

Agenda – Equality and Social Justice Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

Rhys Morgan

Meeting date: 1 November 2021

Committee Clerk

Meeting time: 13.15

0300 200 6565

SeneddEquality@senedd.wales

Private pre-meeting

(13.15–13.30)

1 Introductions, apologies, substitutions and declarations of interest

(13.30)

2 Strengthening and advancing equality and human rights in Wales

(13.30–15.00)

(Pages 1 – 13)

Professor Simon Hoffman – Swansea University

Dr Sarah Nason – Bangor University

3 Papers to note

(15.00–15.05)

3.1 Correspondence from the Chair of the Legislation and Justice Committee to the Chair regarding international agreements

(Pages 14 – 16)

3.2 Correspondence from the Chair (Wales) of Consumer Council for Water to the Chair regarding the impact of the pandemic on levels of indebtedness

(Pages 17 – 19)

3.3 Debt and the pandemic: written evidence from Community Housing Cymru

(Pages 20 – 24)

4 Motion under SO17.42(ix) to exclude the public from the remainder of the meeting

(15.05)



5 Strengthening and advancing equality and human rights in Wales – consideration of evidence

(15.05–15.20)

Break

(15.20–15.40)

6 Debt and the pandemic – consideration of draft report

(15.40–16.25)

(Pages 25 – 45)

7 Legislative Consent Memorandum for the Public Service Pensions and Judicial Offices Bill – consideration of draft report

(16.25–16.40)

(Pages 46 – 60)

8 Forward work programme

8.1 Forward work programme and strategic planning next steps

(Pages 61 – 68)

In order to inform the forward work programme discussion, Members may wish to re-familiarise themselves with the following correspondence from stakeholders and partner organisations:

- [Correspondence from Gwenith Price, Deputy Welsh Language Commissioner to the Chair regarding considering the Welsh language in the Committee's work – 19 July 2021](#)
- [Correspondence from Director of RNIB Cymru to Committee Members regarding RNIB's latest research into the voting experiences of blind and partially sighted people – 23 July 2021](#)
- [Correspondence from Victoria Winkler, Director, Bevan Foundation to the Chair regarding child poverty and protecting migrants' rights – 23 July 2021](#)

- [Correspondence from Pippa Cotterill, Head of Wales Office, Royal College of Speech and Language Therapists Wales to the Chair regarding speech, language and communication needs of young people in the youth justice estate – 1 September 2021](#)
- [Correspondence from the Gender Network regarding gender equality – 15 September 2021](#)
- [Correspondence from the Future Generations Commissioner regarding equality and social justice findings – 5 October 2021](#)

8.2 Delivering for Future Generations: the story so far – consideration of responses

(16.40–17.00)

(Pages 69 – 95)

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Agenda Item 3.1

Y Cymdeithas Ffurfio'r Senedd,
Cyfiawnder a'r Cyfansoddiad

Legislation, Justice and Constitution Committee

Senedd Cymru

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Jenny Rathbone MS

Chair, Equality and Social Justice Committee

14 October 2021

Dear Jenny

Protection of Classified Information: agreements UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy

On 21 September I wrote to you to draw your Committee's attention to four international agreements between the UK and individual EU Member States ([UK/Estonia](#), [UK/Latvia](#), [UK/Belgium](#) and [UK/Italy](#)) on the protection of classified information which we considered at our meeting on [13 September 2021](#).

I also wrote to the [Welsh Government](#) to seek its assessment of the agreements' implications, if any, for Wales and its contractors. You may wish to be aware that we considered the response from the First Minister at our meeting on [11 October 2021](#). The response is enclosed for your information.

Yours sincerely,



Huw Irranca-Davies

Chair





Ein cyf/Our ref:

Huw Irranca-Davies
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

SeneddLJC@senedd.wales

04 October 2021

Dear Chair

I am writing in response to your letter of 20 September about Protection of Classified Information: agreements UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy.

Our legal assessment of the treaties is they relate to data sharing and national security and are therefore reserved matters.

The substantive provisions are high level and would likely require implementing arrangements in relation to specific exchanges. The agreements are subject to national laws and regulations and we should be mindful whether they conflict with the same. We are of the view that they do not conflict with UK data protection legislation.

As Welsh Ministers are required to take into account international obligations when making decisions, they could face Judicial Review or action from the Secretary of State for failing to do so.

In respect of consultation, if the agreements would have an impact on devolved matters, the Welsh Government would have a legitimate interest in those parts of the negotiations and

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Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

therefore an expectation to be consulted. In our view these agreements are high level and relate to reserved matters therefore there is no expectation to be consulted.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD

25 Hydref 2021

Anfonwyd drwy e-bost at: SeneddEquality@senedd.wales

Annwyl Jenny,

Rydwi wedi gweld lansiad ymchwiliad y pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol i effaith y pandemig ar lefelau dyled, sy'n canolbwyntio'n benodol ar ddyled bersonol, aelwydydd a defnyddwyr, a dyma feddwl ei bod hi'n amserol cyflwyno CCW – y Cyngor Defnyddwyr Dŵr – a chanfyddiadau allweddol yr [Adolygiad Fforddiadwyedd Annibynnol a gomisiynwyd gan Lywodraeth y DU a Llywodraeth Cymru ac a gyhoeddwyd ym mis Mai 2021](#).

