the future. We must also ensure we have a robust and considered set of well-being goals which meet the future aspirations we have for our county.
- 1.4 Whilst the aims of the legislation are laudable it must inevitably lead to a change in how Government conducts its business if it is to deliver on its aspirations. For example, it is worth considering how a project such as the M4 might have been approached had this legislation already been in place. In other words what difference might the Bill make to fundamental issues of policy and decision-making? It is with this consideration in mind that we approach the Bill and in our evidence, we propose where changes may need to be made to truly achieve SD for the well-being of the current and future generations of Wales.
- 1.5 We are not clear what the date for full commencement of the provisions are within the legislation and would recommend a commitment is included in the text of the Bill itself.

2. Well-being Goals – A Resilient Wales

- 2.1 Under the new legislation, public bodies are required to seek to achieve six well-being goals, which, taken together, represent in effect the sustainable development duty. The goals are fundamental to the general principles of the Bill as they set out the general direction towards our vision for a sustainable Wales. It is therefore vital that we ensure the goals reflect a truly sustainable Wales.
- 2.2 The ‘common aim’ referenced in Part 1 Section 2 of the Bill rightly lists the environment alongside the economy and society, as is fundamental under the SD principle. The health of the environment is central to human well-being (social and economic) – sustainability, therefore, starts with the environment.
- 2.3 In particular, we are pleased to see the goal relating to the natural environment: “A resilient Wales”. In order for ‘A resilient Wales’ to fully meet the requirement set out in Part 1 Section 3 for the ‘sustainable development principle’, ie meeting the needs of future generations as well as of present generations, we believe a small addition to the present text is required to strengthen it.
- 2.4 The wording in the current descriptor of the goal requires improvement to clarify that we wish to see a restored and thriving natural environment in the future. We would therefore recommend that this is made explicit in the text that we are seeking “restored and enhanced,” biodiversity and, to this end, we propose the insertion of the wording as follows (additions in bold) : ‘A biodiverse natural environment is **restored and enhanced**, with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change...’. This qualification is consistent with the comparative wording used for ‘A healthier Wales’ and ‘A more equal Wales’ well-being goals.
- 2.5 The Explanatory Memorandum to the Bill (paragraph 81) acknowledges the findings of the *State of Nature* report. This health check of UK wildlife which was published last year, highlighted the serious extent to which biodiversity in the UK and Wales has declined in recent decades. Of more than 3,000 species assessed across the UK, 60% were found to have declined over the last fifty years, with 31% having declined strongly.
- 2.6 Species declines in Wales, include:
- Numbers of breeding upland wading birds, such as curlew, lapwing and golden plover, have declined by more than three-quarters in recent decades.
 - More than one in seven plants in Wales are considered threatened. Wildflowers, especially arable flowers such as the small-flowered catchfly and corn buttercup, continue to decline and have a smaller range now than at any other time in recent decades.
 - 63% of Welsh butterflies are declining. More than three-quarters of Welsh pearl-bordered fritillaries have been lost. While a third of all widespread Welsh moths are severely declining.
- 2.7 The primary cause for the decline in species is down to habitat decline as a consequence of our unsustainable way of life, the impact of climate change on the location and range of species will also grow as we move forward into the century. **The scale of current and continuing loss of both species and habitats is unsustainable, and only serves to point up the need for a clear and unambiguous commitment in the WFG Bill to restoring and enhancing biodiversity in the context of healthy ecosystems**; this will be an important feature of a sustainable future for our children and grandchildren. In turn, such a provision can form the basis for appropriate measures to be included in the forthcoming Environment Bill, and ensure Welsh Government meets its international commitments to halting the loss of and restoring biodiversity.
- 2.8 Moreover, the suggested amendment, reaffirms the key point that biodiversity has an intrinsic value for itself that is over and beyond its sometime value as a ‘service’ to the human species.

3 National Indicators

3.1 We note the commitment in the Bill (Part 2 Section 11) to publishing national indicators designed to measure progress towards the delivery by Welsh public bodies of the well-being goals, with the findings of the various measures to feature in annual well-being reports. **It is vital that such indicators include appropriate measures of progress in the recovery of biodiversity, in support of the resilient Wales goal.** In the development of such indicators Government will need to consult with, take advice from and use the expertise in the sector. We would expect appropriate species and habitats indicators to be developed in relation to the resilience goal and the appropriate links made with the forthcoming Environment Bill.

3.2 We would also expect to find indicators that measure carbon emissions from Welsh sources – and from global, non-Welsh sources, where such emissions are the product of consumption in Wales – the Welsh Ecological Footprint, current details of which, though promised, to date remain unreported. The commitment in ‘A prosperous Wales’ to the use of resources will also require appropriate indicators.

4 Powers of Ministers to amend the Well-being goals by regulation

4.1 We note that the Bill – in various sections – includes provision for Ministers to amend this legislation in the future by subordinate legislation. This includes a proposal in Part 2 Section 6 (3), that Ministers can make changes to the well-being goals in the future by regulation. The Explanatory Memorandum clarifies that this would be through the affirmative procedure. However, we consider that **any changes (amendment, addition or removal) to one or more of the six well-being goals should be conditional upon detailed Assembly scrutiny akin to that of primary legislative procedure to ensure democratic accountability.** As noted above, the well-being goals are, in effect, the sustainable development ‘duty’ on public sector bodies and therefore underpin the legislation. Full debate and detailed consideration in the Assembly should therefore be required before any significant changes to goals could be made in the future. Great care is needed, therefore, in relation to the provision for Government to add to, change or remove altogether any of the well-being goals. An appropriate level of scrutiny should precede any decision as this could indicate in a significant policy departure for the legislation.

4.2 As in the Explanatory Memorandum, it would be helpful if the Bill clearly stated in each case which procedure the regulatory changes would follow.

5 Objectives and Actions

5.1 Part 2, Sections 7, 8 and 9 set out requirements and procedures concerning the objectives and associated actions that public bodies will be required to follow in order to maximise their contribution towards achievement of the well-being goals. However, it is unclear whether this provision will succeed in capturing every decision and action that public bodies might be required to take over a five year period. These sections provide for public bodies to amend their objectives; however it is not clear whether a public body could then decide to act outside of the provisions in the legislation if the matter in question is not included in its objectives. If this is the case, this would fundamentally undermine the aims of the legislation to achieve a more sustainable Wales. **There is a need for the Bill to include a general statement that all governance decisions and actions of a listed public body should be consistent with the sustainable development principle and with the common aim**, and not just with the published objectives. This proposal is especially important in relation to the policies and decisions of the Welsh Government.

6 Living within environmental limits – the sustainable development principle

- 6.1 We note that the Bill does not include a definition *per se* for sustainable development. *One Wales: One Planet*, however, includes a strong wording that encompasses ‘well-being’, as well as making reference both to respecting environmental limits and to using only our fair share of the earth’s resources
- 6.2 These two objectives sit at the very core of sustainable development: the definition of SD given in *One Wales: One Planet* is that it ‘will be the overarching strategic aim’ of all WG policies and programmes. The two objectives are referenced in the Explanatory Memorandum; we would like to see them also reflected in the legislation itself.
- 6.3 At the heart of the drive to live more sustainably is the recognition that the environment and resources of the planet are finite, and yet economies and societies persist in thinking and acting as if this were not the case. We must find ways of sustaining not just ourselves but also succeeding generations, both of humans and of wildlife, as purposed by this Bill; hence the importance of including in the Bill recognition of the centrality of the finite nature of the planet.
- 6.4 The concept of ‘living within environmental limits’ has attracted debate concerning how it can best be understood and applied at the level of organisational decision-making: in some areas, such as greenhouse gas emissions and biodiversity losses from human activities, it is already demonstrably clear that environmental limits are being exceeded, but in others the existence of boundaries or potential tipping points may not yet be so clear. Hence, the fundamental importance of the precautionary principle in our approach to using and managing the environment and its resources more sustainably than we are currently.
- 6.5 **We recommend, therefore, that both ‘living within environmental limits’ and ‘Wales using only our fair share of the Earth’s resources’ be included in the section 3 description of the ‘sustainable development principle’.** Consideration is also needed to the stronger expression ‘ensuring’ rather than the current wording of the principle, which is ‘seeking to’.
- 6.6 We also recommend that space in the Bill be found for referencing **the importance of the precautionary principle** in the governance of public bodies: a separate section might be the best way to give it expression, say as a new section 4 after current section 3.

7 Other public bodies

- 7.1 We query why the National Assembly for Wales itself and Further and Higher Education institutions are not listed on the proposed list of public bodies in Part 1 Section 5, to which the Bill is intended to apply.

8 The Future Generations Commissioner for Wales

- 8.1 RSPB Cymru welcomes the appointment of a Future Generations Commissioner, but proposes a strengthening of his/her powers and responsibilities beyond those provided for in the Bill. In a number of instances through Part 3, we would suggest the replacement of ‘encourage’ with ‘require’ in the general duty of the Commissioner to promote the sustainable development principle among the public bodies concerned. If legislating for sustainable development and the well-being of future generations is to mean anything then voluntarism must be replaced by obligation and duty. If public bodies believe in particular instances that they cannot comply in their governance with the legislation, they can take this up with the Commissioner. But for the Act to have teeth, **it will be important for the Commissioner to be empowered to overrule a public body, having considered its representations, and require it to act in accordance with the legislation.**
- 8.2 The provision in Part 3 Section 20 of the Bill for a public body (other than an elected body) to choose not to follow the Commissioner’s recommendation on a particular matter, we believe to be flawed. If such a public body believes that it has ‘good reason’ not to follow a recommendation made by the Commissioner, its duty must be to persuade him/her of its case, and be required to

publish the rationale for their decision. **The Bill should not give allowance to a public body to ignore the Commissioner's recommendation whenever it so chooses.**

8.3 Preparation of the Future Generations report will clearly form a major part of the Commissioner's proposed responsibilities, and will be a fundamental document in guiding public bodies in the mainstreaming of SD in their governance. Part 3 Section 22 lists persons and bodies to be consulted by the Commissioner in his/her preparation of the report, and we welcome the inclusion of representatives of Welsh business, trade unions and voluntary organisations, extending views, therefore, beyond the public sector itself. It is to be hoped that the Bill will help to change decisions and behaviour beyond just the listed public bodies, with Government and other public bodies setting sustainability conditions in relation to procurement, contracts and funding. The Commissioner's report will be a major piece of work, and it is welcome that the full report will be debated in the Assembly.

8.4 An apparent oddity in Part 3 Section 18 concerning the Commissioner's functions is the provision in sub-section (1) (a) for him/her to provide advice to Welsh Ministers on climate change. Climate change and its human causes are arguably a core reason for sustainable development, yet this is the only reference made to the issue anywhere in the Bill. We question why climate change been identified here and nowhere else. What are the Government's intentions concerning the future of the Welsh Climate Change Commission and the role in relation to it of the Commissioner? Arrangements will be needed for the Commissioner to seek information and advice from the UK Committee on Climate Change, possibly via the Welsh Government.

8.5 The provision in Part 3 Section 25 sub-section (2) for the Commissioner's term of appointment to be for between three and five years is relatively short given the nature and responsibilities of the post; we note, by contrast, that the Children's Commissioner has a seven-year period of appointment.

8.6 This leads on to consideration of the proposed advisory panel to the Commissioner (sections 24 to 26). As well as the appointees suggested, we would have expected the membership to include specialists in the field of sustainable development, together with the Chair of the Welsh Climate Change Commission, chosen precisely for their expertise. Perhaps this is intended by the provision in (2) (f) for additional appointments to the panel, but **we would suggest that appropriate SD specialists should be appointed.**

8.7 However, a major consideration is that the Commissioner – and the advisory panel – must be seen to be independent of Government, not least because Government itself will be subject to his/her recommendations. We would suggest therefore that the Commissioner, and members of the advisory panel, should be appointed by the Assembly rather than Ministers, and would recommend appropriate amendment to this effect. The Commissioner must be demonstrably at liberty to disagree with the government of the day; this cannot be assured if the appointments procedure enables the Government to appoint someone of its choice and to its liking.

9 Public Services Boards

9.1 A major part of the Bill concerns the creation of statutory Public Services Boards (PSBs) and the designated responsibility of such Boards for preparing local well-being plans. It is understood that the new PSBs will build upon the current role of the Local Service Boards, but with an altered membership and role. RSPB Cymru has, of course, a particular interest in the environmental planning and management role that might be entrusted to PSBs and, further, how this might relate to provisions concerning area-based management of natural resources, as outlined in the Environment White Paper earlier this year for the forthcoming Environment Bill, including a reference then to a possible role for LSBs. The aim of each PSB – the 'local aim' - is said to include *inter alia* (section 34 (1)) to improve the environmental well-being of its area in accordance with the sustainable development principle. It is not clear how this role will relate to

whatever structures and processes emerge from the Environment Bill for area-based management of natural resources.

- 9.2 Further, the Explanatory Memorandum (EM) to the Bill says (paragraph 183) that PSBs will be required to address *inter alia* the 'lack of an environmental dimension' in many existing Single Integrated Plans. The EM also says (paragraph 195) that PSBs will link more closely local well-being plans with Local Development Plans, with NRW membership of PSBs to provide a link to proposed area-based natural resource management plans. There seems to be the potential here for several separate but inter-locking local plans and with, as yet, no indication of where responsibility would lie for delivery. We are concerned that what is proposed will blur lines of responsibility for environmental management and improvement. Guidance concerning what is envisaged for the enactment of the Environment Bill would clearly be welcome.
- 9.3 The proposed membership of the PSBs offers very limited representation for the environment, with only the NRW representative there to promote and defend its interests. The EM has noted the lack of an environmental dimension in the thinking, hitherto, of the LSBs, and the proposed membership of PSBs – with its heavy 'social' focus – seems unlikely to overcome this shortcoming. Enhanced representation for the environment can, of course, be delivered in the form of 'invited participants' at the behest of the established members of each board, but this will be a random process. **We would recommend the addition of at least one further environmental member as of right to each PSB, say the local authority ecologist and/or a representative of a local environmental or conservation body.**
- 9.4 The current high number of potential PSBs would put an additional duty upon NRW. In order to ensure NRW is able adequately to represent the environmental interest across all PSBs, Government must ensure the body is resourced to deliver this additional role.
- 9.5 **Non-elected Public Services Boards create a gap between local democracy and accountability for decisions**, notwithstanding provisions in the Bill for two senior local authority representatives on each PSB – only one of who, however, would be elected – and for oversight by the relevant local authority scrutiny committee. Local well-being plans will replace community strategies, and could involve major decisions with only indirect accountability back to elected representatives.

Community Councils

- 9.6 The provision in section 39 of the Bill for community councils above a designated financial size to have responsibility for meeting objectives included in the local well-being plan raises again a concern about both membership and capacity, especially in relation to environmental management. Members of such councils may or may not have the knowledge, time and capacity to take on the objectives in the local well-being plan relating to their respective areas. It is not clear whether appropriate ecological advice would be available. It is also not evident how community councils will be engaged with PSBs and others in developing the local well-being plans.

National Assembly for Wales
Environment and Sustainability Committee
WFG 22
Well-being of Future Generations (Wales) Bill
Response from Higher Education Wales



Alun Davidson
Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

29 August 2014

Dear Mr Davidson,

Re: HEW response to the Consultation on the Wellbeing of Future Generations Bill

Thank you for the opportunity to respond to the consultation on the Wellbeing of Future Generations (Wales) Bill which we consider to be important to Wales both intellectually and developmentally. At this stage, Higher Education Wales (HEW) would like to reiterate its position as set out in the response given to the Sustainable Development Bill White Paper in Spring 2013.

As highlighted by the Higher Education (HE) and Further Education (FE) Bill (Wales) 2012, the development of statutory provisions directly regulating Welsh universities could lead to serious consequences which both the Welsh Government and the higher education sector would wish to avoid. HEW has expressed these concerns in detail in its response to the Consultation on the Higher Education (Wales) Bill (available online at <http://www.hew.ac.uk/wp/media/HEW-response-to-HE-Wales-Bill-2014-consultation.pdf>). However, we feel it important to emphasise that HEW is broadly supportive of the principle of the Wellbeing of Future Generations Bill. To truly embed these sustainable objectives, education must play a central role by, for example, tackling these issues through the curriculum at all levels. Universities in Wales are committed to the principles outlined in the consultation, and are already actively engaged in a range of activity. This includes: the pan Wales Education for Sustainable Development and Global Citizenship group, which considers issues relating to policy, practice, learning and teaching, and practical measures, for example, environmental management systems; five of Wales' students' unions participating in the National Union of Students (NUS) Green Impact projects, and others participating in the Student Switch Off campaign; and research conducted by the Higher Education Academy and the NUS suggests that students believed skills in sustainability are highly valued by employers, and want to see sustainable development further embedded within the curriculum.

Higher education is key to offering the thought leadership and research evidence required to drive forward this agenda in Wales.

As the legislation is taken forward, HEW is keen to engage positively with Welsh Government as it works towards embedding sustainable development.

With best wishes,



Amanda Wilkinson
Director

Consultation Response

The Well-being of Future Generations (Wales) Bill

September 2014

Introduction

Age Cymru is the leading national charity working to improve the lives of all older people in Wales. We believe older people should be able to lead healthy and fulfilled lives, have adequate income, access to high quality services and the opportunity to shape their own future. We seek to provide a strong voice for all older people in Wales and to raise awareness of the issues of importance to them.

We are pleased to provide evidence to the Environment and Sustainability Committee for its consideration of the general principles of the Well-being of Future Generations (Wales) Bill. All of our comments relate to the first question asked by the Committee and the overall approach of the Bill.

General

Age Cymru welcomes and supports the proposals for the Well-being of Future Generations (Wales) Bill as we believe it has the potential to help us achieve an Age Friendly Wales.

There are more people aged over 60 than ever before, and they are the fastest growing group in society. As people grow older they may face new challenges, and maybe even illness, loneliness or poverty. They still want to laugh, love and be needed. To stay independent and keep doing the things they love. We all want a fulfilling later life. Age Cymru seeks to stand up and speak for all those who have reached later life, and also protect the long-term interests of future generations. We believe that living longer should be celebrated and everything we do is designed to change the way we age for the better and enable everyone to be part of the solution.

We believe that this Bill has the potential to support longer term decision making and clearly signals intent to integrate the three elements of sustainability in approaches to decision making. We believe it should accurately reflect the importance of demographic change as a key driver for change.

We support the intention to strengthen the governance framework for sustainability and specifically to ensure that decisions taken make a difference to the economic, social and environmental well-being of Wales. It is vital that progress is effectively evaluated and measured to provide clear evidence of what works and what doesn't work and provide underpinning evidence for policy decisions.

We believe that there are policy areas that will require investment to support a switch to longer term decision making.

We believe the Future Generations Commissioner needs robust and well-defined powers that will support the effective implementation of the legislation.

Question 2:

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

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

Demographic change and the link to sustainability

It is well established that Wales, along with much of the developed world, has an ageing population. Based upon current trends, the number of those aged 65 and over in Wales is projected to increase from approximately 600,000 in 2013 to almost 900,000 in 2037. This is a cause for celebration and a major achievement for our society. It provides us with opportunities for the future, but also challenges and it will require changes to the way in which we plan and deliver public policy and services.

Even with people generally living healthier lives for longer, the impact of demographic change on this scale is generally expected to result in an increased demand upon some public services. At the frontline of this will be health and social care services, as a result of projected rises in the incidence of long-term critical illnesses and dementia.¹

The Welsh Government has stated that the Well-being of Future Generations (Wales) Bill is concerned with sustainability in a broad sense. We welcome this. In 2013, the House of Lords Select Committee on Public Service and Demographic Change report *Ready for Ageing?* warned that the UK is “woefully underprepared” for the social and economic challenges presented by an ageing society.² We believe that the Well-being of Future Generations (Wales) Bill presents a major opportunity to ensure that Wales properly plans for and addresses the sustainability of our society in the light of the major demographic changes we are already experiencing, and will continue to experience into the future.

This is a challenge that Wales should be taking seriously. We have a higher proportion of people of state pensionable age than the other nations of the UK and the UK as a whole. 18.5% of the population was of state pension age in 2010, compared to a UK average of 16.5% and the proportion of people over the age of 80 was also higher. Within rural areas the ratio is generally higher, for instance in Conwy 24.5% of the population are aged 65 or over.³ This means that Welsh public

¹ Select Committee on Public Service and Demographic Change: *Ready for Ageing?* HL Paper 140, published 14 March 2013: p11

² Select Committee, 2013: p7

³ ONS, Population Estimates for UK, England and Wales, Scotland and Northern Ireland, Mid-2010.

services will potentially feel the effects of demographic change more acutely than other parts of the UK.

However, with careful planning and preparation by the Welsh Government and those in charge of the delivery of public services, this is not an insurmountable challenge. A lot can be done to influence spending through service design. Focusing health and care systems towards detection and prevention; promoting independence and active ageing; and identifying problems early (as opposed to crisis management), present cost-effective ways to manage improved life expectancy.

Simply treating the ageing population as a 'burden' is to also miss the major contribution that older people make to society, both financially and in other respects. Increasing numbers of people are working past traditional retirement ages and older people are the primary providers of care in Wales, through the unpaid support they provide to spouses, other relatives and friends. Reporting of increasing life expectancy frequently appears to miss the point that having more fit, active, engaged older people who can carry on working, caring and contributing to communities is a good thing.

Truly investing in the ageing population and taking a life course approach could bring major benefits to individuals, services and the public finances by:

- ensuring that health and care services take a preventative approach to people's health, thus avoiding the need for more expensive crisis response in future;
- supporting individuals to plan for increasing longevity and their later life;
- encouraging employers across all sectors to make the most of the skills of an ageing workforce;
- ensuring the all older people are able to remain active participants in their community, and to access essential services, thus minimising the effects of loneliness and isolation.

To achieve this we require advanced planning and long-sighted decision-making by public organisations and service providers. This is where we believe the Well-being of Future Generations (Wales) Bill provides a vital opportunity to ensure that demographic sustainability is a vital part of the type of future-proofed decision making that the Welsh Government is seeking to develop for Wales. However, in its current guise the Bill does not do enough to recognise and respond to this opportunity.

We believe the Bill and its associated documents should specifically reference planning for, and responding to, demographic change as a key element of the goals and objectives that it intends to stimulate. In responding to the goals, and taking the needs of future generations into account when taking decisions, it is vital that public bodies ensure that they are taking into account the full life-course of those generations. In this way, perhaps we will be able to eliminate some of the barriers and challenges which face current generations as they age.

We believe that the goals do have the potential to bring greater clarity to the practical application of the sustainability principle and encourage public bodies to how to consider the longer term in their decision making. However, for the Bill to work, the

goals themselves will need to be meaningful, clearly articulated and all public bodies will need a shared understanding of them as well as the common aim of the sustainable development principle. We support the development criteria for the goals listed in the Explanatory Memorandum at Para 70.

From an Age Cymru perspective we have mapped the goals on the face of the Bill against our own objectives for an Age Friendly Wales to consider how these would work for older people:

A prosperous Wales

All older people should enjoy an adequate standard of living and a level of income which enables them to live comfortably and afford essentials. No one should have to endure a calamitous reduction in their standard of living when they retire. This includes the right level of employment support for over 50s and access to the right level of information and advice, including learning opportunities.

Our concern is that the focus of the goal on poverty and socio-economic disadvantage should be broader than employment. People who are poor in later life are by and large those who have been poor throughout their lives; while we aspire to well-being for all, we cannot afford to assume that in future generations everyone in society will have had equal opportunities or the capacity to save for later life and there must always be measures to support those individuals.

A resilient Wales

Resilience is an important concept for Wales. We hope that this goal relates to social and economic resilience rather than in a purely environmental sense.

A healthier Wales

Older people are the main adult users of most health and care services, however, from education and training to the organisation of care, the NHS and social services are often not designed with older people's needs in mind. There should be a total satisfaction with community and residentially based care services, including primary health care across Wales and the support available to live a healthy life.

We support the focus on prevention that is evident throughout the Bill. We believe that this is vital in the area of health. We are however, concerned that the shift to a preventative agenda in health requires additional investment. There is a strong link to social care policy and investment in our communities. Decision making in all of these areas has been heavily influenced by significant budget cuts. This has led to actions that quite clearly will not be beneficial to Wales and its population in the longer term and this legislation in isolation cannot change that.

A more equal Wales

Age discrimination remains the most widely experienced form of discrimination in the UK and has a direct impact on the inclusion and social isolation of older people. Negative attitudes towards older people and ageing are pervasive in our society. In common with most other forms of discrimination, ageism is based on inaccurate stereotypes, and often in the case of older people, assumptions about a person's ability and competence, due to their age. An effect of ageism is that older people frequently experience discriminatory treatment. In addition to the negative impact this

discrimination has on individuals, there is also a wider cost to society in terms of lost productivity of older workers and the associated long term health costs. All older people in Wales should be respected, socially included and safe within their lives and environments.

A Wales of cohesive communities

Communities in Wales must meet the needs of all generations and ensure that people of all ages and characteristics can access the services and facilities they need. We support the concept of 'lifetime neighbourhoods': communities which are designed and developed to support people to enjoy a good quality of life during the ageing process, promote the needs of older people, and help them to retain their independence. All outdoor environments and public spaces across Wales should be accessible and usable for all older people and all older people will be appropriately and satisfactorily housed.

A Wales of vibrant culture and thriving Welsh language

Lifelong learning and the opportunity to take part in activities are important for many older people. Access to appropriate classes, courses and groups can bring considerable benefits to physical and mental health, and help to prevent social exclusion and isolation. For many older people the wider benefits of learning in later life are not motivated by the acquisition of academic or vocational qualifications, but are often based on keeping active, developing new social networks and gaining new skills and knowledge.

II. -the approach to measuring progress towards achieving well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies;

Objective Setting

We have some concerns in relation to the setting of objectives by public bodies. This model has been adopted in relation to the Equalities Act; our perception is that this has led to an inconsistency of approach across the sector. We believe this has the potential to dilute the clarity of purpose in terms of what constitutes a sustainable Wales and alignment to a single vision. Moreover, we are concerned that there is a lack of oversight in terms of the setting of objectives. We believe that the Future Generations Commissioner for Wales should have a more robust role in the setting of objectives,

Progress

We welcome the requirement for annual reporting, but we believe that there must be clarity and consistency in the way public bodies are required to report. There needs to be a shared understanding of what is being reported and methods must be consistent both across public bodies and year on year so that effective comparisons can be made.

We would wish to avoid the situation that has occurred with the Equality Act 2010, where reporting means it is actually very difficult to gain an overall assessment of how the PSED in Wales is delivering across all of the protected characteristics.

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

We are concerned that the powers of the Commissioner will not be suitably robust to ensure that the aims of the legislation are fully implemented and that this would undermine the whole credibility and purpose of the office. The powers of the Commissioner need to be sufficient to ensure an effective relationship can be established with public bodies in Wales. We believe that the Commissioner should have the power to review the objectives set by a public body in terms of whether they support the well-being goals. This would ensure that objectives are consistent with the sustainable development principle and promote a consistency of approach across Wales.

Conclusion

We hope this information is helpful to the Committee in its consideration of this important issue and would be happy to provide further information as required.



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Wales Environment Link evidence to the Environment and Sustainability Committee of the National Assembly for Wales

Well-being of Future Generations Bill: Stage 1 consideration of general principles of the Bill

As the officially designated intermediary body between the Government and the environmental NGO sector in Wales, Wales Environment Link (WEL) values the opportunity to contribute to this potentially ground-breaking and world-leading Bill.

The cross-cutting nature of this Bill provides a real opportunity to truly mainstream environmental sustainability into all Government and public body decision-making. As such, we welcome the invitation to engage with this scrutiny process.

In the interest of aiding the Committee's scrutiny, we have addressed our concerns according to the Terms of Reference of the Committee's considerations.

1. **How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector;**
 - 1.1 The Government's intention to legislate for sustainable development is welcome. WEL believes there are a number of essential key elements required to make the legislation effective:
 - A **strong duty**, so that public bodies "must exercise their functions in order to achieve sustainable development"
 - A **definition that gives clarity on the meaning of sustainable development**, including the principles and objectives it seeks to achieve
 - An **independent Commissioner** accountable to the Assembly who would promote and facilitate the achievement of sustainable development
 - A **commitment to restoring the diversity and functioning of the natural environment** underpinning our society and economy
 - 1.2 This last point was recognised by the Welsh Government, in commenting on Dubai's green economy strategy, when the then-Natural Resources Minister said, "*After all, our*

natural resources are [our] most valuable asset and this is true of countries right across the globe.”¹

1.3 Without the sustainable use of natural resources, we undermine our ability to continue to provide the food and water we need to survive, or the raw materials we need to make the products that our economy relies on. Similarly, it is the overuse of resources which damages ecosystems and the biodiversity within them globally. A Welsh law for sustainable development must reverse this damage, halt biodiversity decline, then restore and enhance the habitats in Wales which provide us with the ecosystem services we need to survive. It must also account for Wales’ share of global consumption and resource use and all public bodies should take into account the international impacts of their decisions, including procurement, and not ‘export’ either environmental or social problems. We also believe that one of the requirements of a healthy natural environment is that our special landscapes and seascapes are cherished and protected from inappropriate development.

1.4 An excellent approach may be seen in Sweden, which has an over-arching goal in its Environmental Code, containing national environmental quality objectives to guide environmental action at every level.

“The purpose of this Code is to promote sustainable development which will assure a healthy and sound environment for present and future generations. Such development will be based on recognition of the fact that nature is worthy of protection and that our right to modify and exploit nature carries with it a responsibility for wise management of natural resources.”

1.5 **The goal is to pass on to the next generation a society in which the major environmental problems have been solved**, without increasing environmental and health problems beyond Sweden’s borders². A Welsh law should set out to do the same, or better; for instance, whilst the Swedish system works through evaluations and agreeing strategies with targets, milestones and activities to support its national environmental quality objectives, it is not legally binding.

1.6 Furthermore, the UN is progressing work on its Sustainable Development Goals and the Bill should contain a commitment to review the goals in light of these to ensure they are complementary.

2. The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas [... sustainable development principle... public bodies specified... well-being goals... duties imposed on public bodies... measuring progress... Commissioner... Public Service Boards...]

2.1 WEL reiterates some key points here but would also like to refer the Committee back to its position paper on the proposed FG Bill Goals (April 2014)³

2.2 We need a **strong definition**, as opposed to a ‘principle’, which provides clear and unambiguous direction to public bodies when considering how they should work towards achieving the national well-being goals. 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].

¹ Alun Davies, <http://wales.gov.uk/newsroom/environmentandcountryside/2014/140228dubai/?lang=en>

² Sweden Environmental Code, Part 1, Chapter 1 provides s.1.

³ http://waleslink.org/sites/default/files/WEL_Views_on_the_FG_Bill_Goals_Final.pdf

- 2.3 WEL is concerned that the **scope of the duty** is unclear, for example, whether it applies to financial and procurement decisions, which we believe it should. We also reject the use of limiting words such as ‘*seek to*’ and recommend ‘*to achieve*’ instead.
- 2.4 The Minister in charge of this Bill, Jeff Cuthbert, told WEL in October 2013 that the Bill would ‘set over-arching obligations on public bodies, delivery boards, etc.’ to show how they’ve brought SD into their decision-making. We would therefore expect Government departments and public bodies to be more effectively required to consider whether their decisions can be made in a more environmentally friendly and more cost effective way whilst considering social impacts. Currently we have a piecemeal approach towards sustainable development, where we see environmental objectives being dropped in favour of social and economic ones. The current conflict over the Government’s intention for an M4 relief road, despite significant environmental damage, may be considered an example. Therefore, we need a **strong duty** which applies to **all** public bodies across **all** their functions. We consider this necessary to truly achieve sustainable development.
- 2.5 The lack of commitment to environmental objectives has led to the irrecoverable loss of some species and habitats and severe damage to others. This makes it all the more important to repair, restore and maintain what remains. Furthermore, it must be recognised that, in order to function properly, ecosystems must continue to sit within coherent and well-protected landscapes and seascapes. Lessons can be learned from biodiversity legislation in other countries such as in Minnesota, USA, which emphasises the enhancement of natural resources:⁴
- “The legislature finds and declares that each person is entitled by right to the protection, preservation, and enhancement of air, water, land, and other natural resources located within the state and that each person has the responsibility to contribute to the protection, preservation, and enhancement thereof. The legislature further declares its policy to create and maintain within the state conditions under which human beings and nature can exist in productive harmony in order that present and future generations may enjoy clean air and water, productive land, and other natural resources with which this state has been endowed.”
- 2.6 In this light, WEL believes that the **national goals** do not adequately reflect the need to **restore Wales’ damaged biodiversity**, the extent of which was highlighted in the *State of Nature* report and acknowledged in the Explanatory Memorandum to this Bill. In this vein, WEL believes the Resilience descriptor should be improved to make this clear, reading: “A biodiverse natural environment is *restored and enhanced*, with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.”
- 2.7 Other goals are more weak and less ambitious than those in *One Wales One Planet* in terms of reducing the economy’s use of natural resources, our contribution to climate change and to use a ‘fair share of the earth’s resources’; compared to ‘proportionate use’ as stated in the Bill (more below).
- 2.8 WEL remains concerned about the powers and duties of the **Commissioner**, which are inadequate. The role is not independent enough, which is made clear in the appointment process, term of office and the advisory board appointments. The role should have a much stronger purpose so as to hold Government and public bodies to account, not to simply advise them. This presents the risk of advice being ignored. To

⁴ Minnesota Environmental Rights Act Statute 116B.01 (2006)

properly scrutinise the Government, we believe the Commissioner should be independent and appointed by the Assembly, not by the Government.

- 2.9 WEL is also concerned about the composition of the **Public Service Boards**. We believe that having NRW as the sole environmental representative is insufficient. Furthermore we question whether NRW currently has the capacity to fully address environmental issues across all of the local level Boards which will require significant resource requirement in terms of staff time. This includes providing evidence on the international aspects of global systems and environmental limits. How this will be addressed in practice needs further consideration.
- 2.10 The Bill does not seem to be specific about the Auditor General for Wales' role in auditing the progress of public bodies in achieving their well-being objectives, other than receiving their annual reports or, in the case of the Public Service Boards, their local well-being plans and reports on progress with those.

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

- 3.1 The Bill's **national goals** do not address international obligations. The 'principle' in the Bill makes no mention of considering impacts outside of Wales or of the important concept in Brundtland of 'living within **environmental limits**'. This is a significant omission which threatens and undermines the credibility of the legislation. Our global impact needs to be included effectively – either in the goals or elsewhere. Wales cannot be a sustainable nation without recognising and reducing its impact beyond its borders. Therefore the Bill needs to enshrine living within environmental limits and using a fair share of the Earth's resources, as in *One Wales One Planet*. Not doing so to date has led to Wales failing to meet its international obligations to halt the decline of biodiversity by 2010 and must now ensure it has systems in place to meet the new 2020 deadline⁵ for "halting the loss of biodiversity and the degradation of ecosystems in the EU".
- 3.2 Another glaring omission is the failure to mention or act on **climate change**. This is despite it being one of the biggest priority issues for the world, a symptom of living beyond environmental limits, highlighted as a priority issue in 'The 'Wales We Want' National conversation and one that is consistently raised by Welsh Government.

"It is quite clear to me that climate change is happening and that it is influenced by the way in which we live our lives. It strikes me that the overwhelming scientific evidence supports that conclusion." Carwyn Jones, 11 February 2014, the Record

"Tackling climate change also presents us with the opportunity to create jobs, stimulate green growth and tackle poverty, but to do this we need to adapt and do things differently to ensure the best possible future for Wales." Ex-Minister, Alun Davies⁶

- 3.3 Climate change is an example of a global system impacted by all peoples and nations which is reaching its environmental limit. Increasingly in the future climate change will have a significant impact on public bodies' ability to deliver on their well-being objectives, therefore WEL believes the Bill must recognise this and provide for public bodies to address both **climate change mitigation and adaptation** as part of the national goals. We recommend a requirement or specification for emission reduction targets, either in this Bill or the Environment Bill. It is worth noting that Welsh local

⁵ <http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm>

⁶ <http://wales.gov.uk/newsroom/environmentandcountryside/2014/141303climate/?lang=en>

authorities *would already be* considering climate change measures had the Welsh Government activated its duties under the Climate Act (2008).⁷

- 3.4 Furthermore, a strong duty would provide the drive and guidance necessary for public bodies to scrutinise their supply chains and limit or stop the use of products adversely connected to threatened species and habitats such as rainforests.

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

- 4.1 A key barrier to the implementation of these provisions is a lack of targets. We are concerned that the goals are very general and fail to convey a sense of scale or urgency to meet them, such as how much healthier does Wales need to be and how soon? We believe the Bill should require Government to set targets in relation to the national goals and not limit it to 'indicators of progress'. These targets can enable public bodies to set SMART objectives for themselves, provide the Commissioner with evidence of compliance and provide incentives for business innovation.
- 4.2 Another often raised concern is around a lack of data and evidence at the appropriate scale in Wales. This applies from local data all the way to providing updates on emerging scientific knowledge and its significance for any particular public body in Wales. The Bill should provide clarity on whose responsibility it is to provide this advice.

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

- 5.1 The architecture of the Bill is very complex. The duty sitting on public bodies is mainly to develop objectives which will contribute to meeting the goals in the Bill. There is a danger that the public bodies will focus their efforts on goals singly and therefore not challenge current practice and try to integrate deliver across all the goals (as Clause 8 asks). If they do try to integrate they will face the perennial problem of apparent conflicts between goals and between short and long term consequences. If the Bill (and subsequent guidance) is not clear on how to resolve these issues then the current situation will prevail where short term provisions will win and the environment will be given insufficient weight.
- 5.2 Additionally, a clear definition of what is meant by sustainable development is necessary to help in the interpretation of any apparent conflicts and to clarify the context for the decision making requirement in clause 8. So a weak duty and an unclear (or insufficient) definition will not drive any change from business as usual.

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).

- 7.1 There is some concern with regard to how long-lasting the goals will be, if Ministers are able to change them via subordinate legislation. For something so fundamental we consider that any changes should be made via a process which requires detailed consideration by the Assembly akin to that of primary legislation.

⁷ Part 5, Section 81 of the Climate Change Act (2008) states that "Welsh Ministers must from time to time publish a **climate change measures report**". In turn, a local authority in Wales must, in exercising its functions, have regard to any current climate change measures report.

Wales Environment Link is a network of environmental, heritage and countryside Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the Government and the environmental NGO sector in Wales. Its vision is to increase the effectiveness of the sector in its ability to protect and improve the environment through facilitating and articulating the voice of the sector.

The following WEL members support this document:

Afonydd Cymru

Amphibian and Reptile Conservation Trust

Bat Conversation Trust

Butterfly Conservation Wales

Campaign for National Parks

Coed Cadw – Woodland Trust

Keep Wales Tidy

Llais y Goedwig

National Trust

Open Spaces Society

Oxfam Cymru

RSPB Cymru

WTW Wales

WWF Cymru

National Assembly for Wales
Environment and Sustainability Committee
WFG 25
Well-being of Future Generations (Wales) Bill
Response from One Planet Council

Response to the public consultation on the Well-being of Future Generations Bill by the One Planet Council

1. It seems to be the case that the Welsh Government is considering using the new set of Sustainable Development Goals (SDGs) that will replace the Millennium Development Goals (MDGs) in 2015 as a metric for determining whether or not development finance by public money will be sustainable or not under the Bill.

1.1 The One Planet Council believes this is not sufficient and set out the reason below. We would like to see Ecological Footprint Analysis added as a metric.

2. The Welsh Government's Sustainable Development Scheme, '**One Wales: One Planet**' has an objective that within the lifetime of a generation, Wales should use only its fair share of the earth's resources, with its ecological footprint reduced to the global average availability of resources of 1.88 global hectares per person (the global availability of resources in 2007). This is a very challenging but necessary target.

2.1 Nowhere has the Welsh Government explained how this target will be achieved.

2.2 However, the [Welsh Government has provided guidance and a calculator to determine planning permission for One Planet Developments](#) in line with this policy to support the introduction of One Planet Developments (OPDs). These utilise Ecological Footprint Analysis as the only metric.

2.3 We suggest that in order to provide a fair and level playing field, all developments financed by public money should gradually be moved to being assessed on the same basis.

2.4 Adopting this metric will help determine whether or not Wales is succeeding in its aim set out in One Wales: One Planet. It is hard to see how, if any other metric is adopted, we can be sure whether this aim is being satisfied and will be achieved within one generation.

3. Regarding the draft **Sustainable Development Goals**, there are 17 altogether, containing 169 targets. Not all of them will make it through to the final draft. The task of deciding which goals and targets will ultimately be adopted by the United Nations is partly falling to the man perhaps best known for writing the controversial book *The Sceptical Environmentalist*, **Bjørn Lomborg**, and his think tank, the **Copenhagen Consensus Center**.

3.1 This think tank has assembled 57 teams of economists to order these targets and goals in terms of their cost-benefit effectiveness. Lomborg has made his name by questioning assumptions held by development and

environmental professionals on economic grounds, frequently asking the question: "are we getting value for money?" Lomborg's economists will therefore at this moment be analysing the targets below to see whether there is robust evidence supporting the case that investment in each area will bring concrete results, and, if so, what the return on investment will be. But it remains unclear whether these goals will be defined by the time the bill in Wales becomes law.

3.2 But there are, we suggest, at least two areas in which taking a purely economic perspective will lead to skewed results from other perspectives. Many of the Sustainable Development Goals contain reference to the need to **protect vulnerable individuals** such as the old and infirm or children, but these people do not have the same level of economic value as a fit, healthy young adult. A purely economic argument would place less value on preserving their lives.

3.3 And in dealing with issues of **biodiversity**, is it right to place only economic value upon species and ecosystems, the so-called 'natural capital', in order to justify preserving them, or should they not be preserved purely for their own sake? Can sustainable development be truly sustainable if it takes an exclusively anthropogenic perspective?

4. The One Planet Council would like to see **Ecological Footprint Analysis (EFA) used as an indicator instead or as well as the SDGs**. EFA, again, is an *economic* analysis. Nevertheless it has the advantages of being *absolute* and a proxy for other benefits, not an economic end in itself.

Ecological Footprint Analysis and absolute sustainability indicators

5. Many of the targets contained in the SDGs are *relative*, calling for a percentage reduction in this or that, which is a reasonable way of measuring some types of progress, but only if the baseline is selected appropriately.

5.1 To take the example of climate change, the numbers we should be focused on are *absolute* ones, such as the degree of concentration of greenhouse gases in the atmosphere. While we can reduce our emissions in a proportionate sense, it is this final absolute concentration figure that matters, because upon that rests the degree of warming that will occur.

5.2 To take another example, that of energy efficiency in buildings, the **Passivhaus standard** is an absolute and measurable metric and enables comparisons between buildings, whereas targets that are often found in building regulations, based on a percentage reduction in energy use, do not enable this and are less likely to result in genuine reductions in greenhouse gas emissions and energy use.

6. With this in mind, Ecological Footprint Analysis uses expenditure as a proxy for ecological damage (just as, reciprocally, the number of human lives lost through, say, disease or traffic accidents, can translate into an economic cost). It does this, however, *without putting a value on the environment*. That is not necessary: all we need to know is that consumption involves the use of resources, and consumption involves expenditure.

6.1 Ecological footprint analysis can be applied to individuals, households, developments, towns and countries. By comparing the results we can not only adjudge their relative performance in environmental sustainability terms, but also, in conjunction with economic and other indicators, a **ratio of environmental efficiency**.

7. To **decouple well-being from environmental impact** should be a chief goal of sustainable development, making it possible for people to live better and more fulfilling lives, with everything they need, at minimal cost to the environment.

7.1 So, even though Lomborg and his 57 teams of economists will come up with financially quantitative analyses of the 169 targets, ranking them in terms of cost-effectiveness, there will still remain the qualitative and value-laden task of choosing how to weight the results, before we can arrive at the final, definitive list.

8 We recommend that there is a **need for further research** underpinning Ecological Footprint analysis as used in Wales and elsewhere.

8.1 Results are coming in from existing one planet developments which need to be analysed to determine what works and what does not work so the process can become more efficient.

8.2 The calculations using the calculator need to be continually examine and refined.

8.3 This work could be undertaken by, or financed by The Welsh Government and conducted by the expertise already in place in the Cardiff Business School and the Geography Department of Cardiff University.

9. We recommend that with ecological footprint analysis used as a metric, that there is a staggered or incrementally reducing series of targets for reducing the ecological footprints of developments financed by public money over 25 years (one generation). This is because in many cases initially adopting such a radical level of reduction as 1.88 global hectares per person will not be possible immediately.

9.1 (It's worth noting that even this low level, while difficult to achieve, is still not as low as it should be in order for every person on the planet's equally share the total of humanity's ecological impact.)

September 2014

www.oneplanetcouncil.org.uk

Written by David Thorpe. hello@davidthorpe.info 07901 925671

National Assembly for Wales
Environment and Sustainability Committee
WFG 25a
Well-being of Future Generations (Wales) Bill
Response from Ant Flanagan

I have read this response below [One Planet Council] and wholly agree with it:

Regards
Ant Flanagan

The One Planet Council

1. It seems to be the case that the Welsh Government is considering using the new set of Sustainable Development Goals (SDGs) that will replace the Millennium Development Goals (MDGs) in 2015 as a metric for determining whether or not development finance by public money will be sustainable or not under the Bill.

