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Llywodraeth Cymru
Welsh Government

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Consultation Document

Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015

Date of issue: **7 September 2015**

Action required: Responses by **16 November 2015**



Overview

The purpose of this consultation is to seek views on the Welsh Government's draft statutory guidance for public bodies in fulfilling their duties under the Well-being of Future Generations (Wales) Act 2015.

We particularly want to engage with public bodies listed in the Act who will benefit from clear guidance on how to best implement the Act within their organisation. This will enable them to contribute positively to the national well-being goals for Wales.

We also encourage organisations and individuals who are interested in the Act, particularly those who may be invited to participate in the activity of public services boards, to respond.

How to respond

Responses to this consultation should be sent by email or by post to the address below to arrive no later than **16 November 2015**.

Further information and related documents

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

The Well-being of Future Generations (Wales) Act 2015: www.legislation.gov.uk/anaw/2015/2/enacted

Welsh Government's webpages related to the Well-being of Future Generations (Wales) Act 2015: www.gov.wales/topics/people-and-communities/people/future-generations-bill/?lang=en

Webpages related to the passage of the Well-being of Future Generations (Wales) Act 2015 through the National Assembly for Wales: www.senedd.assembly.wales/mgIssueHistoryHome.aspx?IId=010103

Contact details

For further information:

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Data protection

How the views and information you give us will be used

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

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

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

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

Foreword by the Minister for Natural Resources and Minister for Public Services

The Well-being of Future Generations (Wales) Act 2015 ('the Act') fulfils our commitment to make sustainable development the central organising principle of the Welsh public service and fundamentally underpins our ambitions for public service reform. For the first time, the Act gives a legally-binding common purpose – the well-being goals - for national and local government and for other specified public bodies, and details the principle by which the public sector should work together to deliver the long-term well-being of Wales.

The Act is ambitious. It requires specified public bodies, no matter what their specific responsibilities, to maximise their contribution to improving the well-being of Wales. The Act provides a framework for better decision-making by ensuring that specified public bodies subject take account of the long-term, how to prevent problems occurring or getting worse and take an integrated and collaborative approach, involving people in policy making and the planning and delivery of services so that they reflect the diversity of our communities. The Act will also provide for a common set of statutory indicators for Wales to tell us the progress being made in achieving the well-being goals.

The Act emphasises the role that public bodies play in their communities and how, through leadership and improved capability they can generate benefits for both current and future generations. This will mean collective action as well as individual responsibility – public bodies will need to work together at a local level to improve the well-being of their areas and create positive opportunities to address the complex economic, social, environmental and cultural issues faced by the communities that they serve. This is why the Act has established statutory public service boards.

We have listened closely to the views of stakeholders who have commented on the Act and more recently the discussion led by Peter Davies (the Sustainable Futures Commissioner) on the guidance. Both Peter's work and those of our stakeholders has been extremely valuable and helped us to create this first guidance.

The guidance offers both a concise overview of the significance of the Act and a more detailed manual for public servants. Our priority has been to develop a clear and simple set of guidance that will be used by public bodies to interpret the Act consistently and with confidence so that this ground-breaking legislation can make the greatest possible impact. We welcome your views on the draft guidance so that it can be effective in driving this change. We are confident that together, through this Act we can make a lasting difference.



Carl Sargeant AM
Minister for Natural Resources



Leighton Andrews AM
Minister for Public Services

What is this consultation about?

The Well-being of Future Generations (Wales) Act 2015 ('the Act') is about improving the social, economic, environmental and cultural well-being of a sustainable Wales. It will help to improve the way in which decisions are made across specified public bodies in Wales so that Wales becomes prosperous, resilient, healthier, more equal with a vibrant culture and thriving Welsh language and is globally responsible.

The Act was made law in April 2015 and under the Act the Welsh Government has duties and powers to publish guidance for the 43 public bodies who are subject to the Act. This will help them support the implementation of the Act when the duties they are under commence in early 2016.