Pwy ydyn ni

CCW yw'r llais annibynnol i ddefnyddwyr dŵr yng Nghymru a Lloegr. Ers 2005, rydym wedi helpu miloedd o ddefnyddwyr i ddatrys cwynion yn erbyn eu cwmni dŵr, gan ddarparu cyngor a chymorth am ddim yr un pryd. Mae ein gwaith yn cael ei lywio [gan waith ymchwil helaeth](#), a ddefnyddiwn i hyrwyddo buddiannau defnyddwyr a dylanwadu ar gwmnïau dŵr, llywodraethau a rheoleiddwyr.

Argymhellion yr adolygiad Fforddiadwyedd Annibynnol o Ddŵr

Ar 26 Mai 2021, cyhoeddodd CCW [ganfyddiadau'r adolygiad annibynnol](#), a gomisiynwyd gan Lywodraeth y DU a Llywodraeth Cymru. Nod yr adolygiad oedd gwneud argymhellion ar gyfer gwelliannau i'r cymorth sydd ar gael i'r rhai sy'n ei chael yn anodd talu am wasanaethau dŵr. Gwnaethom [ymgysylltu â'r cyhoeddwrth drafod atebion i dlodi dŵr](#), ac [adolygu'r diwydiant dŵr](#) ac [arferion cymorth traws-sector](#) er mwyn rhannu dysgu a chydlynu atebion i broblem gynyddol tlodi dŵr.

Comisiynwyd yr adolygiad fforddiadwyedd ar adeg pan oedd pwysau ariannol y pandemig Covid-19 yn rhoi pobl fregus yn ariannol mewn mwy o berygl o fethu â thalu eu biliau. Yn ogystal â chreu risg uwch o ddyled a thlodi i'r rhai a oedd prin yn cael dau ben llinyn ynghyd yn barod neu a oedd yn wynebu amgylchiadau newydd ac annisgwyl.

Byddai CCW yn croesawu'n arbennig gefnogaeth y Pwyllgor ar ddau argymhelliad allweddol yn yr adolygiad:

Mae CCW yn gofyn i'r pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol gefnogi sefydlu un tariff cymdeithasol sy'n gallu rhoi diwedd ar dlodi dŵr¹ yng Nghymru (a Lloegr). Gofynnwn hefyd i'r pwyllgor argymhell bod Llywodraeth Cymru (deddfwriaeth) a'r sector (gweithredu gan gwmnïau) yn cyflawni hyn erbyn 2025. Credwn yn gryf mai un tariff cymdeithasol ar gyfer Cymru a Lloegr sydd orau i bobl Cymru ac mae'n adeiladu ar y cymorth presennol a ddarperir gan gwmnïau dŵr yng Nghymru hyd yma.²

Yn dilyn cyhoeddi'r adolygiad annibynnol, mae Llywodraeth Cymru a Defra wedi cychwyn ar y gwaith o archwilio'r opsiynau ar gyfer datblygu un tariff cymdeithasol.

¹ Yn yr Adolygiad Fforddiadwyedd Annibynnol, diffinnir tlodi dŵr fel gwario mwy na 5 y cant o incwm eich aelwyd ar filiau dŵr ar ôl costau tai.

² Mae 120,000 a mw y yn gwsmeriaid drwy dariffau cymdeithasol presennol cwmnïau dŵr yng Nghymru hyd yn oed os nad ydynt i gyd o reidrydd mewn tlodi dŵr o 5% neu'r hyn a alwn yn dlodi dŵr difrifol.

Yn olaf, mae CCW yn gofyn i'r pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol gefnogi argymhellion canlynol yr adolygiad fforddiadwyedd:

Mae CCW am i'r pwyllgor gefnogi argymhelliad CCW i sicrhau mwy o ddefnydd o'r darpariaethau rhannu data a ddarperir gan Ddeddf yr Economi Ddigidol (2017) i ganiatáu i gwmnïau dŵr gael darlun mwy cyfannol o amgylchiadau cwsmeriaid unigol, a mabwysiadu dull mwy rhagweithiol o roi cyngor a chymorth iddynt.

Mae'r argymhelliad hwn yn cefnogi amcan Cynllun Pwyslais ar Incwm Llywodraeth Cymru i sicrhau y gellir 'trosglwyddo' rhwng budd-daliadau awdurdodau lleol gan ei gwneud yn haws ac yn gyflymach i wneud cais am gymorth yng Nghymru.