1.1 The One Planet Council believes this is not sufficient and set out the reason below. We would like to see Ecological Footprint Analysis added as a metric.

2. The Welsh Government's Sustainable Development Scheme, '**One Wales: One Planet**' has an objective that within the lifetime of a generation, Wales should use only its fair share of the earth's resources, with its ecological footprint reduced to the global average availability of resources of 1.88 global hectares per person (the global availability of resources in 2007). This is a very challenging but necessary target.

2.1 Nowhere has the Welsh Government explained how this target will be achieved.

2.2 However, the [Welsh Government has provided guidance and a calculator to determine planning permission for One Planet Developments](#) in line with this policy to support the introduction of One Planet Developments (OPDs). These utilise Ecological Footprint Analysis as the only metric.

2.3 We suggest that in order to provide a fair and level playing field, all developments financed by public money should gradually be moved to being assessed on the same basis.

2.4 Adopting this metric will help determine whether or not Wales is succeeding in its aim set out in One Wales: One Planet. It is hard to see how, if any other metric is adopted, we can be sure whether this aim is being satisfied and will be achieved within one generation.

3. Regarding the draft **Sustainable Development Goals**, there are 17 altogether, containing 169 targets. Not all of them will make it through to the final draft. The task of deciding which goals and targets will ultimately be adopted by the United Nations is partly falling to the man perhaps best known for writing the controversial book *The Sceptical Environmentalist*, **Bjørn Lomborg**, and his think tank, the **Copenhagen Consensus Center**.

3.1 This think tank has assembled 57 teams of economists to order these targets and goals in terms of their cost-benefit effectiveness. Lomborg has made his name by questioning assumptions held by development and environmental professionals on economic grounds, frequently asking the question: "are we getting value for money?" Lomborg's economists will therefore at this moment be analysing the targets below to see whether there is robust evidence supporting the case that investment in each area will bring concrete results, and, if so, what the return on investment will be. But it remains unclear whether these goals will be defined by the time the bill in Wales becomes law.

3.2 But there are, we suggest, at least two areas in which taking a purely economic perspective will lead to skewed results from other perspectives. Many of the Sustainable Development Goals contain reference to the need to **protect vulnerable individuals** such as the old and infirm or children, but these people do not have the same level of economic value as a fit, healthy young adult. A purely economic argument would place less value on preserving their lives.

3.3 And in dealing with issues of **biodiversity**, is it right to place only economic value upon species and ecosystems, the so-called 'natural capital', in order to justify preserving them, or should they not be preserved purely for their own sake? Can sustainable development be truly sustainable if it takes an exclusively anthropogenic perspective?

4. The One Planet Council would like to see **Ecological Footprint Analysis (EFA) used as an indicator instead or as well as the SDGs**. EFA, again, is an *economic* analysis. Nevertheless it has the advantages of being *absolute* and a proxy for other benefits, not an economic end in itself.

Ecological Footprint Analysis and absolute sustainability indicators

5. Many of the targets contained in the SDGs are *relative*, calling for a percentage reduction in this or that, which is a reasonable way of measuring some types of progress, but only if the baseline is selected appropriately.

5.1 To take the example of climate change, the numbers we should be focused on are *absolute* ones, such as the degree of concentration of greenhouse gases in the atmosphere. While we can reduce our emissions in a proportionate sense, it is this final absolute concentration figure that matters, because upon that rests the degree of warming that will occur.

5.2 To take another example, that of energy efficiency in buildings, the **Passivhaus standard** is an absolute and measurable metric and enables comparisons between buildings, whereas targets that are often found in building regulations, based on a percentage reduction in energy use, do not enable this and are less likely to result in genuine reductions in greenhouse gas emissions and energy use.

6. With this in mind, Ecological Footprint Analysis uses expenditure as a proxy for ecological damage (just as, reciprocally, the number of human lives lost through, say, disease or traffic accidents, can translate into an economic cost). It does this, however, *without putting a value on the environment*. That is not necessary: all we need to know is that consumption involves the use of resources, and consumption involves expenditure.

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7. To **decouple well-being from environmental impact** should be a chief goal of sustainable development, making it possible for people to live better and more fulfilling lives, with everything they need, at minimal cost to the environment.

7.1 So, even though Lomborg and his 57 teams of economists will come up with financially quantitative analyses of the 169 targets, ranking them in terms of cost-effectiveness, there will still remain the qualitative and value-laden task of choosing how to weight the results, before we can arrive at the final, definitive list.

8 We recommend that there is a **need for further research** underpinning Ecological Footprint analysis as used in Wales and elsewhere.

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8.3 This work could be undertaken by, or financed by The Welsh Government and conducted by the expertise already in place in the Cardiff Business School and the Geography Department of Cardiff University.

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9.1 (It's worth noting that even this low level, while difficult to achieve, is still not as low as it should be in order for every person on the planet's equally share the total of humanity's ecological impact.)

Regards

Ant Flanagan

National Assembly for Wales
Environment and Sustainability Committee
WFG 26
Well-being of Future Generations (Wales) Bill
Response from Older People's Commissioner for Wales



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

**Response from the Older People's
Commissioner for Wales
to the
National Assembly for Wales' Environment
and Sustainability Committee Inquiry into
the Well-being of Future Generations
(Wales) Bill**

September 2014

For more information regarding this response, please contact:

Older People's Commissioner for Wales,
Cambrian Buildings,
Mount Stuart Square,
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08442 640670

About the Commissioner

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales, standing up and speaking out on their behalf. She works to ensure that those who are vulnerable and at risk are kept safe and ensures that all older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services they need. The Commissioner's work is driven by what older people say matters most to them and their voices are at the heart of all that she does. The Commissioner works to make Wales a good place to grow older - not just for some but for everyone.

The Older People's Commissioner:

- Promotes awareness of the rights and interests of older people in Wales.
- Challenges discrimination against older people in Wales.
- Encourages best practice in the treatment of older people in Wales.
- Reviews the law affecting the interests of older people in Wales.

Well-being of Future Generations (Wales) Bill

1. As the Older People's Commissioner for Wales, I welcome the opportunity to respond to the National Assembly for Wales' Environment and Sustainability Committee Inquiry into the general principles of the Well-being of Future Generations (Wales) Bill¹.
2. I have publicly welcomed the Bill and its overall intent. I commend the Welsh Government's long-term vision and ambition with this ground-breaking piece of legislation, a first in the UK. Ensuring that public bodies focus on improving the economic, social and environmental well-being of Wales is something that I fully endorse and complements Priority 1 of my Framework for Action 2013-17: Embedding the well-being of older people at the heart of public services². I also welcome the three well-being 'pillars' and how they complement the three resources 'pillars' of the Strategy for Older People 2013-2023³.
3. That said, given the ambition, scope and complexity of the Bill, I am somewhat concerned that the Bill will lose its general purpose and direction, and that the focus on well-being will become lost within the breadth of duties and action as required across the public body landscape in Wales. It is important that the expanded scope of the Bill does not mean its impact 'skims the surface' in how it influences public service delivery in Wales.
4. There are three particular areas that I believe are critical to ensuring the intent of the Bill is delivered:
 - Indicators of 'success' underpinning the six national well-being goals must be outcome focused and relevant to older people;
 - Ensuring the needs assessment process reflects the full breadth of issues that matter to older people in a joined-up and outcome-focused way;
 - Ensuring that older people's views, knowledge and experience are fully utilised to shape strategic thinking, prioritisation and service delivery with an asset-based approach adopted.

¹ <http://www.senedd.assemblywales.org/mgConsultationDisplay.aspx?id=140&RPID=1504039457&cp=yes>

² http://www.olderpeoplewales.com/en/news/news/13-05-23/Framework_for_Action.aspx

³ <http://wales.gov.uk/docs/dhss/publications/130521olderpeoplestrategyen.pdf>

5. The proposal has changed considerably since the ‘A Sustainable Wales’ White Paper⁴, which was grounded in the principles of sustainable development. While the expansion of the proposal to be all-encompassing and relevant to the entire public services landscape is to be welcomed in theory, further details are required in order to properly understand how the well-being goals and sustainable development principle will be achieved by public bodies in practice.
6. As I outline in my Framework for Action, the concept of well-being is not yet sufficiently understood and reflected in the planning, development and everyday delivery of public services. Well-being is synonymous with quality of life for older people, ensuring their lives have value, meaning and purpose. With over a million people over the age of 60 in Wales in the next twenty years, it is important to understand that the needs of older people are not confined to health and social care. Public bodies and services need to strengthen significantly the use of well-being indicators within their work and see the concept of well-being as fundamental to the success of public services.
7. The Bill should therefore help to ensure that well-being sits at the heart of public service plans and that the well-being of older people will be increasingly used to drive the development of services and support, as well as the evaluation of their impact. Getting public services right for older people means getting it right for others in society, e.g. people with disabilities or families with young children. At its core, and to ensure that the Bill dovetails with the Declaration of Rights for Older People in Wales⁵, should be a rights-based approach to the provision of public services that both upholds older people’s basic rights and supports the delivery of better public services.

Improving Well-being and Indicators of ‘success’

8. The six well-being goals are broad and ambitious and all resonate with older people. As previously outlined, further details are required on the goals to better understand how they apply to older people, supported by indicators of ‘success’ that are outcome focused. A society in which people’s physical and mental well-being is maximised via ‘a healthier Wales’ is particularly important

⁴ <http://wales.gov.uk/docs/desh/consultation/121203asusdevwhitepaperen.pdf>

⁵ <http://wales.gov.uk/docs/dhss/publications/140716olderen.pdf>

for older people, as is a society that enables people to fulfil their potential no matter what their background or circumstances via ‘a more equal Wales’.

9. I welcome the Explanatory Memorandum’s reference to ensuring that the equality goal will shift the balance away from ‘expensive services’ and towards opportunities for participation and personal development⁶. My recent report ‘The Importance and Impact of Community Services within Wales’⁷ emphasises that retaining community services is crucial to statutory services cost containment and tackling inequality through better engagement.
10. All six well-being goals should contribute to the achievement of the national Ageing Well in Wales Programme priorities^{8,9}. I chair the Programme, a national partnership to improve the general well-being of people aged 50+. The Programme includes the Welsh Government as a key partner and complements the Strategy for Older People 2013-2023.
11. Establishing attractive, viable, safe and well-connected communities via ‘a Wales of cohesive communities’ complements the age friendly communities strand of the programme, whilst addressing the needs of those who live with dementia could be a ‘success’ indicator that contributes towards the cohesive communities goal. Providing employment opportunities for a skilled and well-educated population via ‘a prosperous Wales’ is also crucial as an increasing number of older people cannot afford retirement at State Pension age and require skills and employment opportunities to remain in or re-enter the labour market. Ensuring that older people benefit from maximised opportunities to increase their income could be another ‘success’ indicator in this regard.
12. My community services report emphasises that older people require sufficient outdoor spaces and public buildings to carry out a range of activities that contribute to their general health and well-being. Regarding the goal to establish ‘a Wales of vibrant culture

⁶ <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9831-em-e.pdf?langoption=3&ttl=PRI-LD9831-EM%20-%20Well-being%20of%20Future%20Generations%20%28Wales%29%20Bill%20-%20EXPLANATORY%20MEMORANDUM>

⁷ http://www.olderpeoplewales.com/en/news/news/14-02-25/The_Importance_and_Impact_of_Community_Services_within_Wales.aspx

⁸ <http://www.olderpeoplewales.com/en/Ageingwell/The-programme.aspx>

⁹ Ageing Well in Wales Programme Priorities: Age Friendly Communities, Dementia Supportive Communities, Falls Prevention, Loneliness and Isolation, Opportunities for Learning and Employment

and thriving Welsh language’, I welcome all efforts to encourage older people to participate in the arts, sports and recreation, and I support all opportunities for older people to engage in lifelong learning, including Welsh language provision.

13. The duty on public bodies to set and publish well-being objectives that contribute to the achievement of the aforementioned well-being goals is welcomed. These objectives should fully take into account the needs, concerns and priorities of older people, and should encourage collaboration between public services bodies, working together to achieve common goals.
14. The duty on Welsh Ministers to also set and publish well-being objectives, supported by national indicators, annual well-being reports and a future trends report to measure progress, is welcomed. During the first half of 2014 I have met with nearly all Welsh Government Ministers and Deputy Ministers to drive forward the message that the needs of older people are relevant to all Ministerial portfolios and, provided that the well-being goals fully address the key issues for older people, this duty should significantly help ensure that the well-being of older people is recognised across portfolios.

Needs Assessment

15. I have some concerns that the Bill does not adequately reflect the needs of older people: it is regrettable that there are very few references to older people, with almost 800,000 people aged 60 and over in Wales, in the Interim Report of ‘The Wales We Want’ pilot National Conversation¹⁰. Considering that there is generally insufficient information and data on older people compared with children and younger adults (particularly at the sub-national and local level^{11,12}), it is essential that the Bill has provisions that fully capture the needs and circumstances of older people in order to ensure that the national well-being goals are fully relevant to future generations of older people in Wales. Strengthening the needs assessment process to fully address the breadth of issues that matter to older people is therefore crucial.

¹⁰ <http://thewaleswewant.co.uk/sites/default/files/resources/Interim%20Report-July2014%20ENG.pdf>

¹¹ <https://www.ageinternational.org.uk/what-we-do/Policy-where-we-stand-/Position-statement-on-the-post-2015-goals-for-development/>

¹² http://www.cpc.ac.uk/resources/downloads/JRF_report_Falkingham_2010.pdf

16. In an international context, efforts are being made to ensure that the UN Sustainable Development Goals for the post-2015 agenda are applicable to all people of all ages, i.e. the proposed goal to promote well-being for all at all ages¹³, and that data systems are fit for purpose in today's ageing world. In Wales and beyond, the new sustainable development agenda must ensure accountability to both children and young people and older people, and that no one is 'left behind'¹⁴.
17. Focusing on more inclusive methods of demographic projection and data will lead to more accurate projections of the particular needs of older people and a better understanding of their requirements, leading to better needs assessment and more sustainable well-being goals and public services across Wales¹⁵.

The Future Generations Commissioner for Wales

18. I welcome the establishment of a Future Generations Commissioner for Wales and I am fully committed to working with the new Commissioner, as well as the other Commissioners in Wales, to achieve the well-being goals that address the needs of older people. I expect that the new Commissioner will build upon the excellent work and collaborative links already achieved by Wales' Commissioner for Sustainable Futures.
19. The Commissioner will have a key role to play in promoting the sustainable development principle and, more importantly, will provide advice or assistance to ensure that the well-being objectives set by public bodies are being met. This will be essential in ensuring that the well-being objectives set by public bodies are not 'lost' or seen as a 'tick-box exercise'.
20. As previously indicated to the Communities and Tackling Poverty Minister, I look forward to working with the new Commissioner on the exercise of his/her functions as a member of the Advisory Panel. The Advisory Panel should be a valuable platform to bring together Commissioners and other key partners and I view the panel as an opportunity to ensure that the new Commissioner fully understands the well-being of older people.

¹³ <http://www.helpage.org/silo/files/owg-outcome-document-july-2014.pdf>

¹⁴ <http://www.helpage.org/silo/files/transformational-human-development-background-paper.pdf>

¹⁵ <http://www.jrf.org.uk/sites/files/jrf/supporting-older-people-summary.pdf>

21. The establishment of an Advisory Panel is also important to ensure that the preparation of the Future Generations report complements my reports on progress made to improve the lives of older people across Wales. In this regard, I welcome the references to joint working and the new Commissioner and I working closely together on any subject matter that relates to a review carried out under my legislative competence i.e. section 3 of the Commissioner for Older People (Wales) Act 2006¹⁶.

Public Services Boards

22. I welcome the proposal to establish Public Services Boards (PSBs) on a statutory footing. The current Local Service Boards (LSBs) should be seen as key platforms to bring together all partners and deliver integrated services that respond to the needs of older people at a local level. In my work to embed the well-being of older people at the heart of public services and address another of my Framework for Action priorities – protecting and improving community services, facilities and infrastructure – I have examined the role of LSBs and will attend LSB meetings across Wales in the coming months to drive forward the integration agenda and ensure that key partners are working together to better understand and react to the needs of older people.
23. Through my work examining the role of LSBs, it is clear that their role is not very well understood and performance, relevance and effectiveness are seen as ‘patchy’. Strengthening the legislative base of the successor PSBs and retaining their focus on improving the economic, social and environmental well-being of their areas via an integrated approach should help to improve performance and relevance to older people at a local level.
24. A partnership that includes such a broad and diverse range of partners, including Local Authorities, Health Boards, Police, Fire and Rescue Services, the Higher and Further Education sector, the voluntary sector, national parks, town and community councils and sports and cultural institutions, can only encourage joined-up, integrated working that focuses on common well-being objectives for the benefit of older people.

¹⁶ <http://www.legislation.gov.uk/ukpga/2006/30/section/3>

25. My work on examining the role of LSBs has also involved their Single Integrated Plans (SIPs). There are real variations in how the SIPs address the well-being of older people and I therefore welcome the proposal to re-focus SIPs as local well-being plans. I expect that the well-being objectives included in the new plans will not only adhere to the sustainable development principle, but also fully address the needs, concerns and priorities of older people.
26. I note that the local well-being plans produced by PSBs must be sent to Welsh Ministers, the Future Generations Commissioner, the Auditor General for Wales, and the Local Authority's overview and scrutiny committee. I will also be taking a keen interest in these plans and am committed to helping with the preparation of these plans in the interests of older people across Wales.

Closing remarks

27. I look forward to working with the Welsh Government and key partners on this potentially transformational and highly influential piece of legislation. I expect the Bill to complement and drive forward the four components of 'quality of life' for older people as outlined in my Framework for Action¹⁷. The Bill builds on references to the concept of well-being within existing and proposed Welsh legislation, such as the Public Health Bill¹⁸ and the Social Services and Well-being (Wales) Act¹⁹, and can do much to improve the health, independence and well-being of older people across the broad range of public services.
28. The Bill should help my work to ensure that older people's priorities and issues are recognised and reflected across the breadth of Welsh and Local Government portfolios. As ever, the 'devil lies in the detail' and whilst I welcome the broad aims and principles of the Bill, further detail is required to outline how the legislation will 'play out' in practical terms for public service bodies.
29. The well-being of current generations, and particularly the older generation, continues to drive forward my work and I propose that

¹⁷ Older people's lives have value, meaning and purpose when they: Feel safe and are listened to, valued and respected; Are able to get the help they need, when they need it, in the way they want it; Live in a place which suits them and their lives; Are able to do the things that matter to them

¹⁸ <http://wales.gov.uk/docs/phhs/consultation/140402consultationen.pdf>

¹⁹ <http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?IId=5664>

the 'Well-being of Wales' Bill would be a better and more inclusive title, reflecting the concept of inter-generational solidarity that sits at the heart of the approach to ageing in Wales. I will work to ensure that the potential positive impacts for older people, as identified in the impact assessment on the Bill, are realised²⁰.

30. Finally, and as already indicated, my office will accept the Committee's invitation to provide oral evidence in October.

²⁰ <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9831-em-e.pdf?langoption=3&ttl=PRI-LD9831-EM%20-%20Well-being%20of%20Future%20Generations%20%28Wales%29%20Bill%20-%20EXPLANATORY%20MEMORANDUM>

National Assembly for Wales
Environment and Sustainability Committee
WFG 27
Well-being of Future Generations (Wales) Bill
Response from Play Wales



4 September 2014

Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay, CF99 1NA

Re: Inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

- 1.1 Play Wales is the national charity for children's play.
- 1.2 We work to raise awareness of children and young people's need and right to play and to promote good practice at every level of decision making and in every place where children might play.
- 1.3 We provide advice and guidance to support all those who have an interest in, or responsibility for providing for children's play so that one day Wales will be a place where we recognise and provide well for every child's play needs.
- 1.4 We worked closely with Welsh Government on its equally groundbreaking 'Play Sufficiency' legislation.
- 1.5 Play Wales is pleased to have the opportunity to input into the consultation on the general principles of the Well-being of Future Generations (Wales) Bill. We support the Welsh Government's intention to legislate to ensure that the needs of present generations are met in a sustainable way, without compromising those of future generations.
- 1.6 We are pleased to see references to and the inclusion of throughout the Explanatory Memorandum and within the Children's Rights Impact Assessment (CRIA) the local authority play sufficiency assessments carried out under the Children and Families (Wales) Measure 2010.
- 1.7 There is evidence that playing is central to children's physical, mental, social and emotional health and well-being¹ and play is enshrined in the

¹ Lester, S. and Russell, W. (2008) Play for a Change: Play, policy and practice - a review of contemporary perspectives, London: National Children's Bureau

United Nations Convention on the Rights of the Child and elaborated upon in General Comment 17.

1.8 Through play, children develop resilience and flexibility, contributing to physical and emotional well-being.

1.9 For children themselves, playing is one of the most important aspects of their lives^{2,3}, they value time, freedom and quality places to play. Consultations with children and young people show that they prefer to play outdoors away from adult supervision – in safe but stimulating places. In this situation children tend to be physically active and stretch themselves both physically and emotionally to a greater extent than they would if they were supervised.⁴

1.10 We recommend that future guidance clearly sets out the important role that providing time, space and permission for play has in the well-being of children, young people and communities.

Human Rights

1.11 Play Wales considers that the Well-being of Future Generations (Wales) Bill does not give sufficient focus to the enforcement of human rights which we believe is a precondition for sustainable development and a prosperous Wales. Without acknowledging and acting to realise the rights of people, sustainable development is not possible.

1.12 We believe that the delivery of public services in Wales must be undertaken through a human rights lens and that the Bill presents us with a key opportunity for a human rights framework to be enshrined into law.

1.13 Play Wales would have liked to see a much clearer link between the content of the Bill and the realisation of children's rights in Wales. Even though the Children's Rights Impact Assessment (CRIA) states that the Bill will have a positive impact on children's rights in Wales, we are concerned that the Bill itself does not make direct reference to the UNCRC.

1.14 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 would represent a

² Funky Dragon (2007) Why Do People's Ages Go Up Not Down? Swansea: Funky Dragon

³ National Assembly for Wales (2010) National Assembly for Wales Children and Young People's Committee Provision of Safe Places to Play and Hang Out

⁴ Mackett, R. et al (2007) 'Children's independent movement in the local environment', Built Environment, 33, 4,454-68

missed 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.

1.15 The omission of any reference of rights within the overarching context of well-being is also a significant gap. There should be a definition of well-being on the face of the Bill, and this should clearly include securing rights and entitlements, in a similar way to section 2 of the Social Services and Well-being (Wales) Act 2014.

1.16 In addition, we feel that the CRIA overplays the link between the well-being goals and children’s rights. While we do not disagree that the Bill could potentially help realise children’s rights in Wales (through tackling child poverty for example), Play Wales would like to see much clearer evidence of how it will do so. The well-being goals, as currently worded, do not make any direct reference to rights. The equality goal should be changed to read “a society that enables people to fulfil their rights no matter what their background or circumstances”, and clearly reference relevant treaties such as the UNCRC and the European Convention on Human Rights (ECHR). This would ensure that well-being objectives and plans are truly rights-based, and public bodies would have to evidence clearly the progress they have made towards ensuring the realisation of human rights through policy and delivery.

1.17 We are pleased that the CRIA makes reference to children and young people’s participation. However, while it does show that the Welsh Government has consulted some children and young people in the run up to the introduction of the Bill, it does not give any information on how their views have helped shape the content of the Bill. Article 12 of the UNCRC includes the principle of respect for children’s views as well as the right to be heard, so it would be helpful for the CRIA to include further information on any impact of children and young people’s views have had on the content of the Bill.

Physical activity

1.18 Children and young people frequently mention physical activity as a way to improve well-being. This ‘sometimes takes the form of organised sessions, and sometimes referred to informal activities’⁵ such as playing with friends in the local neighbourhood.

1.19 The ‘Natural Childhood’ report⁶ suggests that ‘greater physical activity promotes better mental health, and a sedentary childhood leads to more mental health problems’. The idea that exercise can have positive effects on treating people with mental health issues is widely accepted.

1.20 The ‘Up and Running report’⁷ shows the link between exercise and its impact on treating depression. The report shows that exercise has the

⁵ The Children’s Society (2013) The Good Childhood Report 2013

⁶ Moss, S. (2012), Natural childhood, The National Trust

⁷ Mental Health Foundation (2005), *Up and Running! How exercise can help beat depression*. London: Mental Health Foundation

following advantages over antidepressants as a treatment for depression:

- It is cost effective
- It is readily available
- There are co-incidental benefits such as an improvement in self-esteem and physical appearance and no unpleasant side effects •
- It is a sustainable recovery choice
- It promotes social inclusion and is a 'normalising' experience •
- It is popular

1.20 Play Wales, along with other national partners, raised our concern, through the consultation that was undertaken into the Public Health White Paper, that physical inactivity has been relegated to the margins of Public Health and we shared a view that there was an insufficient recognition of the importance of emotional well-being within the paper.

1.21 Play Wales and our partners were pleased that the Chief Medical Officer agreed to meet with us to explore our concerns.

1.22 In this meeting and subsequent correspondence, we were advised that the publication of the Well-being of Future Generations (Wales) Bill presents an important piece of legislation for the achievement of health outcomes across the public service.

1.23 We note that the 'Wales is healthier' goal which is included on the face of the Bill is accompanied by a short descriptor, which includes physical health and mental health and well-being.

1.24 We continue to promote the merits of Health Impact Assessment as a systematic way of taking health into account as part of the planning and decision-making process as useful one and we continue to call for this to be strengthened through a legislative approach.

Play sufficiency

1.26 Section 11 of the Children and Families (Wales) Measure 2010 places a duty on local authorities to assess and secure sufficient play opportunities for children in their area.

1.27 The Play Sufficiency Duty comes as part of the Welsh Government's anti-poverty agenda which recognises that children can have a poverty of experience, opportunity and aspiration, and that this kind of poverty can affect children from all social, cultural and economic backgrounds across Wales.

1.28 The Statutory Guidance to Local Authorities on assessing for and securing sufficient play opportunities for children in their areas (*Wales- A Play Friendly Place*) demonstrates that developing conditions to support children's play requires cross-sector work.

1.29 The Well-being of Future Generations Bill has the potential to

contribute to and respond to a growing awareness and concern about play.

1.30 Statutory Guidance for the Bill should include explicit links to *Wales-A Play Friendly Place* statutory guidance and should promote a consideration of children with a strong recognition that children's play is important in children's lives and important for their present and future happiness and well-being.

1.31 Play Wales has worked with the University of Gloucestershire to produce a report that presents the findings of a small-scale research project.

1.32 The purpose of the *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty* research⁸ was to:

- Look at what has happened over the last 12 months after submission of Play Sufficiency Assessments
- Look at how selected local authorities have prepared themselves to respond to the forthcoming commencement of securing sufficiency of play opportunities.

1.33 Data from this report were gathered through documentation, attendance at and notes from regional meetings to consult on the draft Statutory Guidance for the second part of the Duty, and semi-structured interviews with national and local stakeholders.

1.34 The report identified that there is a need for the Welsh Government to lead by example and be seen to work cross-departmentally.

1.35 The report ends with a quote from one interview about how the growing attention to play fits with a sense of what matters in life.

'I think it's a really positive thing and it is moving forward in all sorts of areas as regards town planning. We shouldn't just be dominated by cars and that adult control of the environment and control of life, so it is a whole consideration of children, what's important in children's lives and what's important for their present and future happiness and well-being. So I think there's been a growing awareness and concern about it in all sorts of different organisations and the media generally, saying we can't just carry on the way that we did, amassing vast debt and the whole disposable throwaway society, that sort of mindset, the whole thing to do with climate change, just the way people live their lives. The idea about play, the very free and open way, that it's not to do with material things necessarily, it's to do with open space, the attitudes and some resources of course but, you know what I mean, that fits

⁸ Lester, S and Russell, W (2014), *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty to secure sufficient play opportunities*. Cardiff: Play Wales and the University of Gloucestershire.

well I think with the way hopefully society's moving and people are thinking at the present time.'

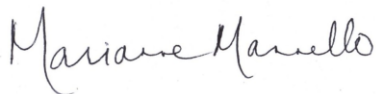
1.36 *Towards Securing Sufficient Play Opportunities: A short study into the preparation undertaken for the commencement of the second part of the Welsh Government's Play Sufficiency Duty to secure sufficient play opportunities*, written by researchers Stuart Lester and Wendy Russell is a follow up to an earlier report (*Leopard Skin Wellies, a Top Hat and a Vacuum Cleaner Hose: An analysis of Wales' Play Sufficiency Assessment duty*)⁹ that explored how local authorities responded to the introduction of the duty to assess sufficient play opportunities for children.

1.37 Play Wales advocates for the provision of quality play opportunities for children in their own communities. This has included advocating and supporting the development of both quality staffed provision and quality spaces and places for playing, particularly in the public realm. We have produced a range of resources¹⁰ to support those who plan for and provide children's play services and provision.

1.38 In conclusion, we welcome the recognition of the inclusion of information as to the sufficiency of play opportunities within the current documents accompanying the Well-being of Future Generations Bill.

1.39 Play Wales is keen to work with Welsh Government and officials to identify how best the commitment to children's play can be taken forward as part of the legislative process.

Kind regards,



Marianne Mannello
Assistant Director: Policy, Support and Advocacy

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⁹ Lester, S and Russell, W (2013), *Leopard Skin Wellies, a Top Hat and a Vacuum Cleaner Hose: An analysis of Wales' Play Sufficiency Assessment duty*. Cardiff: Play Wales and the University of Gloucestershire.

¹⁰ <http://www.playwales.org.uk/eng/information sheets>

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5th September 2014

e-mail response sent to: ES.Comm@wales.gov.uk

Dear Sir/Madam,

Response to: The Environment and Sustainability Committee inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

Thank you for the opportunity to comment on the above Bill. The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 23,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development.

This response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

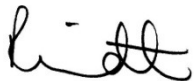
The provisions of the Well being of Future Generations (Wales) Bill are fundamental to the delivery of sustainable development. Statutory duties and governance themes are key to its implementation. Planning has a significant role to play in delivery of sustainable development and is already embedded into town and country planning legislation, guidance and decision making.

While we believe this Bill is well intentioned, we feel that there is a risk that its purpose and value is unclear when considering against disciplines such as town and country planning, particularly in light of the emerging Planning (Wales) Bill. See our response to the draft Planning (Wales) Bill (February 2014) - [http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/wales-legislative-programme/planning-\(wales\)-bill/](http://www.rtpi.org.uk/the-rtpi-near-you/rtpi-cymru/policy-in-wales/wales-legislative-programme/planning-(wales)-bill/). The objectives and proposals contained within the Well being of Future Generations (Wales) Bill need close scrutiny against other Bills, legislation and policy changes. There is potential for confusion with planning and plans, overlap with current Bills, and cross cutting themes that take no account of each other. Common themes / objectives will strengthen delivery in disciplines such as town and country planning. However, legislation along with its roles, and the roles of the implementers need to be clear to ensure that the best intentions are realised.

Our response below addresses each of the terms of reference for the inquiry.

If you require further assistance, have any queries or require clarification of any points made, please contact RTPI Cymru on 029 2047 3923 or e-mail Roisin Willmott at walespolicy@rtpi.org.uk

Yours sincerely,



Dr Roisin Willmott MRTPI
Director
RTPI Cymru

Putting sustainable development at the heart of government and the public sector.

We question the clause in Part 3 (20) of the Bill as introduced, whilst reasonable and practical it does not place sustainable development at its heart because it provides two conditions whereby the authority does not need to follow the course of action in a recommendation made by the Commissioner. Instead we would suggest that an opportunity for negotiation and justification between the Commissioner and the Authority should be built in.

RTPI Cymru believes that the independence of the Commissioner for Future Generations, appointed by the National Assembly rather than Welsh Government (WG), would enhance his/her powers and ability to hold both WG and the public sector to account.

The relationship between the well intentioned aims and objectives of this Bill need close scrutiny against other Bills and legislation, for example the emerging Planning (Wales) Bill and Environment (Wales) Bill because there is much overlap and there are risks that these Bills include cross cutting themes with no reference or acknowledgment of each other. For example in the draft Planning (Wales) Bill, it was proposed to have Place Plans at the community level; these are completely different to the proposed Local Well-being Plans (LWP) under the Well-being of Future Generations (Wales) Bill and could lead to duplication, over-complication and even disengagement at the community level.

The inclusion of a wide remit of organisations and interests including the health boards, community councils, fire service and police authorities is important.

General principles of the Well-being of Future Generations (Wales) Bill and need for legislation

The approach of the Bill is explicitly simple in outlining its planned outcomes or goals. These are common across authorities and demonstrate an impact focus based on sustainable development objectives and principles. (Chapter 3 (7.1) of the Explanatory Memorandum)

The approach of measuring these goals, use of indicators, assessments, plans and annual reports is to be supported because this will help the development of cost benefit analysis.

Paragraph 43 of the Explanatory Memorandum states the Bill will give effect to the WG's commitment to *"putting sustainable development at the heart of government; creating a resilient and sustainable economy that lives within its environmental limits and only uses our fair share of the earth's resources to sustain our lifestyles."* We note the commitment to sustainable development is also set out in the WG's Programme for Government. In the Welsh planning system, the principle of sustainable development is well established within Planning Policy Wales which includes the "presumption in favour of sustainable development". With so much legislation coming forward for Wales it is important that inter-relationships with existing and proposed town and country planning legislation and duties/obligations for Local Planning Authorities (LPA) are not diluted or confused.

It is important to ensure that these same principles are also applied to development outside of planning control.

Paragraph 195 of the Explanatory Memorandum recognises the establishment of Natural Resources Wales (NRW) to take forward the 'Natural Resource Management' approach under the forthcoming legislative support of the Environment Bill. NRW has an established role in the Local Resilience Forums and as a Flood Risk Management Authority yet it is unclear in this Bill how requiring NRW to be a statutory member of the Public Services Boards would "help to link LWP and Local Development Plans (LDP) more closely". While it is a worthwhile aspiration, there is no explanation of the WG's thinking behind this. What obligations and service delivery standards would be placed on NRW in order to ensure that this is an effective mechanism? If this aspect is not considered properly, the different legislative requirements of LWPs and LDPs, plus competing interests within organisations, has the potential for delaying the preparation and adoption of LDPs.

Instead we believe that it should be stipulated that the Local Authority representation should include Local Planning Authority (LPA) interests directly.

Clarification on the linkages between LDP and LWP is needed. What is the relationship between LWPs and Place Plans which were set out in the consultation document 'Positive Planning for Wales' published December 2013. It is also worth noting that the consultation 'Wales Rural Development Programme 2014-2020: Final Proposals' in April 2014 also explored the idea of 'Village Development Plans' to address issues such as local needs and poverty. It is vital that there is joint working across the disciplines at both the outset and implementation of such plans to ensure there is no duplication and to maximise efficiency.

In Northern Ireland the 2011 Planning Act has created a statutory link between community planning and land use planning through the plans that are produced, thus embedding a system in which the two plans are developed and implemented side by side.

What would the timescales be for preparing LWPs? Whilst there is reference to annual reporting and monitoring, there does not appear to be any reference to plan preparation timescales. If programmes for LWPs are not prescribed or actively managed, this could cause potential problems in their relationship with LDP preparation and LPA delivery plans for those documents, particularly if they are to work effectively together for an area.

The development of a Commissioner will help strategic delivery across government departments within Welsh Government.

There is no clarification at present between the aims of this Bill and Local Authorities' requirement to prepare LDPs, which contain sustainable development measures (including nationally set objectives noted in the LDP Manual p80 - <http://wales.gov.uk/docs/desh/publications/060707ldpmanualen.pdf> along with the Local

Authorities' requirement to prepare an Annual Monitoring Report which demonstrates how they are meeting objectives.

The explanatory memorandum refers to the requirements for community planning and for public service boards to improve the long term economic, social and environmental well-being of communities. Proposals for economic, social and environmental improvements will inevitably manifest themselves spatially in terms of land use and development. However, the explanatory memorandum fails to consider the land use planning implications of this proposed obligation or how this would be translated into the preparation/review of LDPs and the way that planning applications are determined.

The well-being goals listed in the table at paragraph 67 of the Explanatory Memorandum are reasonable; however, this does raise the question whether there is a risk of duplication of efforts in disciplines such as town and country planning or whether the common themes will strengthen delivery. Planning has a significant role to play in the delivery of sustainable development and this should be explained. It should be much more explicit how land use planning impacts on each of the six goals listed and how it can contribute, through the Planning (Wales) Bill and subordinate plans and strategies, towards achieving these goals. This is particularly important given the subsequent paragraph 68 of the Explanatory Memorandum intends "that the well-being goals set out a long-term framework to enable sustainable development to be embedded at the heart of public bodies".

Many of the pressures which challenge the achievement of well-being in Wales are inter-related and also have a spatial dimension. A much greater spatial awareness and intelligence will improve the decisions that are made, and the consequences for the everyday lives of people and communities. At present the Well-being of Future Generations (Wales) Bill makes no attempt, through definitions, process or structures and governance to address spatial factors.

Looking critically at each goal, again whilst they are reasonable and well intentioned, there is a risk that the intentions in paragraphs 69 and 71 (of the Explanatory Memorandum) are not fully achieved in the current drafting of each goal and associated description. We question whether the goals provide greater clarity. Do they provide for greater coherence for activity across the public service? Are they more than just a wish list? Do they provide a coherent governance and scrutiny structure which is important to delivery? And finally, would they result in a sustainable Wales which respects environmental limits, or are there other levers which need reviewing or greater acknowledging that have an equal, if not greater role in respecting environmental limits, for example the land use planning system.

Section 7.3 of the Explanatory Memorandum on the application of the sustainable development principle is well intentioned, but it fails to actually deal with the practical element of application. Instead, the section reads very theoretical and well intentioned, which is saying what ought to happen, rather than how it will happen and taking things to the practical implementation and delivery level. Whilst we support and agree with Section 105 of the Explanatory Memorandum, this is another example where the Bill should be less ambiguous and ambitious than "it is not intended that public bodies set separate well-being objectives which relate solely to the well-being goals in addition to their existing objectives (i.e. as contained in their corporate or business plan), rather than the requirements of the Bill are incorporated into existing corporate governance and business planning processes".

Addressing Welsh international obligations in relation to sustainable development

Sustainable development is an international theme and it is important to ensure consistency in definitions, wording, sharing common goals and objectives at a higher level. It is both encouraging and supported that the Brundtland definition of sustainable development and background information to its development in the UK is used in the document. To avoid any

confusion and uncertainty, this definition should be explicitly stated at the outset and this should be consistent with other National Assembly and WG related plans, strategies and documents, to ensure that common misconceptions and miss understandings are left behind. The Bill needs to be clear and provide leadership on how the goals and objectives set should take account of trans boundary effects. Local Service Boards can help to assimilate cross cutting themes across boundaries and this should be made an explicit duty.

Potential barriers to the implementation of provisions

Resources, lead in times, finance, staffing, local government reorganisation are considered to be opportunities and threats. We believe that one of the greatest risks is a lack of willingness associated with culture, facilitation, and that the provisions of this Bill are not viewed as an additional burden or paper exercise in this time of financial restraint but an essential part of long term planning. This means that the Bill and any subordinate guidance/instruments are clear on the actors who can, and should, be involved, together with a clear timetable/framework for what is required, by whom, when, and what review / monitoring is required. Clear definitions are therefore critical.

The Bill has an all encompassing 'well-being' remit, and is therefore ambitious and reflective of the thirty year development of sustainable development in the UK. Whilst the Bill may be viewed as a dilution of environmental policy by some, it should be made clear that achieving 'well-being' will not come about through corporate goals, objectives and indicators and that environmental factors, along with economic and social aspects, are of importance.

One of the main potential barriers to be faced will be the culture of sectors and society as a whole, and this should be acknowledged as a challenge, with a set of mechanisms put in place to deliver implementation/tackle assessments and plans on the ground at practice level, including institutional, legislative reform and a change in existing funding mechanisms.

Unintended consequences arising from the Bill

As alluded to in previous question responses, there is concern that the Bill potentially duplicates ongoing work and forthcoming proposals, such as the Planning (Wales) Bill and Environment (Wales) Bill. It is essential that there is an ongoing dialogue between representatives in different departments within WG and Authorities, so that aims, objectives and outcomes, including national indicators, are targeted at the relevant subject areas and officials, to avoid repetition in data gathering and implementation efforts. A potential example of duplication is the 'Sustainable Development Indicators' that are part of the Strategic Monitoring Framework - <http://wales.gov.uk/topics/planning/policy/dear-cpo-letters/strategic-monitoring-sd-indicators/?lang=en> for the planning system. They measure the contribution the planning system makes to delivering sustainable development in Wales. There is a danger in this sense that this well-intentioned Bill becomes another paper exercise of completing a report or proforma annually, with little meaningful progression in advancing efforts.

The recommendations on not placing additional burdens on smaller Town and Community Councils (TCC) seems fairly reasonable, given the longer term savings (principles of sustainable development - long term, integrated, collaborative) but has the role of these bodies been fully thought through when applying the financial threshold in paragraph 148 of the Explanatory Memorandum? For example, many TCCs are being given additional responsibilities in many Local Authorities as a result of financial constraints. This includes transferring play areas, parks and open spaces to their control; just one example of an area which is related to sustainable development principles (health, inequality/poverty, ecosystems) but would otherwise be excluded from consideration here. Whilst it is agreed that burdens should not be placed on such organisations, surely there is still a role for such groups, even if it less prescriptive or demanding than for larger bodies (could a proportionate

scale of input / involvement be applied?) The contribution of less affluent community councils in assessing and planning for local wellbeing could potentially have significantly more benefits.

We have concerns over the capacity of some TCCs and therefore their ability to effectively engage and deliver. Training and guidance would help TCCs develop competencies and better engage.

Financial implications of the Bill

As stated previously, the risks of the Bill and its requirements being viewed as a resource heavy paper exercise with limited review, feedback or meaningful inclusive - engaging opportunities, requires consideration.

It is discouraging to note that the PWC report, as referenced in the Explanatory Memorandum, provided insufficient evidence to make substantive conclusions on the cost savings given the remit, recommendations and conclusions of the WG pilot project across six Wales authorities on implementation of adaptation measures to climate change. Costs analysis of benefits is the key to all authorities in this current era of reform.

The role of the Commissioner and the Board also needs greater definition and transparency/reporting mechanisms. For example will the role be objective and/or target setting? How will another Commissioner work within existing structures and what additional gains or benefits will they contribute?

Appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation

Clarification is needed on LWPs, the remit of these plans and other linkages and/or overlaps with planning. A legislative framework organogram would be useful to set the context of the Bill alongside other legislation, in particular the draft Planning (Wales) Bill and its recommendations which include the National Development Framework, Strategic Development Plans, Local Development Plans and Community Place Plans.

National Assembly for Wales
Environment and Sustainability Committee
WFG 29
Well-being of Future Generations (Wales) Bill
Response from Hafal

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Hafal's 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

1. Hafal fully supports the Bill's aims to simplify and streamline strategic planning for public bodies in Wales, and to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs
2. We are concerned about the lack of references to Carers within the Bill. Carers clearly play a vital role in providing unpaid care to family members, friends or partners. In doing so Carers save the UK economy many billions of pounds each year, as well as significantly saving Health Boards and local authorities increased health and social care costs. Ensuring the well-being of carers clearly impacts of future generations, and so it is disappointing to not see this reflected within the Bill
3. According to the most recent Census there are more than 370,000 people in Wales, of all ages, providing unpaid care and support to relatives, friends of neighbours who are disabled, frail or otherwise vulnerable. For the vast majority their main contact with statutory services is via a health care professional. We fully support the view of the Wales Carers Alliance which is calling for this legislation to make clear that Health Boards and NHS Trusts are the lead agencies for carers in respect of the provision of advice, information and sign-posting to other services.
4. Like the Wales Carers Alliance we too are concerned about the oversight within 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 Health Boards and NHS Trusts and the detail of the local carers strategies provided by regulations under the Carers Measure
5. We would also like to have some clarity on a proposed amendment to the Mental Health (Wales) Measure 2010 set out in Schedule 4 paragraphs 28 and 29. The joint schemes for the provision of local primary mental health support services it refers to are currently developed under the provisions of section 2 of the Mental Health (Wales) Measure 2010 which require that the local mental health partners for a local authority must take all reasonable steps to agree a scheme:

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- (a) Which identifies the treatment which is to be made available for the area (local primary mental health treatment), and
- (b) For securing the provision for that area of the local primary mental health support services (described in section 5 of the Measure)

The prime purpose of these schemes is to identify the local primary mental health treatments which are to be provided for these populations and the arrangements for securing the provision of these services. It would be useful to understand the rationale for including what is effectively a service delivery document within local strategic wellbeing plans.