The Welsh Government is strongly committed to involving people and engaging people in the implementation of the Act. We are seeking the views of people on the guidance that will be used to explain how the Act will affect public bodies subject to its provisions.

To help you understand this document, as well as the Act, we would encourage you to read the sources of further information identified on page 2.

What are the main issues?

Sustainable development works best when people and bodies are equipped with the information, skills and knowledge to find solutions to some of our most intractable problems. There is already good practice in this area which shows that innovative thinking is a key driver for change.

This guidance provides an opportunity to empower people across the public sector with the knowledge and tools to make a difference to Wales, now and in the future.

Guidance has a key role in making this happen, but it is not intended to be a technical manual on what to do and when. It cannot tell you what is a right or wrong decision. Its main purpose is to help public bodies to respond positively to the provisions of the Act.

The guidance provides assistance to support public bodies to fulfil their potential as leaders in contributing to the achievement of the national well-being goals. We have listened to the requests of stakeholders throughout the development of the legislation and our approach to the guidance reflects this.

We believe that the guidance provides the right degree of flexibility so public bodies are able to understand the Act further in order to make better sustainable decisions.

In addition, the guidance has also been drafted so that citizens and interested stakeholders can understand clearly what difference the Act will make to the

way in which public bodies deliver their services. It should be seen as fulfilling this joint role; a tool for specified public bodies to understand what they must do and what the public can expect as a result.

What have we done to date?

In developing draft guidance to support the implementation of the Act, we have endeavoured to put into practice the 'involvement' element of the Sustainable Development Principle.

Between February and May 2015 we coordinated an 'involvement period' which gathered early views from stakeholders about the content and format of the guidance. This was to ensure that our guidance is useful and widely used.

The ways in which we did this included:

- 1) **Technical Advisory Group** – The Minister for Natural Resources asked Peter Davies (Commissioner for Sustainable Futures) to convene a group of stakeholder to provide input into the development of the statutory guidance for the Act. This will continue up until the final guidance is published.
- 2) **Discussion document** – We published a 'discussion document' for stakeholder which included 14 questions about the content and format of the guidance. We received 18 direct responses.
- 3) **Five involvement events** – We participated in five events led by the Commissioner for Sustainable Futures (and supported by Cynnal Cymru-Sustain Wales) across Wales, enabling over 230 stakeholders to input into early discussions on the guidance. Further information on these events can be found here <http://thewaleswewant.co.uk/>.
- 4) **Public body led discussions** – At the request of public bodies we participated in workshops with specific groups, organisations and networks (such as the Sustainable Development Co-ordinators Cymru network) to reflect on the discussion document and feed into the development of the guidance.
- 5) **Early adopters** – Through our grant to the Welsh Local Government Association (WLGA) in supporting an 'Early Adopters' programme, the WLGA considered how learning from their Early Adopters programme could inform the guidance. An event with Early Adopter organisations was held to share this learning. The reports from this work can be found <http://www.wlga.gov.uk/well-being-of-future-generations-act-early-adopter-resources-and-materials/>.

A huge amount of valuable information and insight was produced from this involvement period and we are grateful to those that participated in these events. This directly informed thinking on the content and format of statutory guidance, and also the thinking in respect of the wider support needed to enable and encourage the effective implementation of the Act across the specified public bodies.

It is clear that the statutory guidance is only one part of this wider package of support for implementation. Consideration is being given to how to respond to the other suggestions and ideas in wider implementation, including through the transition from the role of the Commissioner for Sustainable Futures to the new Future Generations Commissioner.

Through these exercises there were some key messages on the content and format of the guidance that have been summarised below.