Mae CCW am i'r pwyllgor gefnogi ein hargymhelliad i sefydlu hwb ar-lein ar gyfer atgyfeiriadau dwyffordd y gall cwmnïau dŵr ac elusennau ei ddefnyddio i rannu gwybodaeth. Mae'r argymhelliad hwn yn cefnogi amcan Cynllun Pwyslais ar Incwm Llywodraeth Cymru i sicrhau bod yna bwyntiau mynediad unigol at gymorth, a dull 'dim drws anghywir' ar draws rhaglenni trechu tlodi ac i gefnogi 'atgyfeiriadau cynnes' rhwng gwasanaethau.

Byddwn yn croesawu cyfarfod gyda chi i drafod yr argymhellion a amlinellir uchod a sut y gallwn gydweithio i ddatblygu atebion i'r broblem cynyddol o dlodi dŵr yng Nghymru. Os ydych yn barod i'n cyfarfod, a fydddech cystal ag anfon e-bost at Ellen Jones, ein Rheolwr Ymgyrchu ac Ymgysylltu, yn ellen.jones@ccwater.org.uk

Yn gywir,



Rhodri Williams
Cadeirydd CCW (Cymru)

25 October 2021

Sent via email to: SeneddEquality@senedd.wales

Dear Jenny,

I have seen the launch of the Equality and Social Justice committee's inquiry into the impact of the pandemic on levels of indebtedness, with a particular focus on personal, household and consumer debt, and thought it timely to introduce CCW – the Consumer Council for Water – and the key findings of the [Independent Affordability Review commissioned by UK and Welsh Government published in May 2021](#).

Who we are

CCW is the independent voice for water consumers in England and Wales. Since 2005, we have helped thousands of consumers resolve complaints against their water company, while providing free advice and support. Our work is informed by extensive research, which we use to champion the interests of consumers and influence water companies, governments and regulators.

Recommendations of the Independent Affordability review on Water

On 26th May 2021, CCW published [the findings of the independent review](#), which was commissioned by UK and Welsh Government. The aim of the review was to make recommendations for improvements to the support available to those who struggle to pay for water services. We [engaged the public in discussing](#)

[solutions to water poverty](#), and [reviewed water industry](#) and [cross-sector assistance practices](#) to share learning and coordinate solutions to the growing problem of water poverty.

The affordability review was commissioned at a time when the financial pressures of the Covid-19 pandemic were putting financially vulnerable people at a higher risk of not being able to pay their bills. As well as creating a higher risk of debt and poverty for those who were just about managing or were faced with new and unexpected circumstances.

CCW would particularly welcome the Committee's support on two key recommendations from the review:

CCW ask that the Equality and Social Justice committee support the establishment of a single social tariff capable of ending water poverty³ in Wales (and England). We also ask the committee to recommend that Welsh Government (legislation) and the sector (company-based implementation) deliver this by 2025. We strongly believe a single social tariff for England and Wales is best for the people of Wales and builds on the existing assistance provided by water companies in Wales to date.⁴

Following the publication of the independent review Welsh Government and Defra have initiated work to examine the options for the development of a single social tariff.

Finally, CCW ask that the Equality and Social Justice committee support the following affordability review recommendations:


CCW want the committee to support CCW's recommendation of ensuring greater use of the data sharing provisions provided by the Digital Economy Act (2017) to allow water companies to take a more holistic view of individual customers' circumstances, and adopt a more proactive approach to providing them with advice and assistance.

This recommendation supports the Welsh Government's Income Maximisation Plan objective to enable 'passporting' between local authority benefits making it easier and quicker to apply for support in Wales.

CCW want the committee to support our recommendation of the establishment of an online hub for two-way referrals that can be used by water companies and charities to share information. This recommendation supports Welsh Government's Income Maximisation Plan objective to enable single entry points to support, and a 'no wrong door' approach across tackling poverty programmes and to support 'warm referrals' between services.

I would welcome a meeting with you to discuss the recommendations outlined above and how we can work together to progress solutions to the growing issue of water poverty in Wales. If you find this agreeable, please email our Campaign and Engagement Manager, Ellen Jones at ellen.jones@ccwater.org.uk

Yours Sincerely,



Rhodri Williams
CCW Chair (Wales)

³ In the Independent Affordability Review water poverty is defined as spending more than 5 per cent of your household income on water bills after housing costs.

⁴ Over 120,000 are customers through current water company social tariffs in Wales even if they are not necessarily all of those in 5% water poverty or what we call severe water poverty.

Agenda Item 3.3

Additional evidence to the Equality and Social Justice Committee, Oct 2021

1. To what extent have levels of debt (including rent arrears and council tax) increased during the pandemic and what impact has this had on providers of public services such as social landlords and local authorities?

The economic impact of the coronavirus pandemic has manifested in an increased number of housing association tenants in serious levels of rent arrears. Between March 2020 and March 2021 there was a 22% increase in the number of tenants owing more than thirteen weeks worth of rent to their housing association, a concerning trend for both tenants and housing associations.

However, the total arrears owed to housing associations by all tenants has remained stable over the pandemic (according to the Business Continuity Survey).¹ This is due to the significant measures put in place by housing associations in supporting tenants to avoid and resolve debt.