About Hafal

Hafal (meaning 'equal') is the principal organisation in Wales working with individuals recovering from serious mental illness and their families. We are managed by the people we support - individuals with serious mental illness and their families. Our 191 staff members and 150 volunteers provide help and support to over 1500 people with serious mental illness and 1600 carers. The charity is founded on the belief that people who have direct experience of mental illness know best how services can be delivered. In practice this means that at every project our clients meet to make decisions about how the service will move forward and the charity itself is led by a board of elected Trustees, most of who either have serious mental illness themselves or are carers of a person with a mental illness. Our mission is to empower people with serious mental illness and their families to enjoy equal access to health and social care, housing, income, education, and employment, and to achieve a better quality of life, fulfil their ambitions for recovery, and fight discrimination.

We look forward to working with Assembly Members, Ministers and officials in developing this piece of legislation.

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National Assembly for Wales
Environment and Sustainability Committee
WFG 30
Well-being of Future Generations (Wales) Bill
Response from Higher Education Funding Council for Wales

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

We support the approach adopted by the Welsh Government in seeking to place specific duties upon defined public sector bodies and in including a mechanism which seeks to coordinate this. However in relation to HEFCW we are concerned that the Bill does not recognise the unique role played by this organisation in seeking to work with both the Welsh Government and the higher education sector as a funder, partner, and increasingly as a regulator. The significant changes to HEFCW's role being introduced through the Higher Education (Wales) Bill will further define the specific powers and circumstances in which HEFCW can interact with the sector. HEFCW has previously presented evidence in response to the Higher Education (Wales) Bill Technical consultation outlining the implications of these proposals. In essence our ability to enable prompt change will be greatly reduced (as compared with our previous capacity to use funding to incentivise such change) other than in very limited specific circumstances.

In the context of the Future Generations (Wales) Bill our well-being objectives can only be delivered through the effective response of the HE sector in Wales to these objectives. The legislation as drafted does not make any provision for any supervisory role or power to enable HEFCW to engage meaningfully on this agenda. We are clear about the relationship between institutional autonomy and good performance of higher education systems, which requires us to adopt a partnership approach in our engagement with the sector. Given that the higher education sector is not within the list of defined public bodies cited within this Bill, and that the proposed scope of powers to be given to HEFCW through the HE Wales Bill does not directly align with this proposed legislation or its goals we will have limited scope to deliver meaningful objectives appropriately informed by the "common aim". We consider that a specific power to require an HE institution to report annually to us on the actions they've taken to support the delivery of the Well-being goals, and where appropriate their public service board goals would significantly increase the value of the higher education sector's contribution to this agenda. We believe that the HE sector in Wales could make a significant contribution to this agenda, through research, teaching, and its interaction and support of business and local communities.

Whilst we understand the legislative context that prevents the direct inclusion of the HE sector within the Bill, we would strongly advocate that consideration should be given to the inclusion of a specific power to enable HEFCW to work with the sector to provide effective engagement on this agenda. The current proposal that allows higher education institutions to be invited to participate by local service boards will not in our view maximise the contribution that the sector could make to this agenda.

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

The Bill as drafted relates exclusively to the Well-being of Wales. However the role of the Commissioner, particularly in relation to enabling future generations to meet their needs, is wide ranging and we believe that in practice this will in part pick up on international obligations and ensure that they are considered within the context of this legislation. We also believe that the HE sector could make a further significant contribution in this area both through its engagement with international students, the Wales for Africa programme, and the proposed work of the United Nations Regional Centre of Expertise Wales. The legislation as proposed will not enable HEFCW or the higher education sector to ensure that these areas contribute fully to the Future Generations Bill.

FSB Wales

Well-being of
Future
Generations Bill

5th September 2014





Well-being of Future Generations Bill

FSB Wales

FSB Wales welcomes the opportunity to present its views to Environment and Sustainability Committee on the Well-being of Future Generations Bill. FSB Wales is the authoritative voice of businesses in Wales. With 10,000 members, a Welsh Policy Unit, two regional committees and twelve branch committees; FSB Wales is in constant contact with business at a grassroots level. It undertakes regular online surveys of its members as well as a biennial membership survey on a wide range of issues and concerns facing small business.

Introduction

FSB Wales warmly welcomes the introduction of the Welsh Government's Well-being of Future Generations Bill to the National Assembly for Wales. FSB Wales largely agrees with the general principles of the Bill and hopes it can help to provide a consistent framework for how the public sector does business in Wales. While the Bill largely relates to the public sector, FSB Wales would argue that the behaviour and processes of the public sector can have a substantial impact on the private sector and as such this Bill is of relevance to all sectors of the Welsh economy.

Vision

FSB Wales would like to see the Bill help to embed a strong vision for the role of SMEs in communities across Wales. Economic development policy is often centred on the needs of large firms and inward investment. While this is undoubtedly important, FSB Wales believes the Bill can help foster an environment favourable to the vitality of SMEs in communities across Wales. This should become a fundamental part of the Welsh Government's vision in relation to the Well-being of Future Generations Bill.

National Measures and Statistics

As part of the proposed legislation, the Welsh Government has set out six goals that should be achieved in the longer term. FSB Wales welcomes the goals as aspirations and appreciates the need for them to be on the face of the Bill. However, the goals will be largely meaningless without a suite of indicators to reinforce their aspirations and to actively monitor progress against well articulated targets in each of the goal areas. While an element of this is proposed in the Bill through National Indicators, FSB Wales would like to see this area strengthened. At present, it is not clear what force will be given to the National Indicators and the extent to which public bodies will be held to account against their contribution to progress.

While Scotland Performs provides a good starting point for such a system, FSB Wales believes there is a need to go further, particularly in relation to economic statistics¹. FSB Wales has long argued that Wales has a deficit in economic statistics. Most of the key indicators, such as GDHI and GVA, have long lead-in times, meaning by the time they are published they are often two years out of

¹ Scottish Government. 2014. *Scotland Performs* [Online]. Available at: <http://www.scotland.gov.uk/About/Performance/scotPerforms> (Accessed 4th August 2014).



date. This is not acceptable. Therefore, the Welsh Government should ensure that more robust and frequent economic data is provided and analysed to inform the National Indicators.

Transparency

By providing a frequent and robust statistical base for the environmental, social and economic factors of sustainable development, the Welsh Government would ensure public bodies are clear in terms of expectations in promoting all aspects of sustainable development. FSB Wales believes that on this basis the Wales Audit Office should be used to scrutinise and publish performance of public bodies. This should then be published so the public and the National Assembly for Wales can hold public bodies to account on their performance.

Role of Commissioner

It is vital that the proposed Future Generations Commissioner is sufficiently equipped to make a meaningful impact on public bodies who do not comply with the principles of sustainable development. As part of this, FSB Wales believes that the role of the Commissioner should be strengthened and that, for instance, the Commissioner should be empowered to follow his own initiative and to hold investigations into the decision making of public bodies. This would entail a power of inquiry, much like the powers currently vested in the Welsh Language Commissioner. Crucially, inquiries would provide recommendations for improvement and a means of ensuring recommendations are acted upon.

Appointment of Commissioner

FSB Wales believe the Future Generations Commissioner should be appointed by the National Assembly for Wales and not the Welsh Government. This would ensure that the appointment process commands a degree of consensus and would ensure that the Commissioner is sufficiently independent to scrutinise and critique the Welsh Government if necessary.

Advisory Panel

In relation to the Advisory Panel to the Future Generations Commissioner, FSB Wales believes it is vital that there is diversity in the appointments made to reflect the social, economic and environmental aspects of sustainable development. Given that 99.2% of Wales' firms are SMEs, it is essential that an SME voice is included in the panel². FSB Wales therefore believes that Section 24, Paragraph 2 of the Bill should be amended to ensure an SME representative is part of the Advisory Panel³.

² Welsh Government. 2013. *Size Analysis of Businesses* [Online]. Available at: <http://wales.gov.uk/docs/statistics/2013/131024-size-analysis-welsh-business-2013-en.pdf> (Accessed 4th August 2014).

³ Future Generations Bill [Online]. Available at: <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9831-e.pdf?langoption=3&ttl=PRI-LD9831%20-%20Well-being%20of%20Future%20Generations%20%28Wales%29%20Bill> (Accessed 4th August 2014). P.13



Procurement Implications

The Welsh Language Measure set out a precedent for procurement issues to be dealt with in a proportionate way so as to avoid creating additional barriers to SMEs tendering for work from the public sector. This involved including a threshold of £400,000 above which certain standards set out under the legislation would apply⁴. FSB Wales believes further detail is needed in terms of the impact of the Bill on public procurement. While FSB Wales agrees that procurement policy should be used as a tool to deliver services consistent with the well-being of future generations, it is important that the legislation does not serve to undermine that aim by placing barriers to SMEs tendering for public sector contracts. As such, a similar threshold model could be used to ensure procurement policies are applied proportionately in relation to the Bill.

Local Service Boards

FSB Wales believes that Wales' micro, small and medium sized businesses form a vital part of Wales' communities. The Explanatory Memorandum states that Local County Voluntary Councils will have the status of 'invited participants', meaning the third sector has a standing invite to LSBs. The justification for this is that the third sector often provides public services. This is also true of the private sector and specifically SMEs in Wales. Therefore, as with the Advisory Panel for the Future Generations Commissioner, FSB Wales believes local service boards (LSB) should include representations from SMEs within the community that the LSB represents. This could take the form of a similar 'invited participant' status for local private sector representative bodies.

⁴ Welsh Language (Wales) Measure 2011. [Online]. Available at: <http://www.legislation.gov.uk/mwa/2011/1/contents/enacted> (Available at 4th August 2014). Schedule 5, (5)



Federation of Small Businesses Wales

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The Federation of Small Businesses Wales

The FSB Wales is non-profit making and non-party political. The Federation of Small Businesses is the UK's largest campaigning pressure group promoting and protecting the interests of the self-employed and owners of small firms. Formed in 1974, it now has 200,000 members across 33 regions and 194 branches. FSB Wales currently has around 10,000 members, a Welsh Policy Unit, two regional committees and twelve branch committees meaning FSB Wales is in constant contact with small businesses at a grassroots level in Wales.

Lobbying

From the Press and Parliamentary Affairs Office in Cardiff, FSB Wales campaigns with AMs, MPs and MEPs in Cardiff Bay, Westminster and Brussels in order to promote our members' interests. FSB Wales also works closely with local, regional and national media outlets to highlight our members' concerns. Development Managers work alongside members in our regions to further FSB Wales influence at a regional level. More widely, the FSB has Press and Parliamentary Offices in Westminster, Glasgow, Belfast and Brussels to lobby the respective Governments.

Member Benefits

In addition, Member Services is committed to delivering a wide range of high quality, good value business services to members of the FSB. These services will be subject to continuing review and will represent a positive enhancement to the benefit of membership of the Leading Business organisation in the UK.

Vision

A community that recognises, values and adequately rewards the endeavours of those who are self employed and small business owners within the UK.

The Federation of Small Businesses is the trading name of the National Federation of Self Employed and Small Businesses Limited. Our registered office is Sir Frank Whittle Way, Blackpool Business Park, Blackpool, Lancashire, FY4 2FE. Our company number is 1263540 and our Data Protection Act registration number is Z7356876. We are a non-profit making organisation and we have registered with the Information Commissioner on a voluntary basis.

Associate Companies

We have three active subsidiary companies, FSB (Member Services) Limited (company number 02875304 and Data Protection Act registration number Z7356601), FSB Publications Limited (company number 01222258 and Data Protection Act registration number Z7315310) and FSB Recruitment Limited. (company number 07836252 and Data Protection Act registration number Z3131666).

National Assembly for Wales
Environment and Sustainability Committee
WFG 32
Well-being of Future Generations (Wales) Bill
Response from National Society for the Prevention of Cruelty to Children

NSPCC Cymru/Wales

Response to:

Consultation on the Well-being of Future Generations (Wales) Bill

September 2014

The National Society for the Prevention of Cruelty to Children (NSPCC) is the UK's leading children's charity specialising in child protection. Our vision is to end cruelty to children in the UK. We make a difference for all children by standing up for their rights, listening to them, helping them when they need us and by making them safe.

The NSPCC runs projects and services across the United Kingdom and Channel Islands to help vulnerable children. We also provide ChildLine, the UK's free, confidential 24-hour helpline and online service for children and young people and a helpline for adults who are worried about a child or want advice.

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1 Introduction

- 1.1. NSPCC Cymru/Wales welcomes the opportunity to provide evidence to support scrutiny of the Well-being of Future Generations (Wales) Bill (henceforth the Bill).

2 About the NSPCC

- 2.1. The NSPCC is here to end cruelty to children. Everything we do is to protect children and prevent abuse. As part of the NSPCC's Strategy towards 2016 we deliver services which are innovative, distinctive and designed to capture and disseminate learning. We are an independent charity who has researched what is needed and by providing cutting edge new services we hope to better understand the real issues and any challenges in the prevention, protection and treatment of abuse.
- 2.2. As our knowledge, experience and expertise is focused on safeguarding children and young people we will limit our comments to the general principles of the Bill and therefore question 2 of the consultation. NSPCC Cymru/ Wales' response can be made public and we would be happy to provide oral evidence to the Committee during the scrutiny process.

3 Comments on 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”

NSPCC Cymru/ Wales is disappointed that the ‘common aim’ does not make reference to either human rights or children’s rights. We believe that a human rights lens is crucial if vulnerable groups are to achieve well-being and we have contributed to and are in full support of the evidence submitted by the UNCRC Monitoring Group.

As a children’s organisation we are particularly concerned that the Bill does not mention children and young people and does not include children’s rights on the face of the Bill. NSPCC Cymru/ Wales thinks the Bill would be strengthened if provision was included for people exercising duties to have due regard to the United Nations Convention on the Rights of the Child, similar to the Social Services and Well-being Act. (This 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’*)

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

We note that there is no definition of well-being on the face of the Bill. Well-being of people and children is clearly defined on the face of the Social Services and Well-being Act 2014 and we would ask that the Committee clarifies if the meaning of well-being in this Bill is the same as that defined in the Social Services and Well-being Act 2014.

NSPCC Cymru/Wales has carefully considered the six well-being goals and are concerned about how the well-being of children and young people will fit into them.

Children and young people have unique developmental needs and rights. We feel it is essential that these goals are linked to the UNCRC or the Welsh Government's Seven Core Aims so that the public bodies with duties under this Bill can set and achieve well-being objectives that appropriately meet the rights of children and young people in their area, particularly those who are vulnerable. A consistent understanding of 'well-being' across Government will be all the more relevant to align with duties and initiatives under the Welsh Government Tackling Poverty and Child Poverty approaches which are obviously strongly linked to children's wellbeing and the states parties responsibilities in this area, particularly with regards to Articles 26 and 27 UNCRC.

Furthermore, we know that poor parenting and not meeting children's needs blights their lives. NSPCC Cymru/Wales believes that if there is just one issue that public bodies in Wales should prioritise to ensure future generations live in thriving communities and a prosperous Wales it must be supporting parents to fully meet the needs of their children right from birth.

The biggest child protection issue in Wales, and the UK as a whole, is child neglect. Neglect is the most common reason for a child being put on a child protection register¹ in Wales and NSPCC's research² shows that one in ten 11-17 year olds report severe neglect in their childhood. Neglect is when parents and carers do not meet children's needs, and, put simply, neglect is 'all about the NOTS'. Child neglect covers a spectrum, from mild to severe neglect, but it is these 'gaps' in parenting that can risk, particularly in the early years, effecting a child's brain development, leading to a devastating and long lasting effect on all of the child's development and future. Evidence shows that the early years – beginning in the womb- are vital to child development. This development is a dynamic process – through which a child is transformed from reacting to sensations and being dependent on carers to becoming independent and making sense of the world. The process does not unfold solely on the basis of neurological maturation but is significantly shaped (positively or negatively) by the interactions between biological and environmental influences.

'Neglect particularly in the early years affects the developing brain of the child and can have a devastating and long lasting effect on all of the child's development needs....if the root cause of neglect is left unchecked, the child is more likely to exhibit behaviours such as aggression, language delay, poor cognitive and interactional skills and anti-social behaviours...' Professor Jan Horwath 2013³

¹ Welsh Government (2013) *Children on child protection register by local authority, category of abuse and age group (2012-13)* [online], Available online: <https://statswales.wales.gov.uk/Catalogue/Health-and-Social-Care/Social-Services/Childrens-Services/Service-Provision/ChildrenOnChildProtectionRegister-by-LocalAuthority-CategoryOfAbuse-AgeGroup>

² Radford, L., Corral, S., Bradley, C., Fisher, H., Bassett, C., Howat, N., and Collishaw, S. (2011) *Child abuse and neglect in the UK today* [online], Available at: http://www.nspcc.org.uk/Inform/research/findings/child_abuse_neglect_research_PDF_wdf84181.pdf

³ Horwath, J. (2013) *Child Neglect Planning and Intervention* London: Palgrave Macmillan

The Centre on the Developing Child at Harvard University reports:

*'that studies show conclusively that severe deprivation or neglect is associated with significant risk for learning difficulties and poor school achievement, including deficits in executive function and attention regulation, low IQ scores, poor reading skills...'*⁴

NSPCC would like to see work to counter neglect become a core part of the jigsaw when the Welsh Government considers issues of parental support and the approach to intervention in the early years. We would like to see better support for parents to understand the impacts of 'not doing' certain things, to build a stronger sense of agency and to work with parents to build strategies to help them address problems in their parenting approach. We feel that seeing these issues in the round is fundamental to the well-being of our children and young people in Wales. It is our view that there remains work to be done to integrate neglect more fully into the Welsh Government's overall approach to the early years. We are strongly supportive of the priority that the Welsh Government has consistently given to early years and the clear recognition of the importance of this area. Flagship initiatives such as Flying Start and Families First have ensured a focus and additional support and investment for some of Wales' most vulnerable children in those crucial early stages of development.

Our innovative 'Baby Steps' programme⁵ is rooted in our belief that parents in Flying Start areas (and across Wales) should have access to good quality ante-natal education such as Baby Steps. We currently deliver Baby Steps at our Swansea Service Centre.⁶ The Baby Steps interim evaluation report is due at the end of this year and emerging findings are promising. We're working with four 'early adopter' areas in the UK to understand how best to roll out Baby Steps into mainstream health and children's centre services. Based on this, we will develop a package of training and support which will be available to other agencies in 2015. NSPCC is pleased to inform the committee that our service centres in Cardiff and Swansea will become Thriving Children Centres in 2015. NSPCC will be rolling out a range of neglect assessment and intervention services which will be available at no charge to professionals concerned that a child may be experiencing neglect.

We therefore believe that the Well-being of Future Generations Bill provides a significant opportunity to take a holistic view of children's well-being. For example, we see a significant opportunity for NSPCC's work on neglect and the Welsh Neglect Project⁷ (commissioned and funded by the Welsh Government Social Services Directorate) to feed into Welsh Government work on parent support. A key example is the recently published draft 'Parenting in Wales: Guidance on engagement and support' and the work being undertaken by the Tackling Poverty team on early years. NSPCC is currently evaluating its services which assess and intervene in cases of neglect and we will forward programme information and evaluation reports as they become available and hope that they can be included in updated versions of the Parenting Guidance.

⁴ Center on the Developing Child at Harvard University. (2012). *The Science of Neglect: The Persistent Absence of Responsive Care Disrupts the Developing Brain: Working Paper 12.*
www.developingchild.harvard.edu

⁵ http://www.nspcc.org.uk/what-we-do/the-work-we-do/priorities-and-programmes/under-ones/baby-steps/baby-steps_wda94564.html

⁶ http://www.nspcc.org.uk/what-we-do/NSPCC-in-your-area/cymru-wales/services/services-in-your-area_wda84178.html

⁷ The Welsh Neglect Project, jointly delivered by NSPCC and Action for Children, aims to improve multi-agency responses and services to address child neglect across the spectrum of need, which of course, overlaps with work on parenting. As part of the Welsh Neglect Project, we are developing resources to help all front line workers who work with children and families. Both strands are rich resources for the Welsh Government's work on family support.

NSPCC Cymru/Wales therefore urges the Committee to press for a clear definition of ‘child well-being’. We would also recommend that Welsh Government sets a wellbeing objective or key priority for each public body and each Public Service Board in Wales to support parents to meet their child’s needs to ensure all babies and children thrive.

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

We note that under this Bill it is intended to set ‘national indicators’ to measure progress towards achievement of well-being goals. We would like the Committee to seek clarity about how these indicators link to the recently published ‘National outcomes framework for people who need care and support and carers who need support, 2014-15’⁸ by Welsh Government and the shared Outcome Framework that is being developed in the Welsh Government’s Tackling Poverty programmes, which includes Communities First, Families First and Flying Start. Further sets of indicators and outcomes will be developed under the recently introduced Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill. This Bill will cover children and we would therefore wish to see alignment with future well-being goals.

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

3.4.1 Public Services Boards

We are pleased that this Bill puts Local Service Boards, to be called Public Service Boards, on a statutory footing. We are also pleased that Section 27 of the Children Act 2004, the requirement for local authorities and local health boards to appoint Lead Directors/ Officers for Children and Young People’s Services, is not being repealed as these posts are crucially important to ensure that the needs and rights of children in local areas are met.

The Social Services and Well-being Act includes provisions for co-operation for children and adults who need care and support and partnership arrangements. We recommend that the Committee seeks clarity that these different sets of partnership arrangements in the Act and this new Bill are coherent and whether the duties under the Social Services and Well-being Act can be discharged through arrangements in this Bill and the Public Service Boards.

NSPCC research⁹ found that 1 in 4 (25.3%) of young adults aged 18-24 had experienced severe maltreatment in childhood and so it is crucial that effective safeguarding is embedded in all organisations and all policy areas. Local Safeguarding Children Boards (LSCBs), responsible for co-ordinating safeguarding of children, were established in the Children Act 2004. However CSSIW¹⁰ in their 2009 review of safeguarding and LSCBs stated that “Safeguarding and protecting

⁸ <http://wales.gov.uk/docs/dhss/publications/140624NOFen.pdf>

⁹ Radford, L., Corral, S., Bradley, C., Fisher, H., Bassett, C., Howat, N., and Collishaw, S. (2011) *Child abuse and neglect in the UK today* [online], Available at: http://www.nspcc.org.uk/Inform/research/findings/child_abuse_neglect_research_PDF_wdf84181.pdf

¹⁰ CSSIW (2009) *Safeguarding and Protecting Children in Wales. The review of Local Authority Social Services and Local Safeguarding Children Boards*

children should be a priority for all organisations, professionals and practitioners, but this review has identified considerable variability amongst them If children are to be consistently and effectively safeguarded and protected, action is needed to strengthen and improve existing arrangements to ensure that all professionals, practitioners and organisations give priority to this and share equal and continuing responsibility for bringing about the changes and improvements that are needed". Further CSSIW¹¹ found in their joint inspection of Local Safeguarding Children Boards in 2011 that: "in practice LSCBs are not accountable to and are not being held to account by statutory bodies and partner agencies. There are no local mechanisms in place to scrutinise the work of LSCB's".

NSPCC Cymru/ Wales reviewed the content of the twenty two Single Integrated Plans(SIPs) in 2014 and found that the Local Safeguarding Children Boards were only mentioned in half of the SIPs and detail about how Local Service Boards worked with LSCBs, or the link between them was mentioned in none. New safeguarding arrangements have been established under the Social Services and Well-being Act and we recommend that the Committee seeks clarity about the proposed working relationship and links between the new Safeguarding Boards and Public Service Boards and, as a minimum, we would recommend that Public Service Boards scrutinise the annual reports of these new regional Safeguarding Boards.

3.4.2 Assessments of local wellbeing

We welcome the requirement to produce 'Assessments for local well-being' to inform the development of the well-being objectives and plan and that each board must take into account sufficiency audits of nursery education, childcare and play together. We also welcome that the assessments for well-being must take into account the population needs assessments for care and support and preventative services under the Social Services and Well-being Act. We recommend that the Committee seeks clarity that these two key assessments are coherent and inform each other or whether the duties from the Act can be discharged through provisions in the Bill.

3.4.3 Local wellbeing plans

We are extremely concerned that it is intended to repeal Section 26 of the Children Act 2004, the requirement for Children and Young People's Plans. These plans have brought together organisations to jointly plan, co-ordinate, deliver and sometimes result in co-location of services for children and families which has benefited children and families and has led to some economies and reduction of duplication. The requirement to produce Children and Young People's Plans, or discharge that duty through the SIPs, has ensured that there is a focus on services to support vulnerable children and young people in each local area. NSPCC Cymru/ Wales' 2014 review of Single Integrated Plans revealed that the focus on children and young people and vulnerable children and young people was variable. NSPCC Cymru/ Wales recommends that the Committee closely scrutinises the proposed repeal of Section 26 of the Children Act 2004. We would also ask the Committee to scrutinise the proposed approach to the duty under the Children and Families (Wales) Measure for each local authority to produce a child poverty strategy, we would seek assurance that proposals for local wellbeing plans will not result in any change to this duty. We would also seek clarification about how new local wellbeing plans would incorporate this duty.

¹¹ CSSIW (2011) *Joint Inspection of Local Safeguarding Children Boards*

NSPCC Cymru/ Wales strongly recommends that the wellbeing goals are linked to children's rights or the Seven Core Aims; this could align with child poverty approaches and provide a more robust overarching framework for the new Public Service Boards underpinned by the UNCRC. Subsequent guidance could then ensure that all of the local wellbeing plans focus appropriately on vulnerable children and young people.

National Assembly for Wales
Environment and Sustainability Committee
WFG 33
Well-being of Future Generations (Wales) Bill
Response from Torfaen CBC and Torfaen Local Service Board

Environmental & Sustainable Development Committee

Well-being of Future Generation Bill - call for evidence

Torfaen County Borough Council & Torfaen Local Service Board

Joint Response

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

We welcome the introduction of the Well-being of Future Generations Bill. It will enhance the distinctive policy ambitions of Wales within the UK, and promote developing approaches to service delivery that account for critical “futures” issues such as climate change.

As with the Equalities agenda – a legislative requirement will help to accelerate and widen progress.

Without statutory guidance it’s hard to know how it will operate in practice. Having the guidance (currently being developed) focus on sustainable development as a central organising principle would help ensure that the new legislation gets embedded across the whole organisation.

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;

The common aim and the sustainable development principle will help to ensure a consistent approach to sustainability across the public sector.

- 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;

It is important that the environmental aspect of wellbeing isn’t overlooked.

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

This seems reasonable.

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

We support the establishment of a Future Generations Commissioner and the role of advocating for future generations.

The Commissioner's office will need to focus its activity to maximise its influence across the public sector and to take into account the variance in sustainability performance across the public sector.

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

We welcome the addition of Natural Resources Wales to the Public Service Board, this will help to ensure that environmental wellbeing is fully taken into account in the wellbeing plans.

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

As Wales have produced its goals before the UN goals thought will have to be given to how the international dimension is linked in.

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

Current budget pressures mean that public sector organisations will need to become leaner. Whilst the governance approaches set out in the bill will promote collaborative working and taking a preventative action, the possible risks associated with exploring new approaches such as alternative service delivery models may prove to be a barrier.

There will be new professional development requirements across the public sector.

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

That the emphasis is placed on the social aspects of well-being rather than there being equal consideration of social, environmental and economic well-being.

Innovative service delivery models may need to be delivered in order to achieve sustainable development.

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);*

There are clear benefits from taking early action and the legislation will help ensure that these risks are considered in our service planning process and that cost effective actions can be identified that can build capacity.

Taking action now will avoid greater cost in the long-term.

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).

We would support this.

September 2014.

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.
Contact:	Nesta Lloyd – Jones, Policy and Public Affairs Officer, Welsh NHS Confederation. Nesta.lloyd-jones@welshconfed.org Tel: 02920 349857
Date created:	5 September 2014

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'



Oxfam Cymru response to the Environment and Sustainability Committee inquiry into the general principles of the Well-being of Future Generations (Wales) Bill

Oxfam Cymru welcomes the opportunity to provide written evidence to the above inquiry. We are proud that Wales is seen as a world leader in sustainable development and hope this is further augmented through a bold and strong piece of legislation to drive this agenda forward. A robust Well-being of Future Generations Bill will help address inequalities at home and abroad and ensure existing generations leave a positive legacy for future generations.

Oxfam Cymru is part of the SD Alliance¹ – an alliance of organisations with a shared commitment to shaping a sustainable future for Wales. As part of this Alliance we share key concerns about the Well-being of Future Generations Bill:

1. The narrow scope of the Duty and lack of a clear definition of sustainable development.
2. The international impact of Wales is not recognised in the Bill.
3. The Bill does not specifically address climate change.
4. The Well-being goals need to be strengthened and improved.
5. The Commissioner needs to be independent and his/her powers should be strengthened.

We have used the terms of reference for the above inquiry to provide more detail on Oxfam Cymru's response to the general principles of the Well-being of Future Generations Bill. We would be happy to expand on these points at oral evidence sessions if required.

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

1.1 Scope of the legislation

We are concerned that the scope of the Duty is too narrow and will not embed sustainability and sustainable development into **all** public sector decision making. Requiring public sector bodies to make a plan containing well-being objectives that contribute to the national well-being goals is not the same as using a sustainable development lens to inform all public sector decision making. Public bodies must exercise **all** their functions in order to achieve sustainable development. It is particularly important, that financial decisions and procurement are included in the legislation as what is spent and how it is spent has a considerable impact on sustainable development. The Bill needs to drive sustainable and ethical action by businesses that are supported by public bodies in relation to their activities domestically and internationally.

There is clearly a greater role for businesses – whether by paying taxes, increasing their employment of people further from the labour market, or by offering decent jobs in sustainable industries. Higher expectation needs to be placed on businesses to deliver sustainable development, particularly in return for the array of state support that businesses receive. Including procurement and budget considerations specifically within the scope of the Duty will help ensure action is taken to reduce any negative impacts of Welsh public sector supply chains on sustainable development.

This thinking is supported by the Wales Audit Office. Their 2010 reportⁱⁱ on the embedding of sustainable development within Government concludes that sustainable development is not currently driving resource allocation and is not integrated into all financial planning i.e. Welsh Government grant giving and procurement does not underpin its vision for a sustainable future.

1.2 Proposals for a socio-economic duty

The relationship between the Bill and any socio-economic duty on public authorities in Wales, as proposed in *Building Resilient Communities: Taking Forward the Tackling Poverty Action Plan*, needs careful consideration. A robust Well-being of Future Generations Bill has enormous potential to forge greater links between social, economic and environmental sustainability. Placing a socio-economic duty on public authorities, either as part of this Bill or the Strategic Equality Plan would help ensure that state support is conditional on achieving genuine social [and environmental] returns. The duty could be enforced by the independent Equalities Commissioner or Future Generations Commissioner who would ensure spending decisions are poverty proofed and communities wishing to challenge Government policies and private sector action that do not contribute to sustainable development and socio-economic equality are supported.

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

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

We are concerned that no clear definition of sustainable development is established within the draft Bill. The approach taken within the Bill to separate the various elements defining sustainable development into a ‘common aim’, ‘sustainable development principle’ and ‘well-being goals’ does not provide sufficient clarity on what sustainable development means. The Bill must make it clear that the implications of Welsh sustainable development legislation do not end in Wales, but rather extend globally, and that improving ‘the economic, social and environmental well-being of Wales’ is **an aim** but **not the sole aim** of the legislation.

Oxfam has expertise in the theoretical and practical development of frameworks for sustainable development. We would welcome further conversations on how the learning from Oxfam’s work may help in defining sustainable development and measuring progress in Wales. For example, Oxfam’s discussion paper, *A Safe and Just Space for Humanity*ⁱⁱⁱ, states that:

“Achieving sustainable development means ensuring that all people have the resources needed – such as food, water, health care, and energy – to fulfil their human rights. And it means ensuring that humanity’s use of natural resources does not stress critical Earth-system processes – by causing climate change or biodiversity loss, for example...”

The paper also sets out a visual framework for sustainable development combining the concept of planetary boundaries with the complementary concept of social boundaries. This allows for a more comprehensive understanding of the impacts of our approaches to socio-economic development

and highlights the areas in which we are failing both current and future generations in Wales, the UK and around the world.

More recently, Oxfam Scotland developed a Scottish Doughnut report^{iv} which visually displays the current state of play in Scotland in relation to planetary boundaries and socio economic standards. Oxfam Cymru is working on a similar report for Wales using this framework (available mid December 2014) which we will share with the Committee.

2.2 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

Oxfam Cymru welcomes the intention to include a set of goals within the legislation to provide clarity on what the public sector needs to achieve. However, given the fundamental role these goals play in defining the Duty and scale of the challenge, it is essential they provide a clear and measurable direction of travel. We are concerned that the current set of goals lack clarity, includes comparative goals and goals that will be difficult to measure. In addition, the UN is progressing work on its Sustainable Development Goals and the Bill needs to contain a commitment to deliver on these. The Bill needs goals that are clearly defined, ambitious and accountable. We have concerns that the 6 goals in the Bill are not clear or ambitious enough to deliver the policy intent to put *'sustainable development at the heart of government; creating a resilient and sustainable economy that lives within its environmental limits and only uses our fair share of the earth's resources to sustain our lifestyles.'*

For example, **Goal 1** (A prosperous Wales) needs to more clearly aim for sustainable resource use and reflect the concept of living within global environmental limits and Wales using only its fair share of global natural resources. There needs to be recognition that decoupling GDP from resource use is essential to successfully implement sustainable development.

Also, **Goal 5** (A Wales of cohesive communities) provides an opportunity for including a description about Wales' role as a 'global citizen'.

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

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

We support the principle of having a Commissioner for Future Generations who should become a powerful champion for future generations, people in developing countries and those living in poverty in Wales.

The Commissioner should be independent of the Welsh Government and able to hold the Government and public sector in Wales to account. As such we recommend the Commissioner is appointed (and dismissed) by the National Assembly for Wales.

The Commissioner should be both empowered and required to investigate and take action on failures by government to comply with the provisions of the Bill. There must be provision for the Commissioner to address public complaints in relation to any matter concerning discharge of the Duty by public authorities. Without this provision there is no clear route of public accountability.

The Explanatory Memorandum recognises the importance of the ‘*voice of people and communities*’ in the development of local well-being plans. People or communities wishing to challenge Government policies or actions that do not contribute to sustainable development need to be supported by the Commissioner to ensure this voice is heard.

We would like clarification on the role of the Commissioner in relation to climate change, their relationship with the Climate Change Commission and the Equality and Human Rights Commission.

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

2.5.1 Public Service Boards

The main focus of the legislation is to put Local Service Boards (Public Service Boards) on a statutory footing. We understand that this will provide a platform for integrated working however, the experience of our partners across Wales indicates that practical operation of and community engagement by existing Local Services Boards varies considerably. An evaluation of the Local Service Board model needs to be undertaken to look at current examples of best practice, particularly in integrated working and community engagement, capacity to deliver and any training requirements future PSBs may need to understand and deliver on sustainable development. PSBs may for example need further expertise on the global dimensions of sustainable development. There should be a mechanism for any required expertise to be co-opted onto the PSB.

The concept of bioregion may help PSBs to better understand and deliver sustainable development. A bioregion is a geographical area constituting a natural ecological community with characteristic flora, fauna and environmental conditions and bounded by natural rather than artificial/ political borders.

2.5.2 Governance

The 5 governance approaches described in the Explanatory Memorandum are not explicit enough in the Bill itself. If effectively embedded in the Bill governance approaches such as collaboration and engagement offer a massive potential for greater openness and accountability to the public and working in a more co-productive way. In times of austerity public engagement by public bodies is more important than ever, there is scope for better involvement of people and communities in the decommissioning and commissioning of services; improving the design, efficiency and delivery of public services and in achieving and evaluating service delivery.

2.5.3 Assessments

In terms of assessments, guidance should be given to public bodies on appropriate sustainability appraisal/ integrated assessment tools. There is no mention of including details from any local Strategic Environmental Assessments for example.

On a Welsh Government level we would like clarification on how the Results Based Accountability system works in relation to ensuring all Government policies, strategies, action plans are assessed using the sustainable development principle? Historically this was achieved via the Policy Gateway integration tool which we understand is not longer in use.

2.5.4 Education for Sustainable Development & Global Citizenship (ESDGC)

ESDGC is integral to building a sustainable Wales and this Bill provides the Assembly with an excellent opportunity to further enshrine EDDGC within the Welsh public sector. 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. We ask that the Committee considers the opportunity to ensure that all public bodies have goals or objectives related to ESDGC within their plans.

The Welsh Assembly Government information document^v clearly highlights the importance of ESDGC in the delivery of the Bill given that it is about:

- the links between society, economy and environment and between our own lives and those of people throughout the world
 - the needs and rights of both present and future generations
 - the relationships between power, resources and human rights
 - the local and global implications of everything we do and the actions that individuals and organisations can take in response to local and global issues
- (Education for Sustainable Development and Global Citizenship: Why? What? How? ACCAC 2002)

In terms of engagement, clearly children and young people are key stakeholders in the Bill and should be consulted at all levels of local and national development. A supportive ESDGC framework can provide opportunities for engagement with young people in the development of a sustainable Wales and ensures that we are helping develop a future generation [of public servants] that has the knowledge, understanding, values, attitudes and skills to be active local and global citizens. The recent Estyn review of progress in education for sustainable development and global citizenship^{vi} shows there is still work to be done with few pupils at the schools visited recognising they are citizens of an interconnected world.

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

The white paper included a section on the international scope of the Bill but this has not been transposed in the Bill itself. The Welsh Government needs to make it clear that international scope is central to delivery of the Bill. Failure to embed international scope within the Bill dilutes the meaning and potential of sustainable development as a driving force for positive change and does not provide clear leadership for the rest of the public sector.

Oxfam Cymru has serious concerns about the lack of provision within the Bill to address Welsh international obligations in relation to sustainable development. We would like the legislation to include recognition of the impact our way of life has globally, especially on poorer communities, and Wales' obligation to achieve one planet living as recognised in 'One Wales: One Planet' – '*using only our fair share of the earth's resources*'. In this respect we would welcome publication and discussion on the latest ecological footprint data for Wales based on 2011 data.

We need to address both local and international obligations to achieve sustainable development. For example, deforestation within a country can be a tipping point towards localised flash flooding and soil degradation, long before it affects land-use change at a global scale. Similarly, minority social groups within a country may experience severe marginalisation long before their exclusion is evident in national, let alone global data on social inequalities.

3.1 *Climate change and poverty*

We know that the world's poorest people (in the UK and overseas) face the greatest risks from climate change. Climate change can compound poverty and disadvantage and poverty increases vulnerability to climate change. There is also evidence e.g. JRF^{vii} that some adaptation and mitigation policy can deepen inequality. We need policy solutions that integrate social justice considerations into climate change policy and vice versa. The Well-being of Future Generations Bill is a unique opportunity to get this right. It is essential that the Bill specifically addresses climate change – this is a global responsibility and as such we should be considering not only direct emissions from Wales but indirect emissions through consumption of products in Wales that have been produced overseas. We want to see world leading carbon reduction targets included in the Bill.

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

Our main concern in terms of implementation is the lack of power the legislation has. Part 3, Section 20 of the Bill clearly shows that the Commissioner has little power to hold public bodies to account. Public bodies do not have to follow recommendations made by the Commissioner. There is no detail in the legislation on how people can hold public bodies to account and on what happens if public bodies fail to comply with the legislation. For example, is there scope for financial penalties or introducing special measures for public bodies that fail to comply with the legislation?

Another potential barrier to implementation is a lack of understanding of sustainable development within Public Service Boards.

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

There is clear evidence that policies aimed at sustainability can exacerbate poverty and similarly that policies aimed at tackling poverty can exacerbate resource stress. To avoid such unintended consequences it is essential that Wales' global impact is intrinsic to the Bill. There can be severe consequences for some of the world's most marginalised communities if sustainable decision making is not effectively implemented.

Poorly designed and implemented sustainability policies can exacerbate poverty. For example, the rapid growth in the use of bio-fuels to cut fossil-fuel use for transport in order to reduce carbon emissions has resulted in food-price crisis and land grabs. During the food price crisis of 2007-09, bio-fuel production diverted food crops for use as fuel, significantly pushing up food prices^{viii}. Planting crops to produce bio-fuels has also been a major driver of large scale land acquisitions in developing countries. In many cases, bio-fuels companies have taken control of the land and water that marginalised agricultural communities, particularly women farmers, depend upon for their livelihoods^{ix}.

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Oxfam Cymru, 5/7 St Mary Street, Cardiff CF10 1AT - Tel: 0300 200 1269

ⁱ <http://www.shapingfuturewales.org/en/>

ⁱⁱ Wales Audit Office (Jan 2010) Sustainable Development and Business Decision Making in the Welsh Assembly Government

http://www.wao.gov.uk/system/files/publications/Sustainable_development_and_business_decision_making_in_the_Welsh_Assembly_Government_English_2010.pdf

ⁱⁱⁱ Oxfam Discussion Paper: Kate Raworth (Feb 2012) A Safe and Just Space for Humanity – Can we live within the doughnut? <http://www.oxfam.org/sites/www.oxfam.org/files/dp-a-safe-and-just-space-for-humanity-130212-en.pdf>

^{iv} Oxfam research reports: Malcolm Sayers & Katherine Trebeck (July 2014) The Scottish Doughnut – A safe and just operating space for Scotland <http://policy-practice.oxfam.org.uk/publications/The-Scottish-Doughnut-A-safe-and-just-operating-space-for-Scotland-323371>

^v Welsh Assembly Government (July 2008) ESDGC: A common understanding for schools DCELLS Information document 065/2008 [http://www.cyfanfyd.org.uk/resources/pdf/ESDGCcommonunderstanding\(eng\).pdf](http://www.cyfanfyd.org.uk/resources/pdf/ESDGCcommonunderstanding(eng).pdf)

^{vi} Estyn (June 2014) ESDGC: Progress in education for sustainable development and global citizenship <http://www.estyn.gov.uk/english/docViewer/315315/esdgc-progress-in-education-for-sustainable-development-and-global-citizenship-june-2014/?navmap=30,163>

^{vii} JRF (Feb 2014) Climate Change and Social Justice an Evidence Review <http://www.jrf.org.uk/sites/files/jrf/climate-change-social-justice-full.pdf>

^{viii} FAO (2011) Price volatility in food and agriculture markets: Policy response. Rome FAO. Report to the G20 on food price volatility http://www.foodsecurityportal.org/sites/default/files/g20_interagency_report_food_price_volatility.pdf

^{ix} R. Bailey (2008) Another inconvenient truth: How biofuel policies are deepening poverty and accelerating climate change. Oxfam briefing paper 114 <http://policy-practice.oxfam.org.uk/publications/another-inconvenient-truth-how-biofuel-policies-are-deepening-poverty-and-accel-114084>

National Assembly for Wales
Environment and Sustainability Committee
WFG 36
Well-being of Future Generations (Wales) Bill
Response from Wales UNCRC Monitoring Group

September 5th 2014

Catherine Hunt
Clerk, Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Dear Ms Hunt

Re: Inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

I write on behalf of the Wales UNCRC Monitoring Group. The Monitoring Group is a national alliance of non-governmental and academic agencies, co-ordinated and chaired by Save the Children's Wales programme. The group monitors and promotes the implementation of the United Nations Convention on the Rights of the Child (UNCRC) within Wales.

The Wales UNCRC Monitoring Group is pleased to have the opportunity to input into the consultation on the general principles of the Well-being of Future Generations (Wales) Bill. We support the Welsh Government's intention to legislate to ensure that the needs of present generations are met in a sustainable way, without compromising those of future generations.

The Wales UNCRC Monitoring Group considers that the Future Generations Bill does not give sufficient focus to the enforcement of human rights which we believe is a precondition for sustainable development and a prosperous Wales. Without acknowledging and acting to realise the rights of people, sustainable development is not possible.

We believe that the delivery of public services in Wales must be done through a human rights lens and that the Future Generations Bill presents us with a key opportunity for a human rights framework to be enshrined into law.

For example, the Group would have liked to see a much clearer link between the content of the Bill and the realisation of children's rights in Wales. Even though the Children's Rights Impact Assessment (CRIA) states that the Bill will have a positive impact on children's rights in Wales, we are concerned that the Bill itself does not make direct reference to the UNCRC. 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.

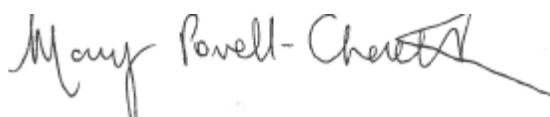
Another key gap in our view is the lack of inclusion of rights within the overarching context of well-being. There should be a definition of well-being on the face of the Bill, and this should clearly include securing rights and entitlements, in a similar way to section 2 of the Social Services and Well-being (Wales) Act 2014.

In addition, we feel that the CRIA overplays the link between the well-being goals and children's rights. While we do not disagree that the Bill could potentially help realise children's rights in Wales (through tackling child poverty for example), the Group would like to see much clearer evidence of how it will do so. The well-being goals, as currently worded, do not make any direct reference to rights. The equality goal should be changed to read "a society that enables people to fulfil their **rights** no matter what their background or circumstances", and clearly reference relevant treaties such as the UNCRC and the European Convention on Human Rights (ECHR). This would ensure that well-being objectives and plans are truly rights-based, and public bodies would have to evidence clearly the progress they have made towards ensuring the realisation of human rights through policy and delivery.