Key Messages - Discussion document (February to May 2015)

- Be clear and accessible, practical and flexible;
- Refer to current 'bad practice' as well as good practice;
- How public bodies contribute to the goals whilst fulfilling their existing duties and functions;
- Need to stress that the well-being goals should be treated collectively and not in isolation from one another;
- Clarity on the meaning and intent of the well-being goals;
- Emphasise that well-being objectives must be relevant to the primary purpose of public bodies, not an add-on to their core work;
- Address the likely issues that public services boards will face in the context of public service reform;
- Enable reporting to set out what has worked well, and what hasn't, in implementing the Act.

Source : <http://gov.wales/topics/people-and-communities/people/future-generations-bill/drafting-guidance-for-the-well-being-of-future-generations-wales-bill/?lang=en>

Key Messages - Involvement events (April/May 2015)

- Be clear on the purpose of the Act, stating that it sets the framework within which public services will operate;
- Clarity on the nature and purpose of local well-being plans and how this works with the requirement to set individual public body well-being objectives;
- The role of the Act in relation to other legislation;
- Need to ensure that the well-being goals do not reinforce existing silo operations by being "separately managed or cherry picked to fit specific agendas";
- Setting and reporting on well-being objectives must not be 'new' processes but must be part of corporate processes;
- Many stakeholders recognised that the application of the sustainable development principle was central to the effective implementation of the Act, and the guidance should emphasise this;
- What is meant by long term;
- The sustainable development principle (five ways of working) have to be applied within corporate planning and budgeting processes, not just in relation to individual projects;
- In order to be effective, guidance should get the attention of senior

managers and leaders so should relate to their core responsibilities in terms of corporate planning, budgeting, reporting and accountability;

- There is a need for examples of good practice, but many case studies that exist relate to individual projects and are not insightful enough about the corporate change that is needed.

Source : <http://www.thewaleswewant.co.uk/sites/default/files/Well-being%20of%20Future%20Generations%20Bill%20-%20Presentation%20Slides.pdf>

Key Messages - Early Adopters report (June 2015)

- Guidance should be clear that well-being statements and Local Well-being Plans are a “strategic step change” to focus on the long term and future generations, not just aligning existing activity to the well-being goals;
- For local authorities, there needs to be a shift to focussing on communities and distinct areas (as well as services and individuals);
- It must be clear that the Act requires corporate change to governance arrangements, decision making, performance management, risk management, strategy and finance;
- Guidance should be clear that the sustainable development principle should be used to shape activities, not to justify them;
- It is important that public bodies view the Act as an opportunity as opposed to an additional burden.

Source : <http://www.wlga.gov.uk/well-being-of-future-generations-act-early-adopter-resources-and-materials/>

The proposals

The guidance has been split into two key sections. The first section, (SPSF1), the “Core” guidance, introduces the reader to the Act; the challenges and opportunities public bodies face along with a breakdown of what impact the legislation is expected to make and the change expected. The intention is to provide guidance on what the Act means for the specified public bodies.

The second section, (SPSF 2, 3 and 4) provides a step-by-step guide of the actions public bodies, public services boards and community councils must follow in order to comply with their duties under Act. This part of the guidance aims to be as practical as possible, principally for use by public bodies, public services boards and community councils who will need to understand how to apply the Act to their day-to-day functions.

SPSF1 - The Core Guidance on the Act

This contains guidance to public bodies and public service boards on key definitions, how to carry out sustainable development, making sense of the well-being goals, applying the sustainable development principle, an explanation of the individual duties (public bodies) and collective duties (public service boards), how public bodies fit into the architecture of the Act, and where the key changes in organisations are expected to be seen.

This part of the guidance package is different to the rest because it is intended to emphasis some of the key messages to Chief Executives and public servants on what the Act enables them to do, and what their responsibilities are.

SPSF 2 – Guidance on the individual role public bodies have

This contains guidance for all public bodies covered by the Act to help them set well-being objectives, publish a well-being statement, review objectives and report on progress.

SPSF 3 – Guidance on the collective role through public service boards

This contains guidance for public services boards about the exercise of their functions, including preparation of an assessment of local well-being and a local well-being plan.