2. To what extent does addiction impact on people who are in debt to local authorities and housing associations? How do you support people with addictions who are in debt?

The majority of housing associations in Wales provide supported accommodation for a diverse range of people with additional needs, and this includes those struggling with substance misuse and addiction.

For example, Clwyd Alyn housing association works with people who have experienced substance/alcohol misuse, in partnership with Flintshire Local Voluntary Council and Flintshire Supporting People. The Nacro Flintshire Doorstop project is a temporary supported housing scheme for people 18+ who are homeless and require both tenancy support and support to overcome their substance/alcohol misuse issues.

¹ <https://gov.wales/sites/default/files/publications/2021-08/registered-social-landlords-business-continuity-survey-june-2021.pdf>

3. How have Community Housing Cymru helped people with debt during the pandemic? How are people made aware of these services or signposted to specialist help, and what level of engagement is there?

Community Housing Cymru (CHC) coordinated a sector response to support tenants through the Covid-19 crisis, including the Financial Assistance Protocol and the #WithYou campaign.

Under the Financial Assistance Protocol, housing associations and local authorities signed up to key commitments:

- To keep tenants safe and secure in their home
- To help tenants get the financial support they need
- To support tenants and find solutions if they have difficulty paying rent
- To do everything they can to support tenants' wellbeing.²

To showcase the work housing associations do and raise awareness of the support available to tenants, CHC developed the #WithYou campaign.³ Examples of social media graphics are shown below.



Housing associations themselves have supported tenants throughout the pandemic:

- Wellbeing support
 - Urgent financial inclusion support for those affected by Covid-19
 - Support to residents to claim UC remotely, different methods (ongoing phone support, advice, info, guidance; produce step by step guide; using post more)
 - Wellbeing calls to elderly, vulnerable or disabled residents
 - Hints and tips to navigate the UC claim without needing to call the UC line
 - Proactive support to self-payers, in anticipation of decreased income
 - Contacting claimants re 20/21 change to rent and service charges
 - Increased resource for UC verification claims
- Financial support
 - Issued hardship fund grants

² <https://financialassistanceprotocol.wales/>

³ <https://financialassistanceprotocol.wales/with-you-campaign>

- Offering to defer or accept reduced rent payments for agreed period; accounts put on hold so arrears escalation is halted
- Flexibility given to housing officers to relax and tailor residents' rent/arrears agreements as necessary
- Making tenants aware of changes to the Universal Credit £20 uplift, and helping them prepare for this decrease in income
- Working with partners
 - Working and sharing good practice with local authorities and other housing associations
 - Developing a sector group to discuss the Debt Respite Scheme, working together to ensure they can support tenants regarding Breathing Space
 - Signposting tenants to community-based help groups and other agencies such as food banks
 - Embracing sector messaging, including the Financial Assistance Protocol and the #WithYou campaign

4. The WLGA evidence says that the key to success is the level of engagement with the debtor, however the Bevan Foundation consider that council tax collection practices can often deepen problem debt. In what ways do local authorities and housing associations engage with and assist residents who have council tax arrears. How do they promote and raise awareness of Council Tax Reduction Schemes to ensure all those eligible make a claim?

Housing associations provide a wide range of support around welfare, helping tenants to access benefits and maximise their income. Promoting the Council Tax Reduction Scheme, and making it clear that it must be applied for separately from Universal Credit, is a key part of this.

5. Should the flexibilities that the Welsh Government introduced for the Discretionary Assistance Fund be made available for longer than until the end of March 2022, or on a permanent basis?

Alongside the Wales Anti-Poverty Alliance, CHC has welcomed the flexibilities to the Discretionary Assistance Fund (DAF) that the Welsh Government brought in as a response to the COVID-19 pandemic.

The Bevan Foundation and Child Poverty Action Group recently raised concerns that the number of DAF applications sharply decreased in the run-up to the end of a period of flexibility. Financial hardship will not come to an end for people in Wales in 2022. We recommend that the Welsh Government builds on the recent success of the DAF in the short term, by taking the following steps:

- Allocating additional funding to the DAF to meet the anticipated additional demands on the scheme as a result of the cut to Universal Credit and Tax Credits, particularly for Emergency Assistance Payments.
- Promoting the DAF widely in the coming months, particularly amongst people most likely to face extreme hardship as a result of benefits cuts and the economic disruption of the pandemic, making eligibility criteria clear before the application stage.
- Extending the Tenancy Support Grant, currently only available to those in the private rented sector, to social housing tenants.

In the longer term, we would encourage the Welsh government to take a strategic look at how to support people in financial difficulties. A permanent extension to DAF flexibilities is one part of the picture, but this is still a very crisis-based approach. We would welcome consideration of how the Welsh government might contribute to the financial resilience of people in Wales on a more sustainable basis.