We are pleased that the CRIA makes reference to children and young people's participation. However, while it does show that the Welsh Government has consulted some children and young people in the run up to the introduction of the Bill, it does not give any information on how their views have helped shape the content of the Bill. Article 12 of the UNCRC includes the principle of respect for children's views as well as the right to be heard, so it would be helpful for the CRIA to include further information on any impact of children and young people's views have had on the content of the Bill.

In conclusion, the Group would like to re-emphasise the need to clearly place the Bill within an overarching human rights framework in order to ensure that public bodies' policies are drawn up in a way which systematically contributes to the realisation of people's rights in Wales.

Yours sincerely



Mary Powell-Chandler
Chair, Wales UNCRC Monitoring Group

Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic institutions tasked with monitoring and promoting the United Nations Convention on the Rights of the Child in Wales.

Membership: Aberystwyth University Centre of Welsh Legal Affairs, Barnardo's Cymru, Cardiff University Department of Child Health, Children in Wales, Funky Dragon, NSPCC Cymru, Play Wales, Save the Children Wales (Chair & Coordinator), Wales Observatory on Human Rights of Children and Young People, YMCA Wales.

Observers include: Children's Commissioner Office for Wales, Welsh Government, Welsh Local Government Association, UNICEF UK.

Well-being of Future Generations (Wales) Bill
Call for evidence from the Environment and Sustainability Committee
SDCC Response

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

SDCC greatly welcome the introduction of the Well-being of Future Generations Bill. The new legislation will pick up the pace of progress and ensure more consistency across the organisations subject to the duty.

The legislation will also help ensure that some of the big issues facing local government into the next decade and beyond are planned and accounted for. The Bill will help provide a framework for developing innovative approaches to address these challenges.

We would support the 'central organising principle' approach featuring in the statutory guidance, this would help reinforce the message that sustainable development applies to the whole organisation rather than just key areas. Consideration also needs to be given to ensuring that the term 'well-being' doesn't narrow our focus on delivery to the health and social care sector.

***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;***

Establishing a common understanding will help to ensure consistency across the public sector. We particularly welcome the governance approaches.

-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;

It is important that the environmental aspect of wellbeing isn't overlooked.

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

This seems like a practical approach and success will be evidenced through the national progress that is made.

We hope that this builds on (and goes beyond) previous approaches - WG's duty to produce and report on a sustainable development scheme.

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

We support the establishment of a Future Generations Commissioner.

Support should be focused to address the variability in performance across the organisations subject to the duty and SDCC would recommend Welsh Government looks at how other countries have been able to effectively provide support and research, capacity building, training to the public sector.

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

The Public Service Board membership has better alignment to delivering the well-being goals.

The involvement of Natural Resources Wales will help ensure the dove-tailing of the WG and Environment Bills and also ensure a consistent approach to the environment in preparing wellbeing plans.

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

There is minimal mention the international dimensions of sustainable development. The goals set out in the Bill were established before the UN goals.

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

- Lack of capacity caused by current budget pressures.
- A perception that the goals can work in isolation.
- The need to build understanding and knowledge when there are pressures on time.
- The emphasis on Welsh Ministers rather than the Assembly could result in less political buy in.

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

Greater emphasis is placed on the social dimension of well-being.

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);

There are clear benefits from taking early action and the legislation will help ensure that these risks are considered in our service planning process and that cost effective actions can be identified that can build capacity.

Acting now will avoid greater costs further down the line.

The costs of the establishment of a Commissioner and the Commissioner's office should be kept to the minimum necessary to deliver the support needed.

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).

This seems reasonable.

Well-being of Future Generations (Wales) Bill

Consultation response to the Environment and Sustainability Committee

September 2014

Action for Children-Gweithredu dros Blant

Action for Children-Gweithredu dros Blant speaks out for the most vulnerable and neglected children and young people in Wales and the UK. Through our community based services we support children and young people to break through injustice, deprivation and inequality, so they can achieve their full potential. Action for Children helps more than 300,000 children, young people and their families through more than 650 projects across the UK. We also promote social justice by lobbying and campaigning for change.

Summary

Key points:

- We would like to see a clear legal duty in this Bill which drives public bodies to take early action on the well-being needs of the population, in particular children, young people and their families who form future generations. Such a duty would reduce the impact of the problems vulnerable children and families are facing on their future life chances.
- As introduced, the Bill is unclear which groups of people are meant by "Future Generations". For clarity, we believe this term should be defined in the Bill to cover both present generations of children, young people and adults who will form future generations, and those yet unborn
- We believe the Bill should clearly state that public bodies exercising their duties under the Bill should have due regards to the United Nations Convention on the Rights of the Child, as was achieved through the Social Services and Well-being (Wales) Act 2014.
- Addressing child neglect should be a fundamental priority of public bodies working together to improve the well-being of Wales. In promoting well-being we would reduce likelihood of neglect occurring, as well stopping neglect as early as possible when it occurs. The success of future generations depends on meeting the needs of neglected children and ensuring they have the support they need for positive development and long-term positive outcomes. We believe these issues require careful examination by the Committee during scrutiny would welcome recommendations which reflect the importance of child development and child neglect within the Well-being goals and subsequent objectives.
- Local Safeguarding Boards have a clear contribution to make to effective public service delivery that safeguards the needs of vulnerable children, young people and adults. We believe they should be included as members who participate in Public Service Boards.
- Clarity is required on how existing goals for children and young people, particularly the 7 core aims, will interact with the new planning process which is population wide.



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

1.1 Action for Children – Gweithredu dros Blant welcomes the Well-being of Future Generations (Wales) Bill, and the Welsh Government’s desire to make sustainability and well-being of the population primary drivers for effective public service delivery.

1.2 We observe in the proposed Bill a strong desire to take into account the needs of future generations in present-day decision making. It is unclear however how these principles apply to present generations and how decisions will be made to safeguard their future needs. The Bill is unclear which groups of people are meant by “Future Generations”. For clarity, we believe this term should be defined in the Bill to cover both present generations of children, young people and adults who will form future generations, as well as those yet unborn.

1.3 We would like to see a clear general duty in this Bill which drives public bodies to take early action on the well-being needs of the population, in particular children, young people and their families who form future generations. There is a clear precedent for such a duty in Part 2, Section 15 of the Social Services and Well-being (Wales) Act 2014 which compels local authorities to provide preventative services to reduce need escalating. Such a duty would balance the Bill so that it compels public bodies to offer support as soon as possible to tackle problems emerging for children, young people and their families. It would reduce the likelihood of families reaching a crisis point and so reduce the impact of the problems vulnerable children and families are facing on their future life chances. There is a provision at section 8 (2) (e) which relates to public bodies considering preventing problems getting worse when setting their well-being objectives, however this does not have the strength required to drive the required shift to early action as a unified move across public bodies in Wales.

1.4 In 2009, Action for Children published *Backing the Future*ⁱ with the New Economics Foundation. This report argued that Governments were failing to make the best use of public resources to improve key aspects of children’s lives. By shifting to an early intervention approach an estimated saving of £486 billion would be made over 20 years across the UK, compared with the £4 trillion price tag of continuing with business as usual.

1.5 Public services forced to respond to crisis-situations are unsustainable. A balance between an additional early action duty and the sustainable development principle is required to tackle effectively the drivers of inter-generational poverty and vulnerability. This combination would ensure that public bodies are compelled to take action which promotes the well-being of the current generations and safeguards the needs of future generations. In 2012 Action for Children, The Children’s Society and NSPCC commissioned Landman Economics to research the number of vulnerable children and families in Britain and the impact of reduced public spending on them. This research found the most vulnerable families and their children are being most heavily affected by changes to the tax and benefits system, as well as being hit by spending cuts affecting public services. The number of children living in vulnerable families is also set to riseⁱⁱ. By investing in early help which reaches children and families earlier before their combined needs escalate, we can reduce reliance on high-cost crisis interventions across public services and equip future generations with the support they need for future well-being. This Bill provides a unique opportunity to unite the drive for early action across all public services in Wales, and so secure our future sustainability and prosperity.

1.6 The Child’s Rights Impact Assessment accompanying the Bill does not give proper consideration to the ways in which the Bill could be strengthened to promote children’s rights. Instead it presents how the ‘common aim’ should/is likely to provide opportunities for better outcomes for children. There is a lack of focus on children and their rights within the Bill which is concerning, and we believe the Bill should clearly state that public bodies exercising their duties under the Bill should have due regards to the United Nations Convention on the Rights of the Child.

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;**

2.1 We broadly agree with the general principles of the Well-being of Future Generations (Wales) Bill. As described above in our answer to question 1, we do not believe the “sustainable development principle” will deliver the desired change without a complimentary driver for early action for current generations.

2.2 We believe Local Safeguarding Boards should also be included in the list of public bodies at section 5 covered under the act. Local Safeguarding Boards have an important role to play in achieving the well-being goals for vulnerable children and young people, and should be active participants in public services boards. Local Safeguarding Boards must be at the table when public bodies come together to plan and deliver needs based services. Though Local Safeguarding Boards do not commission direct services, joint and integrated needs based planning is vital for sustainable public services that reach need early to prevent escalation. Collaboration between Local safeguarding Boards and the Public Service Boards is essential for an early action approach to neglect and abuse.

- 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;**

2.3 A common approach to improving well-being by public bodies across Wales is welcome, and the headline goals appear broadly appropriate. It is a notable however that none of the six goals mention specifically the vision for children and young people within society. A clear focus on the well-being of children and young people is required to build the resilient, healthy and prosperous Welsh society envisaged. Without a clear focus on the well-being of children and young people of today, we will not equipping future generations with the resources they require to overcome future challenges.

2.4 It is unclear how these well-being goals relate to the definition of well-being provided in the Social Services and Well-being (Wales) Act. That Act clearly identifies that there are different factors which combine for overall well-being for children and adults. How will population level well-being indicators adequately capture the picture for children’s well-being and drive targeted improvement where it is most required for children and young people’s development? For example, there is no mention or focus on children’s development within the “Healthier Wales” Goal. This goal is drafted to relate to adults whose “choices and behaviours that benefit future health are understood” and acted upon.

2.5 There is no clear focus on the importance of safety in these well-being goals, in particular protection from abuse and neglect. Child neglect is the most common reason for children being put on a child protection register in Wales. However there are many more children who do not reach statutory thresholds for whom neglect has a devastating, corrosive and long term effect on their development and future life chances. Child neglect, put simply, is the failure of parents or carers to meet the basic needs of a child. Neglect is complex. In some cases a child’s parent or carer may parent poorly because they do not have the practical or emotional skills or capacity to provide good care, rather than being unwilling to, and they themselves may have experienced neglect during childhood. In other cases, parents or carers can intentionally allow their child to suffer harm. It is now recognised as one of the most dangerous forms of abuse because of its long term harm and sometimes fatal effects. The Social Services and Well-being (Wales) Act 2014ⁱⁱⁱ describes neglect as:

The failure to meet a person’s basic physical, emotional, social or psychological needs, likely to result in the impairment of their health, wellbeing or development.

2.6 Addressing child neglect should be a fundamental priority of public bodies working together to improve the well-being of Wales. In promoting well-being we would reduce likelihood of neglect

occurring, as well stopping neglect as early as possible when it occurs. The success of future generations depends on meeting the needs of neglected children and ensuring they have the support they need for positive development and long-term outcomes across well-being criteria. We believe this issue requires careful examination by the Committee during scrutiny and would welcome recommendations which reflect the importance of child development and child neglect within the Well-being goals and subsequent objectives.

2.7 We are unclear how the 7 core aims for children and young people relate to these new well-being goals. The core aims for children and young people summarise the UN Convention on the Rights of the Child (UNCRC) and form the basis for decisions on priorities and objectives nationally and locally. What is the relationship between the proposed well-being goals and the 7 core aims for children and young people? We are concerned that the focus on children and young people achieved through the 7 core aims will be weakened by the collective focus on these well-being goals that do not share the same focus on children and young people's needs. Clarity on this issue and the implications of removing existing strategic plans, such as Children and Young People Plans, is required. The intention to repeal the requirement on local authorities to produce Children and Young People Plans risks a significant loss of a clear focus on planning directly linked to a child right's framework under the UNCRC. This can be averted by clear expectations on the face of the Bill in relation to Well-being Plans and Well-being Goals, and ensure children's rights are a core consideration in local planning processes.

2.8 The approach to setting well-being objectives by Welsh Ministers and public bodies seems broadly reasonable. However we would welcome a clearer requirement in the Bill to work co-productively with the local population to set well-being priority areas and subsequent objectives. We also believe there should be a clearer focus on children's well-being within the current goals. We would welcome the Committee seeking clarity on the relationship between these well-being objectives and the National Outcomes Framework being developed under the Social Services and Well-being (Wales) Act.

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

2.9 The intention to regularly measure progress towards achieving well-being objectives is welcome, and yearly reports seem reasonable. We are however concerned that the potential to amend objectives on a yearly basis, whilst reasonable in itself, may have a knock on impact on the delivery of a consistent and effective response to need.

2.10 Nationally, the short term bias in the funding and commissioning system needs to be removed for us to collectively realise the ambition of delivering early help locally and moving towards a more sustainable Wales. Yearly reporting and reviews of well-being objectives should be underpinned by long-term spending plans that coincide with the length of an Assembly term and set out the funding available for public bodies, in particular children and families services.

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

2.11 We welcome the establishment of a Future Generations Commissioner for Wales, and consider they will perform an important role scrutinising public bodies and sharing best practice of early intervention and sustainable decision making. We particularly welcome the collaborative approach taken by requiring the Children's Commissioner for Wales and other Commissioners to sit on the advisory panel for this office. This is a positive means of ensuring the various Commissioners work collaboratively to support movement to a more sustainable and prosperous Wales.

2.12 We note that within the general duty of the Future Generations Commissioner for Wales, part (a) (i) "seek to safeguard the ability of future generations to meet their needs", will necessarily have a close overlap with the principal aim of the Children's Commissioner for Wales, as given by the Children's

Commissioner for Wales Act 2001: (2) The principal aim of the Commissioner in exercising his functions is to safeguard and promote the rights and welfare of children to whom this Part applies.

2.13 There is a clear link between the Children’s Commissioner for Wales’ responsibility to promote the rights and welfare of children and the Future Generations Commissioner for Wales’ responsibility to the ability of future generations to meet their needs. Many of the most vulnerable children and young people will require additional support to realise their rights, which allows them a fair opportunity to reach their potential. This is an area of potential overlap that will require clear, consistent guidance that applies to all Commissioners and allows them to work most effectively without duplication.

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

2.14 There are clear advantages to Public Service Boards, currently Local Service Boards, statutory with a clear overarching function to improve the economic, social and environmental well-being of their area. We welcome the list of core members and those invited to participate, but feel this should also include representation from Local Safeguarding Boards to ensure planning and delivery takes account of the current safeguarding needs of the population.

2.15 We welcome (35) (3) (c) which requires the public service board to “include an analysis of the state of well-being of any category of persons in the area whom the board considers to be vulnerable or otherwise disadvantaged”. We welcome the Welsh Government’s intention to specify what is meant by “vulnerable or disadvantaged”, as explained in the Explanatory Memorandum (page 136). It will be important that regulations and guidance make clear the importance of early action and intervention so that those children, young people and families with emerging vulnerabilities have their needs met as soon as possible to avoid an escalation to crisis.

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

4.1 The current review of the legislation underpinning the role and remit of the Children’s Commissioner for Wales will need to take account of this proposed Bill. This will include clarifying the relationship between Commissioners where appropriate, to prevent barriers to effective implementation arising.

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

5.1 The primary risk we observe in this draft Bill is a lack of clarity about how these new statutory processes and functions will interact with existing planning and delivery processes. There are a number of examples pertinent to children and young people:

- Children and Young People Plans (CYPP) assessed the needs of children and families in local areas, and planned appropriate and focused service responses. How can the Bill ensure children and young people’s well-being is not compromised by widening the focus to the whole population?
- Local authorities are obliged to prepare Child Poverty Strategies under the Children and Families (Wales) Measure. The Explanatory Memorandum states that “We consider reducing child poverty to be intrinsic in the goal of creating a more equal nation” (p131) but there is no information about the relationship between these separate statutory plans, and how it is envisaged these plans will work together in practice.

5.2 In our answer to question 2 we have also discussed the potential cross-over between remits of the proposed Future Generations Commissioner for Wales and the Children’s Commissioner for Wales which requires clarification through guidance.

If you would like to discuss this or any aspect of this response further, please contact Rhea Stevens, Campaigns and Public Affairs Advisor on rhea.stevens@actionforchildren.org.uk or 07889 603962.

Rhea Stevens
September 2014

ⁱ Action for Children, New Economics Foundation, *Backing the Future*, September 2009. Available at http://www.actionforchildren.org.uk/media/143372/backing_the_future.pdf accessed September 2014.

ⁱⁱ Landman Economics, *In the eye of the storm: Britain's forgotten children and families*, June 2012. Available at http://www.actionforchildren.org.uk/media/4012135/in_the_eye_of_the_storm.pdf accessed September 2014

ⁱⁱⁱ <http://www.legislation.gov.uk/anaw/2014/4/enacted> accessed 31 May 2014

**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

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

National Assembly for Wales
Environment and Sustainability Committee
WFG 40
Well-being of Future Generations (Wales) Bill
Response from Hywel Dda University Health Board

1) In terms of the move towards Public Services Boards – Here in the Hywel Dda UHB area, partners are already moving at a pace to transform our well established Local Service Boards into the new Public Services Boards. The work of the UHB is already aligned with the SIPs developed by the LSBs and the University Health Board supports this direction of travel, and are confident that it will add strength to senior leadership across the public sector.

2) On a practical note, the University Health Board welcomes the 6 well-being goals, but it is at present difficult to see how the bill can be legislatively enforced. We do see opportunities to strengthen the Health Impact Assessment approach as part of the process, however our preference is for a gateway type process going forward, rather than a simple checklist approach. Such a gateway process would allow greater scrutiny at all levels and by all sectors.

3) Clarity is needed to ensure the correct 'Public Health' voice is present on the PSB. The UHBs all have a DPH in post and a public health team in place – and they can be the link to central services PHW,

4) The University Health Board supports the merging of the LSB/PSBs, so as to enable co-terminosity with Health Board footprints. We believe this would be a positive move and enable stronger commissioning and planning discussions.

We hope these comments are helpful at this stage in the Bill development.



Consultation Response
September 2014

**Carers Wales 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. Research by Carers Wales, Carers UK and many other organisations, shows that information is vitally important for carers. Without the information they need, carers face major difficulties in sustaining their caring role without serious consequences for their own health and well-being. Getting the relevant advice at an early stage in the caring journey gives carers choice and control over their own lives. Knowing where to find the practical and financial help is critical in reducing stress and also helps carers make the critical choice whether they are able to remain in work rather than have to give up paid employment plummeting them into poverty. Being unemployed, not only has long term implications for carers and their families but also has knock on economic effects on local economies. After years of campaigning by Carers Wales, 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 and provided a clear joint planning mechanism for carers with health as the lead agency.
3. In 2013 the Welsh Government published the Social Services and Wellbeing (Wales) Bill, which for the first time ever puts carers on an equal footing with those they care for. Carers Wales welcomed the high profile of carers throughout the Bill and were pleased that the Bill broadened the definition of carers and positively strengthened carers' rights to assessment, care and support. However, the Bill also repealed the Carers Strategies Measure. Carers Wales and the Wales Carers Alliance vehemently 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. Carers Wales and 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 challenge ⁽¹⁾. The role of public bodies in supporting unpaid carers 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. 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.
7. Even though this Bill states that assessments undertaken by the Public Service Boards will have to include carers and the objectives are to improve the well-being of their populations then carers must be a fundamental part of this and there must be a replication of the current duty for health to maintain the lead to develop carer information strategies in line with the Carers Strategies (Wales) Measure 2010. Currently, the Bill contains one reference to carers in section 36 and the Bill does not specify the content of the local wellbeing plans under Section 37.
8. The current Single Integrated Plans are extremely variable regarding carers. This ranges 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 as is currently the case with the Carers Strategies (Wales) Measure 2010.

9. There are over 370,000 carers in Wales ⁽²⁾ and for the vast majority of these their main contact with statutory agencies is via a health care professional ⁽³⁾, which is why it is so important to maintain a clear and specific duty on LHBs and NHS Trusts for carers. Carers Wales and 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. The vast majority of carers deal primarily with health services and have little, if any contact at all with social care, it is vital that as well as ensuring that the detail of the current local carers strategies remain (e.g.; the identification of carers, provision of information, training of front-line staff, engagement with GPs and consultation with carers), that they are firmly and clearly embedded into statutory legislation with regular monitoring and reporting mechanisms put in place to measure their impact.
10. Carers Wales and the Wales Carers Alliance has provided officials with a number of suggestions on how this can be accomplished and we look forward to working with Ministers and officials to achieve a satisfactory outcome.

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September 2014

- (1) 2011 Census
- (2) Carers Strategies (Wales) Measure 2010 Guidance issues to LHBs, NHS Trusts and Local Authorities Welsh Government 2011
- (3) The Generation Strain: Collective Solutions to Care In An Ageing Society IPPR report 2014



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

ASH Wales agrees that improving the well-being of Wales should take into account the needs of future generations. As part of this we believe that reducing smoking levels should be at the heart of any attempt to ensure the goal of a healthier Wales. Tobacco use is unquestionably one of the major public health concerns in Wales, and taking action at a local and national level is vital to secure a smokefree Wales for future generations.

The two key principles that ASH Wales proposes, which need to be embedded in the Bill and taken forward at a local level, are:

1. **Smokefree spaces:** smokefree outdoor spaces need to be integral to all future planning considerations
2. **The principle of a smokefree generation:** a local focus on reducing uptake amongst young people and de-normalising smoking in our communities

Approximately 21% of the adult population in Wales are smokers¹. It is estimated that some 5450 people die in Wales each year as a result of smoking². This is an average of 454 people every month, or around 15 people dying every day in Wales of a smoking-attributable illness, including malignant cancers, respiratory and circulatory problems. 80% of all deaths from lung cancer in Wales were considered to be attributable to smoking³. Smoking is also linked to a host of other cancers including cancer of the pancreas, stomach, liver, bladder, kidney, uterine, cervix and myeloid leukaemia.

Smoking is also strongly linked to socio-economic deprivation and increased health inequalities, and Wales follows this trend. The highest rates of smoking prevalence and smoking-attributable mortality can be found in the most deprived areas of Wales, including Rhondda Cynon Taf, Merthyr Tydfil and Blaenau Gwent. People in Wales who reside in areas with the highest smoking prevalence rates also have the highest rates of lung cancer, the shortest life expectancy and the greatest delays in diagnosis.

Tobacco control measures are crucial in reducing smoking prevalence and the rates of smoking-attributable diseases. Consequently, ASH Wales believes they should form an integral part of the Well-being of Future Generations (Wales) Bill. Specifically, we recommend the Bill should aim to reduce smoking prevalence rates among young people and introduce smokefree outdoor spaces.

In terms of the establishment of smokefree spaces in Wales we consider this to be a vital component of ensuring the healthier Wales goal of the Well-being of Future Generations (Wales) Bill. The evidence that exposure to other people's smoke is dangerous to health is incontrovertible. Children are particularly vulnerable to the effects of second-hand smoke exposure, which has been linked to an increased risk of a range of illnesses, including lower respiratory tract infections, asthma, wheezing, middle ear infections, sudden unexpected death in infancy and invasive meningococcal disease. Consequently ASH Wales is strongly in favour of smokefree legislation, such as the ban on smoking in

cars carrying children, and smokefree policies including smokefree playgrounds, homes and sports grounds.

ASH Wales has already shown that smokefree spaces can be the way forward to promote a tobacco-free Wales for future generations. Our children are vital in the campaign towards a tobacco-free Wales and successful campaigns, like ASH Wales' 2013 Smokefree Playgrounds project, will help us move towards this goal. As a result of our campaigning, 18 out of 22 local authorities in Wales have implemented a smokefree playgrounds policy.

In Wales, 14% of 15 year old girls and 9% of 15 year old boys report smoking regularly³. Given the impact of smoking on health, therefore, tobacco control measures targeted at young people are essential. To this end ASH Wales favours the introduction of tobacco control programs in schools and youth clubs in Wales as a means to ensure all children in Wales are fully aware of the dangers associated with smoking.

Together with the above, ASH Wales additionally recommends that the Bill should be consistent across all Local Authorities and Health Boards in Wales, and should coincide with the Tobacco Control Action Plan and local service plans set out by the Welsh Government. This will ensure a joined up approach to tackling tobacco use in Wales.

About ASH Wales

ASH Wales is the only public health charity in Wales whose work is exclusively dedicated to tackling the harm that tobacco causes in Welsh communities.

The organisation is involved in activities including:

- Advocating for tobacco control public health policy
- Undertaking tobacco control research projects
- Training young people and those who work with young people to provide factual information about the health, economic and environmental effects of smoking
- Engaging young people and professionals working with young people through the ASH Wales Filter project
- Bringing health information and advice to the heart of the community

We also oversee the Wales Tobacco or Health Network (a network of over 300 individual members) and the Wales Tobacco Control Alliance (an alliance of 35 voluntary and professional bodies in Wales), providing forums for sharing knowledge and best practice. Further information about our work can be found at <http://www.ashwales.org.uk>

¹ Welsh Health Survey

² Public Health Wales Observatory (2010). Lifestyle and Health: Wales and its Health Boards. Available online at: [http://www2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/a1e8a36c3d05ab5c802576f5005054eb/\\$FILE/Lifestyle_Wales_Final_E.pdf](http://www2.nphs.wales.nhs.uk:8080/PubHObservatoryProjDocs.nsf/85c50756737f79ac80256f2700534ea3/a1e8a36c3d05ab5c802576f5005054eb/$FILE/Lifestyle_Wales_Final_E.pdf)

³ HBSC International Team (2010)

National Assembly for Wales
Environment and Sustainability Committee
WFG 43
Well-being of Future Generations (Wales) Bill
Response from Wales Co-operative Centre



Environment and Sustainability Committee inquiry into the general principles of the Well-being of Future Generations (Wales) Bill

Wales Co-operative Centre Response

September 2014

About the Wales Co-operative Centre

The Wales Co-operative Centre welcomes the opportunity to respond to the Environment and Sustainability Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill. The Wales Co-operative Centre is Wales's national body for co-operatives, social enterprises and employee owned businesses. The Centre champions and strengthens co-operatives, mutuals, social enterprises, and employee owned businesses. As well as supporting social businesses, we develop and implement co-operative solutions to tackle poverty and promote inclusion. We do this through:

- Facilitating access to joined-up financial advice and support services, including those offered by credit unions and the wider social enterprise sector;
- Support for social enterprise and co-operative business development and growth;
- Encouraging people to use digital technologies, and;
- Supporting the development of co-operative housing initiatives in Wales.

Our projects include:

- The Tackling Homelessness through Financial Inclusion project, which is helping to tackle homelessness by engaging people in using credit union services;
- The social enterprise support project, which provides advice and support to social enterprises and co-operatives to help them set up and grow;
- The business succession and consortia project, which supports business owners to pass on their enterprises to their employees as well as supporting businesses to work together in consortia;
- The Communities 2.0 project, which tackles digital inclusion and helps communities and social enterprises make the best use of the internet.

We welcome the general principles of the Well-being of Future Generations (Wales) Bill and the commitment to putting sustainable development at the heart of government and the wider public sector. In this respect, we draw your attention to the recent recommendations of the Welsh Co-operative and Mutuals Commission. The Commission recommended that the Welsh Government should explicitly consider co-operative and mutual business models in Welsh Government legislation, regulations, guidance and codes of practice as part of their mandatory requirement to consider sustainable development. Co-operatives and social enterprises are particularly suited to delivering sustainable development goals. They are value-based, principle-driven organisations committed to the long term goals of sustainable economic growth, social development and environmental responsibility.

We believe that co-operatives and social enterprises can also make a significant contribution to meeting the well-being goals set out in the Well-being of Future Generations (Wales) Bill. They can help deliver the goals of building a prosperous and resilient Wales by developing an economy and communities that are strong, resilient and sustainable. Co-operatives and social enterprises deliver sustainable economic growth while fostering positive social change and innovation. They are anchored in their communities and any investment stays in the community and is recycled for wider economic and social benefits. While they often operate in hard to reach, economically challenged communities they employ more people relative to turnover than other businesses. Research also shows that they are more resilient during challenging economic times. UK figures show the sector is growing faster than the economy as a whole and employ more people relative to turnover. Social Enterprise UK's 2013 survey revealed 38% of social enterprises increased their turnover in the previous 12 months compared to 29% of SMEs.

Social enterprises and co-operatives also help deliver the goal of a Wales of cohesive communities. Co-operatives and social enterprises are participatory business models based on democratic principles. They build social capital by bringing people together to work towards a common aim. They build on and encourage networks and shared values in communities. Social enterprises and co-operatives encourage community involvement and create a sense of ownership.

We would like to see specific, measurable targets and indicators linked to the well-being goals. These should address the wider definition of sustainable development rather than simply environmental goals. Targets and indicators should reflect the Bill's wider intention to tackle generational challenges such as tackling poverty. Wider Welsh Government support for social enterprises and co-operatives should also be viewed as supporting sustainable development and helping to achieve the Bill's well-being goals.

We would also like to see the Bill seek to ensure that more of the public sector pound is spent with social enterprises and co-operatives because of the added-value they bring. To achieve this, advice could be integrated into procurement and commissioning

guidance and regulations. It could also be included in the terms of reference of the Public Services Boards.

For further information, please contact:

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The Wales Co-operative Centre is happy to provide any further information on the points raised in our response, and for our response to be in the public domain.

National Assembly for Wales
Environment and Sustainability Committee
WFG 44
Well-being of Future Generations (Wales) Bill
Response from National Park Wales

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 beauracritic 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

THE WELL-BEING OF FUTURE GENERATIONS (WALES) BILL – GENERAL PRINCIPLES

5 September 2014

Inquiry by National Assembly for Wales' Environment and Sustainability Committee

Response from BMA Cymru Wales

INTRODUCTION

BMA Cymru Wales is pleased to provide a response to the inquiry by the National Assembly for Wales' Environment and Sustainability Committee into the general principles of the Well-being of Future Generations (Wales) Bill.

The British Medical Association represents doctors from all branches of medicine all over the UK; and has a total membership of over 150,000 including more than 3,000 members overseas and over 19,000 medical student members.

The BMA is the largest voluntary professional association of doctors in the UK, which speaks for doctors at home and abroad. It is also an independent trade union.

BMA Cymru Wales represents some 7,000 members in Wales from every branch of the medical profession.

RESPONSE

General overview

BMA Cymru Wales supports any moves that will lead to the creation of a healthier Wales. We therefore welcome the decision to include this as one of the six well-being goals proposed by the Well-being of Future Generations Bill. However, we are also deeply concerned about the whole approach to furthering the well-being goals which is advocated in the Bill as it has been published.

As it is currently written, the Bill would appear to be advocating a heavily bureaucratic methodology under which its aims will be realised. This will require resourcing, in both financial and staff terms, by all the public bodies to which its provisions will apply. Furthermore, given that the proposed new Future Generations Commissioner will be a considerably enhanced role compared to the current non-statutory Commissioner for Sustainable Futures, it is inevitable that creating this new post will also have a not insignificant requirement for additional staff and financial resources.

Taking all this together, our key concern is that resources will inevitably be diverted away from existing frontline service provision to deliver the requirements of this Bill and this could therefore substantially outweigh any benefits that might otherwise be derived from the provisions it contains, thereby rendering any outcome counter-productive.

Ysgrifennydd Cymreig/Welsh Secretary:
Dr Richard JP Lewis, CSU MB ChB MRCPG Dip IMC RCS (Ed) PGDip FLM

Health in All Policies

In the Welsh Government's Public Health Green Paper published for consultation in November 2012¹, views were sought on the possibility of making consideration of the impact of policies on health a mandatory legal requirement. Such a 'Health in All Policies' approach was further described in the Green Paper as testing *"any new policy to assess its impact on health, in order to minimise any damage and increase any benefit it might cause"*. This is an approach that BMA Cymru Wales would very much support.

A summary of responses to the Green Paper was published by the Welsh Government in May 2013². This stated that a majority of the 166 responses received to the question of whether or not a 'Health in All Policies' approach should be adopted *"strongly supported this principle as a key area for consideration in developing a Public Health Bill"*.

The Welsh Government's subsequent Public Health White Paper published in April 2014 notes that the concept of 'Health in All Policies' was *"an idea which attracted particular support through the Green Paper"* and went on to state that *"the Welsh Government's proposed Future Generations Bill will reflect a number of principles consistent with 'Health in All Policies'"*. Additionally, the Ministerial Forward to the Public Health White Paper stated that the Future Generations Bill (as it was then being called) would *"demonstrate how a 'Health in All Policies' approach forms a central part of our wider agenda"*.

The Public Health White Paper contained no further commitments to taking forward the concept of 'Health in All Policies' leading us to assume that it has now been decided to leave it to the Well-being of Future Generations Bill to develop such an approach in legislative terms.

As a result, BMA Cymru Wales is therefore deeply disappointed by what has subsequently been proposed within the Well-being of Future Generations Bill. We simply do not recognise the Bill as published as including a 'Health in All Policies' approach, and certainly not in the way the Welsh Government originally described the concept in the Public Health Green Paper.

Asking every public body in Wales to each set one objective towards the aim of delivering a healthier Wales, which is what the Well-being of Future Generations Bill proposes, is most certainly not the same as asking every public body in Wales to assess all new policies for their impact on health. Indeed it represents, in our opinion, a huge watering down of the concept. What is now being proposed might be better described as 'Health in One Policy' rather than 'Health in All Policies'.

BMA Cymru Wales reiterates its support for the originally-described concept of 'Health in All Policies' and we therefore call for the provisions of the Bill to be amended so that this is what is actually delivered.

Health Impact Assessments (HIAs)

BMA Cymru Wales has long since advocated the adoption of Health Impact Assessments (HIAs) in Wales. This would require all public bodies in Wales to properly assess the full health impacts of all new public sector policies, proposals, plans and strategies in all circumstances where the current statutory environmental assessment process applies.

The intention of such an approach would be to:

- promote greater equity in health;
- increase awareness amongst policy and decision-makers across sectors of how decisions may affect health;
- identify the connections between health and developments in other policy areas;
- better co-ordinate action between sectors to improve and protect health;
- promote evidence and knowledge-based planning and decision-making;
- allow health benefits to be maximised and health risks to be minimised; and
- invest in more action to enable people to prevent ill health.

¹ <http://wales.gov.uk/docs/phhs/consultation/121129consultationen.pdf>

² <http://wales.gov.uk/docs/phhs/consultation/130520greenpaperresponsesen.pdf>

We note that as far back as 1999, the then Welsh Assembly Government committed to taking forward HIAs, and set out its approach in a document entitled 'Developing Health Impact Assessments in Wales'³.

The idea of introducing HIAs in Wales on a mandatory basis was also consulted upon in the Welsh Government's 2012 Public Health Green Paper. The published summary of responses to that Green Paper stated that *"there was a high level of support for the concept of using Health Impact Assessment as a method for ensuring health issues are considered as part of policy making"*. It also stated that a clear majority of those who responded indicated that Welsh Ministers, Welsh Government departments and local authorities should be required to use HIAs whilst acknowledging that fewer respondents suggested other sectors should also be required to do so.

Despite such clear support having been expressed, particularly in relation to Welsh Ministers, Welsh Government departments and local authorities, we were therefore both surprised and disappointed to see that the recently published Public Health White Paper has dropped all mention of HIAs.

In our view, not taking forward the previously considered proposal to place HIAs on a mandatory footing would represent a distinct loss of opportunity to bring forward legislation that would be regarded as both innovative and groundbreaking.

We would urge the Committee to support such a view, and to therefore call for the provisions of the Well-being of Future Generations Bill to be amended to not only properly deliver the previously promised 'Health in All Policies' approach, but to additionally go a step further by also delivering a mandatory requirement for public bodies in Wales to carry out HIAs in all circumstances where they are currently required to carry out environmental impact assessments.

Conclusion

It is the view of BMA Cymru Wales that, as a result of the overly-bureaucratic approach that has been advocated, the Well-being of Future Generations Bill represents in its current form a lost opportunity to bring forward measures that will guarantee the delivery of its stated intentions – including the delivery of a healthier Wales.

We therefore call for the Bill to be substantially strengthened to deliver a true 'Health in All Policies' approach in the way that it was previously described and consulted upon by Welsh Government, as well as to also require mandatory HIAs to be carried out by public bodies in Wales in all circumstances where they are currently required to carry out environmental assessments.

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³ http://www.wales.nhs.uk/sites3/Documents/522/developing_hia_in_wales.pdf

National Assembly for Wales
Environment and Sustainability Committee
WFG 46
Well-being of Future Generations (Wales) Bill
Response from Alliance for National Parks Cymru



SUBMISSION TO THE ENVIRONMENT & SUSTAINABILITY COMMITTEE

CONSULTATION ON THE WELL-BEING OF FUTURE GENERATIONS BILL

1. The Alliance for National Park Wales's ¹ principle interest lies in securing a sustainable future for Wales' National Parks and Areas of Outstanding Natural Beauty [Protected Landscapes]. Accordingly it welcomes the opportunity to submit evidence to the Committee as it considers that elements of the "Well-Being of Future Generations Bill", which is currently before the Assembly are of direct relevance to our interests.

Introduction

2. Whilst the Alliance is supportive of the thrust of the Bill, it considers that there needs to be amendments to reflect the importance of:
 - a. Ensuring that a sustainable approach to living in Wales occurs within environmental limits
 - b. Wales' landscapes and seascapes to the nation and the well-being of its people, especially those areas recognised for their national importance [National Parks and Areas of Outstanding Natural Beauty]

To achieve a. above the following Clauses of the Bill need to be amended:

- a. CL 3 relating to the Sustainable Development principle
- b. CL 6 table 1 relating to the Well-being goal for a "resilient Wales"
- c. CL 8 [2] relating to the scope of Well-being objectives

To achieve b. above the following Clauses of the Bill need to be amended:

¹ The Alliance for National Parks Cymru has recently been established to defend and promote the interest of Protected Landscapes in Wales. The founder members of the Alliance are the three National Park Societies, the Campaign for the Protection of Rural Wales and the National Association for Areas of Outstanding Natural Beauty. Other organisations with an interest in the future of our Protected Landscapes are also involved in the Alliance.

- a. CL 27 [2] relating to the membership of Public Service Boards
- b. CL 37 relating to the focus and scope of Well-being plans

Background

3. Protected Landscapes [PLs] cover 25% of Wales. They are areas recognised nationally for their outstanding natural beauty and for the opportunities they afford for recreation. They are places where people live and work and they provide a wide and varied range of high quality services which enhance the well-being of the people of Wales and visitors from away. Indeed, much of the economy of these areas depends on the conservation and enjoyment of their natural beauty and special qualities. They have significance beyond their boundaries because they are the icons of the Welsh tourism industry, arguably the most important of all the reasons why visitors are attracted to Wales. Moreover, as has been recognised by the Chief Medical Officer for Wales, the opportunity they provide for outdoor exercise and recreation contributes positively to the Welsh Government's health agenda.
4. For many years these areas have had special arrangements to ensure that their natural beauty and special qualities are carefully conserved for future generations, in particular through the establishment of single purpose National Park Authorities and AONB Partnerships and, importantly, their role in preparing and implementing the statutory Development and Management plans, in collaboration with other stakeholders. Furthermore PLs have long been regarded as areas where there is a particular opportunity to demonstrate Sustainable Development in practical ways which reflect the especially sensitive environmental circumstances which prevail in these areas.
5. These current arrangements in Protected Landscapes are under scrutiny by the Government, which is about to:
 - a. Embark upon an independent review of their governance. Although we are not yet aware of the Terms of Reference of this Inquiry, it is clear from Welsh Government statements that they will cover the consideration of such matters as their Purposes and their Aims / Objectives. We might therefore anticipate in the light of its findings that new legislation could follow.
 - b. Publish a new Policy statement outlining the future role of NPs and AONBs in delivering the Welsh Government's evolving sustainability agenda and ecosystems approach, and in particular how the framework for PLs fits with the ambitions of the Well-being Bill.
 - c. Embark on a process of natural resource planning on a Wales wide basis through the implementation of the provisions of Environment Bill, which will have direct implications for PLs [themselves being important nationally natural resource areas].
6. In making its submission, the Alliance is, therefore, concerned to ensure that the Well-being Bill should build upon and enhances the existing arrangements which prevail for PLs in Wales. It is concerned that it should provide the necessary framework for those Authorities responsible for them, not only to achieve the "Well-being" of their areas, but also of the Well-being of the whole population of Wales, in particular to fulfil the wider role they play in respect of the Welsh

Government's economic and health agendas. Given this context, the principle questions that the Alliance expects the Well-being of Future Generations (Wales) Bill to address are :

- a. How the integrity of the nationally important resources in National Parks and AONBs will be reflected in the various definitions embedded in the Bill?
 - b. How well the provisions of the Bill interact with the existing legislative framework associated with the Protected Landscapes of Wales?
 - c. How the outcomes of any Governance Review would link with the provisions of this and any other new associated legislation?
7. One of the main issues facing PLs in Wales that the Alliance expects to be subject of particular consideration in the forthcoming Governance Review is the way in which the socio-economic well-being of local communities will be facilitated within PLs – an issue at the heart of sustainable development. Through the Governance review, the Alliance will be looking for the following matters to be clearly linked with and articulated in any new primary legislation:
- a. A clearer role is defined for NPAs and AONB Partnerships to promote the socio-economic well-being of their area and to continue to play their part in the Wales wide Welsh Government agendas within the environmental limits which are defined by both the retention of their special qualities and their national significance
 - b. A specific responsibility for all public bodies in exercising their duties should do so in ways which respect and hence do not diminish a PL's special qualities nor exceed their environmental limits
 - c. The management plan for each PL is the recognised vehicle by which specific policies are formulated to manage the area – policies that promote not only the conservation and enjoyment of the special qualities of these areas but also the socio-economic well-being of their resident communities in ways which respect and do not diminish the PLs special qualities nor exceed their environmental limits
 - d. The statutory management plan for each PL is a collaborative statement of commitment prepared jointly by the respective NPA and AONB Partnership and all relevant public bodies, who would in turn all sign up to the ambitions and anticipated outcomes of the plan, indicate how they would implement it through their own work and report regularly on how they have performed in achieving its objectives
 - e. The establishment in each PL of an inclusive stakeholder Advisory group [which is wider than merely public bodies] to advise it on socio-economic matters thereby ensuring that there is effective community and stakeholder participation in the formulation and implementation of the refined Management Plan
8. In the parlance of the proposed provisions of the "Well-being" Bill, for each PL there should be:
- a. A comprehensive "Well-being assessment" [aka an enhanced "State of the Park/AONB report"]
 - b. An Overarching "Well-being Plan" to guide the promotion of the future well-being of the area and the communities within this area in ways which directly protect and enhance

the resilience of those special qualities which define the national importance of these designated areas [aka the NP/AONB Management plan]

All these expectations, we contend, must be undertaken in the context of :

- a clear definition of sustainable development that recognises that it is the means towards sustainability and not an end in itself. That being the case any activities, if they are to be sustainable, must operate within defined environmental limits
 - “Well-being” goals and objectives which are set at a national level to guide the sustainable future for these nationally important resources.
9. The Alliance believes that the Well-being Bill coupled with the outcomes of the Governance Review present a major opportunity to provide a refreshed framework for ensuring the economic and social vibrancy of PLs whilst retaining their nationally important status and the resilience of those special qualities, which underpin their environmental importance. Accordingly the Alliance sets out below the parts of the Bill which could, with modification, make a significant contribution to the framework within which PLs are looked after in Wales in the future.

Recommendations

10. The principle areas of the Bill which the Alliance consider to be crucial to the future of Wales’ PLs are:

- a. **The scope of the defining purposes of NPs and AONBs and their cross relationship with the “Common aim” and the “SD Principle” of the Bill.** We note with concern the key omissions from the Bill being:
- the absence of the concept of environmental limits within the definition of Sustainable Development, despite this having been recognised in recent years by the Welsh Government as a crucial element of this approach. This we consider to be crucial a crucial omission when a system is proposed where Ministers, Local authorities, NPAs and public bodies will all be required to establish well-being objectives which integrate with each other effectively [see also b and c below]. **To address this omission we recommend that Clause 3 of the Bill is replaced by the following:**
“..development which, within defined environmental limits, secures social economic and environmental benefit in ways which do not compromise the integrity of any of these elements or aspirations nor of future generations to meet their own needs”.
 - the absence of any reference in the anticipated suite of Well-being goals to landscapes and seascapes let alone PLs. **To address this omission we recommend that the section relating to “A Resilient Wales” in the table in Clause 6 is amended to read:**
“A rich and diverse natural and cultural environment, where the range and integrity of healthy and functioning ecosystems are maintained within

accepted environmental limits and remain able to meet future social and economic needs in a responsible manner.”