SPS4 – Guidance for community councils on taking reasonable steps to contribute to the local well-being plan

This document contains specific guidance for those community and town councils which meet the criteria set out in the Act to comply with their duty to take all reasonable steps towards meeting the local objectives in the local well-being plan that has effect in its area.

Other supporting information has also been published alongside this guidance and consultation document to help public bodies and stakeholders have their own conversation about the Act, These can be found here www.gov.wales.

Who is this for?

The purpose of the guidance is to guide and support public bodies, public service boards and community councils subject to the requirements of the Act to successfully implement the Act. It has been designed for these public bodies to get the best out of the Act. However many stakeholders, in particular businesses and the third sector will have strong relationships with these bodies and what they do will affect them.

The public bodies that are subject to the new well-being duty are

- Local Authorities;
- Local Health Boards;
- Public Health Wales NHS Trust;
- Velindre NHS Trust;
- National Park Authorities;
- Fire and Rescue Authorities;
- Natural Resources Body for Wales;
- The Higher Education Funding Council for Wales;
- The Arts Council of Wales;
- The Sports Council for Wales;
- The National Library of Wales;

- The National Museum of Wales.

Community and town councils which meet certain criteria are under a duty to take all reasonable steps towards meeting the objectives included in a local well-being plan for their area. Separate guidance is provided for those Community and town councils.

What are the next steps?

We will be encouraging all public bodies to respond to the consultation on the guidance and will be running a small number of events across Wales to further engage public bodies on the content of the guidance.

It is our intention that following the consultation period we publish the final guidance for public bodies in advance of the duty coming into force in 2016. This will include the publication of a consultation summary report and copies of the responses where respondents have indicated they are content for their response to be made public.

Other related work

The Welsh Government will also consult with stakeholders on the development of the all Wales National Indicators required under the Act.

This may help organisations better understand the Act, and inform their response to the consultation. Further details will be available on www.gov.wales.

Consultation questions

We have identified ten consultation questions below. If you wish to respond please complete the online Consultation Response Form or write to or email the addresses on page 2 of this document.

Responses to consultation may be made public on the internet or in a separate report. If you would prefer your response to be kept confidential please indicate this by ticking the relevant box on the response form or clearly in your written response.

Q1	<p>Does the Core Guidance (SPSF 1) explain what is expected of public bodies and public services boards subject to the Act in a way that can be understood by public bodies and interested stakeholders?</p> <p>If not, why not?</p>
Q2	<p>Does the statutory guidance (SPSF 2) enable public bodies to discharge the requirements provided by Part 2 of the Well-being of Future Generations (Wales) Act 2015?</p> <p>If not, why not?</p>

Q3	<p>Does the guidance (SPSF 2) explain how public bodies should respond to the recommendations of the Commissioner?</p> <p>If not, why not?</p>
Q4	<p>Does the statutory guidance (SPSF 3) enable public services boards to establish and complete all its functions as provided for in Part 4 of the Well-being of Future Generations (Wales) Act 2015?</p> <p>If not, why not?</p>
Q5	<p>Does the statutory guidance (SPSF 3) support public services boards to achieve a step change in the way they work collectively towards shared objectives?</p> <p>If not, how could it?</p>
Q6	<p>Does the statutory guidance (SPSF 4) to Community and Town Councils make clear which councils are subject to the duty in section 40, and what those affected are required to do?</p> <p>If not, why not?</p>
Q7	<p>In the context of Local Government Reform and new authorities to be in place in 2020, we would welcome your views on the appropriate arrangements for the development of assessments of local well-being, and local well-being plans, in order to enable the Act to be implemented in a timely and effective manner but in a way that minimises the need to duplicate effort.</p>
Q8	<p>Do you have examples of good practice that show key actions under the Well-being of Future Generations (Wales) Act 2015 that could be shared with other public bodies?</p>
Q9	<p>We have asked eight specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please use the consultation response form to express your views.</p>