In addition, we fully support the Welsh government's income maximisation and benefit take-up activity. We note that this has been successful in ensuring people who are at risk of not claiming benefits get access to vital support. We welcome the continued investment that the Welsh government is making in this work in the final months of 2021, and we hope that this will continue going forward.

6. Given the steps that were taken during the pandemic such as the moratorium on evictions, pausing debt collection, payment holidays and the furlough scheme, what concern is there that as these Covid measures end, debt levels will increase? What pressures might this put on public service providers?

Many people in Wales will be facing hardship this winter, with multiple challenges compounding tenants' already low financial resilience.

A key challenge is the end of the Universal Credit £20 uplift. Our report 'A lot to lose' draws together data and testimony from housing association tenants across Wales and shows that the £20 per week that was added to Universal Credit during the Covid-19 pandemic has been transformational for many households, and fundamental to the ability of many tenants to manage their finances, find work and stay out of debt.⁴ Tenant testimony revealed fears that, without the extra £20 per week, they would fall into debt with utilities and other financial commitments.

Food banks are braced for decreased donations and increased demand for food packages as low-income households are forced to prioritise bills over grocery shopping. Our report found that social housing tenants had been able to afford healthier, more nutritious food as a result of the uplift and that, given the overall increase in prices, they would now only be able to get 'the

⁴ <https://chcymru.org.uk/our-work/publications/chc-universal-credit-uplift-report-a-lot-to-lose>

basics'. This lack of regular, nutritious meals has obvious implications for a person's mental and physical health, and their reliance on public services as their health deteriorates.

It is common for energy costs to increase in the winter when people are required to spend more time inside. With energy prices having risen dramatically this autumn, many households are anticipating a long, cold winter and the consequent negative impact on their health and wellbeing.

Our report 'A lot to lose' highlighted the impact of the cost of transport on those with low incomes. We were told that without enough money to afford the bus to regular hospital appointments, tenants worried that their health would deteriorate and they would require urgent medical attention and care. This has obvious implications for the NHS and social services, with crisis care being so much more expensive than prevention.

The Covid measures introduced at the start of the pandemic were very welcome and were anticipated to be temporary. Unfortunately, the challenges to people's financial resilience are continuing, and the need for support is ever more acute. Wales has been attempting to shift from crisis care to preventative services for some time, and we hope to see this trend continue at pace. With the support measures disappearing, however, it is inevitable that more people will fall (or fall further) into debt, rely on food banks and require more urgent intervention to their health and wellbeing.

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Agenda Item 7

By virtue of paragraph(s) vi of Standing Order 17.42

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LEGISLATIVE CONSENT MEMORANDUM

PUBLIC SERVICE PENSIONS AND JUDICIAL OFFICES BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the Senedd.
2. The Public Service Pensions and Judicial Offices Bill (“the Bill”) was introduced in the House of Lords on 19 July 2021. The Bill as introduced can be found at: [Public Service Pensions and Judicial Offices Bill](#).

Policy Objectives

3. The UK Government’s stated policy objectives are to:
 - i. address discrimination that arose when existing public service pension schemes were closed to certain members between 2014 and 2016;
 - ii. deliver changes to public service pension schemes to ensure that all eligible public service workers have access to high quality defined benefit schemes on a fair and equal basis;
 - iii. ensure there are no reductions to members’ benefits following completion of the cost control element of the 2016 valuations;
 - iv. improve the terms for judicial resourcing to support the effective functioning of the judiciary, to meet future demands; and
 - v. confer powers upon the HM Treasury to establish a new UK Asset Resolution (UKAR) Limited pension scheme.

Summary of the Bill

4. The Bill is sponsored by HM Treasury.
5. The Bill’s provisions are set out across four parts:
 - i. Part 1 makes provision in relation to public service pension schemes: Chapter 1 concerns schemes other than judicial and local government schemes, for example firefighter schemes; Chapter 2 concerns judicial schemes; Chapter 3 concerns local government schemes; and Chapter 4 makes general provision which includes the closure of legacy schemes to further accrual from 1 April 2022.

- ii. Part 2 makes provision for the establishment of new public pension schemes in respect of banking sector legacy schemes, namely for Bradford & Bingley and Northern Rock which were taken into public ownership in 2007/2008.
- iii. Part 3 makes provision for judicial offices. It imposes a mandatory retirement age of 75 for certain judicial offices and makes provision for judges sitting in retirement (but not beyond the age of 75).
- iv. Part 4 makes general provision, including in relation to extent and application: the Bill's provisions will extend and apply to the whole of the UK; all substantive pension measures will apply UK wide; and some elements of the judicial measures will apply to England and Wales only.