- b. The practical means by which the relationship between the statutory role of NPAs and AONB partnerships and the proposed well-being duty expected of all public bodies will be achieved.**

The Bill fails to explain how NPAs and those with responsibility for AONB will be expected to ensure they fulfil their existing specific statutory duties whilst at the same time be expected to report upon their effectiveness in implementing other well-being objectives covering wider issues [socio-economic] which are not in their control. This expectation becomes even more difficult to address if these outcomes are to be achieved in the absence of any prescribed recognition of the concept of sustainability being fulfilled within the realms of agreed environmental limits. **To address this issue we recommend a new subparagraph to Clause 6 to the effect that “Where the promotion of one aspect of well-being as contained in the Common Aim or otherwise in pursuance of a specific Well-being goal, results in an irreconcilable conflict with the need to maintain the integrity of the Goal relating to a “Resilient Wales”, the latter would take precedence.”**

- c. The relationship between NP and AONB Objectives and the well-being objectives which other of government and public bodies articulate generally in their adopted respective Well-being Objectives.**

Ministers and Public bodies [including NPAs and the LAs in AONB partnerships] will all set well-being objectives. We recognise the scope and potential this could create for conflicting objectives. Once again we highlight the fact that there is no recognised mechanism in the Bill for reconciling these differences especially if it is acknowledged that the concept of sustainability is not achievable if an activity is not carried out within accepted environmental limits. We are also unclear as to whether any Ministerial Well-being objectives will effectively trump all others. **To address this issue we would recommend that an additional criterion is added to Clause 8 to the effect that:**

“The body’s objectives would avoid impacting on the integrity of the special qualities of any area designated because of its international or national landscape or seascape importance”.

- d. The relationship of National Park Authorities to Public Service Boards**

Given that the co-ordination and integration of activities within PLs is undertaken by NPAs and AONB Partnerships and that these organisations are particularly well placed to promote sustainable approaches to resource use and the public management in their areas [25 % of Wales, the Alliance is concerned that the Bill does not recognise the crucial role of these organisational arrangements in achieving well-being both of their own communities and for the whole population of Wales. In particular the Alliance is concerned that National Park Authorities and AONB Partnerships are not given a place by right on the PSB [s] for their

area. AONB Partnerships should be properly represented through their local authority[s]. **To address this issue we recommend that Clause 27 [2] is amended to include National Park Authorities.**

e. The relationship between the role of NP and AONB Management plans in relation to the proposed “local Well-being plans” covering these same geographical areas

The “Well-being plans” proposed in the Bill will, we understand, relate to the jurisdiction of PSB areas [i.e. LA areas or combinations of them). In the case of those Authorities with NPs or AONBs within their boundaries, the scope and detail of these plans may not fit comfortably with the focus or priorities of PL plans which already exist and currently have sustainability at their core. We would advocate that the Bill should therefore recognise that, given their geographical extent [25 % of Wales], PL Plans [subject to certain refinements and modifications] should effectively be recognised as the Well-being plan for their area.

To achieve this we recommend that Clause 37 is amended:

- **to include a subparagraph to the effect that *“A statutory plan for a National Park or an Area of Outstanding Natural Beauty [suitably expanded in scope] should be regarded as the Wellbeing Plan for that area.”***
- **to make it clear that *“A Well-being Plan for any NP or AONB must give primacy to safeguarding and enhancing the integrity of any special quality which characterises these nationally designated areas.”***

11. To conclude, the Alliance considers that these amendments to the Bill would serve to provide a sound framework within which

- PLs continue and enhance the role they already play in spearheading Sustainable Development in Wales
- All public bodies fulfil their role within PLs in a sustainable manner which respects the special circumstances and environmental limits within which they must operate.

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National Assembly for Wales
Environment and Sustainability Committee
WFG 47
Well-being of Future Generations (Wales) Bill
Response from Merthyr Tydfil Borough Wide Youth Forum

The above Committee's invitation to comment on the Well-being of Future Generations (Wales) Bill 2014 was discussed at the last Merthyr Tydfil Local Service Board (LSB) meeting. As young people are represented at the LSB by the Chair and the Secretary of the Merthyr Tydfil Borough Wide Youth Forum (MTBWYF), we have been asked to write to you regarding the above.

Our goal in Merthyr Tydfil is for every young person to be aware of Merthyr Tydfil Borough Wide Youth Forum's (MTBWYF) vision "It's your voice, your choice!" "Giving All Children & Young People the Right to be Seen *and* Heard" is something the MTBWYF Cabinet continues to drive forward as part of the wider strategic agenda. The Youth Cabinet believes that every Young Person should be consulted with and involved in any decisions that affect them. As part of the participation agenda, they should be involved in the shaping of all relevant activity across the County Borough.

As a result of the policy context in Wales, we believe that Children and Young People have a legal right to be consulted about decisions which affect them. In Merthyr Tydfil we are committed to the principle of the empowerment of Children, Young People and their parents and carers in how we deliver all our Children and Young People's services. This supports the three pillars of the United Nations Conventions of the Rights of the Child (UNCRC) – Protection, Participation and Provision. However, we also believe that this is particularly relevant to all matters that relate to children and young people at a regional and national level. Indeed, we are extremely interested in the content of the Committee's invitation to comment on the Well-being of Future Generations (Wales) Bill 2014 - and the impact that this will have on children and young people, not just from Merthyr Tydfil, but from all across Wales.

Therefore, and to compliment policy context, such as The Rights of Children and Young Person's (Wales) Measure 2011 "*(this places a duty on Welsh Ministers to have due regard to the United Nations Convention on the Rights of the Child (UNCRC) from 1 May 2012 to 30 April 2014, when making decisions about the formulation, review or change of policies, or about proposed legislation. And from 1 May 2014, the duty will apply when Welsh Ministers exercise any of their functions)*" we were writing to ensure that progression of this agenda will incorporate the need for a Child & Young Person Friendly version of this important and relevant move to make Public Service Boards (PSBs) and Well-being Plans placed on a statutory footing. Indeed, we would advocate that the reforming of LSBs to PSBs will have a direct impact on all children and young people, and it is extremely important that our voices are heard and included in all correspondence on these matters.

It is also noted that no specific reference is made explicit in the Bill re: the inclusion of a young person's representative on a PSB; bearing in mind this links to provision under the Well-being of Future Generations Bill, this would appear to be an oversight

which should be addressed in the Bill. Membership of the Merthyr Tydfil LSB **includes representation of young people through the Chair of our Merthyr Tydfil Borough Wide Youth Forum and our Secretary.** To reiterate, Children and Young People's right to participate in all matters affecting them is enshrined in Article 12 of the United Nations convention on the Rights of the Child (UNCRC). When given the opportunity to participate, young people are also given the opportunity to make change – personally in their lives, in their communities and globally. In Wales, the children and young people's participation agenda has developed in a distinct and unique way; these developments are set within the framework of Welsh Government's commitment to the UNCRC, now formally adopted as the basis of all its work regarding children and young people (Rights in Action – Welsh Government 2004 and more recently Section 12 of the Children and Families (Wales) Measure 2010.

We look forward to receiving more child and young people friendly correspondence from you in due course.

Regards,

Merthyr Tydfil Borough Wide Youth Forum (MTBWYF) Cabinet

National Assembly for Wales
Environment and Sustainability Committee
WFG 48

Well-being of Future Generations (Wales) Bill
Response from Stop Climate Chaos Cymru



Stop Climate Chaos Cymru

Response to the Environment and Sustainability Committee inquiry on the Well-being of Future Generations (Wales) Bill
September 2014

Introduction

Stop Climate Chaos Cymru is a coalition of groups from across civil society committed to taking combined action in Wales to combat climate change, and limiting its impact on the environment and the world's poorest communities. Together with our sister organisations in England and Scotland our combined supporter base embraces more than 11 million people spanning over 100 organisations across the UK - from environmental and development charities to unions, community and faith groups and women's organisations.

We believe that climate change is one of the biggest challenges facing the world in the 21st century and we must take immediate action to tackle this, otherwise we face environmental, economic, cultural and social impacts which will affect future generations, and disproportionate impact on people in poverty within Wales and across the globe. The recent IPCC reports confirm not only unequivocally the science of climate change "*warming of the climate system is unequivocal*", and "*most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations*"; it tells us what we need to do to keep us within a safe temperature rise of 2 degrees Celsius to mitigate against some of the worst impacts of climate change.

The Well-being of Future Generations Bill offers Wales with an opportunity to shift from a high carbon society, which is causing the damage to our climate and the wider environmental degradation to a low carbon nation, which Stop Climate Chaos Cymru believes is essential to offer security and resilience for future generations. Although sustainable development is wider than climate change, climate change is one of the most immediate and biggest challenges to the world and for present and future generations. Any development we achieve will not be sustainable unless we tackle climate change. A key test of the efficacy of the Well-being of Future Generations Bill will be how it will drive the reduction of our emissions in Wales - both our territorial and consumption emissions.

This Bill is a one-off opportunity to set us on a path towards achieving sustainable development, with clear legal duties and a powerful body to respond when things go wrong. We owe it to present and future generations, in Wales and throughout the world, to get this Bill right and create a sustainable Wales.

The Welsh Government's commitment to the Rio+20 process and UN Sustainable Development Goals going forward is a clear indication of the political will to set ourselves at the forefront of this international context and we fully support the Minister's aim of achieving "*ground breaking legislation on Sustainable Development*" and to "*make our legislation as strong and effective as possible*"¹. We share those aspirations and welcome the opportunity for civil society to play its part in shaping this legislation.

Putting sustainability at the heart of government

We welcome the intention to legislate for sustainable development to become the genuine 'central organising principle' of devolved government and public services in Wales. However, in terms of meeting the

¹ Written Statement by the Welsh Government, 'Visit to Rio+20', Minister for Environment and Sustainable Development, 29 June 2012

government's purpose of being an exemplar piece of legislation for sustainable development there remain some significant gaps and serious weaknesses.

We are members of the Sustainable Development Alliance who have proposed several key elements in a draft Bill². These are:

- 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.
- An independent Commissioner for Future Generations to promote and facilitate the achievement of sustainable development and hold failing public bodies to account.

The duty – its scope and definition

Definition

The Bill does not contain a definition as such. The approach taken in the Bill has separated various elements into an Aim, a Sustainable Development Principle, Well-being Goals and some requirements they must take into account in their decision making.

We believe the Bill needs a robust definition which provides clarity as to the meaning of sustainable development. We would like to see a definition of sustainable development for Wales which puts an ambition for achieving social justice within environmental limits in the Welsh cultural context.

Scope

The scope of the duty is unclear. We are concerned it will not cover all public sector functions and decisions. It is particularly important that financial decisions and procurement are captured by the scope of the duty. What is spent and how it is spent contributes greatly to sustainable development.

The strength of the duty is weakened in many places by including limiting words such as "seek to" carry out the duty or "promote" sustainable development.

Significant omissions

We are astonished that neither climate change nor any of our global impacts are taken into account in this Bill, despite both being central to the concept of sustainable development and widespread support from the public and civil society for action in these areas in every consultation and study carried out in Wales.

We call on the committee to rectify this situation and bring the Bill back to its original intentions.

Global Impacts

The purpose of the Bill in Section 1 and "common aim" proposed in Section 2 only allows for consideration of the "well-being of Wales" [emphasis added]. This should be amended to meet the commitment in the Welsh Government's December 2012 White Paper;

*"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."*³

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.

² <http://www.shapingfuturewales.org/en/our-proposal/>

³ Sustainable Development Bill White Paper, December 2012

<http://wales.gov.uk/docs/desh/consultation/121203asusdevwhitepaperen.pdf>

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 lack of an international or global dimension undermines the credibility of the legislation. The Bill must commit to Wales being a good global citizen.

Climate change

Tackling climate change is a vital aspect to ensuring the wellbeing of future generations. It is imperative that the structure of the Bill, in particular the goals, principles, wellbeing objectives and measures of progress set the framework for tackling climate change across the public sector.

The Interim Report from the pilot National Conversation 'The Wales We Want' (July 2014) identifies, when people were asked to list potentially critical issues for the future of Wales, five themes stood out with climate change and the natural environment receiving the most votes (69.5%).

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.

Some of the areas where climate change could be incorporated in the Bill are;

- Goals

Within the current Well-being Goals there is no specific reference to climate change. Whilst a 'low carbon economy' in Goal 1 could be said to allude to the need to reduce our emissions, it does not provide a clear or comprehensive reference to the aspects required to tackle climate change, both mitigation or adaptation.

There is no recognition of the 'global systems' perspective, our international impacts or responsibilities, or the 'environmental limits' under which climate change would be a major aspect. This is clearly a huge omission and without this aspect it is hard to see how climate change, in particular non territorial emissions are to be taken account of within the Bill.

Further it is not clear what the scale of change is needed and how these goals will achieve that change. There is a need for targets and indicators to expand on the nature of the goals which are aspirational and lack specifics. There is a need for much smarter goals with clearer targets and relevance indicators or measurement of progress to these goals.

- Targets

Currently Wales is the only UK devolved nation not to have or be seriously considering statutory climate change targets. Using legislation to push environmental action has already proven successful in Wales and we feel that a stronger approach should be called for to deliver climate change action. This Bill offers a clear opportunity for this.

Targets on emission reduction could be placed on a statutory footing within the Bill. We would be happy to discuss how these could be integrated into the Bill.

- Measures of progress / National Indicators

The suggested measures of progress which are effectively indicators will offer a measure of where public bodies are against the Goals. But without the targets – the sense of where we need to get to and by when, they remain merely indicators. This is no different to the current Sustainable Development Indicators which have not driven the scale of change required.

In 2010 The Welsh Audit office report stated that "*The Assembly Government has not established key tests to measure its progress in mainstreaming sustainable development. Nor do the Assembly Government's performance management systems enable it to track its progress.... there is limited evidence that these have been actively used in policy appraisal or as an aid to communicating sustainable development issues*".⁴

⁴http://www.wao.gov.uk/system/files/publications/Sustainable_development_and_business_decision_making_in_the_Welsh_Assembly_Government_English_2010.pdf p.11-12

Indicators therefor need to be part of a wider measurement framework which included targets. And climate change indicators would need to cover territorial emissions and our carbon footprint⁵. For the measure of Wales' carbon footprint regular ecological footprint research needs to be undertaken. Welsh Government is yet to publish the most recent research undertaken on this.

- Sustainable Development Principles (Section 8.2)

Within the sustainable development principles outlined in Section 8 there is a lack of environmental limits and reference to our global impacts hence no scope for climate considerations. For example "long term" has no reference to environmental dimensions. It is vital that these aspects are considered within this section as effectively these principles are the issues that need to be taken account of by public bodies.

The Well-being goals

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.

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.

Independent Commissioner

We support having a Commissioner for Sustainable Development who should become a powerful champion for future generations, people in developing countries and those living in poverty in Wales – who are all impacted on by unsustainable development.

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 Ministers as proposed.

The duties of the Commissioner are unnecessarily restricted and the powers need to be strengthened so that the Commissioner can investigate complaints from the public, require evidence be provided and issue critical reports. The Commissioner's office must be adequately resourced to achieve its aim and support the programme of work.

Stop Climate Chaos Cymru member organisations are: National Federation of Women's Institutes Wales, National Union of Students, Unison, Christian Aid Wales, CAFOD, Oxfam Cymru, Tearfund, Coed Cadw – The Woodland Trust, Friends of the Earth Cymru, RSPB Cymru, Sustrans Cymru, WWF Cymru, Wildlife Trusts Wales, The Centre for Alternative Technology.

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⁵ The carbon footprint refers to emissions that are associated with the consumption spending of Welsh residents on goods and services, wherever in the world these emissions arise along the supply chain, and those which are directly generated by Welsh households through private motoring etc. These emissions are often referred to as "consumption emissions" to distinguish them from estimates relating to the emissions "produced" within a country's territory or economic sphere. To find out what effect Welsh consumption has on GHG emissions we need to take into account where the goods we buy come from and their associated supply chains.



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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

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Alzheimer's Society

Response to the consultation on the general principles of the Well-being of Future Generations (Wales) Bill

September 2014

5 September 2014

To Whom It May Concern:

Alzheimer's Society welcomes the opportunity to comment on this consultation.

1. Alzheimer's Society is the UK's leading support and research charity for people with dementia, their families and carers. We provide information and support to people with any form of dementia and their carers through our publications, National Dementia Helpline, website, and more than 2,000 local services. We campaign for better quality of life for people with dementia and greater understanding of dementia. We also fund an innovative programme of medical and social research into the cause, cure and prevention of dementia and the care people receive.
2. 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 challenge.
3. Alzheimer's Society welcomes the principles of this Bill but has significant concerns about the impact this legislation may have on services for carers. This concern is shared with other members of the Wales Carers Alliance and we endorse the Alliance's submission to this consultation.
4. The Wellbeing of Future Generations Bill is the third piece of Welsh legislation to cover strategic planning for carers since 2010.
5. 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.
6. In 2013 the Welsh Government published the Social Services and Wellbeing (Wales) Bill which repealed the Carers Strategies Measure. Alzheimer's Society and 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).

7. 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.
8. The only reference to carers in section 36 of the Wellbeing of Future Generations (Wales) 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. 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.
9. Alzheimer's Society shares the concern of the Wales Carers Alliance about the oversight of the legislative process which has incrementally diluted the legal status of strategic planning for carers in Wales. We are particularly concerned about the loss of 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.
10. Alzheimer's Society suggests that officials work closely with the Wales Carers Alliance in the development of this Bill in order to ensure that services for carers are not weakened by the Bill.

For more information, please contact:

Alice Southern

Policy Officer

Alice.southern@alzheimer.org.uk

**National Assembly for Wales
Environment and Sustainability Committee
WFG 51
Well-being of Future Generations (Wales) Bill
Response from Children's Commissioner for Wales**

**Comisiynydd Plant Cymru
Children's Commissioner for Wales**

Keith Towler

**Wellbeing of Future Generations (Wales) Bill – Environment and Sustainability
Committee Inquiry**

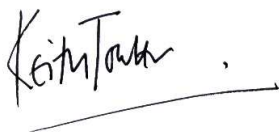
The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim is to safeguard and promote the rights and welfare of children.¹ In exercising this functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC).² The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare. They may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.³

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people aged 18 and under. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government adopted the UNCRC as the basis of all policy making for children and in 2011, Welsh Government passed the Rights of Children and Young Persons (Wales) Measure⁴.

Contact details

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This response is not confidential



Children's Commissioner for Wales

¹ Section 72A Care Standards Act 2000

² Regulation 22 Children's Commissioner for Wales Regulations 2001

³ Section 75A (1) Care Standards Act 2000

⁴ <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislationmeasures-rightsofchildren.htm>

I welcome the intention of this Bill to legislate for a set of long term well-being goals that will ensure that the interests of citizens both now and in the future will be promoted and safeguarded. However I do have concerns that this Bill does not provide sufficient links to the rights and entitlements that children and young people already enjoy under the United Nations Convention on the Rights of Children and think that the scope of this Bill could lead to those rights and entitlements being lost sight of.

I am yet to be convinced that the rationalisation of local authority and partner plans and strategies into Single Integrated Plans has significantly improved outcomes for children and young people, and the current proposals to further rationalise plans does little to allay those concerns albeit I welcome the proposals to establish such plans on a statutory footing.

I will explain in more detail in my response to the general principles of the Bill.

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

General Principles:

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

Although the Bill seeks to set out provisions that provide a framework for public bodies to improve wellbeing through sustainable economic, social and environmental development for Wales, I am concerned that the Bill does not reflect strongly enough the need to realise human rights within its common aim. I welcome the principle of sustainable development outlined within the Bill, however, it must be recognised that considerable attention should be paid to meeting the specific needs and vulnerabilities of children and young people and to ground positive foundations of wellbeing for them as the future generation of adults. The United Nations Convention on the Rights of Child (UNCRC) sets out provisions to protect and promote children and young people’s wellbeing. The Convention significantly reflects the intentions set out in this Bill and provides a robust framework to underpin and inform the promotion and safeguarding of children and young people’s wellbeing in Wales. With this in mind, I would like to see a commitment to deliver on the UNCRC to be included on the face of this Bill.

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:

I welcome the fact that the Bill intends to provide a clear set of wellbeing goals that all Public Service Boards and other public bodies will be working towards, providing a consistency and clarity of purpose throughout Wales. However I do have concerns that as currently formulated the well-being goals are not sufficiently linked to the rights and entitlements that are set out for children and young people within the UNCRC. Enshrining the connectivity between the sustainable development wellbeing goals and the UNCRC within the Bill would further evidence Welsh Government's commitment to the Getting it Right 2009 Action Plan⁵.

I welcome the intent to ensure that a robust and comprehensive framework for collaboration, integration and engagement informs the development of wellbeing objectives. I am concerned, however, about the lack of status given to children and young people in this Bill and about the lack of provision put in place to ensure that Public Service Boards deliver on protecting and promoting children and young people's wellbeing through the UNCRC. I am concerned that without such provision, the specific needs and vulnerabilities of children and young people could be overlooked at objective-setting and delivery stages, and may negatively impact on the sustainability of the programmes of work.

The Bill intends to repeal the separate requirement for Children and Young People Plans and whilst it refers to retaining the substantive duties in section 5 of the Childrens Act 2004, the relevant sections of the Children and Families (Wales) Measure 2010 (relating to child poverty) and the Mental Health (Wales) Measure 2010 which will be discharged through the local well-being plans this could lead to the focus on children and young person's issues being marginalised or overlooked. One of the reasons for having a separate human rights conventions for children is the acknowledgement that children have different needs to adults and have not always been seen as individuals with their

⁵ Welsh Assembly Government (2009) *Getting it right 2009* [.pdf] Available online at: <http://wales.gov.uk/docs/dcells/publications/091117gettingitrighten.pdf> Accessed on: 28/08/2014

own rights. The proposed Future Generations Bill does not appear to take this sufficiently into account and the safeguards to ensure the rights and entitlements of children are properly considered are not strong enough.

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

I welcome the proposals put in place to strengthen governance arrangements for improving the wellbeing of Wales. Too often there has been a gap between policy intention and the implementation of policy, something that the approach within this Bill seeks to address by placing governance arrangements on a statutory footing. I welcome the requirement for specified public bodies to report annually on their progress and to make such reports publicly available.

I think that it is right that an outcome focused accountability approach supported by national indicators is adopted. This should help to promote a level of consistency and approach across Wales. However I think that it is important to ensure that a key element of public bodies annual reporting in relation to their well-being objectives is to consult with the public and to publish the results of public feedback in relation to the achievement of wellbeing objectives. This will help to promote the transparency and importance of the voice of the citizen that is mentioned elsewhere in the Bill.

In terms of measuring progress, I agree with the approach set out in relation to an annual reporting process for public bodies. I would, however, like to see greater detail as to how the processes of engagement with children and young people informs this process in line with Children and Young People's National Participation Standards for Wales.

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

I welcome the establishment of a future Generations Commissioner for Wales and the proposal for the Commissioner to be supported by an advisory panel. I welcome the opportunity to ensure that the interests of children and young people, as part of the Bill's

intention to provide for a set of long term goals for Wales are mentioned and further strengthened in the future.

I am unclear as to the extent of influence that the Future Generations Commissioner will have in relation to holding Public Service Boards and other public bodies to account for issues affecting children and young people and thus for potential overlap and duplication of effort between Commissioners. This situation has the potential to confuse and complicate the relationships that already exist between existing Commissioners and their stakeholders, and those stakeholders and the Future Generations Commissioner. It would be helpful to have clearer guidance as to the respective powers and remit of the different Commissioners offices to help avoid such confusion.

The Bill makes reference to the establishment of an advisory panel for the Future Generations Commissioner to advise the Commissioner of the exercise of his or her functions. There is little information in the Bill in relation to this committee, or to the relationship between the Commissioner and the members of the panel. As an independent human rights institution it is imperative for me, as Children's Commissioner for Wales to maintain my independence. It is important that the two offices work together without compromising one another's independent roles and remit thus clarity at the commencement of this new relationship is critical.

I look forward to supporting the Future Generations Commissioner in promoting and safeguarding the interest of future generations.

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

Public Service Boards

The key issue for the Children's Commissioner for Wales is how to maintain the focus on children and young people and how the Public Service Boards will take up their responsibility in relation to upholding the rights of children and young people in Wales.

As previously stated in my consultation response on 'Shared Purpose, Shared Delivery Guidance' I hold a concern that losing a structure such as the Children and young Peoples

Partnerships will result in a loss of focus upon the specific needs and vulnerabilities of children and young people and that particular stakeholders will lose a voice in discussing local services, for instance smaller third sector organisations. The rationalisation proposed within this Bill could potentially lead to a lack of transparency and difficulties in understanding how to engage in influencing the discussions on population needs and service provision opportunities.

From a children and young people policy perspective, public bodies will be engaged with Family First areas, Integrated Family Support Services, education consortia, Communities First clusters and Local Safeguarding Children's Boards – all of which cut across local authority boundaries. This is not in itself an issue; however it will need to be taken account of when establishing Public Service Board priorities, commissioning arrangements and scrutiny mechanisms.

I am, however, more concerned about outcomes for children and young people across Wales rather than structures. I recognise the need for processes to develop integrated community plans, but whatever processes are undertaken to develop the integrated community plan – it will be the assurance mechanisms which will be essential to identify their effectiveness for children and young people.

I would also welcome further detail within the Bill on scrutiny mechanisms in relation to the potential impact of audit and inspection processes.

Assessment and Implementation of Local Wellbeing

The Bill proposes to amalgamate a number of existing statutory assessment and planning processes. Whilst the proposed changes are intended to simplify the current complex inefficient framework I am concerned that the specific needs and vulnerabilities of children and young people, families, carers and those in need of care and support could be lost if this process is not carefully managed. I am not convinced that the move to single integrated plans has necessarily led to improved outcomes for children and young people. I would want to be assured that any further changes to assessment and planning, particularly when that appears to amalgamate some very specific assessment and

planning processes for vulnerable children and young people will be able to demonstrate improved outcomes.

I do have some concerns about the proposed accountability framework that provides Welsh Ministers with relatively few powers and relies predominantly on the role of local government scrutiny to secure continuous improvement. I would like to see a more robust accountability mechanism with Welsh Government having the power to intervene directly should that be required.

Ends.

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

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Putting people at the centre

**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.

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:

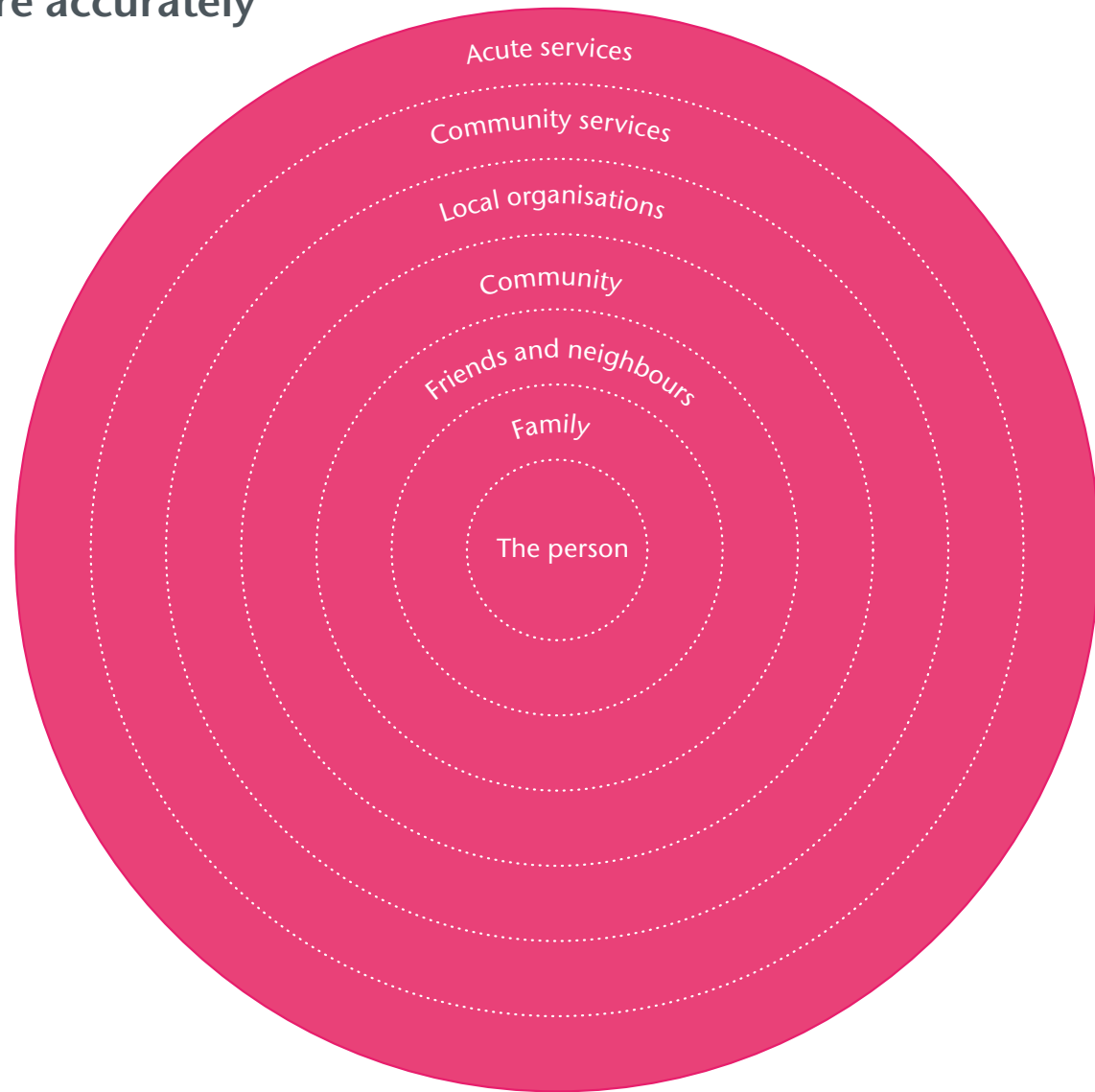
- Money is running out
- Efficiencies alone will not be enough
- Demand for acute services is rising
- Preventative and community services are being cut
- Quality of life cannot be delivered by the state alone
- Community action and volunteering is not being capitalised
- Communities need to be resilient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

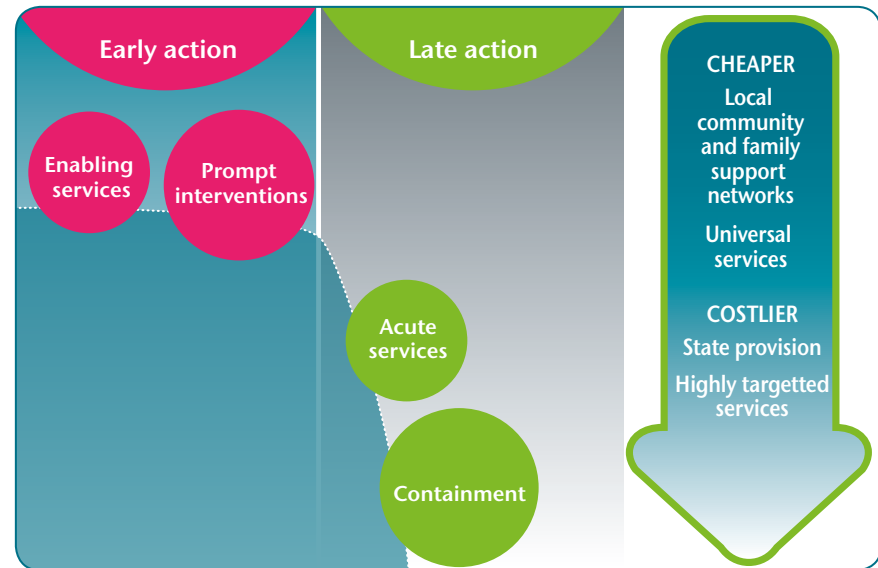
Llwynhendy is a community of 4,500 people outside Llanelli. Community consultation highlighted concern about an area of derelict land known as the tip used for fly tipping and a magnet for anti social behaviour. A project was set up to transform the 'tip' into a growing green space and with government 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

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'

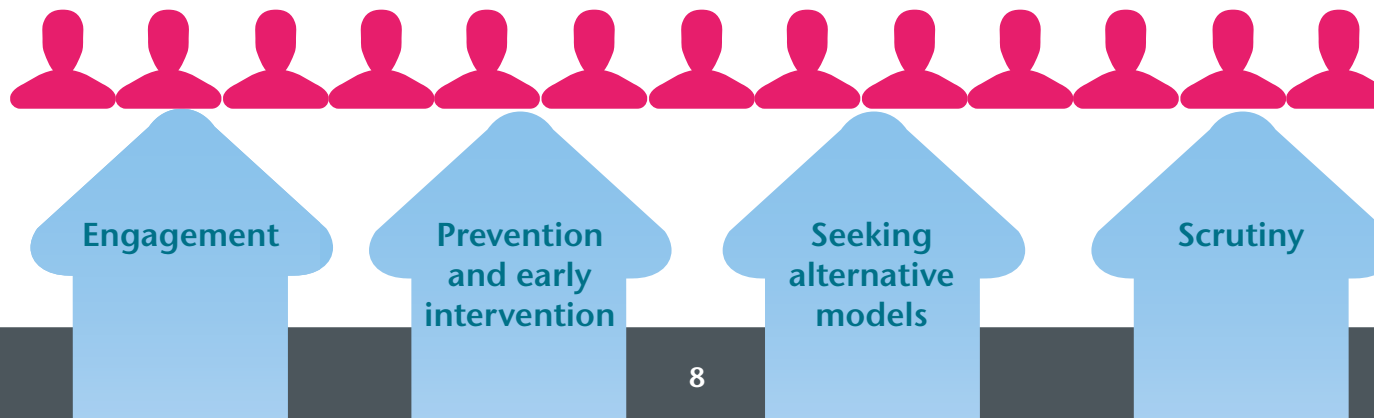
3 Seeking alternative models

- 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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Carers Trust Wales response to the consultation on the general principles of the Well-being of Future Generations (Wales) Bill

About Carers Trust Wales

Carers Trust Wales welcomes the opportunity to respond to the Environment and Sustainability Committee's consultation on the general principles of the Well-being of Future Generations (Wales) Bill. Carers Trust is a new charity which was formed by the merger of The Princess Royal Trust for Carers and Crossroads Care in April 2012.

Carers Trust Wales works across Wales to improve support, services and recognition for anyone living with the challenges of caring, unpaid, for a family member or friend who is ill, frail, disabled or has mental health or addiction problems. With our Network Partners, local service providers across Wales, we aim to ensure that information, advice and practical support are available to all carers.

Our strategic aims are to

- Raise the profile of carers and the caring role
- Support the growth and development of solutions for carers
- Influence society to improve carers' lives
- Work with local partners to develop a strong network

Together with our Network Partners, we provide access to desperately-needed breaks, information and advice, education, training and employment opportunities. Our Network Partners benefit from the provision of grants, advice documents and reports to improve carers' services. We give carers and young carers avenues to speak to someone and make their voices heard, offline via our carers' services and young carers' schemes and online via our interactive websites.

Carers Trust

Our vision is a world where the role and contribution of unpaid carers is recognised and they have access to the quality support and services they need to live their own lives.

We provide support, information, advice and services for the millions of people caring at home for a family member or friend. Our Network Partners reach carers of all ages and with a range of responsibilities, in their local communities. From helping carers to access local services, to making their views heard by opinion formers and professionals, together we help carers to connect with everyone and everything that can make a difference to their lives.

With carers' needs, choices and voices at the heart of everything we do, we strive to ensure that the enormous contribution they make to society and to those they care for is fully recognised, appreciated and valued.

Overview

1. Carers provide valuable unpaid care across Wales. Enabling carers to maintain their own well-being and the well-being of those they care through carer-focused services is essential in promoting a healthier, more equal Wales.
2. We broadly support the principles and aims of the Well-being of Future Generations (Wales) Bill, including providing a statutory underpinning for Public Service Boards, national well-being goals and local well-being plans.
3. A range of evidence demonstrates that carer-focused services, carer involvement and effective health-led strategic planning for carers improves outcomes not only for carers, but also for professionals and those that they care for.
4. As such, we have concerns regarding the impact that the Bill in its current form would have upon strategic planning for carers. Especially given the Bill repeals a key amendment to the Social Services and Well-being Act 2014 that sought to secure Local Health Boards as key partners in strategic planning for carers. We ask that the Well-being of Future Generations (Wales) Bill maintains Local Health Boards and NHS Trusts as the lead organisations for carers and protects their current responsibility to strategically plan how to meet the needs of carers.
5. Similarly, given the relevance that planning for carers and investment in carer-focused services has for a range of well-being goals outlined in the Bill and to the sustainable development principle, we would hope to see a greater level of detail on how the Bill relates to carers and carer-focused services on the face of the Bill and in subsequent guidance. Currently the only reference to carers on the face of the Bill requires Public Service Boards to take into account local authorities' assessment of

Carers Trust

carers needs – we believe that to promote a healthier, more equal Wales there must be a stronger commitment to carer-focused services and strategic planning for carers, including how to meet need not just assess need.

6. Carers Trust Wales would welcome the opportunity to expand upon this response in an oral evidence session with the Environment and Sustainability Committee.

Response

- 1.1 There are 370,000 unpaid carers providing care to friends and families in Wales. The value of the contribution that these unpaid carers make to Wales annually is estimated to be £7billion¹.
- 1.2 The Well-being of Future Generations (Wales) Bill aims to ensure that the governance arrangements of public bodies for improving the well-being of Wales take the needs of future generations into account. We broadly support this aim. We also support a move to coordinated planning of public services through public service boards using local well-being plans.
- 1.3 We have concerns that a lack of specificity around well-being goals and objectives will see areas including the provision of carer-focused services and support for carers sidelined in local well-being plans, particularly given the constrained funding environment in Wales. Carer-focused services play a key role in promoting a healthier and more equal Wales – both described as key well-being goals by the Bill. Carers receive only one reference on the face of the Bill – in section 36 in relation to assessments of local well-being.
- 1.4 This is particularly concerning given that, in relation to the sustainability principle, carer-focused services adheres to a number of key points including the deployment of resources in a preventative fashion (8, (2), (d)) and the requirement to operate in a way that safeguards the ability to meet long-term needs (8, (2), (b)).
- 1.5 The strategic planning of and investment in carer-focused services has a long-term preventative impact on public services. Evidence demonstrates that carer-focused services contribute to reducing the amount of time spent in hospital by people with long-term health conditions and avoiding delays in the transfer of care²³⁴. Similarly,

¹ <http://circle.leeds.ac.uk/files/2012/08/110512-circle-carers-uk-valuing-carers.pdf>

² Williams, E, Fitton, F (1991) Survey of carers of elderly patients discharged from hospital. *British Journal of General Practice*, 41, 105 –108.

Carers Trust

investment in carer-focused services conforms to the Bill's intended aim of operating under the sustainable development principle – 'to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs'. For example, we know that commissioning breaks and emotional support for carers can reduce overall spending on care and their need to access mental health services⁵.

1.6 Giving public service boards a statutory underpinning may help alleviate current disparities between local service boards. However, for them to be fully effective they must be inclusive of the third sector and non-government organisations that provide key 'public' services throughout Wales.

1.7 There are a number of Carers Trust Network Partners throughout Wales that provide vital services ranging from information, advice and support to domiciliary and replacement care. We feel that these services provide key support in helping the delivery of joined-up services. One such example is through the promotion of the unique 'Triangle of Care' model⁶ that seeks to embed a tripartite approach to patient care that fully involves in the carer – research suggests that such a model improves outcomes and sustains wellbeing.

1.8 As such, we recognise and support the inclusion of bodies representing voluntary organisations as potential invitees of public service boards. However, for the approach of public service boards in Wales to be truly effective in improving the wellbeing of carers and those that they care for across Wales, it is essential that productive ways are found to fully engage with the breadth of organisations operating in health and social care locally including dedicated carer-focused services.

1.9 We support in principle the introduction of assessments of local well-being and subsequent local well-being plans. We are glad that the Bill requires that, in preparing their assessments, public service boards will have to take into consideration the most recent assessment carried out by the local authority in

³ Conochie, G (2011) *Supporting Carers: The Case for Change*; London: The Princess Royal Trust for Carers and Crossroads Care.

⁴ 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

⁵ Conochie, G (2011) *Supporting Carers: The Case for Change*; London: The Princess Royal Trust for Carers and Crossroads Care.

⁶ <http://professionals.carers.org/health/articles/triangle-of-care,6802,PR.html>

Carers Trust

conjunction with a Local Health Board in assessing the needs for care and support, support for carers and preventative services. However, we must stress that assessment of need is only a piece of the approach required to effectively support carers and, in doing so, move towards a healthier and more equal Wales.

- 1.10 It is essential that plans and strategies also take into account how to meet those needs. Since the Carers Strategies (Wales) Measure 2010 came into force, local health boards and local authorities in Wales have been required to have Carers strategies that focus on the provision of information and guidance for carers and support constructive engagement with carers in decision making about the provision of services for them and the person(s) for whom they care. What was particularly noteworthy about the Carers Strategies (Wales) measure was that it positioned local health boards as the strategic lead for carers. This is vital as evidence shows that four out of five carers first contact with a statutory agency is with a community based health service⁷.
- 1.11 Despite the Carers Strategies (Wales) measure being repealed by the Social Services and Wellbeing Act 2014, an amendment to the Act in Section 14 placed a requirement on Local Health Boards to submit any part of their strategy that related to the health and well-being of carers to Welsh Ministers. Yet the Well-being of Future Generations (Wales) Bill as it currently stands would repeal that amendment. We are deeply concerned about not only the loss of carers strategies underpinned by statute, but also that the emphasis on local health boards' ownership of carers strategies will be lost.
- 1.12 We ask that the Well-being of Future Generations (Wales) Bill maintains Local Health Boards and NHS Trusts as the lead organisations for carers and protects their current responsibility to strategically plan how to meet the needs of carers and appropriately highlights the importance and preventative nature of investment in carer-focused services.

Contact

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Policy and Public Affairs Manager, Carers Trust
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⁷ Carers Strategies (Wales) Measure 2011 - Guidance to Local Health Board, NHS trusts and Local Authorities

Carers Trust

04-09-2014

National Assembly for Wales
Environment and Sustainability Committee
WFG 54
Well-being of Future Generations (Wales) Bill
Response from Police and Crime Commissioner for South Wales



Rt Hon Alun Michael JP FRSA

Police and Crime Commissioner for South Wales
Comisiynydd yr Heddlu a Throseddu De Cymru



Committee Clerk
Environmental and Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

4th September 2014

Dear Committee Clerk,

Well Being of Future Generations (Wales) Bill

I write with regard to the consultation on the Well-being and Future Generations (Wales) Bill and welcome the opportunity to provide comments on the content of the Bill.

As I know from my time as First Minister, the principle of sustainable development has always been at the heart of the remit of the National Assembly for Wales. I welcome that the fact that this bill seeks to broaden and deepen the application of sustainable development principle. Putting sustainable development at the heart of government and the wider public sector can only be seen as a positive step, as is the move to adopt a single plan approach, coupled with a statutory Public Service Board.

I strongly support the inclusion of the third sector. I also warmly welcome the inclusion of non-devolved partners, such as the Police and Crime Commissioner and Chief Constable, as “invited participants” on these Boards, which can only strengthen partnership working and recognises the important role we all have to play.

This also fits well with the approach I have taken within my Police and Crime Reduction Plan, which focuses on the need for effective partnership working to ensure safer, stronger and more resilient communities.



Rt Hon Alun Michael JP FRSA

Police and Crime Commissioner for South Wales
Comisiynydd yr Heddlu a Throseddu De Cymru



The impact of austerity on many parts of public service is a matter of grave concern. We are seeing the impact within the police service, with the reduction of police officers from 3400 to 2800 in recent years.

It is a matter of particular concern that for reasons I well understand, local authorities are making significant cuts in their youth service budgets. Given that they have to protect the education budget, given that there is increasing pressure on social services, and given that the youth service does not have the same statutory status, there are limited areas where the large savings can be made.

From a policing perspective, I worry that the reduction in the informal engagement and recreational opportunities of the youth service may lead to an increase in youth crime and anti-social behaviour.

However, the impact is greater than this in that youth work and informal education has always been the springboard for young people to expand their horizons and learn about leadership. That was certainly the case for me and I have seen the impact on many others. The cuts in the youth service, therefore, run counter to the concepts enshrined in this legislation and in the interests of sustainability. This issue needs to be explored during the scrutiny of the Bill.

We all need to pursue the same goals and can achieve more by working together to provide a sustainable and prosperous Wales for future generations.

I am encouraged by the intentions of the Bill and provide further comments below. I would be prepared to give oral evidence if required.

A handwritten signature in blue ink, appearing to read 'Alun', with a long horizontal stroke extending to the right.

Rt Hon Alun Michael
Police and Crime Commissioner for South Wales



Rt Hon Alun Michael JP FRSA

Police and Crime Commissioner for South Wales
Comisiynydd yr Heddlu a Throseddu De Cymru



Well-being of Future Generations (Wales) Bill

Submission by Rt Hon Alun Michael Police and Crime Commissioner for South Wales

1. The Well-Being of Future Generations (Wales) Bill provides a welcome opportunity to promote a partnership approach to ensuring safer and more cohesive communities in a sustainable and prosperous Wales. The intention to place Public Service Boards on a statutory basis to require collaborative working through a single well-being plan is also welcomed.
2. The inclusion of Police and Crime Commissioners, as well as Chief Constables, probation and the third sector, as “invited participants” on Public Service Boards is a positive step to ensure that all relevant partners are included in this process.
3. There is already a significant amount of partnership work being undertaken and care must be taken not to lose this momentum in the development and implementation of single well-being plans, which must acknowledge and seek to continue any existing areas of collaborative work, if that work is identified as adding value to service delivery. It is therefore encouraging that the Bill provides a statutory duty on Public Service Boards to consult with the “invited participants” on the preparation of well-being plans and to ensure information is captured on existing activity to deliver goals and priorities.
4. The role of the Future Generations Commissioner needs to be clarified. Providing an over view of progress and encouraging a longer-term view of sustainability will only succeed through positive relationships with all partners, whether they be devolved or non-devolved agencies and through the development of a common approach with a clear understanding of goals using consistent language.



Rt Hon Alun Michael JP FRSA

Police and Crime Commissioner for South Wales
Comisiynydd yr Heddlu a Throseddu De Cymru



5. With this in mind, there is a slight disconnect when considering the role of the Police and Crime Commissioner in relation to that of the Future Generations Commissioner, which should be seen as comparable in stature. It is suggested, therefore, that the legislation be amended, or made more explicit, to permit a representative of the Police and Crime Commissioner to sit on Public Service Boards, which then allows both Commissioners to discuss matters without any potential conflict of interests, or perhaps be included as a member of the advisory panel which will assist in providing more comprehensive level of advice.
6. The Bill proposes an outcome based accountability approach with a set of national indicators. It is recommended that in developing this methodology two principles need to be taken into account. Firstly the principle of promoting information sharing between partners to provide a true evidence-based approach to measuring progress. The second principle is that the agreed indicators should not be limited to the devolved partners, but need to include measures from the police and probation to provide a more accurate picture. I would strongly support this approach.

Consultation response from Parkinson's UK Cymru

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. Parkinson's UK Cymru, as an active member of the Wales Carers Alliance, fully endorses the consultation response submitted to the Environment and Sustainability Committee by the Wales Carers Alliance.
2. As noted therein, the Wellbeing of Future Generations (Wales) Bill is the third piece of Welsh legislation to cover strategic planning for carers since Welsh Government introduced The Carers Strategies (Wales) Measure in 2010. The Measure came into effect in 2012 and 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 (LHBs) as the lead agency. Regulation required the strategies to include detail pertaining to; identification of carers, the provision of information, training of front-line staff, engagement with GPs and consultation with carers.
3. The publication, in 2013, of the Social Services and Wellbeing (Wales) Bill repealed the Carers Strategies (Wales) Measure 2010. In January 2014 Welsh Government introduced an amendment to the Bill so as to address concerns expressed regarding the repeal of the Measure. Section 14.3 of the Social Services and Wellbeing (Wales) Act 2014 therefore places a duty on LHBs to report to Welsh Ministers on any sections of the local health and wellbeing strategies relating 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.
5. Section 36 of the Bill does refer once to carers but only in relation to the needs assessments under section 14 of the Social Services and Wellbeing (Wales) Act 2014. There is no replication of the detail previously provided in the Carers

Strategies (Wales) Measure 2010 in terms of strategic planning for carers. Further, as the content of the local wellbeing plans is not specified in section 37, there is no obligation upon Public Service Boards to include carers in the plans. Indeed, it is evident from current published Single Integrated Plans that strategic planning for carers varies widely – from links to the existing current local LHB carers strategies in some to minimal or no mention at all in others.

6. Parkinson's UK Cymru is concerned about the way in which the legal status of strategic planning for carers in Wales has been diminished by the legislative process in the two years since the Measure came into force in 2012. In particular we are anxious that the specific duty that was placed on LHBs and NHS Trusts, as the lead agency responsible for carers strategies as well as the detail to be contained in these strategies, provided for by regulations under the Carers Measure, has now been lost.
7. For carers of people with Parkinson's, the primary means of contact with statutory agencies is via health professionals. Parkinson's UK Cymru therefore calls for the Wellbeing of Future Generations Bill to:
 - a. Maintain LHBs and NHS Trusts as the lead agencies for carers;
 - b. Ensure that the detail of the current local carers strategies is not lost (as described in paragraph 2 above.)

About Parkinson's

Parkinson's is a progressive neurological disorder for which there is currently no cure. It is associated with the death of nerve cells in the mid-brain which results in the loss of the chemical messenger dopamine. This affects learned voluntary movements such as walking, talking, writing and swallowing.

As the condition progresses it impacts on all aspects of the person's life and the lives of those around them.

About Parkinson's UK Cymru

Every hour, someone in the UK is told they have Parkinson's. Because we're here, no one has to face Parkinson's alone.

We bring people with Parkinson's, their carers and families together through our network of local support groups, our website and our free confidential helpline.

Our Parkinson's specialist nurses, our supporters and our trained staff work together to provide information and training on every aspect of Parkinson's.

As the UK's largest support and research charity for Parkinson's, we're leading the work to find a cure, and we're closer than ever.

We also campaign to change attitudes and demand better services.

For more information please contact :

Rachel Williams, Campaigns and Policy Officer Wales, rwilliams@parkinsons.org.uk

Parkinson's UK Cymru

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Parkinson's UK is the operating name of Parkinson's Disease Society of the United Kingdom. A company limited by guarantee. Registered in England and Wales (00948776). Registered office: 215 Vauxhall Bridge Road, London SW1V 1EJ. A charity registered in England and Wales (258197) and in Scotland (SCO37554).



Committee Clerk
Environment and Sustainability Committee
National Assembly for Wales
Cardiff Bay CF99 1NA

5 September 2014

Dear Clerk

Consultation on the Well-being of Future Generations (Wales) Bill

The Welsh Language Commissioner welcomes the opportunity to comment on the Committee's inquiry into the general principles of the Well-being of Future Generations (Wales) Bill.

The principal aim of the Welsh Language Commissioner is to promote and facilitate the use of Welsh. This entails raising awareness of the official status of the Welsh language in Wales and imposing standards on organizations. This, in turn, will lead to the establishment of rights for Welsh speakers. Two principles underpin the Commissioner's work:

- The Welsh language should be treated no less favourably than the English language
- Persons in Wales should be able to live their lives through the medium of the Welsh language if they choose to do so.

In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organizations. Until then, the Commissioner will continue to inspect statutory Welsh language schemes through the powers inherited under the Welsh Language Act 1993.

The role of the Commissioner was created by the Welsh Language (Wales) Measure 2011. The Commissioner may investigate failure to implement a language scheme, allegations of interference with individuals' freedom to use Welsh in Wales and, in future, complaints regarding the failure of organizations to meet standards.

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Comisiynydd y
Gymraeg
Welsh Language
Commissioner

One of the Commissioner's priorities is to scrutinise policy developments with regard to the Welsh language. Therefore, the principal role of the Commissioner is to provide comments in accordance with these terms of reference, acting as an independent advocate on behalf of Welsh speakers in Wales who may be affected by the proposed amendments. This approach is advocated to avoid any potential compromise of the Commissioner's regulatory functions and should the Commissioner wish to conduct a formal review of the organization's performance in accordance with the provisions contained in the Measure.

Point two of the terms of reference - 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

Section 2 of the Bill states that *“the aim of public bodies is to improve the economic, social and environmental well-being of Wales in accordance with the sustainable development principle.”* Sustainable development is defined in section 3 of the Bill as *“seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.”*

The Welsh Language Commissioner has already stated that the well-being of the Welsh language is closely intertwined with economic, social and environmental well-being. The Government's Welsh Language Strategy recognises that the Welsh language's sustainability is a cause for concern. The specific reference to the Welsh language in one of the well-being goals in section 6 of the Bill; *‘A Wales of vibrant culture and thriving Welsh language’* reinforces the importance of ensuring the well-being of the Welsh language in the context of sustainable development.

In placing sustainability and sustainable development at the heart of the public sector's work, there must be an awareness of the duties placed on these bodies with regard to the Welsh language. The aim of the Bill is to reinforce the need to work in a way that links different aspects of the work undertaken by public bodies, and so it should highlight the relationship between sustainable development and the Welsh language. In that regard, sections 77-79 of the Government of Wales Act 2006 identify three cross-cutting themes to be considered by the Welsh Government, including the Welsh language and sustainable development.

There is no reference to the Welsh language under the definition of “sustainable development principle” and “common aim” in the Bill, although the Welsh language is part of the social well-being of Wales. Therefore, to ensure that appropriate consideration is given to the Welsh language, we trust that Welsh Ministers will publish a national indicator(s) in accordance with section 11, relating directly to the Welsh language, in order to be able to measure progress towards the well-being goals and, in particular, goal 6. Doing so would ensure that the relationship between the Welsh language and the three aspects of well-being contained in the “common aim” is established. This could also strengthen the consideration given to the Welsh language when public bodies and Welsh



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

Ministers set and publish their well-being objectives in accordance with sections 9 and 10 of the Bill.

Point five of the terms of reference - whether there are any unintended consequences arising from the Bill

The Welsh Language Commissioner is named in section 24(2)(b) of the Bill as a member of the Sustainable Development Commissioner's advisory panel. The Commissioner has already stated in correspondence to the Minister for Communities and Tackling Poverty that she is keen to work with the Future Generations Commissioner in an appropriate manner. However, as a Commissioner who exercises a regulatory function in relation to Welsh Ministers, it is essential that independence is maintained.

The Welsh Language Measure 2011 contains sections which allow the Welsh Language Commissioner to work collaboratively with the Ombudsman and other Commissioners (section 20 and 21). I recommend that the Committee considers the appropriateness of including similar clauses in the Bill rather than the current proposal regarding membership of the Advisory Panel.

Thank you for the opportunity to comment on the consultation.

Yours sincerely

Meri Huws

Welsh Language Commissioner

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

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September 2014

National Assembly for Wales
Environment and Sustainability Committee
WFG 58
Well-being of Future Generations (Wales) Bill
Response from Mind Cymru



Environment and Sustainability Committee Consultation on the Well-being of Future Generations (Wales) Bill

Enquiry into the general principles of the Bill

Response from Mind Cymru

Introduction

Mind is the leading mental health charity in England and Wales. Mind Cymru is Mind's force for change in Wales.

Mind Cymru welcomes the opportunity to respond to the enquiry into the general principles of the Well-being of Future Generations (Wales) Bill, and would be happy to give oral evidence based on our submission if required. The views expressed within this response are the views of Mind Cymru and are informed by people with direct experience of mental health problems.

Mind Cymru is experienced in matters of policy and practice development affecting people with experience of mental health problems, living in Wales.

Mind Cymru's key messages are that:

- People with experience of mental health problems inform all that we do.
- Because people with mental health problems inform all that we do, we know what the real issues are.
- We are determined to improve society's recognition, understanding and acceptance of people with mental health problems.
- We value diversity and ensure inclusion is at the heart of our work.

General Comments

Mind Cymru welcomes the introduction of the Well-being of Future Generations (Wales) Bill, as it has the potential to bring a positive impact to the emotional and mental well-being of the population. The face of the Bill contains some pleasing commitments, such as equal status between physical and mental health.

Mind Cymru supports the broad aims of the Bill and its principle of putting sustainability and sustainable development at the heart of government and the wider public sector. However, as the Bill contains such a broad scope of aims and objectives, it is vital that aspects of the Bill pertaining to mental health are further developed in partnership with stakeholders and colleagues with expert knowledge in this field.

Our response focuses on the aspects of the Bill with a close relevance to mental health, and aims to highlight some shortcomings which we feel could be addressed to make the language of the Bill more meaningful to those with mental health problems.

1. The approach to improving well-being

Mind Cymru is pleased to see increasing recognition of the importance of the well-being of the population in Welsh legislation, yet we feel that without a clear definition of what the term means, subsequent objectives can become too vague. While the narrative around well-being on the face of the Well-being of Future Generations (Wales) Bill is a positive one, it lacks a clear definition which could limit the success and scope of well-being objectives. There are many areas of a person's life and the environment and community around them which can impact on their well-being, and the Bill has the potential to form partnerships between public bodies around well-being that have previously been lacking. This must be accompanied by a narrative that is shared and resonates across people's lives and across the diversity of the population of Wales.

The New Economics Foundation's Five Ways to Wellbeing¹ is an evidence based set of actions that could provide a good basis for this.

Mind Cymru asks the committee to consider seeking an amendment to place a firmer definition and narrative around what well-being means for

¹ <http://www.neweconomics.org/projects/entry/five-ways-to-well-being>

people in Wales on the face of the bill, including a recognition of good mental health as a core factor in well-being.

2. The approach to measuring progress towards achieving well-being goals

Mind Cymru is unsure if the impact of the Well-being of Future Generations (Wales) Bill can be successfully measured in its current form, particularly its goal for A Healthier Wales. Without a clear definition of mental and physical well-being it is unclear how this will be achieved.

The Bill will place duties on a broad range of public bodies, some of which will have expertise in mental health, the needs of people with mental health problems and the delivery of mental health services. However, many of these public bodies will not have such knowledge and will require partnership with those who do to successfully deliver on the goal of A Healthier Wales. It is vital that the Bill supports and progresses existing services and legislation around mental health.

Mind Cymru asks that the committee seek evidence based assurance that The Mental Health (Wales) Measure 2010 and Together for Mental Health have been fully considered and informed the Bill, and that future well-being objectives set by the Bill will be informed by expert knowledge and close partnership with the mental health sector.

3. Parity of esteem between physical and mental health

Mind Cymru are pleased to see mental well-being receiving equal status to physical well-being in one of the Bill's six goals, A healthier Wales. The principle of parity of esteem between physical and mental health is a principle which we found lacking in the recent Public Health white paper, and are hopeful that the Well-being of Future Generations (Wales) Bill can take a more positive direction for the status of mental health within a healthcare context.

However, the goal's description as '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' raises some concerns around the language used.

The classification of behaviours that impact on physical health such as exercise, eating habits and weight, alcohol consumption and smoking as 'choices' ignores the strong link between all of these behaviours and mental health problems. The language used in the bill fails to understand these complex relationships.

To afford parity of esteem between physical and mental health in legislation is a positive move that Mind Cymru have long argued for, but it is important that legislation and health service delivery also recognise the interrelationship between physical and mental health and the impact that each can have on the other. It is also vital that the public bodies that fall within the scope of this Bill are effectively scrutinised to ensure that the principle of parity of esteem between physical and mental health is being consistently adhered to.

4. Co-production

The Bill provides the opportunity to improve the resilience and well-being of people's mental health in a multitude of ways. The delivery of a society in which people's mental well-being is maximised will be impossible without the involvement of people with mental health problems in the design and delivery of the services they need. The principle must push beyond tokenism and occasional consultation and must be embedded at every stage of the well-being objectives set by the Bill. Wales has a diverse population which includes several marginalised and hard to engage groups.

The principle of co-production is not explicitly referred to in the Bill and is only loosely embraced; section 8.2 of the Bill requires public bodies to take into account 'the importance of involving those with an interest in the objectives, by seeking their views and taking them into account'.

Mind Cymru would welcome a stronger commitment than this to truly involve citizens, including those with mental health problems, in the delivery of the Bill's goals. We firmly believe that seeking the views of those with mental health problems cannot be a meaningful exercise without commitment that the objectives within the Bill will be directly co-produced between public bodies and the people whose lives their objectives will impact on.

Mind Cymru asks the Committee to consider an amendment to include a truly citizen centred approach to involving service users in planning and delivery, beyond its current stated intent to take views into account. Mind Cymru asks for an evidence-based co-production model to be laid out on the face of the Bill.

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**National Assembly for Wales
Environment and Sustainability Committee
WFG 59
Well-being of Future Generations (Wales) Bill
Response from Natural Resources Wales**



Written evidence from Natural Resources Wales to the Environment and Sustainability Committee on the Well-being of Future Generations Bill, as laid July 7 2014.

1. Key Messages:

We are very supportive of the Well-being of Future Generations Bill (the Bill), its Goals, duties and intent. We particularly welcome the changes to create the resilient Goal. We believe that our founding legislation and purpose as an organisation is already well aligned and that the Bill will support achievement of our purpose.

There are some specific areas where we ask for clarification, raise concerns, and make recommendations. These are across:

- The Global context of the Bill
- Environmental limits and climate change;
- NRW's roles on Public Service Boards (PSBs) and Future Generations Commissioners' Advisory Panel;
- Sanction and redress;
- Alignment with other emerging legislation, particularly the Environment Bill and Local Government Reform;
- Measures of progress and Reporting requirements;
- Role of Future Generations Commissioner in respect of climate change;
- The figures used in Regulatory Impact Assessment (RIA);
- Subordinate legislation.

We offer our expertise in respect of the development of the National Indicators, statutory and other guidance, as well as to the Welsh Government and the Future Generations Commissioner in the production of their respective Future Trends and Future Generations reports.

2. Introduction:

The purpose of Natural Resources Wales is to ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used. In this context sustainably means with a view to benefiting, and in

a manner designed to benefit, the people, environment and economy of Wales now and in the future.

Our establishment as a body to manage the natural resources of Wales from an ecosystems approach, is in itself a contribution to the sustainable development of Wales.

We therefore welcome legislation that further strengthens governance arrangements in Wales for decision making that embeds sustainable development principles. We see the Bill as an important step and tool, in achieving sustainable development in Wales.

We believe that we are well positioned to transition to delivery of the general requirements of the Bill on us, anticipated to be from 2016. We have developed a corporate and business planning process which prioritises activities to deliver common outcomes that we share and have agreed with the Welsh Government, via our sponsoring department. We therefore believe that our current corporate plan, which runs until 2017, is already well aligned to the requirements of the Bill. It sets out how and where our activities will be good for people, the economy and the environment and how we will operate as a good organisation, all underpinned by use of good knowledge and working with others to deliver it.

In respect of applying the Sustainable Development (SD) Principles, we developed our Corporate Plan through involvement, will need to work collaboratively to deliver our purpose and we already need to consider future generations when managing natural resources, for example: water resources. We believe the Bill will support the delivery of our purpose. Our Corporate Plan from 2017 will be based on objectives that align to the Goals.

We welcome the opportunity to present to the Committee on our general support for the Bill, whilst also raising some areas for further consideration and clarification. We have responded under the Committees' Terms of Reference headings.

3. Detailed response:

General:

How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government;

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

We have been involved in the Advisory Group to the Bill and are pleased with the overall intent and principles set out in the Bill. We particularly welcome the re-wording of the Goals to better reflect natural resources and the role healthy and resilient ecosystems play, in the well-being of society and the economy. We also welcome the addition of descriptors to the Goals. These help to give greater understanding and clarity around the integrated nature of each goal. We believe

however that the measures of progress and statutory guidance will be equally important to convey intent.

Whilst we welcome the Welsh Government legislating to put sustainable development at the heart of government in Wales and appreciate that the Bill can only apply to Welsh bodies and processes, we have some concern that there appears to be little recognition of it operating in a wider UK, EU and global landscape. This will include legislation and policy, as well as international economic processes and global environmental systems. These may prevent Wales realising sustainable development.

The Explanatory Memorandum only seems to discuss the wider than Wales issues in the context of what UK, EU and Global SD agendas, helped inform the principles within the Bill. It does not identify or discuss in any detail the implications for Wales of delivering the Goals, whilst operating in these wider than Wales systems. The Explanatory Memorandum discusses some barriers to undertaking long term thinking; for example the discounting of future costs and benefits. However, what is not clear is whether it is proposed, or even possible, that Wales do something different in respect of these barriers. For example, develop its own model for economic appraisal including accounting for future generations. We believe more consideration will need to be given to these wider than Wales issues in any guidance.

There is also a risk that unknowingly Wales' exports its unsustainability through pursuit of an only Wales agenda and that at a global level there is no improvement through the introduction of the Bill.

- **Specific comments:**

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;

- We support the Purpose, Aim and SD principle set out in the Bill. We welcome establishment of a governance framework for the public bodies, which requires an integrated consideration of the social, economic and environmental wellbeing issues in respect of decisions and action taken now, whilst taking the needs of future generations into account.

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;

Goals:

- We believe the Goals set out in the Bill better reflect the outcomes for a sustainable Wales. We particularly welcome the better reflection of natural

resources, systems and resilience; the ecosystems approach is a tool that supports delivery of SD.

- The measures of progress for the Goals, will be key to ensuring articulation and assessment of the direction of travel to a sustainable Wales.
- Guidance will be key to explain the linkages between Goals, measures of progress and objectives, as well as the specifics of how to comply with the requirements of the Bill.
- The guidance that supports the Bill will need to set out explicitly, the issues that are only implicitly covered in the Goals. For example:
 - **Environmental limits.** Whilst the Explanatory Memorandum provides some clarity in respect of the need to operate within environmental limits, the guidance will need to state this explicitly and through discussion of the ecosystem approach, explain what this means and how it's applied.
 - **Climate change** is only implicit in the Goals, with little or no explicit reference in the Bill. The guidance must make clear where and how climate change should be considered. Climate change could be made more explicit in the Goals by inserting in Table 1 under 'A resilient Wales', 'including Climate Change' at the end of the description;
- We believe we have experience and expertise that would usefully inform the development of statutory guidance with respect to the Bill and we would welcome the opportunity to contribute.

Well-being Objectives:

- We support a requirement to set outcome focused objectives within the corporate planning process, which maximise the organisations contribution to the Goals.
- We expect our post 2017 Corporate Plan to have objectives fully in line with the Bill.

Duties:

- We support the SD principle of 'considering future generations needs in the decisions and activity we take now' and therefore support development of objectives that consider this and set out how an organisation, will maximise its contribution to achievement of the Goals.
- We support the Duty, as set out in Section 7 and 8 of the Bill, which requires the public bodies named in the Bill to set well-being objectives in line with the 'sustainable development principles'. The principles set out in Section 8 are well established SD principles.

- As discussed in Goals above, the other established principle is “living within environmental limits”, which will require greater explanation in the guidance.
- We particularly support the principles of collaboration and prevention, along with the requirement for resources/budgets to be aligned to delivery of the objectives. We hope that the intention of this includes opportunity for flexible budgeting linked to outcomes. For example, health prevention budgets supporting access and activity in natural green space.

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

- We support the establishment of an Independent Future Generations Commissioner with powers to make recommendations to public bodies.
- The Bill however also provides caveats that allow public bodies to not comply with a recommendation (20(1)(a/b)). This seems to weaken the primary sanction or redress provided for in the Bill. We appreciate that there needs to be some flexibility around an organisations response to the issues identified by the Commissioner and also recognise that the Bill will operate within the democratic process. We believe therefore that the Bill and any supporting guidance would benefit from greater clarification as to the role of the democratic process, scrutiny, at local government, Welsh Government and by the Wales Audit Office, and the transparency of reporting, in ensuring compliance.
- We welcome the recognition that natural resource management and the environment needs to be reflected in the Commissioners Advisory Panel and that NRW, as the leading body for the environment and natural resources in Wales, has been identified as a member. However, along with others, we have some concern about the potential for conflict of interest arising between the roles. We may be issued recommendations by the Commissioner which have been informed and advised on by the Advisory Panel, on which our Chair or nominated Non-executive will sit. We are unclear how this will be managed. We note that the explanatory memorandum does clarify that a role on the Advisory Panel does not impact on members other statutory functions.

Clarification is sought on:

- The statement that the Future Generations Commissioner will provide climate change advice to Welsh Ministers. Will they only provide advice on climate change to Ministers? What about the public bodies?

We suggest the text under Part3/18 (1) (a) could be amended, or a separate point made, to the effect that the Commissioner can

‘..provide advice or assistance to a Public Body, Public Service Board or Community Council in relation to considering climate change and the achievement of the well-being goals’

- Will the Future Generations Commissioner be the Climate Change Commissioner? What will the status of the Climate Change Commission in Wales be post the enactment of this Bill?

A value of the Climate Change Commission is the opportunity it provides to discuss the complex issues around climate change in Wales in a specific forum.

- It would be helpful to have clarity on whether the National Conversation and SD Charter are the processes that will be used to perform this function for SD in Wales. We believe that in order to make the radical shifts needed to achieve a sustainable Wales, debates in these fora based on future scenarios, opportunities and hard choices, will be essential.

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

- Whilst we support a stronger framework for delivering sustainable development through local public service delivery and therefore welcome the establishment of PSBs and Well-being plans on a statutory footing, we have some concern about resourcing the needs of all 22 PSBs as a statutory member. This more than doubles our current engagement level.
- To deliver the intent of the Bill and enable efficient and effective engagement, PSBs will need to operate at the strategic level locally, and in line with this Bill, use an integrated approach to needs assessment and delivery to ensure equity across the three issues.
- To ensure efficiencies, the establishment of PSBs and Well-being plans would benefit from being aligned to the proposals for Local Government reforms in the “White Paper – Reforming Local Government”, currently out for consultation. There appears to be potential for 22 PSBs to develop Well-being plans and then within a couple of years the number of LAs and therefore PSBs to be reduced.
- To be effective, senior managers with decision making and resource committing delegated powers would need to attend the PSB. A reduced number of PSBs would therefore enable us, and others, to more efficiently and effectively engage. We believe therefore that it would be preferable to start the PSB and Well-being plan process with the smaller number of local authorities proposed, rather than the larger number and reduce down. There does appear to be scope in both Bills to achieve this, through Minister Direction in the Bill and voluntary merger in the Local Government Reform White Paper.

- Clear alignment with other emerging Bills will also be essential, particularly on process. For example the links between the development of area natural resource statements under the Environment Bill and the Well-being plan of PSBs. Clarity around timeframes, particularly in respect of availability of ecosystem data, evidence and information will be needed. Alignment around joint delivery and reporting requirements on the priorities identified, both nationally and in area statements will also be required.
- In respect of the list of assessments set out in section 36 (3), that should be considered when developing a well-being plan, we recommend that the UK Climate Change Risk assessment, the Climate Change Strategy and sectoral Adaptation plans should be added. We would expect that additional assessments, such as those being proposed under the Environment Bill, would be brought in under the regulations option in 36 (3) h.

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

- Measures of Progress and statutory guidance will be key to delivery of the Bill's intention. Indicators and monitoring will need to reflect both Wales' achievement of the Goals, as well as our relative consumption of the earth's resources globally.
- The Bill sets out a number of reporting requirements. We will be both subject to the Bill and be a member of the PSB and will therefore potentially report through two mechanisms. There are already reporting requirements on individual public bodies and for PSBs, so it is our intention to develop a single annual reporting approach that delivers both requirements.
- We note that there is the option in the Bill to discharge our SD duty (objective setting) through the PSB. We do not believe that all of our activities and objectives that describe how we will be contributing to the Goals, could be discharged through the PSB and its well-being plan. We are therefore unlikely to utilise this option.
- We welcome that reporting is through existing mechanisms and not an additional layer. Reporting shouldn't become an industry at the expense of delivering the intent of the Bill.
- We do welcome and support the strengthening of scrutiny around the PSB and well-being plan. We would ask if there is a need for support and training to the scrutiny panels around SD and if this is a role for the Future Generations Commissioner?
- We would welcome working with:
 - The Future Generations Commissioner when producing the Future Generations Report, to ensure the evidence from State of Natural Resources Report (SoNaRR) is utilised.

- The Welsh Government on the Future Trends report, utilising evidence from SoNaRR and horizon scanning futures work, and;
- Welsh Government in setting the Measures of Progress (National Indicators) where we have expertise and experience.

4.0 Barriers, unintended consequences, financial implications and subordinate legislation

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

- Whilst there are opportunities for supporting delivery of the intent of the Bill through all the emerging Bills and Local Government reform agenda, the very fact that we are operating in a changing policy and structural landscape with reduced resource, may itself create barriers. Flexibility will be needed to align and manage these changes.
- Operating within local and global agendas, including environmental systems, will pose barriers. Whilst the Bill itself cannot address these directly, we believe the supporting explanatory material and any guidance should raise awareness of the issue and make clear where Wales is considering any solution.
- We operate across borders with England, particularly with respect to managing natural resources. Decision making at these locations may not necessarily be driven by the same principles.
- Activity from non-devolved public sector bodies in Wales, which will not be subject to the duties.

Whether there are any unintended consequences arising from the Bill;

- There is the danger that the process drives a focus on setting objectives and reporting, but is not utilised as the catalyst for fundamental change in service delivery, i.e. to long term, prevention focused, integrated outcome delivery.
- Wales may look like it has a different operating environment for business, which could be seen as negative. This needs to be managed well and the positives of operating in a more sustainable country will need to be communicated.

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

- We will continue to work with Welsh Government at the relevant review stage to firm up on the RIA figures. We are unclear on some of the source data for the NRW figures at this stage and there is the potential that these costs are an under estimate. However, this has to be considered against the fact that as

an organisation which needs to work with others to deliver its purpose, we would look to work with key partnerships to achieve this and it may yield efficiencies.

- If PSBs are established as this Bill sets out, i.e. the strategic partnership undertaking integrated consideration and delivery across social, economic and environmental issues, at the local level, we would see this as a worthwhile investment. These would be a key delivery partnership and we would align resources accordingly. As discussed above, this would be more efficient with a smaller number of PSBs.
- We think it would have been beneficial in the PSB section, to use the approach used in the corporate planning element of the RIA which considers a transition cost and then an ongoing cost. There will be work to set up the PSBs, terms of reference, guidance etc., which will increase the initial costs relative to ongoing costs. Also, we have input to needs assessments for some Local Service Boards to date and will in future need to for all PSBs, but are not listed at all in this section.
- For the corporate planning section however, we feel this would be core work, just a different way of working in some cases and should not therefore incur significant additional ongoing costs.
- Overall, we anticipate a small increase in resource for the first few years, but once established, Corporate Planning and engagement with PSBs would become core work within NRW.

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).

- We note that there is a power to make subordinate legislation to amend the well-being Goals. Whilst we can appreciate the need to allow for change overtime, the Goals set the long term outcomes and vision for Wales and should not therefore be subject to review over short timeframes. We welcome therefore that this power is an affirmative process, requiring approval in plenary.
- We support 36 (3) h which gives Welsh Ministers powers to require PSB to consider other Assessments. We are recommending that the UK Climate Change Risk Assessment is one that should be listed now, amongst others, but welcome the ability to add others over time as they emerge.
- As per comments already made, we also support powers 43(2)(a) which allows ministers to require a PSB to review its well-being plan if substantially non-compliant, and 46(2) allowing Ministers to issue direction to require two or more PSBs to merge and 47(2) to collaborate.

Natural Resources Wales
5 September 2014

National Assembly for Wales
Environment and Sustainability Committee
WFG 60
Well-being of Future Generations (Wales) Bill
Response from Commissioner for Sustainable Futures

Peter Davies
Comisiynydd Dyfodol Cynaliadwy
Commissioner for Sustainable Futures

5th September 2014

Environment & Sustainability Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Chair,

Consultation on the Well-being of Future Generations (Wales) Bill

I welcome the opportunity to respond to the Committee's inquiry on this Bill and set out below my comments and views on the proposed Bill in providing an adequate framework by which Wales can be a sustainable nation.

These comments are a summary of the views gathered over several years as the independent Commissioner for Sustainable Futures which included chairing an FG Bill Reference Group between September 2012 and July 2014, and from discussions with community groups, organisations, businesses and individuals gathered from the national conversation on The Wales We Want, which I have been leading on behalf of the Minister for Communities and Tackling Poverty.

The first point I would want to stress is that the Bill is an important step forward in our commitment to sustainable development which has been a distinctive dimension of devolution. However experience has demonstrated weaknesses in the procedures required under the existing duty, highlighted in the successive independent reviews undertaken by each new administration and in the Commissioner's independent commentary on the Annual Sustainable Development Report including:

- Sustainable development is treated as a cross cutting theme alongside others not as a central organising principle
- The Scheme and reporting process run parallel to the programme of Government and are not seen to be central policy
- The duty only applies to Welsh Government and has no traction across the public sector

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Commissioner for Sustainable Futures

- The Sustainable Development Indicators produced each August have little connection to policy and performance
- The remaking of the scheme by an incoming Government can mean it is up to 2 years before a new scheme comes into being

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The Bill must also be seen in the global context of the UN process of establishing global Sustainable Development Goals and has been recognised by the UN as an important legislative development that can align national and global actions.

The process of developing the Bill has been supported by the Future Generations Bill Reference Group involving key stakeholders and chaired by the Commissioner. It has also drawn from shared learning with countries / regions who are following a similar path (e.g. Finland, Germany, Hungary and Catalonia) , key reports such as the Oxford Martin Commission on the Future “Now for the Long Term” http://www.oxfordmartin.ox.ac.uk/downloads/commission/Oxford_Martin_Now_for_the_Long_Term.pdf and expert groups including The World Futures Council, The Stakeholder Forum and the Foundation for Democracy and Sustainable Development.

The Bill introduces a number of important mechanisms that can improve our governance for the long term and establish a common framework for how the public sector does business in Wales. However the big challenge for the Bill is the gap between the statement that the Bill provides a “framework for how the public service does business in Wales” and its connection with other legislation, and the current understanding of its purpose across the public service in Wales.

Goals and Measures

The Goals are understandably high level but they do play a key role in bring greater clarity to the concept of sustainable development. However they need to be widely understood owned and translated into practical measures if they are to be effective. It is important that they are seen to be integrated and interconnected and not treated as separate silos. There will need to be further amendment to the goals, for example strengthening the international dimension, which is particularly significant around the issue of environmental limits and planetary boundaries, which are important concepts but often difficult to translate meaningfully into practice.

The Bill requires Government to set the indicators or measures of progress that will underpin the national Goals. These measures will be critical, providing a “national scorecard”, and allowing us to monitor progress in achieving the Goals. They can also provide the basis for a performance framework across the public sector.

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The recommendations on the “measures that matter” will be the core focus for the Future Generations Report generated from the next stage of the national conversation and will draw on international practice in “Beyond GDP” measures.

I do not think that the Bill should set targets against these measures as I would see this as being part of the local and national democratic process as potential programmes of Government should clearly set out how they are intending to improve performance across the measures. Indeed successive Governments will need to review measures to ensure they remain fit for purpose. However I think there is a strong case for a specific set of requirements in respect of climate change.

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The national conversation has highlighted that climate change is seen as the single most critical issue that people across Wales felt would affect future generations and there is a strong case that it must be given greater reference in the Bill. I have previously written to Ministers on this point in my role as Chair of the Climate Change Commission for Wales (CCCW). We will be considering specific recommendations at the Climate Change Commission meeting on September 24th, which I will then be able to submit in evidence to the Committee. In the meantime, a separate letter is also being submitted as evidence on behalf of the Commission to re-emphasise the points that were highlighted in my letter to the Ministers.

Sustainable Governance Approaches

The focus on goals and measures of progress (outcomes) will only be effective if the governance approaches set out in 8.2 of the Bill are applied.

This section sets out key decision making principles that need to be taken into account by public bodies - preventative action, integrated approach, long-term thinking, collaboration and engaging communities and interested parties. There is a danger that they are lost in the focus on the goals, but these are the key principles that need to be applied transparently in the decision making process. There is a strong case for strengthening this element to more clearly incorporate the principles of co-production through citizen engagement.

It is also worth highlighting that the “evidence” principle has been lost from the White Paper, which would have incorporated the key Sustainable Development principle of applying “sound science” in decision making.

Public Service Boards

The proposals for Public Service Boards represent an important part of the structure that can ensure a coherent delivery and reporting framework to enable progress against the goals and measures. The Bill will need to ensure an alignment between national and local delivery through applying the same principles of decision making and focus on achieving long term goals and measures to national, local government and other public bodies.

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As Commissioner I have been conscious of the variable approaches of the current structure of Local Service Boards and welcome this section of the Bill. I particularly welcome the presence of Natural Resources Wales as a core member of the Service Board, the requirement to invite representation from the voluntary sector and the strengthening of democratic accountability through the role of Local Authority Scrutiny Committees.

The proposed new Commissioner has a key role in supporting and providing a critical analysis of Wellbeing Plans and the reporting by Public Service Boards, to ensure that the framework of the Bill is being Page 3 of 5 effectively.

However while I support the importance of a national framework, it must reflect the needs and aspirations of local communities. There is a critical role for community or neighbourhood based plans that can build from local needs but can relate to national goals. This must be fully recognised and supported in the approach to creating the wellbeing plans of the Public Service Boards, particularly as it is envisaged that these will increasingly cover larger geographic areas.

Commissioner's function

Finally I want to focus on the role and function of the independent statutory Commissioner for Future Generations.

The proposals represent a significant strengthening of my current function, which has been part time, with no legal powers and no direct office function. There has also been a significant strengthening of the role from that envisaged in the initial White Paper. There is significant international practice in respect to similar functions, which I know has been considered in the design of the role. However I would still make the following points:

- There is a strong case that the appointment and scrutiny of this role is undertaken through the National Assembly as this will exemplify the independent nature of the Commissioner.
- The Bill also needs to provide greater clarity on the process by which the Commissioner can instigate investigations and response required.
- The Advisory Panel for Commissioner needs to be a strong multi stakeholder forum to provide advice and support, adding weight to the Commissioner's reports.
- The relationship of Commissioner and Wales Audit Office will need to be strengthened as is central to the concept of a strong Commissioner.
- Together, both the advisory panel and a close link with WAO will provide a 'check and balance' of the Commissioner's function to ensure a strong respected Commissioner function and obviating the danger of a Commissioner either being ignored, subject to influence of individual lobby groups or being perceived as having specific personal agendas. This is particularly

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important as unlike other Commissioners, a Commissioner for Future Generations does not have an identifiable constituency to whom they will be currently accountable.

- Critically the Commissioner's role needs to be solutions focused, providing a capacity to manage competing interest groups, undertake independent reviews to support decision making. There is a danger that the office becomes overwhelmed with the processes associated with overseeing compliance across Public Service Boards

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The Bill will not be a silver bullet that will address all our problems or make difficult decisions easy. It will though introduce mechanisms that improve our governance and decision making for the long term, so providing a better chance of meeting the intergenerational challenges that are beyond one term of Government and need the engagement of wider society. There will need to be clear connectivity with other legislation and alignment with decision making across the public sector.

I am very happy to provide more details on the points raised above, and look forward to meeting the Committee on September 25th.

Yours sincerely



Peter Davies
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Commissioner for Sustainable Futures

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September 2014



**Consultation on the Well-being of Future Generations (Wales) Bill
Response by Friends of the Earth Cymru**

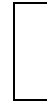
Introduction

1. Friends of the Earth Cymru is part of Friends of the Earth England, Wales and Northern Ireland, and supports a unique network of local campaigning groups working in communities throughout Wales. Friends of the Earth Cymru inspires the local and national action needed to protect the environment for current and future generations, and believe that the well-being of people and planet go hand in hand.
2. We welcome the opportunity to respond to the general principles of the Well-being of Future Generations (Wales) Bill and hope that we can assist the committee in developing this draft legislation into a truly ground-breaking, strong and effective law.
3. Despite an ever increasing recognition of sustainable development and sustainability since the original Rio Earth Summit in 1992, there has not been a step change in our behaviour, legislation or institutional structures, and the global actions of the past 22 years have created a state of unprecedented planetary emergency. There is an urgent need for humanity to shift course, and put the needs of the Earth and future generations above short-term gain. This will mean charting a course away from current values and expectations, developing societies and economies that support life and the Earth beyond the end of this century.

Consultation questions

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

4. We strongly support having legislation to embed sustainable development and welcome the original intention and ambition of the Welsh Government to *“Legislate to make sustainable development the*



central organising principle of the Welsh Government and public bodies in Wales.”¹ and for Wales “To become a ‘one planet nation’, putting sustainable development at the heart of government”².

5. The Welsh Government’s commitment to the international Rio+20 process going forward, and the UN Sustainable Development Goals, is a clear indication of the political will to set ourselves at the forefront of the international context and we fully support the Environment Minister’s original aim of achieving “*ground breaking legislation on Sustainable Development*” and to “*make our legislation as strong and effective as possible*”³ and continue to hope that this is what will be accomplished.
6. We are part of the Sustainable Development Alliance who set out its own proposals on how this could be done last year⁴ and continue to believe that a simple structure of setting a clear definition of what sustainable development means in Wales, a substantive duty on public bodies to exercise their functions so as to achieve sustainable development, and an independent Commissioner to hold them to account should be the basis for legislation.
7. However as we are now dealing with a published Bill we will primarily comment on the proposals in front of us and how we can move from where we are to a strong and effective piece of legislation relating to sustainable development.
8. It is of concern that the scope of the Bill seems to be limited to governance arrangements and impacts on well-being solely within Wales.
9. Despite Sustainable Development being the central organising principle of the Welsh Government, and a duty since its inception, the Wales Audit Office assessed in 2010 that it has not been integrated into financial and business planning: “*Sustainable development principles have not been consistently embedded in the Assembly Government’s strategic and operational decision making. The Government of Wales Act 2006 commits the Assembly Government to ensuring that all its funding works for sustainable development. However, sustainable development is not driving resource allocation nor is it integrated into all financial and business planning processes. The Assembly Government has not ensured that all its grant giving underpins its vision of a sustainable future.*”⁵
10. To address this failure, the Wales Audit Office recommended to “*Embed sustainable development in the Assembly Government’s governance procedures, financial planning, core business planning processes, change programmes and human resources processes.*”⁶.
11. This underlines our belief that the Bill should be about all the functions of public bodies, not only governance. There has to be an impact on decision making, particularly financial decisions and procurement for sustainability to be at the heart of the public sector. The duty must apply to public

¹ Welsh Government (2011), ‘Programme for Government’ p.43

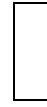
² Ibid, p.42

³ Written Statement by the Welsh Government, ‘Visit to Rio+20’, Minister for Environment and Sustainable Development, 29 June 2012

⁴ <http://www.shapingfuturewales.org/en/our-proposal/>

⁵ Welsh Audit Office (WAO), (2010), ‘Sustainable development and business decision making in the Welsh Assembly Government’, p.11

⁶ Ibid, p.13



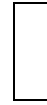
authority functions so as to capture the way a public authority delivers its services and its procurement activities.

12. Our concern for well-being should not stop at Wales' borders and it is vital that Wales acts as a global citizen to promote justice and drive down extreme inequality in the world, in so far as public bodies in Wales have an impact on people outside our borders through our actions. We will expand on this in response to subsequent questions.
13. Welsh Government Ministers have said that the intention of this legislation was to set an over-arching duty on public bodies, rather than an additional duty that's considered as one of many competing duties. Currently we have a piecemeal approach towards considering sustainable development in decision making with, for example, projects going ahead on economic grounds despite overwhelmingly negative environmental impacts. Therefore the Bill must be clear that all elements of sustainable development must be met, and that the duties in this legislation are the framework within which all other duties are considered.
14. Although there are positive components to this Bill, we believe that the Bill as a whole as it currently stands has too many pitfalls and weaknesses to stand up to the claim of being ground-breaking or truly ambitious.

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;**
15. The Bill does not contain a definition of sustainable development as such, and has separated various elements into the common aim, sustainable development principle, well-being goals and elements that public bodies should “take into account” (Section 8(2)).
 16. We continue to believe that having a definition in law is essential for clarity, longevity and certainty. It will give direction to public bodies relating to this Bill and to ensure consistent interpretation of terms across the body of Welsh legislation.
 17. We would seek clarity whether the “common aim” is an overarching aim for public bodies, as was the original intention of the government, rather than one of many competing aims. We also believe that all four pillars of sustainability – economic, social, environmental and cultural – should be included in this section.
 18. The “common aim” proposed in Section 2 and indeed the purpose of the Act in Section 1 only allows for consideration of the “well-being of Wales”, not the impacts Wales has on the wider world. We believe that this must be amended.
 19. The wording of Section 3 is a short and weakened version of the definition of sustainable development from the 1987 Brundtland Report⁷. It is essential that it is strengthened and the use of limiting language

⁷ World Commission on Environment and Development (1987). *Our Common Future*.



such as “seeking to” as opposed to achieving must be avoided. We also believe that the concept of sustainable development has moved on substantially since this time, not least with the UK Sustainable Development Strategy’s five guiding principles of sustainable development⁸ and in Wales with the definition in the current Sustainable Development Scheme “One Wales: One Planet”⁹. This is therefore a backwards step from having a comprehensive definition relevant to Wales and the world in the 21st century.

- **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;**

20. The approach taken in the Bill seems a convoluted multi-layered process which overcomplicates what is required from public bodies and is likely to weaken implementation. There is no clear single and substantive duty on public bodies, and elements that have to be considered include the purpose, common aim, sustainable development principle, well-being goals and the elements in section 8(2).

21. The wide range of limiting and conditional terminology in different sections such as “seeking to ensure”, “pursue”, “seeking to achieve”, “take all reasonable steps” and “take into account” further dilutes and complicates the approach. Clarity, and the effectiveness of the legislation, is reduced with every section.

22. We would prefer to see a simpler architecture - a clear and substantive duty on public authorities to achieve sustainable development in all their functions, which is backed by stated outcomes and measurable targets, as previously set out in paragraphs 6 & 11.