Provisions in the Bill for which consent is required

- 6. The following provisions of the Bill are within the legislative competence of Senedd Cymru:
 - i. Clause 103 (Retirement date for holders of judicial offices etc.) and Schedule 1 make provision to raise the mandatory retirement age to 75 and in some cases impose a new maximum retirement age of 75 for certain judicial offices. The provisions apply UK-wide to judicial offices and apply to the Welsh tribunals listed in section 59 of the Wales Act 2017.
 - ii. Clauses 105 to 109 and Schedules 3 and 4 make provision that applies UK-wide for a new sitting in retirement office for previously salaried and fee-paid judicial office holders who have retired:
 - a. clause 105 (Sitting in retirement offices) establishes a sitting in retirement office for each judicial office listed at Schedule 3, Part 5 of which relates to the Welsh tribunals;
 - b. clause 106 (Appointment to sitting in retirement offices) relates to the appointment of an eligible person to sitting in retirement offices;
 - c. clause 107 (Appointment to sitting in retirement offices: further provision) contains further provisions on sitting in retirement offices and provides that appointment may not extend beyond the age of 75;
 - d. clause 108 (Discipline and removal from office) makes provision in relation to the removal of an appointed person from a sitting in retirement office;

- e. clause 109 (Power to add new offices) confers power on the appropriate national authority (the Welsh Ministers in relation to devolved areas) to add new offices; and
 - f. clause 110 (Consequential etc. provisions) and Schedule 4 makes consequential amendments in connection with sitting in retirement offices.
7. “Tribunals” are reserved to the UK Parliament by paragraph 9 of Schedule 7A to the Government of Wales Act 2006 WA. “Devolved tribunals” however are an exception, meaning that the Senedd can legislate in respect of those tribunals in accordance with paragraph 9(2). “Devolved tribunals” are all of whose functions are functions that are exercisable only in relation to Wales, and do not relate to reserved matters. The Welsh Government considers “devolved tribunals” includes those listed in section 59 of the Wales Act 2017. Section 59 tribunals are all presided over by the President of Welsh Tribunals and administered by the Welsh Tribunals Unit.

Reasons for making these provisions for Wales in the Bill

8. The relevant provisions in the Bill increase the mandatory retirement age for certain judicial office holders from 70 to 75 and make provision for sitting in retirement, subject to appointments not extending beyond that mandatory age.
9. The current mandatory retirement age which applies in courts and in the majority of reserved tribunals was set some 25 years ago. In recent years, the frequency and volume of judicial recruitment has increased across the UK’s jurisdictions but since 2016, there have been shortfalls in some recruitment exercises. Increasing the mandatory retirement age to 75 is an approach intended to help retain valuable judicial expertise for longer whilst increasing the attractiveness of judicial office to a greater number of potential candidates and from diverse backgrounds.
10. The revised mandatory retirement age will apply to the Welsh tribunals as defined in section 59 of the Wales Act 2017. For those tribunals with a mandatory retirement age, that age will increase from 70 to 75. Those tribunals are: the Agricultural Land Tribunal for Wales; the Mental Health Review Tribunal for Wales; the Residential Property Tribunal for Wales; and the Welsh Language Tribunal for Wales. For the Special Educational Needs Tribunal for Wales and the Adjudication Panel for Wales, with no current mandatory retirement age, the Bill will impose a maximum retirement age of 75.
11. Currently, whilst salaried judges can apply to sit in retirement, this option is not equally available to fee-paid judges. Provisions in the Bill will remedy the differential treatment between salaried and fee-paid judges and provide for flexibility to meet business need through judges sitting in retirement, ensuring the effective administration of justice. It is anticipated

that the higher mandatory retirement age will lead to improvements in recruitment and retention and will, over time, reduce the business need for judges to sit in retirement.

12. A consistent mandatory retirement age and approach to sitting in retirement across England and Wales will avoid jurisdiction picking by candidates for judicial office who may, for example, choose to apply for appointment in England and Wales rather than to a Welsh tribunal if current arrangements were to continue in Wales alone as, on that basis, they would have a shorter and potentially less flexible judicial career in Wales than in England. In addition, a differential position would potentially inhibit cross deployment between judges in the Welsh tribunals and the First-tier and Upper-tier tribunals. For these reasons, there is benefit to the justice system in Wales for the provisions in the Bill to apply to Wales.
13. The on-going Law Commission project on the reform of the Devolved Tribunals in Wales will report in autumn 2021. Taking forward the Law Commission's report will provide the opportunity for the development of new Wales specific policy relating to Welsh tribunals, including on judicial offices, and to consolidate its implementation into Welsh legislation. The changes now set out in the Bill will, however, be made and implemented far sooner than will be the case in respect of any future legislation in response to the Law Commission's report.

Financial implications

14. The UK Government's Impact Assessment for the Bill¹ estimates that increasing the mandatory retirement age to 75 has the potential to generate savings in pension liabilities, depending on judicial recruitment patterns. This is estimated to be between £37 million and £97 million. The financial implications of the related provisions for sitting in retirement are subject to a number of variables, including the specific business need for retired judicial office holders to sit in retirement and the extent that eligible persons may wish to take up those offices in the context of them being able to remain in office as a result of the higher mandatory retirement age. These costs have not, therefore, been assessed.