Goals

23. We welcome the intention to lay out clear outcomes within legislation through the goals, and welcome the National Conversation ‘The Wales We Want’ which was intended to contribute towards the formulation of these goals.

24. We believe some changes are necessary for the goals to be comprehensive and to fully reflect what a sustainable Wales would entail.

25. Comparative and relative wording for goals such as “a more equal Wales” are too weak and should be replaced by wording which is specific and measurable.

26. The global climate, environmental limits and global resources are surprisingly absent from the goals and descriptions of the goals. This should clearly be amended for the Bill to be meaningful.

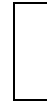
27. Tackling climate change is vital to ensuring the well-being of present and future generations. The interim ‘The Wales We Want’ report identified climate change as being the most critical issue for the well-being of future generations¹⁰.

28. In a survey of public perceptions of climate change in Wales published by the Climate Change Consortium of Wales in 2013, 84% of respondents were concerned about climate change, 73% of respondents agreed that Wales should aim to set an example to the outside world when it comes to

⁸ <http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf> p.16

⁹ <http://wales.gov.uk/docs/desh/publications/090521susdev1wales1planeten.pdf> p.8

¹⁰ An interim Report from the pilot National Conversation on ‘The Wales We Want’, July 2014, p.25 & 26



addressing climate change, 80% were concerned about the effects of climate change in developing countries and 90% were concerned about the effects on wildlife and the natural world. A clear majority of respondents also said they would be willing to vote for politicians committed to climate change.¹¹

29. Successive global summits, academic reports and all parties in the Assembly agree that climate change is one of the biggest challenges facing the world in the 21st century and we must take immediate action to tackle this. Otherwise we face environmental, economic, cultural and social impacts which will affect future generations, and disproportionate impact on people in poverty within Wales and across the globe. The recent IPCC reports confirm not only unequivocally the science of climate change "warming of the climate system is unequivocal", and "most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations"; it tells us what we need to do to keep us within safe temperature rise of 2 degrees Celsius to mitigate against some of the worst impacts of climate change.
30. Although sustainable development is of course wider than climate change any development we achieve will not be sustainable unless we tackle climate change. A key test of the efficacy of the Well-being of Future Generations Bill will be how it will drive the reduction of our emissions in Wales - both our territorial and consumption emissions.
31. The goals do not recognise or address our international impacts. This issue is not confined to the goals but must be included throughout the Bill to make clear that those issues which public bodies can impact such as fairtrade and ethical procurement of goods and services will be addressed. In the goals a reference could be made to Wales using only its fair share of resources and avoiding adverse international impacts.

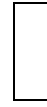
Sustainable Development Principles (Section 8(2))

32. Section 8(2) sets out some very important principles, many of which stem from the 1992 Rio Declaration on Environment and Development¹², such as the preventative principle and long termism. These are a crucial part of taking a sustainable development approach to decision making and form part of the definition of sustainable development agreed by the Sustainable Development Alliance¹³. If these are to remain in a separate section from a definition or the goals there must be a clearer link than for public bodies to "take into account" – these are key principles which have to be central to the application of sustainable development.
33. We believe the principles outlined in this section are incomplete but can be built upon and further clarified – a basis of sound science or evidence base for decision making, the precautionary principle, the polluter pays principle and a stronger emphasis on good governance should be added. The Bill should also reflect and enhance the provisions within the Aarhus Convention on access to information, public participation and access to justice in environmental decision-making. This is an ideal opportunity to embed widely recognised principles into Welsh legislation.
34. "Long term needs" must also relate to global ecosystems and impacts outside Wales.

¹¹ Capstick, S.B., Pidgeon, N.F., and Whitehead, M.S. (2013). 'Public perceptions of climate change in Wales: Summary findings of a survey of the Welsh public conducted during November and December 2012'. Climate Change Consortium of Wales, Cardiff.

¹² <http://www.unep.org/Documents.Multilingual/Default.asp?documentid=78&articleid=1163>

¹³ <http://www.shapingfuturewales.org/en/our-proposal/> clause 2



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

35. There is quite a gap between public bodies writing their own well-being objectives designed to “maximise its contribution to the achievement of the well-being goals” based on the multi-layered set of considerations previously outlined, and the actual achievement of those goals.

36. It should not be up to public bodies to decide not to follow a Commissioner’s recommendation because they are satisfied there is good reason not to do so (Sections 19-20). As well as undermining the Commissioner’s role this is not an approach that will lead to the goals being met or set the right culture for public bodies.

37. It is not at all clear how progress will be achieved or ensured, with no legal redress and a lack of effective scrutiny mechanisms.

38. Whilst national indicators in themselves are useful for showing progress, or lack of, it is not in itself a way of ensuring progress is made, as we know from the current Sustainable Development Indicators.

39. One way of measuring progress on the well-being objectives is if there is a requirement in the Bill for public bodies and Welsh Ministers to set targets (in Sections 7 & 9). The Bill should set out some key areas that must be measured and timeframes for progress, such as targets for reduction in climate change emissions.

40. In January 2013, the UK Committee on Climate Change published a report on ‘Progress reducing emissions and preparing for climate change in Wales’¹⁴ which stated, “Our conclusions from this analysis are setting a statutory underpinning to Wales’ climate change targets could help to provide certainty to policy-makers, businesses, investors, and wider society in Wales and strengthen incentives to reduce emissions”. It saw the forthcoming Well-being of Future Generations Bill as a key opportunity to achieve this. We support this conclusion and recommend that the Bill would be an opportune and appropriate place to include statutory climate change targets.

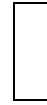
41. The One Planet approach of measuring ecological footprints, in line with the current sustainable development scheme and including assessing the use of land, materials, water and carbon, should be part of annual well-being reports or other systems for monitoring and reviewing.

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

42. We strongly support the establishment of an independent Commissioner who should be a powerful champion for future generations, people in developing countries and those living in poverty in Wales – all of whom are impacted by unsustainable development.

43. The independence of the Commissioner’s role as outlined in the Bill and Explanatory Memorandum is questionable on a number of levels under the current proposals. In particular we would highlight the following issues;

¹⁴ http://www.theccc.org.uk/wp-content/uploads/2013/01/1673_Welsh-Rep-2013FINALWEB.pdf



- Appointment – In order to hold the Government and public sector in Wales to account the Commissioner should be appointed by the Assembly and not the Government.
- Workplan, budget, and staffing of the Commissioner’s office – it is not appropriate for such operational areas of the Commissioner’s office to have to be agreed by Welsh Ministers.
- Advisory panel – it is not acceptable that Welsh Ministers would appoint any additional members.

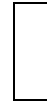
Lack of powers and limited remit

44. The remit of the Commissioner should be broadened to reflect the purpose of the legislation as set out in Section 1. The Commissioner should have a general duty to act in the interest of future generations.
45. The Commissioner should be both empowered and required to investigate and take action on failures by government and public bodies to comply with the provisions of the Bill, and more widely to protect the interest of future generations.
46. The Commissioner must also be adequately resourced, with a staff able to support a significant programme of work including; research, policy development, support for the public sector in developing effective objectives and investigative capacity to hold the devolved public sector to account.
47. In terms of powers we believe the Commissioner should be given the power of investigation, including requiring bodies to provide evidence for its inquiries.
48. We believe that the Commissioner should be able to take complaints and act as an ombudsperson with regard to the discharge of the Bill’s provisions by public bodies, similar to the current Children’s and Welsh Language Commissioners.
49. The Bill is not specific about the role of and relationship with the Wales Audit Office and Auditor General, and how monitoring and auditing will be carried out. As a minimum there should be a clear duty of collaboration between the Commissioner and the Wales Audit Office set out in this Bill.
50. Whilst we welcome the inclusion of giving advice to Welsh Ministers on climate change within the Commissioner’s functions, this is the only place in the Bill that climate change is mentioned, and it’s not clear how this related to the various levels of goals, aims and principles. We recommend that this function be kept but that it is made clear elsewhere in the Bill that tackling climate change is a key part of sustainable development and the duty on public bodies.
51. It’s not clear what is expected of the Advisory Panel. External expertise will be needed but it’s not evident how the proposed panel membership would cover the scope of advice required by the Commissioner, what scale of input they could have given their own existing statutory functions or what level of support would be provided.

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

52. We have no expertise in this matter therefore do not wish to comment. It does seem that this Bill has become principally about public administration rather than sustainable development.

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



53. The Bill as currently drafted does not mention our international obligations at all. This is a surprising omission, and a step backwards from the White Paper proposal that was itself criticised for being too weak a commitment to global impacts.
54. The Welsh Government's White Paper which preceded this Bill stated: *"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."*¹⁵
55. The Bill should explicitly recognise and give regard to the positive and negative impacts that Wales has on people and the environment internationally, e.g. through consumption of resources, the supply chains of the Welsh public sector including products and services procured, the activities of Welsh businesses abroad, the impacts of carbon emissions produced in Wales and the support provided for projects overseas.
56. Wales cannot be a sustainable nation without recognising and dealing with its impacts beyond its borders. We have outlined suggested areas where this should be amended in paragraphs 12, 18, 26, 30 & 31.

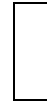
Any potential barriers to the implementation of these provisions and whether the Bill takes account of them;

57. We believe the complexity of the architecture of the Bill to be a barrier to effective implementation of the Bill, as we have already explained in paragraphs 20-22.
58. Some other possible barriers are;
- A lack of effective scrutiny mechanisms;
 - The lack of remedy and redress if objectives are not met, if there is insufficient progress towards meeting the goals or incorrect interpretation of a requirement;
 - An under-resourced Commissioner's office with lack of capacity and expertise;
 - A lack of data and knowledge within public bodies to carry out necessary assessments and prepare well-being objectives;
 - A Commissioner with weak powers who will not be able to hold the government and public bodies to account.

Whether there are any unintended consequences arising from the Bill;

59. There is a risk of confusion around the terms "well-being" and "sustainable development" in Welsh law if there aren't clear definitions in this Bill which is both consistent with existing legislation such as the Social Services and Well-being Act and will be referred to in forthcoming legislation such as the Planning Bill and Environment Bill.

¹⁵ Sustainable Development Bill White Paper, December 2012 <http://wales.gov.uk/docs/desh/consultation/121203asusdevwhitepaperen.pdf>



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);

60. We have no comment other than the office of the Commissioner should be sufficiently funded to meet its duty and functions, in line with comparative Commissioners in Wales.

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).

61. The goals set in legislation should only be amended by the Assembly rather than by Welsh Ministers. As well as providing additional scrutiny, this would ensure a level of certainty for those public bodies operating towards achievement of the goals.

National Assembly for Wales
Environment and Sustainability Committee
WFG 62
Well-being of Future Generations (Wales) Bill
Response from Climate Change Commission for Wales



4 September 2014

Dear Chair

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

The Climate Change Commission for Wales welcomes the opportunity to respond to the Committee's inquiry on this Bill; our key message is the need to emphasise the **importance of strengthening specific references to climate change measures** within the Bill in order to drive our emission reduction and adaptation performance.

The Climate Change Commission for Wales has already written to the Minister (in May) to outline its support to the Committee on Climate Change's [recommendation](#) that '**setting a statutory underpinning to Wales' climate change targets** could help to provide certainty to policy-makers, businesses, investors, and the wider society in Wales and strengthen incentives to reduce emissions'.

We also believe that it is imperative that the structure of the Bill, in particular the goals, measures and principles, **set the framework for tackling climate change across the public sector**. Climate change should be included within the measures of progress in the Bill, extending this requirement to a duty on Public Service Boards to set targets in line with accepted global requirements.

As the Interim Report from the pilot National Conversation on the 'Wales we Want' (July 2014) identifies, when people were asked to list potentially critical issues for the future of Wales, five themes stood out with climate change and the natural environment receiving the most votes (69.5%).

A more detailed response on the issues identified within your "terms of reference" will be shared with the Committee during my evidence session on the 25th of September, and this will be informed by a discussion with the Commission members on the previous day. However some key points that we'd like to highlight are as follows:

Goals & Measuring progress:

Within the current Well-being goals there is no specific reference to climate change and no recognition of the 'global systems' perspective, our international impacts or responsibilities, or 'environmental limits'.

In terms of measures for climate change, indicators would need to cover territorial emissions, adaptation and carbon footprinting¹. For the measure of Wales' carbon footprint regular ecological footprint research needs to be undertaken. Welsh Government is yet to publish the most recent research undertaken on this.

Currently Wales is the only UK devolved nation not to have or be seriously considering statutory climate change targets. Using legislation to push environmental action has already proven successful in Wales and we feel that a stronger approach should be called for to deliver climate change action.

These targets should be supported with a package of measures, such as:

- Developing an action plan every 5 years to achieve these targets
- A requirement for an emission impact assessment on large scale infrastructure and strategies
- A duty on the public sector to contribute to these targets
- Measuring the emissions impact of annual budgets

A mixture of amended goals, targets within the Bill and activation of Welsh specific duties under the Climate Change Act could provide a package of legislative measures to help accelerate action in Wales. We would be happy to advise further of how these could be integrated into the current proposals for the Wellbeing of Future Generations Bill.

Role of Future Generations Commissioner for Wales

The remit and responsibilities of the Future Generations Commissioner should include climate change and ongoing support for the Climate Change Commission. We also feel that there is a need to include a duty for Welsh Government and/or the Future Generations Commissioner to set targets for the Welsh Government and public sectors to report on climate change mitigation and adaptation.

The Welsh Government is currently undertaking a 'Refresh' of its Climate Change policy – a statement is expected in the autumn by the new Minister and this provides a significant opportunity to demonstrate continued leadership on climate change. The Commission would urge the Refresh to go beyond a high level statement of intention and consider a commitment to statutory targets in the forthcoming legislation. Without this commitment to deliver on its political ambition, Wales is in real danger of falling behind other nations in the UK and Europe.

¹ The carbon footprint refers to emissions that are associated with the consumption spending of UK residents on goods and services, wherever in the world these emissions arise along the supply chain, and those which are directly generated by UK households through private motoring etc. These emissions are often referred to as "consumption emissions" to distinguish them from estimates relating to the emissions „produced“ within a country's territory or economic sphere. To find out what effect UK consumption has on GHG emissions we need to take into account where the goods we buy come from and their associated supply chains.

Swyddfa'r Comisiwn:

Cynnal Cymru - Sustain Wales
Cambrian Buildings | Sgwâr Mount Stuart | Bae Caerdydd | CF10 5FL

Office of the Commission:

Cynnal Cymru - Sustain Wales
Cambrian Buildings | Mount Stuart Square | Cardiff Bay | CF10 5FL

Yours sincerely



Peter Davies
Chair, Climate Change Commission for Wales

Swyddfa'r Comisiwn:

Cynnal Cymru - Sustain Wales
Cambrian Buildings | Sgwâr Mount Stuart | Bae Caerdydd | CF10 5FL

Office of the Commission:

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Cefnogir gan:
Supported by:



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 bwllgor 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



Evidence to ESD committee inquiry on the Wellbeing of Future Generations Bill. Response from WWF Cymru.

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

1. WWF wholeheartedly applauded when WG committed to legislate to “to embed sustainable development as the central organising principle **in all of our actions** across Government and all public bodies, bringing forward a Sustainable Development Bill. This approach will set Wales apart as a sustainable nation, leading from the front”¹ Furthermore, this was set as one of the actions required to meet the aim of becoming a One Planet nation.
2. WWF Cymru remains totally supportive of the aim of legislation that could make Wales an exemplar for other countries, which we would promote throughout our global network. So, for WWF, there are 2 key questions. Does it embed SD in all actions? Is it ground- breaking and world leading?
3. WWF believes that there are two fundamental areas where this Bill is entirely deficient. First, the complete absence of the key concept of SD- namely that we must live within environmental limits. Second, a lack of any reference to the overall impacts from Wales on the international global community, including damage to the life support systems upon which we all depend.
4. In our view, overall, the proposal² made by the Third Sector Alliance remains a clearer and more straightforward approach to achieving WG’s intention.

A. Does the Bill embed SD as Central Organising Principle – in all actions?

5. We consider that the architecture of the Bill fails to adequately embed SD into all the actions of the public bodies. We consider it weakly embeds SD because the whole architecture is solely focused on governance and not decision making and delivery. We would prefer to see a specific substantive duty on public bodies to deliver sustainable development, including delivery of the well-being goals. We would prefer

¹ <http://www.clickonwales.org/2011/07/welsh-government%E2%80%99s-legislative-programme/>

² <http://www.shapingfuturewales.org/en/our-proposal/>



to see a duty upon public bodies to pursue SD as their primary purpose. This is a key weakness of the Bill in our view and therefore the Bill fails to meet the WG stated aim of embedding SD *in all actions*.

6. Another way in which the Bill fails to embed SD, in our view, is in its treatment of the definition of SD. First, it turns SD into a principle (not the way it is conceived by Brundtland) and second it limits its scope by inserting the phrase ‘seeking to ensure’. As a consequence, SD is defined in a far more qualified and less rigorous way than in the current SD Scheme, One Wales One Planet (OWOP) -8. These failures are compounded, in our view, by the overarching failure, mentioned earlier of not encapsulating the concepts of ‘environmental limits and concern for global impacts.
7. In sum, we consider that this Bill appears to embed some good governance principles but fails to embed SD itself into the exercise of the functions of public servants. It is further weakened by the complexity of its provisions, leading to gaps in coherence and lack of clarity.
8. Despite these weaknesses, we recognise the vital importance of this opportunity in setting us on a more sustainable path. Therefore, it is imperative that we work to strengthen this Bill through effective amendments.

A. B Is the Bill ground breaking and ‘leading from the front?’

9. WWF commissioned academic research from Professor Andrea Ross to directly consider this issue. She compared the Bill with legislation from several other countries. Her conclusion is that despite some innovative aspects, which we acknowledge, the Bill falls short of being a ground-breaking Bill.
10. Legislating for well-being goals sends symbolic and ambitious signals. However, the goals will only be effective if collectively they produce a truly sustainable Wales.
11. The requirement for public bodies to take an integrated approach, by legislating for all three aspects of SD, and as part of the general functions of public bodies, is innovative, but that innovation will be lost if some of the gaps in coherence are not addressed.
12. The terminology of the Bill is unfortunately far weaker than some of the clear, symbolic and ambitious terminology that is used in the existing One Wales One Planet scheme. As referred to above, we are greatly concerned that the Bill fails to deliver upon the important concepts such as ‘living within environmental limits’; ‘reducing Wales’ negative international impacts’, and the reduction of ecological footprint to a level of a ‘fair share of the earth’s resources’. As mentioned, these are significant flaws.
13. Further, by reducing the scope of the Bill to the governance systems it is difficult to argue that this Bill is truly exemplar, particularly when more innovative, symbolic and powerful examples exist elsewhere that are not limited to governance alone (Sweden, Minnesota, Quebec, Australia).

14. **Action: WWF recommends a suite of amendments to the Bill (the Purpose, Goals, the SD definition and/or section 8 (2) Principles, along with some other procedural changes) to deal with these shortcomings. These will be detailed later and will address the scope of the Bill, embedding environmental limits and strengthening the substantive duty, so that it is fit for purpose**

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

15. WWF considers that the need for new legislation was well established by WG in 2010.
16. The Wales Audit office identified failings by government to embed SD in its decision making using the Government of Wales Act approach of making a scheme with indicators and annual reports.
17. Key failures identified by the report³ were:
 - SD was seen as one of many competing objectives, not a means of managing competing priorities
 - there was a lack of clarity on what was meant by SD;
 - there were areas where SD had not been considered e.g. resource allocation, financial and business planning
18. WWF agreed with WG that there was a need for legislation to address these serious shortcomings. It was anticipated that the WG would bring forward legislation that would overcome some of the key barriers to embedding SD within government decision making. These were identified as:
 - A political focus on the short term (rather than long term taking into account future generations)
 - Embedding SD as an integrated approach to strategic, financial and operational planning.⁴
 - The need to go beyond business practices and create a culture where SD is embedded in all key decisions.⁵

19. So a crucial question is whether the Bill addresses these issues, improves on the existing system and changes business as usual approaches.

The short answer is – partially. It does improve the weight on the long term and tries to be clear on integration however there are gaps in this provision. The major failure is in the scope of the Bill, which does not cover financial and operational matters.

2a The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified;

20. WWF welcomes the fact that the Bill is structured to provide a clear purpose and aim to be pursued by all public bodies.
21. However we are concerned that the scope of the common aim is limited to ensuring only ‘governance arrangements’ are put in place. Therefore, we do not believe this addresses the WAO’s concern on areas where SD was not embedded nor does it meet WG intention.

³ Colman, J. Sustainable development and business decision making in the Welsh Assembly Government. 2010. Cardiff. Wales Audit Office.

⁴ WAO recommendation, ibid

⁵ WAO recommendation, ibid

22. The WG's ambition is to place SD as a central organising principle of governance. We consider that this requires not only the right governance structures are put in place by public bodies in terms of their systems and processes, including financial and planning, **but also clear obligations placed upon public bodies to achieve the common aim in the exercise of all of their functions.**

23. WWF is of the view that due to the above drafting the impact of the Bill is likely to remain largely neutral in its effect on embedding SD as a central organising principle.

24. Further, WWF is concerned that by including a purpose, aim and principles, together with the delivery of a set of objectives and a duty to maximise contribution, the architecture is unduly complicated, contributing to a lack of coherence to the Bill.

25. WWF suggests amendments to section 1 to extend the scope to delivery and to section 3 to remove 'seeking to ensure'. A suite of further amendments will be needed to fill the gaps in the overall coherence of the architecture of the Bill.

2b 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;

26. WWF agrees that there is a need for legislation that contains both substantive and procedural duties in order for the implementation of the Bill's provisions to be effective. We consider that a Bill that provides for integration of SD and is coherent would prove truly ground-breaking.

Well-being Goals: section 6

27. WWF applauds the attempt to provide goals for the public sector which seek to achieve sustainable development in Wales. This structure also partially follows the approach from the UN process in sustainable development goals, which is welcome.

28. However we see three key weaknesses with the Goals – first, the goals do not include provision for 'living within environmental limits'; second, they fail to acknowledge Wales' international impacts (see Q3); finally, they lack any sense of the scale of change being envisaged.

Living within environmental limits and international impacts

29. OWOP explicitly refers to both protection of the Earth's life support systems and environmental limits as part of its vision. We consider that living within environmental limits is an inherent aspect of SD as enunciated in the 1987 Brundtland report. This stated that

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

- *the concept of **needs**, in particular the essential needs of the world's poor, to which overriding priority should be given; and*
- *the idea of **limitations** imposed by the state of technology and social organization on the environment's ability to meet present and future needs."*

Brundtland further stated that:

- *sustainable development must not endanger the natural systems that support life on Earth: the atmosphere, the waters, the soils, and the living beings.*
- *But ultimate limits there are, and sustainability requires that long before these are reached, the world must ensure equitable access to the constrained resource and reorient technological efforts to relieve the pressure.”*

30. OWOP explicitly refers to both protection of the Earth’s life support systems and environmental limits as part of its vision and referred to the need for equitable use of resources. It goes on to set explicit aims, outcomes and targets as a means of delivery. However, both these aspects of SD are absent from this Bill. In consequence, the Goals are less ambitious and clear than its predecessor on OWOP.
31. FG Bill fails to make living within environmental limits an overarching goal and a common aim and therefore cannot be considered to be delivering SD.
32. We would suggest that the goals are amended as follows:

Goal 1: A prosperous Wales.

33. This goal must be amended to include
- the need for a prosperous wales to reduce its use of resources to operate within environmental limits
 - to address the issue of equitable access to resources and the
 - UN SD goal of sustainable consumption and production
34. Such an amendment would bring this goal into line with its predecessor in OWOP which included the goal of ‘living within environmental limits, using only its fair share of the earth’s resources so that Ecological Footprint is reduced to the global average availability of resources’.
35. We consider the Goal’s use of the words ‘proportionate use of resources’ is vague, it is not proportionate in relation to anything and is therefore open to wide interpretation.
- 36. WWF suggests that the Goal be reworded to include the notion of living within environmental limits and a fair share of the earth’s resources– for instance, by reference to “A more sustainable, efficient and proportionate share of resources within the limits of the carrying capacity of nature, nationally and globally.....”**

Goal 2: A resilient Wales

37. WWF is pleased that this seeks to address the health of the natural systems within Wales, although it makes no mention of the impacts we have on natural systems in other parts of the world.
38. This is important because people in Wales now, and in the future, are reliant on imports of goods and materials from abroad. Additionally, we are reliant on global processes, such as climate. Therefore, anything which affects the availability of those resources (for example a shortage of freshwater) or the health of the ecosystems on which we all depend (for example, the ability of forests to absorb carbon) or the functioning of global systems (such as climate change) will have an impact on our ability to meet our current needs and those of future generations. This is the principle of ‘living within environmental limits’, to which Brundtland refers.
39. We are broadly content with the drafting of Goal 2 save for the omission of its reference to international impacts. See Q3 for how this could be remedied.

Scale of change

40. The goals, whilst aspirational, are generic and fail to give a sense of the scale of change that is required to become a sustainable Wales, which can meet the needs of future generations as well as present ones. In terms of a sense of the scale of change, it appears to us that most public bodies could read the goals and honestly state that they were working towards these already in some way. Therefore they may easily believe that they are doing all that is required and business as usual is OK.
41. OWOP addresses this challenge by stating a goal such as ‘Wales will use only its fair share of earth’s resources’ and then setting some clear aims such as stabilising ecological footprint by 2020.
42. This OWOP approach is similar to that being adopted by the UN in regard to Sustainable Development goals where there is an overarching broad goal, with several SMART objectives under each, which include a measurable target and time frame which helps to qualify what the goal requires to achieve it. e.g. ‘By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day.
43. **WWF recommends this Bill should include a requirement to set targets in relation to the goals and set SMART objectives, (containing targets) on which performance can be measured.**

Objectives: sections 7-8

44. Sections 7 and 8 of the Bill outline the key duty / requirements on how the public bodies’ objectives will be set and the way in which they will be delivered / operationalized
45. Section 8 outlines the process for delivering sustainable development. However, WWF is concerned that the issues to be taken into account by public bodies listed within section 8 (2) (a)-(e) appear to re-define the meaning of the SD principle in a more limiting way than in Section 3.
46. In our view, the issues to be taken into account in section 8 (2) do not include all of the matters typically considered as part of the delivery of SD such as the need to base decisions on scientific evidence and the precautionary principle..

WWF also takes issue with the phrasing used for the various criteria as follows:

47. Whilst we commend the inclusion of the requirement to safeguard the ability to meet ‘long term needs ‘in 8.2 (a), the explanation of this term in the EM provides only social needs ‘Long term’ requires the recognition that environmental limits or that the earth’s carrying capacity is not breached, in order for societies to continue to sustain the resources needed for the wellbeing of future generations. This issue is at the heart of wellbeing of future generations and without it the Bill will fail to deliver meaningful sustainable development.
48. We consider the use of the phrase within 8 (2) (a) of ‘**balancing**’ the short term needs with the need to safeguard the ability to meet long term needs is incompatible with ensuring that the ‘needs of the present are met *without compromising* the ability of future generations to meet their own needs’. The notion that certain short-termist decisions may affect the ability of future generations to live a life of similar quality and standards as today’s society is at the heart of SD. However, achieving a

balance allows a public body to exercise their discretion unfettered by an obligation to future generations. This goes to the heart of the Bill's FG purpose.

49. WWF suggests that either there is a separate clause in this section or that Section 8(2) (a) is amended by adding “including, in the case of the climate, ecosystems the environment and natural resources, such an effect outside Wales”

50. Section 8(2) b should be strengthened the requirement to integrate in line with OWOP, which states ‘ensure that all decisions **take into full account of, and where possible fully integrate**, the various social, economic and environmental outcomes that are being sought’ .

2c the approach to measuring progress towards achieving well-being goals and reporting on progress;

51. WWF considers that measuring progress of public bodies in the pursuit of SD is crucial to the effective delivery of SD.
52. Under the current scheme for delivery of SD the Welsh Ministers must set indicators that can be used to measure the delivery of SD. However, there is clear evidence that this approach has failed.
53. The Welsh Audit office⁶ report stated that “Nor do ... Government’s performance management systems enable it to track its progress.....there is little evidence that these [SD indicators] have been actively used in policy appraisal”. In numerous SD Annual reports the Commissioner for Sustainable Futures has raised his concerns about this failed approach by WG in measuring progress. The AG has noted that there is ‘the need to understand both how they (indicators) have influenced policy and the impact of policies on the different measures, such as the response to the issues raised in last year’s State of Nature report.’⁷
54. Nothing in the FG Bill addresses the problem that high level SD (or wellbeing) indicators, at an all Wales scale, have failed to drive change.
55. WWF considers that the Bill needs to be significantly strengthened in this respect. We would wish to see a link made between the wellbeing indicators (section 11) and target setting, to the setting of individual organisational objectives and quantifiable performance measures.
56. The Bill should require Welsh Ministers to set targets at the same time as indicators, in respect of matters relevant to the well-being goals. A duty to take into account these targets and indicators should also be placed upon public bodies when setting objectives
57. Ministers could also be required to introduce, through regulations, the matters upon which targets will be based, for example, to be based on relevant science / advice given in the Future Trends Report and a requirement to include matters such as greenhouse gas emissions.

⁶ Ibid. Paragraph 22, page 12

⁷ The Sustainable Development Annual Report 2013-14 p.8

2d The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability;

58. WWF fully supports the idea of the appointment of a Commissioner for Future Generations. Other Commissioners in Wales focus on the interests of particular social groupings and a Commissioner who can champion the interests of future generations is a worthwhile addition.

General duty and powers

59. In the White Paper in 2012, the Government proposed that the Sustainable Development body (now FG Commissioner) should have powers to be an independent advocate for SD and be capable of 'constructively challenging' organisations on their delivery of SD'. The White Paper considered accountability as a crucial aspect of providing for an effective governance framework for SD and considered it essential that organisations were made accountable.(para 5.2)

60. In particular, the White Paper considered it necessary for the FG Commissioner to have both a 'supporting' and 'monitoring' role but not to duplicate existing audit bodies' role.

61. Inexplicably, the FG Bill provides no such powers and duties upon the FG Commissioner or upon the Auditor General for Wales (AGW). The FG Commissioner retains the weak power to make recommendations in section 20. However, this provision allows public bodies a wide exemption from compliance.

62. Equally, the White Paper argues for the AGW to play a key role in the accountability of public bodies. It states that WG intend to place a duty on the AGW (para 5.5) to include an examination of how organisations have embedded SD as their central organising principle in relation to this duty. Unlike the FG Commissioner, the AGW's powers to examine would be focused upon the systems and processes established by public bodies to govern the making of their strategic decisions when embedding SD in their planning. However, the FG Bill is silent on the AGW's role.

63. WWF agree with the conclusions in the White Paper (and with the Government's reference group) that accountability is central to embedding SD as a central organising principle

64. We suggest therefore the following amendments:

- A duty is placed upon the AGW as cited above
- That the AGW must inform and consult with the FG Commissioner about any such examination
- And that the AGW and FG Commissioner may co-operate with one another in relation to any such examination
- That the FG Commissioner is given the additional powers of enforcement, akin to those of the Children's Commissioner, in the following ways:

- i. Where scrutiny by the AGW leads to a finding of 'systemic failures' by a public body to deliver SD the FG Commissioner shall have power to examine the matter by way of reviewing and monitoring the effects of policies and systems, including the power to hold an inquiry, require information from agencies etc.. and call witnesses
- ii. Where scrutiny by the AGW finds a serious lack of compliance (but less than systemic) that the FG Commissioner has a power to challenge the current practice of the public body by conducting its own investigation and seeking compliance with its Recommendations
- iii. That the FG Commissioner has power to make recommendations for a public body to deliver a plan to bring about compliance, made under section 20 of the Bill and such recommendations must be taken into account by the relevant public body.
- iv. A power (analogous to and of the same status as those of other Commissioners) to require people to give evidence and produce documents, backed with sanctions for non-compliance. At the very least, clause 19(4) should be amended so that there is an obligation on a public body to comply with the Commissioner's request for information

Independence

65. In order for the FG Commissioner to act both as champion of future generations and to constructively challenge public bodies it is vital that his appointment is sufficiently independent and is seen to be so publicly.
66. This is not the case, however. Current proposals curtail such independence, by requiring appointment by Welsh Ministers, instead of by the democratic will of the Assembly. Also, the shortness of the term of office (3- 5 years) and by the role of Government in deciding on an advisory body and appointing its membership.
67. *We recommend that the Commissioner:*
 - *Is appointed by the Assembly*
 - *Should have a term covering a least one cycle of production and review of the future generations report i.e. 5 years or more, preferably 7.*
68. The requirement for the Commissioner (unlike his existing counterparts) to have an advisory panel, as specified by government, seems unjustified and unsatisfactory. The panel is biased to representatives of the social aspects of SD and does not give the Commissioner the freedom to appoint expertise from across the range of aspects of SD (as recommended by the Bill reference group). WWF believes the function of the panel should be to provide a source of expertise and support. Therefore, the Act should not specify specific members but the criteria for appointment.

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

69. Principle 21, Stockholm Declaration has been described as 'the cornerstone of international environmental law'⁸. Principle 21 states that:
 'States have, in accordance with the charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure

⁸ Sands, Principles of International Environmental Law, Second Edition, Cambridge

that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.’

70. It was confirmed by the ICJ’s 1996 Advisory Opinion that Principle 21 reflects customary international law.
- 71. WWF consider that it is essential that the FG Bill reflects the principle that States are subject to environmental limits in the exercise of their rights and that they have a responsibility not to cause damage to other States.**
72. This inherent link between the wellbeing of Wales and damage to global natural resources was acknowledged in OWOP but has been excluded from this Bill.
73. Principle 21 has been developed in other environmental agreements establishing more specific and detailed obligations, such as the rules developed in the Climate Convention and Kyoto Agreement and in the Convention on Biological Diversity.
74. Since the initial Brundtland report through the Rio Declaration and the Rio +20 Outcome document Principle 21 has been enshrined in the understanding of sustainable development. Now the UN is working on a set of Sustainable Development Goals (SDGs). The Minister has expressly stated he wishes the Bill to be compatible with the emerging SDGs and to ensure we are not ‘doing harm to our neighbours’
- 75. The Government’s Reference Group also advised the Minister that the environmental and global impacts were often given insufficient weight (in decision making) compared to more local and immediate concerns.⁹**
76. Although the process for developing SDGs is currently ongoing we consider that the Bill must take the opportunity to clarify Wales’ global responsibilities and to ensure that public bodies take into account in their decision making the potential for environmental damage to our global neighbours, particularly in the areas of climate and biodiversity.

We have already make explicit suggestions to amend Goal 1, Section 8.2 and the addition of targets. Additionally we recommend the following:

- 77. Ensure statutory guidance is clear on leadership, accountability, processes and ownership, including in regard to the evidence and advice to public bodies, regarding international environmental impacts, as recommended in the reference group advice to the Minister.**
- 78. Require Government to review the goals in the light of UN (or international) agreements, particularly in regard to UN SDGs.**

⁹ Advice note from FG Bill reference group RE: Environmental Limits and SD decision making to Minister for Local Communities and Tackling Poverty. January 2014

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

4.1. Evidence

79. A key issue highlighted by the Government's reference group is the availability of evidence and advice, particularly regarding environmental impacts, and at the appropriate scale for the public body concerned. This relates to a general concern as to the availability of expertise within the various public bodies on aspects of SD which are not their core remit.
80. The Reference group recommended "It would be helpful if the legislation set out who is responsible for providing the most up to date advice, after assessing evidence and commissioning research"¹⁰. We suggest these can be partly addressed through specifying further content for the Future Trends report and clarifying the responsibility for the provision of the evidence base, at the correct scale.
81. This relates to a further key issue in regard particularly to environmental impacts at a global scale. There needs to be clarity on whose role it is to provide advice on emerging science *and* tailor advice on this to the public bodies. The public bodies must also "Note that this lack of data and evidence also applies to social and economic elements and decision making for the long term must include dealing with uncertainty. Consideration must therefore be given to the weight applied where there is uncertainty. A risk based approach seems to be favoured by Local authorities."¹¹
82. We note that the precautionary principle, which is one of the SD governing principles in OWOP, has been omitted from the FG Bill and yet is crucial to the governance approach required by existing EC legislation.

4.2 Capacity of FG Commissioner and relationship to others.

83. WWF have some concerns that the potential scale of the role of the Commissioner is not matched by sufficient resources to deliver effectively. SD is a very broad remit and will require expertise across a broad range of areas. The role in advising and monitoring well over 50 organisations (without considering the various departments of government), as well as conducting an effective National conversation will require considerable time. Additionally, the Commissioner will have to collaborate with many other organisations to gain the evidence s/he needs for the Future Generations report. Without sufficient capacity the role will be ineffective.

4.3 Accountability and availability of remedy

84. The reference group recommended "There is a need for clarity on accountability in decision making that addresses key responsibilities through clear duties and powers and which offer incentives and sanctions for non-compliance."
85. This Bill is silent on any remedy for non-compliance or under-performance.

Anne Meikle, Head, WWF Cymru. 05.09.14

¹⁰ *ibid*

¹¹ *ibid*

National Assembly for Wales
Environment and Sustainability Committee
WFG 65
Well-being of Future Generations (Wales) Bill
Response from Institute of Environmental Management & Assessment

Consultation by the Environment and Sustainability Committee on its Consultation on the Well-being of Future Generations (Wales) Bill

*Response from the Institute of Environmental Management and Assessment (IEMA)
September 2014*

Background to IEMA

The Institute of Environmental Management and Assessment (IEMA) www.iema.net is the UK's leading Environment and sustainability professional membership body, with a growing membership of over 15,000 professionals. In April this year IEMA also acquired the Global Association of Corporate Sustainability Officers – www.gacso.org

IEMA is dedicated to creating a sustainable future through skills, knowledge and thought leadership and working to deliver sustainability and environmental skills into the economy. IEMA's professional qualifications are well regarded by employers across all sectors, regularly cited as a requirement for people being employed in environmental management, environmental assessment and in sustainability roles. Our members are active in professional work and advice into all sectors of the economy.

CONSULTATION RESPONSE -- The [Environment and Sustainability Committee](#) is undertaking an inquiry into the general principles of the [Well-being of Future Generations \(Wales\) Bill](#). IEMA's response to this consultation has been compiled through engagement and consultation with members in Wales (led by our IEMA Wales group). The following considerations are outlined in the consultation and IEMA Wales responses are provided against each-

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

IEMA Wales considers the general approach around principles of engagement with public bodies to be the right approach. The approach is one that is becoming mainstream for UK private sector businesses, particularly larger ones. However, IEMA Wales would like to express concern over the renaming of the Bill to the "Wellbeing of Future Generations Bill" as the group does not believe it conveys the same message as the original white paper, namely the continuity of intergenerational equity. IEMA Wales would like to make note that the Welsh Government has a responsibility to promote sustainable development. At a time when UK, European and Global terminology is converging around 'Sustainability' and 'Sustainable Development' (such as the UN's Sustainable Development Goals) the mismatch of terminology is unhelpful. It is suggested that the Bill terminology should be renamed to better represent 'sustainability' and 'sustainable development', as it did in the White Paper. Indeed it was this wording that received the support of many organisations. IEMA Wales suggests its proposed renaming be included in the follow through within the legislation too. For example, to include the setting of 'sustainability goals' and 'sustainability objectives'. The private sector, third sector and academia are increasingly using the sustainability language, hence it is IEMA Wales' concern that the current title may set the Welsh public sector on a

different course, causing potential confusion. Working with professionals in leading Corporates, IEMA is undertaking an engagement process specifically to strengthen the lexicon around sustainability and sustainable development. Details can be found here:

<http://www.gacso.org/resources/Pictures/White%20Paper%20080714.pdf>

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;

- 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;

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

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

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

- I. IEMA Wales supports the framework of legislation for public bodies’ duties. Public bodies should be required to set and publish their sustainability goals, measure progress of their objectives and associated performance indicators and report the results publicly. There is considerable evidence that this is driving positive progress in private sector organisations, such as those FTSE companies which report publicly.
- II. Wales’s natural resources are one of its greatest assets. It needs to manage these in a way to pass these on to future generations, without increasing the burden on other parts of the planet. The Environment-Related Goal(s) as proposed in the Bill have been weakened considerably in the progress of the Bill from the White Paper version to the version laid before the Assembly in July. IEMA Wales believes that the two Goals which are ostensibly ‘environment-related’ are not sufficiently acknowledged as such in the titles given: ‘A prosperous Wales’ and ‘A resilient Wales’. IEMA understands the reasoning behind the ‘inclusive’ nature of the Goals, and the need to read them all together. However, in a space where terminology and equal weighting of importance matter, we believe the pendulum has swung too far in the other direction. The importance of the environment in sustainable development (and its subsequent social and economic impacts) has been downplayed too far, hence we recommend that the environment is acknowledged through a Goal title: “A Wales with a sustainably managed environment”, or “A Healthier Environment Wales”. As it stands the bill risks encouraging a short-sighted approach which may meet the well-being goals at the expense of natural capital, in particular the natural environment.

III. IEMA Wales supports the establishment of a Future Generations, or Sustainable Development Commissioner for Wales, providing he/she is gifted the appropriate powers. The Commissioner and his/her office should have a limited role in supporting public bodies, such as providing guidance or template reports for them to use. The Commission should not act as a guidance body. There are already enough networks and supporting organisations providing guidance, e.g. Cynnal Cymru, Carbon Trust, IEMA, etc. The Commissioner should focus their effort on the specific requirements of the public bodies and reporting progress of Public Bodies. The Bill should ensure that the commissioner focuses on holding public bodies to account for the process and quality of their approach and implementation of the objectives, e.g. the success in embedding sustainability across the public bodies' functions. The Commissioner should focus on ensuring public bodies are appropriately ambitious enough and broad enough in their approaches. As with private sector organisations, most are tackling sustainability issues, but some more appropriately and with more urgency than others. The Commissioner's role should be focused on reporting and addressing this issue of *quality of approach*. The validation of performance data and the auditing of the detail of its performance (outcomes) should remain with the Auditor General for Wales and the Wales Audit Office. IEMA Wales proposes clear differentiation of duties; the Commission should support the Wales Audit Office but refrain from auditing itself.

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

- I. As noted above the UN is in the process of developing the global Sustainable Development Goals (for the post-2015 agenda). Wales and the Goals eventually chosen should make reference to these. The Bill and the legislation needn't.
 - II. The Bill however should make clear that the Goals and indicators should also take into account Wales' international sustainability impacts; otherwise it risks failing to appropriately deliver sustainability (e.g. due to carbon or environmental leakage).
-

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

IEMA Wales considers knowledge and understanding of sustainability within public sector organisations to pose the greatest barrier. The Bill and legislation can't really address this in the short term. This needs to come from a good set of ambitious procedural requirements in the Bill and an acknowledgement that early actions for public bodies include public sector employee up-skilling in the field of sustainability. IEMA Wales would be keen to support this, and indeed has developed a Skills Map for Sustainability Professionals and has linked up with City & Guilds to develop 'All Jobs Greener'. This programme recognises that for the UK to move to a more sustainability-based economy it needs all employees, whatever their role in an organisation, to understand the need for

sustainability, the importance of the agenda at the devolved government level, and their role in facilitating it. <http://www.iema.net/training>

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

Although IEMA with other organisations broadly supports the Bill, and commends what the Bill is trying to achieve, IEMA Wales does wish to raise concern that the Bill does not currently set out the key deliverables/indicators or the detail of how these will be measured. Without targets, the level of ambition and speed of progress expected is unclear. Poor indicators developed at the eleventh hour, without consultation, could sink the ambition of 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*

IEMA Wales would raise concern that the skills gap in the field of sustainability in the Public bodies which may be affected by this Bill may have been underestimated. It is set out that public bodies already cover issues such as reporting of indicators, however data is only useful if it is of the correct quality and interpreted by appropriately skilled staff. Whilst the collection of high quality data may incur additional cost, they can no doubt be offset by the inevitable money saved e.g. through waste reduction and energy efficiency. As an example of savings available over a medium term, IEMA engaged directly with Defra in 2011, working to evidence the environmental and cost benefits that organisations can secure from skilled environment and sustainability professionals working within robust reporting frameworks - see Regulatory Impact Assessment for mandatory carbon reporting

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82354/20120620-ghg-consult-final-ia.pdf

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).*

No comments made

National Assembly for Wales
Environment and Sustainability Committee
WFG 66
Well-being of Future Generations (Wales) Bill
Response from Professor Calvin Jones, Cardiff Business School

Well-being of Future Generations (Wales) Bill

Evidence to the National Assembly Environment & Sustainability Committee

Prof Calvin Jones, Cardiff Business School

9/9/14

Introduction

Following is a summary of my thoughts and concerns regarding the Well-being of Future Generations (Wales) Bill (hence FGB) as set before the Assembly in July 2014. My (brief) evidence draws on some 25 years of advising policymakers in Wales, and undertaking academic research on, economic development here, focussing particularly on energy, sustainable development, tourism and sport.

I have been unable to restrict myself to a critique of the Bill in isolation, despite the thrust of your inquiry, for reasons that will become clear.