Amendment of the Bill provisions

15. The Bill may be amended during its passage through Parliament and it may be necessary to review any such amendments to determine whether they raise any competence issues or issues relating to Welsh Minister functions. In these circumstances, and to meet the requirements of Standing Order 29, a supplementary Legislative Consent Memorandum may be required. Amendments to the Bill will, therefore, be kept under review.

¹ See page 25, paragraph 329 et seq. at [Public Service Pensions and Judicial Offices Bill Assessment of Impacts](#)

Conclusion

16. The UK Government's proposals in the Bill are intended to remedy the differential treatment between salaried and fee-paid judges and provide for flexibility to meet business need through judges sitting in retirement. It is the view of the Welsh Government that it is appropriate to make equivalent provision for the Welsh tribunals as defined in section 59 of the Wales Act 2017, and to utilise the Bill to make the required legislative changes at this time, noting the on-going Law Commission project and the development of Wales specific policy in relation to tribunals in Wales.

Mick Antoniw MS
Counsel General and Minister for the Constitution
11 August 2021

By virtue of paragraph(s) vi of Standing Order 17.42

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Dear Mark

Delivering for Future Generations: The story so far – response to recommendations

I am writing to respond formally to Recommendation 12 of the Public Accounts Committee's Report, Delivering for Future Generations: The story so far. The clerking team has also invited me to comment on Recommendation 11. Please see below my response and comments.

Recommendation 12.

As we enter the second reporting period, the Auditor General for Wales must raise his expectations of public bodies and not hesitate to highlight poor adoption of the sustainable development principle - ACCEPTED

This recommendation is broadly in line with the direction of travel of our work under the Act and the approach that my auditors will be taking in forming judgements on the extent to which public bodies are acting in accordance with the sustainable development principle. When we undertook our examinations work under the Act in the previous reporting period, we set out some principles to guide our work. One of these principles was that:

“The essence of the Act is about changing behaviours and mind-sets and these will take time to embed.”

However, we also set out that:

“Over the medium and long term, the Auditor General will expect that public bodies are able to demonstrate how the Act is shaping what they do.”

As we moved into the second reporting period 2020-2025, we have revised our approach to our work under the Act. As part of this we have issued new and updated audit guidance to our auditors, and part of this guidance emphasises that we will be raising our expectations of audited bodies in line with our earlier principle set out above. We will however continue to approach our work under the Act in a way that seeks to help public bodies to self-reflect and explore what they could do differently and encourages public bodies to develop their own actions in response to our findings.

While the Committee noted in its report the collaborative spirit in which we developed our audit approach in the first reporting period, this is not to say that we have not challenged public bodies to date. Our local reports over the previous reporting period, covering all of the 44 bodies listed in the Act, identified strengths and areas for improvement in the extent to which each body had applied the sustainable development principle.

In my statutory report in May 2020, which drew on that local audit work I said:

“Overall, we have found that public bodies can demonstrate that they are applying the sustainable development principle. But it is also clear that they must improve how they apply each of the five ways of working if they are going to affect genuine cultural change – the very essence of the Act. In the next five-year reporting period, public bodies across Wales will need to work together in taking a more system-wide approach to improving well-being if they are to take their work to the next level.”

Later in that report I also set out that:

“In the next reporting period, we will expect to see public bodies using the framework of the Act to address these [challenges set out in our report] and other challenges.”

Therefore, I believe that Audit Wales is well placed to act in accordance with the spirit of this recommendation. Nevertheless, we shall continue to report independently, without fear or favour, and in a way that demonstrates that we are being fair in our judgements based on the available evidence. For example, in a local audit report published during the current reporting period we highlighted how, in one council, there was significant scope for it to apply the sustainable development principle and focus on delivery of its well-being objectives through its out-sourced leisure contract.

Recommendation 11.

Public bodies subject to the Well-being of Future Generations (Wales) Act 2015 must ensure that the five ways of working are embedded in their plans for recovery from the Covid-19 pandemic. We recommend that any gains they have made in their immediate response to the pandemic are not lost, and that they shift their focus from the day-to-day to long-term and prevention.

I recognise the importance of public bodies applying the sustainable development principle as they move to the recovery phase. This is an important opportunity for public bodies to demonstrate the application of the five ways of working in balancing current and future needs and to ensure that the experience gained over the course of the pandemic informs both short and medium to long-term plans.

A key area of focus for our audit work has been, and will continue to be, the plans that public bodies are putting in place to recover from the COVID-19 pandemic. For example, over 2021-22 we are undertaking a review across all 22 principal councils called 'Springing Forward', that will examine how they are using the experience and reflecting on the changes that have arisen from the pandemic to maintain, adapt and transform services. This review is focusing on how councils are making changes in the use of their buildings and managing their workforce. We are considering both the extent to which councils are acting in accordance with the sustainable development principle as well as the extent to which they are putting in place proper arrangements to secure value for money in the use of their resources. Following this review we will publish a local report for each principal council, as well as a national summary report, and will support these with Good Practice Exchange (GPX) events.