The Bill

In common with many other Welsh Government documents, strategies and policies the FGB is very good at outlining the principles for action and broad objectives (here largely for partner and to-be-created organisations and structures). It is very good on saying what *will* be done. What requires significant development (and quickly) are a number of areas:

- (1) **Conflicts and Synergies** – The objectives outlines in Table 1 of the Bill are interrelated, in interesting and complex ways. The actions an Authority might take to make Wales/a locality more 'resilient' may actually reduce 'prosperity' (encouraging use of more expensive but more local resources is a good example of this). There is no appreciation in the Bill (or in any wider Government policy) that these tensions exist. Table 1 just presents a list of 'things we'd like' with no appreciation that they are dimensions of the same socio-environmental landscape.
- (2) **Coherence** - There is no guidance on how overall coherence in movement towards objectives will be enabled. As, presumably, organisations will 'self-select' their area of concern and tools, there exists significant opportunity for organisations to hamper each other's progress. For example, Organisation A might construct (say) a new road or opencast mine in pursuit of its prosperity objective that impacts negatively on other organisations health or quality of life objectives in the same area.
- (3) **Supporting Conceptual Framework** – The above issues arise from the lack of any framing understanding of how Wales 'works' and how the economy, society and

environment interact. The glacial progress toward an Ecosystems Services approach to policymaking might help here, but I suspect it may be way too late.

- (4) **Timescales** – Setting future wellbeing objectives for/within a Ministerial term is baffling. This gives no certainty for partner organisations or any space to enable transformative change. If this process cannot, somehow, be made independent of the electoral cycle it is hardly worth the candle.
- (5) **'Quality Assured' Approach** – The FGB laudably devolves responsibility for goal setting to partner organisations, but there is no indication of the origin and level of resources that will be allocated to ensure these organisations can undertake the complex evidence gathering (in terms of scenario building and futures as well as surveys) to ensure their objectives are reasonable, sustainable and practical. Without this extra evidence, one suspects that FGB requirements will be moulded into existing organisational objectives and result in little change in activity in reality. The Commissioner seems to be available only to scrutinise national indicators, but is she is to scrutinise all FGB plans and objectives, this will require a substantial office
- (6) **Future Trends** - Related to above Section 12, future trends report for Welsh Ministers, it is worth noting that the dedicated 'horizon scanning' capacity in Wales consists of one dedicated academic. One suspects that the default here will be to procure these reports commercially with therefore zero capacity building or increased engagement with/understanding of with the reality of environmental and economic change on the part of civil servants or Ministers
- (7) **Sanctions** – Nowhere here is there any indication of the sanctions facing Chief Executives or Ministers who fail in the duty of the Bill, or who fail to deliver their own wellbeing objectives. If failure here does not clearly lead to negative personal/career outcomes for responsible persons, there will be little incentive to upset applecarts and make real progress.
- (8) **Wider Institutional Change** - The Bill envisages the creation of Public Service Boards at LA level. Thought needs to be given as to whether there will be 22 of these to be merged when whatever happens following Williams happens, or will his happen post-any LA reorganisation? Similarly, no link from PSBs to City Regions is made despite the fact many objectives will in reality stand or fall at this spatial scale.

The Context

Whilst the Bill is problematic in a number of areas, change and amendment is possible and to be expected. However, the context within which the Bill will be enacted is a far more fundamental concern. The following list some areas where I have particular worries.

- (1) **Silos** – There is so far little indication that any Minister apart from Mr Cuthbert has any stake in the Bill or its vision. There are a number of instances of very recent policy pronouncements – the M4 relief road and the Green Economy Prospectus to give to examples – where responsible ministers are (or were) setting in train approaches and projects that would have decades long ramifications, fundamentally impacting on the nature and workings of the Welsh economy, but where FGB seemed to play no part in

the decision process. Whilst the Bill is not yet law, it should not be beyond the wit of man (or woman) to prepare the policymaking process to make Bill-conformity easier.

- (2) **Past Progress**- The impact of long existing cross-cutting SD legislation & duties on Government approaches is difficult to discern. Real 'successes' in the field of sustainability are rare in Wales – the two highest profile, recycling targets and the plastic bag charge, arguably had more to do with the drive of a former minister than the impact of the Assembly's SD duty. I cannot say that the Governmental context into which the FGB lands is better than that existing pre-2010 in terms of enacting cross cutting, transformative legislation. The impression one gets, personally and in gauging peers' attitudes, is that WG is institutionally incapable of implementing cross-departmental programmes and policies.
- (3) **Goodwill** – Following closely from the above, it is my clear impression from my networks that since 2010 the current executive has frittered away the goodwill of a significant part of civic society, the third sector and NGOs in Wales – especially those who would be most helpful in working through the SD implications of the Bill. In a number of areas – M4 relief road; BREEAM standards for new housing; the effective capping of onshore wind capacity; Green Growth/economy interventions – the Government has rowed back from prior commitments; given very mixed signals on what are fairly clear environmental goods and bads; and been largely disinterested in collating or commissioning a robust evidence base for individual Ministers' policymaking. I have serious concerns that this disillusionment will impact on the wider engagement with FGB, especially in organisations that are not directly tasked. This is an issue for Wales where civic society is 'thin' and much is done *pro bono*. Frankly, if the government, rather than you, had asked me to spend a morning preparing this document I would have only done so if paid for it. I am pretty sick of wasting my time sitting in WG hosted meetings, that turn out in retrospect to be at best, pointless make-work for the bureaucracy, and at worst, a way to keep NGOs and academics distracted whilst the big decisions are made.

In summary then, the Bill is a bit ropey in parts, but the real drivers of its success will be:

- (1) the capacity to develop appropriate and holistic objectives, across a range of organisations and fully evidence based;
- (2) the ability to develop and implement long-term, consistent interventions at Government as well as partner organisations
- (3) the ability of Welsh Government to embrace the *spirit* of the Bill across all Ministerial portfolios

Unless there is significant institutional movement, and investment in research, data and evidence prior to enactment, none of these hurdles will be passed.

Response to the public consultation on the Well-being of Future Generations Bill

1. It seems to be the case that the Welsh Government is considering using the new set of Sustainable Development Goals (SDGs) that will replace the Millennium Development Goals (MDGs) in 2015 as a metric for determining whether or not development finance by public money will be sustainable or not under the Bill.

1.1 The One Planet Council believes this is not sufficient and set out the reason below. We would like to see Ecological Footprint Analysis added as a metric.

2. The Welsh Government's Sustainable Development Scheme, '**One Wales: One Planet**' has an objective that within the lifetime of a generation, Wales should use only its fair share of the earth's resources, with its ecological footprint reduced to the global average availability of resources of 1.88 global hectares per person (the global availability of resources in 2007). This is a very challenging but necessary target.

2.1 Nowhere has the Welsh Government explained how this target will be achieved.

2.2 However, the [Welsh Government has provided guidance and a calculator to determine planning permission for One Planet Developments](#) in line with this policy to support the introduction of One Planet Developments (OPDs). These utilise Ecological Footprint Analysis as the only metric.

2.3 We suggest that in order to provide a fair and level playing field, all developments financed by public money should gradually be moved to being assessed on the same basis.

2.4 Adopting this metric will help determine whether or not Wales is succeeding in its aim set out in One Wales: One Planet. It is hard to see how, if any other metric is adopted, we can be sure whether this aim is being satisfied and will be achieved within one generation.

3. Regarding the draft **Sustainable Development Goals**, there are 17 altogether, containing 169 targets. Not all of them will make it through to the final draft. The task of deciding which goals and targets will ultimately be adopted by the United Nations is partly falling to the man perhaps best known for writing the controversial book *The Sceptical Environmentalist*, **Bjørn Lomborg**, and his think tank, the **Copenhagen Consensus Center**.

3.1 This think tank has assembled 57 teams of economists to order these targets and goals in terms of their cost-benefit effectiveness. Lomborg has made his name by questioning assumptions held by development and environmental professionals on economic grounds, frequently asking the question: "are we getting value for money?" Lomborg's economists will therefore at this moment be analysing the targets below to see whether there is robust evidence supporting the case that investment in each area will bring concrete results, and, if so, what the return on investment will be. But it remains unclear whether these goals will be defined by the time the bill in Wales becomes law.

3.2 But there are, we suggest, at least two areas in which taking a purely economic perspective will lead to skewed results from other perspectives. Many of the Sustainable Development Goals contain reference to the need to **protect vulnerable individuals** such as the old and infirm or children, but these people do not have the same level of economic value as a fit, healthy young adult. A purely economic argument would place less value on preserving their lives.

3.3 And in dealing with issues of **biodiversity**, is it right to place only economic value upon species and ecosystems, the so-called 'natural capital', in order to justify preserving them, or should they not be preserved purely for their own sake? Can sustainable development be truly sustainable if it takes an exclusively anthropogenic perspective?

4. The One Planet Council would like to see **Ecological Footprint Analysis (EFA) used as an indicator instead or as well as the SDGs**. EFA, again, is an *economic* analysis. Nevertheless it has the advantages of being *absolute* and a proxy for other benefits, not an economic end in itself.

Ecological Footprint Analysis and absolute sustainability indicators

5. Many of the targets contained in the SDGs are *relative*, calling for a percentage reduction in this or that, which is a reasonable way of measuring some types of progress, but only if the baseline is selected appropriately.

5.1 To take the example of climate change, the numbers we should be focused on are *absolute* ones, such as the degree of concentration of greenhouse gases in the atmosphere. While we can reduce our emissions in a proportionate sense, it is this final absolute concentration figure that matters, because upon that rests the degree of warming that will occur.

5.2 To take another example, that of energy efficiency in buildings, the **Passivhaus standard** is an absolute and measurable metric and enables comparisons between buildings, whereas targets that are often found in building regulations, based on a percentage reduction in energy use, do not enable this and are less likely to result in genuine reductions in greenhouse gas emissions and energy use.

6. With this in mind, Ecological Footprint Analysis uses expenditure as a proxy for ecological damage (just as, reciprocally, the number of human lives lost through, say, disease or traffic accidents, can translate into an economic cost). It does this, however, *without putting a value on the environment*. That is not necessary:

all we need to know is that consumption involves the use of resources, and consumption involves expenditure.

6.1 Ecological footprint analysis can be applied to individuals, households, developments, towns and countries. By comparing the results we can not only adjudge their relative performance in environmental sustainability terms, but also, in conjunction with economic and other indicators, a **ratio of environmental efficiency**.

7. To **decouple well-being from environmental impact** should be a chief goal of sustainable development, making it possible for people to live better and more fulfilling lives, with everything they need, at minimal cost to the environment.

7.1 So, even though Lomborg and his 57 teams of economists will come up with financially quantitative analyses of the 169 targets, ranking them in terms of cost-effectiveness, there will still remain the qualitative and value-laden task of choosing how to weight the results, before we can arrive at the final, definitive list.

8 We recommend that there is a **need for further research** underpinning Ecological Footprint analysis as used in Wales and elsewhere.

8.1 Results are coming in from existing one planet developments which need to be analysed to determine what works and what does not work so the process can become more efficient.

8.2 The calculations using the calculator need to be continually examine and refined.

8.3 This work could be undertaken by, or financed by The Welsh Government and conducted by the expertise already in place in the Cardiff Business School and the Geography Department of Cardiff University.

9. We recommend that with ecological footprint analysis used as a metric, that there is a staggered or incrementally reducing series of targets for reducing the ecological footprints of developments financed by public money over 25 years (one generation). This is because in many cases initially adopting such a radical level of reduction as 1.88 global hectares per person will not be possible immediately.

9.1 (It's worth noting that even this low level, while difficult to achieve, is still not as low as it should be in order for every person on the planet's equally share the total of humanity's ecological impact.)

National Assembly for Wales
Environment and Sustainability Committee
WFG 68
Well-being of Future Generations (Wales) Bill
Response from Katy Fowler

Response to the public consultation on the Well-being of Future Generations Bill by the One Planet Council

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8 We recommend that there is **a need for further research** underpinning Ecological Footprint analysis as used in Wales and elsewhere. There are organisations who are working on this already, I recommend the work of the New Economics Foundation: <http://www.happyplanetindex.org/data/>

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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



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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Welsh Local Government Association

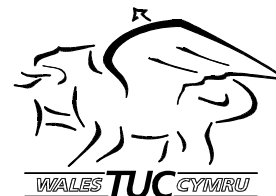
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Wales TUC written evidence to National Assembly for Wales Environment & Sustainability Committee

Inquiry into the general principles of the Well-being of Future Generations Bill

Introduction

1. Wales TUC broadly supports the principles of the Well-Being of Future Generations Bill (the Bill). We believe it has the potential to advance social justice across our public services, environment and the wider economy. However, it is important to understand the context of the short and long term challenges facing our public services when appraising the Bill.
2. Public service workers in Wales have seen their living standards drop with six consecutive years of falling real pay due to pay freezes and subsequent below inflation awards. At the same time, austerity continues to deliver drastic cuts to the block grant for Wales which is currently £1.7bn smaller than the 2010 settlement. Resultant cuts to services, jobs and conditions have damaged morale, skills development and the capacity of the public sector workforce. We believe the dramatic rise in workplace stress across local government in Wales serves as an indicator of the unjust and unsustainable pressures public sector workers face in Wales.
3. The impact of the recession and subsequent austerity has added to the long term pressures brought about by fragmented public service delivery and organisation. The Williams Commission on Public Service Governance and Delivery sets out in detail how overly complicated governance structures, piecemeal reorganisation and fragmented public services organisation has prevented services and those who deliver them from reaching their full potential.

4. We agree with many of the observations set out in the Williams Commission and have long advocated a 'One Public Service' approach in Wales that prioritises public ownership, effective training and redeployment across the devolved public services. A more democratic and coordinated approach also offers an opportunity to deliver social justice with excellent services in which public sector workers are motivated and properly supported.
5. The wider economic impact of recession and longstanding deprivation in many communities should also be recognised as a major contributing factor to the well-being of future generations. The prevalence of low paid, insecure work in Wales has seen poverty affect even more people in work than those who are not in employment. More than three decades of deindustrialisation, low levels of business investment, a deregulated financial sector and a lack of industrial strategy has reduced the voice of people at work and the share they receive from the benefits of growth. With close to one in four workers (23%) in Wales paid less than the living wage, Wales has the largest the share of workers paid below the level needed to cover the basics than any other region or nation in the UK. In terms of GVA output, the UK is also by far the most unequal state in the European Union.
6. The outcomes of the Bill are ambitious in terms of achieving environmental and economic social justice. To make genuine progress towards 2050 it is important to recognise the domestic and global barriers which have prevented Wales from reaching these goals until now.

Renewing Social Partnership

7. It is our view that social partnership should be explicitly provided for on the face of the Bill. We believe a specific commitment to social partnership is the only means by which working people will be able to enjoy full and proper access to, and influence over, how our public services are organised and held to account. The role of social partners within our democratic structures should be clearly set out and explained so that it is understood by all concerned parties.
8. Social partnership currently operates across formal and informal settings in Wales. Where it fails to operate effectively, misunderstandings

surrounding the nature of democratic representation - and specifically the role of trade unions within civic society – is often the main barrier to progress. This Bill presents an opportunity to formally settle the matter and dramatically increase the understanding of social partnership across our public services and wider economy.

9. It is also essential that the Bill does not provoke unintended consequences which undermine or detract from any existing and any future all-Wales social partnership structures or agreements. These include, but are not limited to, the Workforce Partnership Council and the Council for Economic Renewal.

Advisory Panel

10. At present the process of statutory appointments to the Advisory Panel to support the work of the Commissioner appears on the face of the bill along with provisions for Welsh Ministers to appoint additional members. We believe that the Bill should refer to social partners, explicitly including trade unions, to ensure their right to participate is realised. Existing proposals for 'additional members' is not satisfactory in this regard.
11. At the all-Wales strategic level, the Wales TUC is the largest democratic civic organisation in Wales. With over 50 affiliated unions together representing around 400,000 workers, Wales TUC is the voice of Wales at work and plays a unique role in advocating for working people and holding decision makers to account. This role should be recognised as distinct from that of individual unions bargaining within specific workplaces. The latter role should ensure representation at the local level on the new Public Service Boards (see para 15 below).
12. Currently the Bill requires that the Commissioner must simply consult 'trade unions representing workers in Wales' (c.22(1)1g)) on the Future Generations Report which he or she is required to publish annually. We do not believe that this grasps the opportunity to enshrine social partnership in legislation and believe guaranteed Wales TUC representation on the Advisory Panel should be included on the face of the Bill.

Public Service Boards (PSBs)

13. We broadly welcome the proposals to make PSBs more accountable and subject to democratic oversight by local authorities and Welsh Ministers.

14. The Bill requires there to be a PSB for each local authority area in Wales. Membership of these will be drawn from the local authority; the local health board(s); the fire and rescue authorities and Natural Resources Wales. Furthermore, invitations to participate are prescribed for:

- Welsh Ministers
- Police
- Probation Services
- 'a body representing voluntary organisations in the area'

and a list of other 'partners' outlined in clause 30.

15. The Wales TUC believes that trade unions (and in particular unions recognised for collective bargaining within the relevant public service organisations) should have representation on each of these Boards. It should be possible to put this on the face of the Bill rather than rely on a potential add on seat by invitation rather than as of right. The Wales TUC would be willing to co-ordinate these appointments across all of the Boards.

16. Currently the Public Service Boards must consult 'trade unions representing workers in Wales' (c.36(1)(i)) before publishing their required assessment of local well-being and before publishing their 'local well-being plan' (c.42(1)(h)). The Wales TUC believe that integrating trade union involvement into policy development processes provides an opportunity to underpin the commitment to social partnership and assist in the delivery of the plans.

Indicators

17. It is our understanding that work on the new suite of indicators will take place following the introduction of the Bill. To this end, we do not intend to respond to the current consultation on the Indicators but the Wales TUC would seek detailed involvement in drawing up the new National Measures of Progress (indicators). In order to make progress against the overall goals, Wales TUC believes that the Future Generations Bill should drive significant improvement in the contribution

of the private sector. In areas like procurement, progress is being made but more challenging and broader indicators are needed to reflect realistic and measurable progress.

18. We do not believe that the existing Sustainable Development Indicators are sufficient to deliver against the goals set out in the Bill. Given the ambitious nature of the goals we believe that a wider range of indicators are necessary in order to assess progress in a meaningful way. To this end, the following areas ought to be considered for inclusion in an intelligently designed suite of indicators that reflect the barriers facing well-being across Wales:

- in-work poverty
- underemployment
- skills levels including access to, demand for, adult training
- NEET levels
- long term unemployment
- gender pay and flexible working
- the living wage
- mental health
- trade union membership and collective bargaining coverage
- Zero hour contracts

19. When developing this work, the Welsh Government should also consult international best practice including the International Labour Organisation's indicators for Decent Work:

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/meetingdocument/wcms_115402.pdf

20. The principle of setting long terms goals that promote social justice across Wales is welcome and we believe that the Bill offers unique opportunity to challenge, and in time overcome, the entrenched inequalities that prevent Wales from thriving.

21. With the right structures and indicators, it is our hope that the Bill will encourage government and employers to take a more long term view on how social justice is best achieved. At present ordinary working people are paying the price for a crisis they did nothing to cause. This Bill offers an opportunity to put the views of hundreds of thousands of workers in Wales at the heart of decision-making in their local areas and enshrine their place at the table to deliver a fairer Wales for future generations.

National Assembly for Wales
Environment and Sustainability Committee
WFG 71
Well-being of Future Generations (Wales) Bill
Response from Cardiff University



September 2014

Consultation on the Well-being of Future Generations (Wales) Bill

Introduction

1. The Sustainable Places Research Institute is part of Cardiff University, which seeks to pursue the principles of sustainable development both in our engagement with external stakeholders and in the management of our internal operations.
2. Founded in 2010 the £3.5m Sustainable Places Research Institute is a multidisciplinary Research Institute operating across all three Colleges of Cardiff University. A team of ten Professors, including the current Director Professor Terry Marsden, have been brought together to act as Principal Investigators on a series of research programmes working with six Research Fellows and three Research Associates. The Institute is now entering a second phase of development, which will consolidate and strengthen the interdisciplinary in each of its four proposed research programmes: Sustainable Communities; Landscapes, Eco-systems and People; Health, Infrastructure and Well-being; and Adaptive Governance for Social and Ecological Transitions. There are also plans to further develop existing working relationships with partners locally and internationally. In addition to the Research Team, there is a core team of four staff supporting the wide range of research and engagement activities and the growing number of PhD projects at the Institute.
3. Sustainable development research is a key strength across a range of subject areas. This is reflected in a number of major funding awards and the establishment of our cross-discipline [Sustainable Places Research Institute](#).

Summary

4. The Bill lacks a clear and robust set of definitions of the key concepts of: Sustainable Development, Future Generations and Well-being. Although there are benefits of not providing such definitions, not least in terms of maintaining the flexibility to take account of future scientific developments and changes in societal aspirations and priorities, the failure to provide conceptual clarity can result in a lack of common purpose and allow all and any policy responses to be construed as contributory.
5. The Bill fails to adequately address the grand challenges of our time – we are concerned in particular about the lack of reference to climate change mitigation and adaptation. This is a missed opportunity, as many studies have shown that addressing climate change can promote synergies that can, in turn, help to address several of the other critical issues we are now facing, such as in relation to biodiversity loss, energy transitions and the maintenance of ecosystem service delivery.
6. Too much emphasis is placed on institutional and administrative process and procedure to the detriment of consideration of the substantive aims and objectives of the Bill. We argue that there is a lack of direction in the Bill, which could result in a failure of steering within an organisation, resulting in different and not necessarily compatible interpretations of the duty placed upon them.
7. We have concern regarding the potential for many different interpretations of the well-being goals as set out, making the task of monitoring and assessing progress much more difficult. Those further along the multi-level chain of public administration may struggle to identify appropriate actions.

Response:

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

8. The Explanatory Memorandum states that *'The Bill will give effect to the Welsh Government's commitment to putting sustainable development at the heart of government; creating a resilient and sustainable economy that lives within its environmental limits and only uses our fair share of the earth's resources to sustain our lifestyles.'* The Bill as it stands fails to demonstrate how it will do this, especially with regard to placing the duty upon the

Welsh Government. A Lack of a clear definition undermines the duty as it currently stands. While sustainable development can be a difficult concept to grasp, due to its complex and interacting dimensions, acknowledgement of this very characteristic would make for a more robust Bill, one that shows awareness of the complexity of issues that are invoked when development and environment are coordinated. By bringing together the range of key stakeholders in public life in Wales, who would be subject to a duty, this would enable more joined up thinking across the broad spectrum of issues in public life for the long term and address the collection of challenges we now face.

9. Research has pointed out that sustainable development is best seen as a political construct, similar to concepts such as 'democracy', 'liberty' and 'social justice'. For concepts such as these, there is both a readily understood 'first level meaning' and general political acceptance, but there also lies a deeper contestation. In liberal democracies, the debates around such contested concepts form an essential component of the political struggle over the direction of social and economic development, that is, of how to make trade-offs between competing objectives and steer sustainable change. Substantive political arguments are part of the dynamics of democratic politics and the process of conscious steering of societal change. Recognition of this and the complexities involved in trade-off management in the Bill is important, as it can stimulate creative thinking and practice.

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

- ***The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified;***
- ***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;***
- ***The approach to measuring progress towards achieving well-being goals and reporting on progress;***
- ***The establishment of a Future Generations Commissioner for Wales, the Commissioner’s role, powers, responsibility, governance and accountability; and***
- ***The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.***

10. The Bill fails to give the high level, appropriate steer necessary to ensure that the most fitting action can be taken in pursuit of sustainable development.
11. The well-being goals fail to show consideration of the links between health, the environment and well-being. It is vital to consider them together rather than separately due to the way these issues interact in complex ways with a range of costs and benefits for society. A recent [report](#) from the European Environment Agency has highlighted the need to take a broader more systemic and integrated approach to the subject of well-being.
12. Consideration of gender and equality is missing. While academic and public policy practice have shown strong links between the environment, gender and sustainable development, there is a conspicuous absence of this dimension in the Bill, leading to risk of failure to address this in a Welsh context.
13. We would suggest that the Commissioner should be appointed by and accountable to the National Assembly for Wales rather than Welsh Government. There should be a stronger leadership role for the Commissioner, as well as wider powers to investigate areas of concern or possibly even question public bodies on their performance in relation to the legislation's aim. There is an opportunity for a Commissioner to act as a conduit for the gathering and dissemination of best practice. They should have a role in building capacity of organisation subject to the duties in the Bill.
14. The Bill needs to give greater consideration to the sustainable development indicators and their development in a Welsh context, as well as demonstrating a clear line to EU monitoring processes and relevant environmental and other legislation.

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

15. This is clearly a missed opportunity in the Bill, lack of consideration of Welsh climate change obligations does raise questions about international obligations. The same holds true for commitments incurred under the [Convention on Biological Diversity](#) (CBD). The Bill needs to clearly demonstrate a Welsh obligation to addressing and mainstreaming well-being so that it promotes positive synergies with other obligations such as climate change, biodiversity and equality.

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

16. Rather than being seen as a **barrier** to investment by business, we would want to see any future sustainable development duty promoted as a benefit. Wales can be at forefront of developing some of the skills and expertise in the field of sustainability, particularly given the international research expertise already existing within Wales. There is also potential for the transfer of best practice from Wales to EU member states and beyond.

17. Each organisation subject to the duty will need extra strategic, analytical capacity to develop their own approach to making sustainable development their central organising principle. Building capacity of these organisations will take time and resources, and there is an opportunity with the appointment of a Commissioner to provide a strong leadership and capacity building role, so as to enable the development of the appropriate skills, tools and culture within each organisation. There also needs to be opportunities for each organisation to grow and develop their knowledge and skills to apply the sustainable development principle to their functions, to be able to share experiences with other organisations subject to the duty in Wales, and also to learn from examples of best practice from other organisations across the UK and beyond.

18. Coordination of this capacity building across the different organisations will be essential to maximise the opportunities to meet environmental targets, improve wellbeing as well as making savings and to demonstrate the value a sustainable development approach brings. This again highlights the need for a stronger role for the Commissioner.

19. Lack of capacity within organisations can act as a barrier. Staff resource to develop new, more sustainable systems and solutions on the ground is essential. It is vital to employ staff with knowledge of a wide range of sustainability issues, including an understanding of certified environmental management systems, sustainable development indicators and EU regulatory and monitoring processes and current environmental legislation, as well as practical experience of awareness-raising. There is a need to ensure all staff, and students in the case of higher and further education institutions, have a basic understanding of sustainable development and appreciate what it means to make it the central organising principle of their organisation.

20. Many organisations may be currently doing much to achieve sustainable development but may not necessarily see their actions in this way. The University, for example, has a strong, long-term commitment to sustainable development. In May 2010 we became the first higher education institute in Wales to sign the Welsh Assembly Government's Sustainable Development Charter. This represented our commitment to future proof lives and communities across Wales and also helped focus efforts across the Institution.

21. We are also rated in the People and Planet Green League each year, an independent league table of UK universities ranked by environmental and ethical performance. Opportunities need to be provided, including through the Commissioner's Office, to ensure that such practices are noticed and, where appropriated, adapted elsewhere.

Whether there are any unintended consequences arising from the Bill;

22. There are risks and uncertainties attached to the Bill, but unintended consequences, by virtue of the fact that they are unintended, are as not yet known. The Bill does not demonstrate an ability to respond to any unintended consequences and as such does not allow for a 'reflexive governance' approach.

23. Therefore it may be appropriate to look at the Dutch system of public administration and its use of a reflexive governance approach, for example, to the public steering of energy transitions, and to explore to what extent such new and innovative approaches to public policy making could be applied to the Welsh situation.

We have no comments on the remaining points

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

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).

**National Assembly for Wales
Environment and Sustainability Committee
WFG 172
Well-being of Future Generations (Wales) Bill
Response from UK National Commission for the United Nations
Educational, Scientific and Cultural Organisation (UNESCO)**



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

To: The Environment and Sustainability Committee, National Assembly for Wales

From: The UK National Commission for the United Nations Educational, Scientific and Cultural Organisation (UNESCO)

Date: 11.09.14

The UK National Commission for UNESCO (UKNC) welcomes the opportunity to contribute to the inquiry into the Well-being of Future Generations Bill.

UNESCO understands the pivotal role of education, science and culture in promoting and achieving sustainable development. UNESCO spear-heads the Education for All goals and is a significant voice in the group developing the international Sustainable Development Goals. The UKNC provides policy advice on UNESCO to the Welsh government (along with the UK and devolved governments).

1. Overall comments

1.1 Sustainable development, which is a central organising principle for the Welsh Government, requires a long term approach in relation to decision-making, something which risks being overlooked in the face of pressing economic and political issues. Reflecting on the needs of future generations and considering their well-being is a practical way of retaining a long term perspective in current decision-making. It is also in keeping with the principles in the Rio+20 Declaration (2012) and with the current UN approach to sustainable development.

1.2 2015 has the potential to be a pivotal year for sustainable development for both Wales and the wider world as the Well-being of Future Generations Bill could come into force as the UN Sustainable Development Goals are adopted and the UNESCO Decade of Education for Sustainable Development comes to a close. By adopting this Bill, Wales can be seen as a prominent contributor to and example of the global sustainable development agenda.

1.3 The Welsh Government’s actions to put sustainability and sustainable development at the heart of government and the wider public sector will not be achieved through compliance with legislation alone. It requires model leadership and a change of culture in the public sector based on education and participation in relation to sustainable development issues. The National Conversation on ‘The Wales We Want’ is a good example of participation that goes beyond the public sector and engages with the challenge of transformational change for the future.

2. Detailed comments on the goals of the Bill

Our more detailed comments focus on the area of the inquiry which reflects the UK National Commission for UNESCO’s unique perspective.

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

2.1 Seeking to embed sustainable development in legislation fits well with the vision of the proposed Sustainable Development Goals (SDGs). The six proposed goals in the Bill reflect the values that underpin the SDGs and Rio+20 *The Future We Want* declaration and are a positive interpretation for a developed economy.

2.2 The Bill itself focuses on implementation and makes little reference to Welsh international commitments to sustainable development. It might be possible and worthwhile considering cementing these links in the legislation, for example, linking the future generations report with the time-frame and reporting mechanisms for the SDGs.

2.3 The table below provides an analysis of how each of the proposed goals fits with Welsh commitments on sustainable development through the UK’s membership of UNESCO:

The Bill goal	The UNESCO convention / statement / current UN or UNESCO debate	Comment from UKNC
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<p>A prosperous Wales</p> <p><i>An innovative and productive, low carbon emission, economy that makes more efficient and proportionate use of resources; and which generates wealth and provides employment opportunities for a skilled and well-educated population.</i></p>	<p>The Future We Want – declaration from Rio+20 (June 2012)</p> <p>Proposed Sustainable Development Goal (SDG) 4 on education: “Ensure inclusive and equitable quality education and promote life-long learning opportunities for all.”</p> <p>UNESCO focus on Education for Sustainable Development</p> <p>Proposed SDG 8 on growth and employment.</p>	<p>Education for sustainable development must be central to any sustainable development programme if we are to change the way we think and act. A “well-educated” population must include all levels of education in all social contexts. UNESCO will continue to advocate for a stand-alone education goal in the SDGs.</p> <p>The proposed Framework for Action on Education post-2015 will provide guidance for all member-states on how to implement and measure the education goals and targets.</p>
<p>A resilient Wales</p> <p><i>A biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.</i></p>	<p>Declaration on the Responsibilities of the Present Generations Towards Future Generations (1997)</p> <p>Proposed SDG 7 on energy; 13 climate change; 14 on marine resources; 9 on sustainable industrialization and innovation and 15 on biodiversity.</p> <p>UNESCO, with other bodies, was successful in retaining a clear commitment to fostering scientific research and innovation in the latest draft of the SDGs.</p>	<p>Science has a vital role to play in researching, promoting and implementing sustainable development. The Commissioner is required in the Bill to consult with industry. The role of the scientific community could be enshrined in the Bill with representation on the Commissioner’s Advisory Panel or as bodies with whom the Commissioner should consult and on the Public Service Boards.</p> <p>UNESCO is advocating the establishment of National Science, Technology and Innovation Strategies (STIs) to help develop and foster a science-policy-society interface.</p>
<p>A healthier Wales</p> <p><i>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.</i></p>	<p>Proposed SDG 3 on health.</p>	<p>UNESCO advocated to retain clear commitments to scientific and technological research in the SDGs – these are vital components of delivering health benefits.</p>
<p>A more equal Wales</p> <p><i>A society that enables people to fulfil their potential no matter what their background or circumstances.</i></p>	<p>Proposed SDG 1 on poverty; 8 on inequality, and 10 on growth.</p>	<p>UNESCO is advocating an inclusive social development and human rights based approach including a stronger recognition of youth as agents for change.</p> <p>This is reflected in the</p>

		mechanisms outlined in the Bill.
<p>A Wales of cohesive communities</p> <p><i>Attractive, viable, safe and well-connected communities.</i></p>	<p>Proposed SDGs 1 and 16, on peaceful and inclusive societies</p>	<p>The post-2015 agenda is being set at a time when many countries are undergoing profound social transformations. Participatory approaches to decision-making are key – in addition to strong linkages between social science research and public bodies. Their involvement in the Commissioner’s Advisory Panel and Public Service Bodies will be core to delivering safe and thriving communities.</p>
<p>A Wales of vibrant culture and thriving Welsh language</p> <p><i>A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.</i></p>	<p>Convention on the protection and promotion of the Diversity of Cultural expressions 2005 (UK ratified)</p> <p>Convention concerning the protection of the world Cultural and Natural heritage 1972 (UK ratified)</p> <p>Universal Declaration for Cultural Diversity (2001)</p> <p>Intangible Cultural Heritage (unsigned by UK)</p> <p>International Mother Languages Days</p> <p>UN Resolution on Culture and Development (December 2013)</p> <p>Culture is mentioned in several of the proposed SDGs including education and promoting equality.</p> <p>“by 2030 integrate relevant knowledge and skills in education curricula and training programs, including education for sustainable development and awareness raising on culture’s contribution to sustainable development.”</p>	<p>Culture is an enabler and driver for sustainable development which was not reflected in the MDGs. Culture enables sustainability – promoting social cohesion. It can also generate income, provide jobs and improve livelihoods.</p> <p>This goal is consistent with UNESCO Conventions ratified by the UK.</p> <p>There could be greater inclusion of representatives from cultural bodies and institutions in the mechanisms outlined in the Bill.</p>

3. Conclusions and recommendations

3.1 The proposed legislation reads-across to a number of UNESCO Conventions which have been ratified by the UK.

3.2 Steps to develop sustainable development policy are in line with recommendations made by UNESCO – although it is for the Member State to decide which Conventions it will sign and ratify. The goals of the Bill are broadly in line with Welsh government international proposals, as part of the UK, on sustainable development.

3.3 It might be possible and worthwhile to consider cementing the links between the goals of this Bill and associated international obligations in the legislation; for example, linking the future generations report with the time-frame and reporting mechanisms for the SDGs.

3.4 The role of science and the scientific community in helping to deliver sustainable development is recognised in the draft SDGs. Their role could be enshrined in the Bill with representation on the Commissioner’s Advisory Panel or as bodies with whom the Commissioner could consult and as partners to the Public Service Boards.

3.5 Culture is a driver and enabler of sustainable development. In the Bill, some cultural bodies are identified as potential partners to the Public Service Boards. There could be greater consideration given to how cultural bodies could input to the Commissioner’s Advisory Panel to help embed the role of culture in delivering sustainable development.

3.6 Sustainable development is a huge, dynamic agenda. Strategic prioritisation is an essential component of any effective sustainable development policy.

3.7 Lack of understanding among the public sector and wider public about what sustainable development is and why it matters could significantly undermine the success of the Bill.

Professional development for key roles in the public sector and wider educational campaigns need to run parallel with the implementation of the legislation.

Thank you for the opportunity to input to the inquiry. Please address any points of clarification or questions to:

James Bridge

Chief Executive

UK National Commission for UNESCO

jbridge@unesco.org.uk

References:

[The proposed Sustainable Development Goals](#)

[UNESCO culture conventions](#)

[The Future We Want – declaration from Rio+20 \(June 2012\)](#)

[Declaration on the Responsibilities of the Present Generations Towards Future Generations \(1997\)](#)

[UN Resolution on Culture and Development \(Dec 2013\)](#)

**National Assembly for Wales
Environment and Sustainability Committee
WFG 73
Well-being of Future Generations (Wales) Bill
Response from Cardiff & Vale University Health Board**



GIG
CYMRU
NHS
WALES

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Caerdydd a'r Fro
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3 September 2014

Well-being of Future Generations (Wales) Bill

The response of Cardiff & Vale University Health Board to the Inquiry by the National Assembly Environment and Sustainability Committee

1. The Cardiff & Vale University Health Board (UHB) welcomes the establishment of the Well-being of Future Generations (Wales) Bill and its focus on well-being and sustainable development. We support the positioning of sustainable development as a central organising principle and it being placed on a statutory basis. The UHB is responsible for promoting the health and well-being of the population of Cardiff and the Vale of Glamorgan and views the implementation of this Bill, alongside the Public Health Bill, as contributing to improved health outcomes and reduced inequalities experienced by our citizens.
2. We welcome 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 and make the following comments.
3. The Common Aim. We believe that an opportunity to prioritise population health has been missed by omitting to specify health in the Common Aim as one of the aspects of well-being alongside *social, economic and environmental considerations*. We recommend that an amendment to the Bill is considered to explicitly include health within the Common Aim. The following provides some evidence to support our recommendation:-

3.1 As a consequence of the Bill, public bodies will be expected to 'improve the economic, social and environmental well-being of Wales in accordance with the sustainable development principle'. These factors influence and are influenced by, health. The Social Determinants of Health model (1), Figure 1, developed by

Dahlgren & Whitehead illustrates how the various factors impact on the health of populations and similarly how population health at the core impacts on those factors in the outer layers.

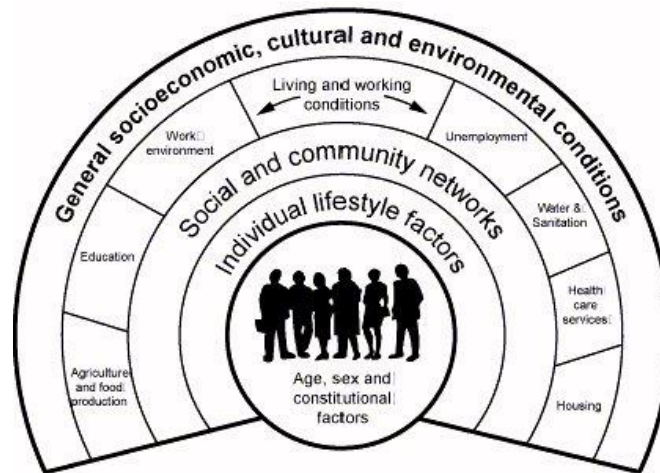


Figure 1 Social Determinants of Health Model

3.2 Health 2020 (2) was agreed in 2012 by the World Health Organisation European Region and its 53 member states, one of which included the United Kingdom. Health 2020 is the European Health Policy Framework that supports action across government and society to significantly improve the health and well-being of populations, reduce health inequalities, strengthen public health and ensure sustainable people-centred health systems. This Framework provides support for placing health explicitly at the core of all national strategies to ensure cross government working; the UHB believes that the Framework offers evidence and support in implementing the Bill.

3.3 Numerous studies, including the Marmot Review (3), evidence the impact of social, economic and environmental inequalities on health; inequalities across these factors underpin the determinants of health and the range of interacting factors that shape health and well-being. Health is viewed as a fundamental element of well-being alongside economic, social and environmental considerations. The UHB concludes from the evidence that health requires explicit inclusion within the common aim.

4. Health in All Policies. The UHB has identified that an opportunity to embed a 'health in all policies approach' across the Well-being Goals and the Well-being Objectives of public bodies, Welsh Ministers and Public Service Boards has been missed. We are concerned that the major public health and health care service delivery challenges that we face may not be effectively addressed within the proposed legislative framework as outlined in the Future Generations Bill and suggest amendment to the Bill to ensure that a health in all policies approach is adopted. The following provides some evidence to support our recommendation:-

4.1 Health is often adversely affected by policies made in non-health sectors and there is support across Wales (4) and the rest of Europe for the adoption of a health in all policies approach that focuses across the whole of government, civil society and local communities, business, global fora and international agencies (5) (6). Waste, transportation, housing, energy, commerce, education, the arts, leisure and water, for example and as highlighted in the Social Determinants of Health model above, all impact on and play a role in, the health of the population. These services are organised and delivered by organisations that implement national policies and hold many of the major levers for public health, such as the use of local authority planning policy to address obesogenic environments, the use of transportation policy to improve walkability in neighbourhoods. Explicitly placing improvement in health as a major criterion for successful delivery of national and local organisational policies will highlight progress already made by non-health sectors and contribute to reducing health inequities and inequalities.

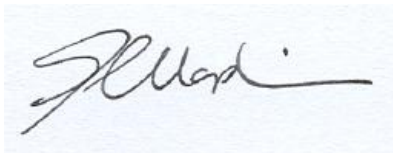
4.2 Reviews by the Commission on Social Determinants of Health (7) and the Marmot Review Team (3) recommend focus in all policies to address health inequity; health in all policies is deemed to be one approach for addressing this.

- 5.** Health Impact Assessment. Health Impact Assessment maybe defined as ‘a combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population’ (8). It is a flexible and systematic process incorporating consideration of the economic, social and environmental determinants of health and well-being. *Fairer Health Outcomes for All* (4) recognised the importance of health impact assessment in supporting a health in all policies approach. The UHB suggests that health impact assessment is recommended within the supporting guidance as a useful tool to support the taking forward of the health in all policies approach.
- 6.** Planning Cycles. The UHB supports the establishment of statutory Public Service Boards to enable stronger commissioning and planning discussions. We are already moving at pace to integrate services more effectively. We welcome the move to reform integrated community planning and simplify the system, removing the need to develop separate plans for aspects which can much more efficiently be addressed together. We are concerned however that there will remain a tension between planning cycles given the focus on three-year planning within the NHS and different timeframes within national and local political cycles. As far as possible, the relevant planning cycles should be aligned and a consistent approach to the relationship with the Bill requirements adopted within respective planning guidance to ensure coherence and co-ordination, and line of sight to sustainable development as a central organising principle. The UHB request alignment of planning cycles and clarification in the guidance on the relationship

between the new requirements and existing planning requirements for NHS and partner agencies.

7. Conclusion. In summary, the UHB recommends that
 - The Bill be amended to incorporate health within the Common Aim
 - The Bill be amended to ensure that a health in all policies approach is adopted
 - The use of health impact assessment is encouraged as a useful tool within the supporting guidance
 - Clarification is provided in the supporting guidance on the relationship between the new requirements and existing planning requirements for NHS and partner agencies, and that the relevant planning cycles are aligned.
8. The UHB 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 public health at the centre of our public policy and practice.
9. The UHB does not wish to present oral evidence.

Yours sincerely



Dr Sharon Hopkins
Executive Director of
Public Health

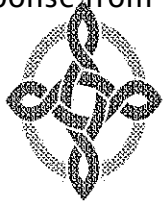
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Dear Minister

Future Generations Bill

The Welsh Collaboration for Health and Environment (WCHE), an amalgam of senior representatives from health, local authority and academia, has recently had the opportunity to consider the proposals contained within the Future Generations Bill and I have been asked to forward the views of the Collaboration as set out below.

WCHE is very supportive of the principles and proposals contained within the Bill, albeit it needs to be recognised that, in many localities, the type of partnership working which the Bill seeks to enshrine in law is already a matter of common practice and some caution will be required to avoid introducing unnecessary bureaucracy that could impede or interfere with existing successful arrangements.

Nevertheless, the Collaboration applauds the general direction of travel contained in the Bill and believes that the emphasis on securing a sustainable future for the nation's benefit is entirely appropriate. The WCHE stands ready to assist in any practical way to help the Welsh Government achieve the aims of the proposed legislation.

There is, however, one area where the Collaboration has some serious concerns and that is in connection with the Bill's relationship with the recent Public Health White Paper. In our response to the White Paper, we expressed disappointment and regret that the series of practical measures proposed for inclusion in the Public Health Act, whilst in themselves important and not without considerable merit, failed to promote the need for a more strategic and fundamental approach to public health by including a 'Health in all Policies' requirement allied to Health Impact Assessments (HIAs).

At the time, the suggestion was that these important issues would be included in the Future Generations Bill. We believe that the failure to grant a greater degree of prominence and priority to public health weakens both this Bill and any future Public Health Bill. The Collaboration's clear preference would be to see a statutory basis for 'Health in all Policies' and HIAs included within a Public health Bill but, failing that, we believe that the opportunity to further refine the Future Generations Bill by including these essential public health elements should be taken if we are not to miss an opportunity to put health equality and inequality centre stage.

The WCHE will, of course, be pleased to provide any further details or comments if requested and we wish to emphasise our commitment to help Ministers secure the overall objectives contained with the Future Generations Bill.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A Jones', written in a cursive style.

Andrew Jones
Chair, WCHE
Executive Director of Public Health