Our forthcoming Picture of Public Services outputs will also be positioned against the backdrop of the impact of, and recovery from, the pandemic. Our main report will highlight what we consider to be some of the key issues for public services in the coming years and important aspects of service transformation where we will be focusing our attention.

Yours sincerely



ADRIAN CROMPTON
Auditor General for Wales

Welsh Government response to the report of the Public Accounts Committee (5th Senedd) Delivering for Future Generations – the story so far.

RECOMMENDATION 1

The Welsh Government should carry out of a review of how it can provide longer-term financial security to the public bodies that are subject to this Act. This review should be completed in time to inform funding decisions in relation to the 2023-24 financial year.

Response: Accept in principle

It remains the Welsh Government's aspiration to provide longer-term budgets for our partners and stakeholders and we remain open to exploring options to provide certainty where this is possible as it set out in our Budget Improvement Plan which we publish alongside our Draft Budget. The Committee's recognition of the lack of forward funding figures from the UK Government is welcomed, and has previously meant the Welsh Government has been unable to give multi-year funding settlements. The Welsh Government has continued to press the case to the UK Government to publish multi-year settlements with the prospect of the forthcoming UK Spending Review and Budget on 27 October indicating we could expect a 3 year settlement.

Under current funding arrangements for public bodies we already provide an indication of funding for future years where this is possible. We are moving to a programme of Term of Government Remits for Arms-length Bodies in Wales, and this will be much more productive if we receive a multi-year settlement from the UK Government, which would enable us to provide bodies with longer-term indicative budgets.

Financial implications

The potential exploration of options would be met from within existing resources.

RECOMMENDATION 2

The Welsh Government should carry out a review of how the work of Public Service Boards is funded. The review should begin no later than six months after the next Senedd election, with its conclusions implemented in time for them to inform funding allocations for the 2023-24 financial year. The review should be undertaken with the following principles in mind:

- PSBs should be able to access pooled funds, drawn from the resources of their statutory members, which they could either hold as formal corporate entities, or via informal arrangements.
- PSB budgets should be determined by clear, consistent guidelines set out by the Welsh Government.

- PSB budgets should be informed by the role that the Welsh Government has set out for them.
- The contributions that each organisation is required to make to finance PSBs should recognise wider commitments that they have to other partnerships (including to other PSBs).

Response: Accept in principle

The Welsh Government has taken the view to date that it is for the PSBs to decide how they collectively resource their work – including pooling funding. However, we recognise partners have had varying degrees of success with this and there may be scope to support the development of a common approach to pooling resources. Some partners may also value additional guidance on the existing flexibilities regarding funding available from other sources.

We will work with PSBs to get a better understanding of where they have pooled – or attempted to pool – resources and identify and share good practice. Alongside this we consider, on an annual basis, the package of funding and support we make available directly to PSBs and will be looking at how we can raise awareness of the range of funding sources available to them.

The immediate priority is supporting the delivery of the local assessments of well-being, which need to be undertaken by next spring. Whilst this work is therefore unlikely to commence at the time recommended by Public Accounts Committee, we would seek to provide guidance to inform PSBs by the time they complete preparation of their local well-being plans and put in place arrangements to resource delivery of them.

Financial implications

Any review of the approach to funding would be met from within existing resources.

RECOMMENDATION 5

The Welsh Government must continue with plans to set and publish milestones as required by section 10 of the Well-being of Future Generations (Wales) Act 2015 no later than six months after the 2021 Senedd election.

RECOMMENDATION 6

The Welsh Government must continue with plans to review and publish revised national well-being indicators no later than six months after the 2021 Senedd election. The review should recognise the challenges and opportunities presented by the Covid-19 pandemic and take into account the views of public bodies, the public, and key stakeholders of the private and voluntary sectors.

Response (5 & 6): Accept in principle

We published a consultation on the national milestones and indicators on 1 September 2021 and are committed to publish the first set of national milestones and updated national indicators by December 2021.

Whilst we agree it is important to move quickly on the development of National Milestones and reviewing and making small changes to the National Indicators, it is equally important for us to find the right balance between moving at pace and undertaking quality engagement. We believe the timetable outlined in the delivery roadmap still reflects the right balance overall.

The existing timetable is already tight and attempting to move forward publication by a month to comply with the recommendation would involve significantly curtailing the time currently reserved for collaborating with stakeholders or, alternatively, seriously impact our plans for a written consultation in the Autumn. Given Welsh Ministers have a statutory duty to consult public bodies on the National Indicators and Milestones before they are set, our view is attempting to change the timing of the roadmap at this stage would be more problematic than beneficial to the delivery of both the National Milestones and the revised National Indicators for Wales.

Financial implications

None, any additional costs will be drawn from existing programme budgets.

RECOMMENDATION 7

The Welsh Government must carry out a review of the public bodies that are subject to the Act. The findings of that review should be implemented in sufficient time for any newly added public bodies to receive their funding allocations and associated remit letters for the 2022-23 financial year. The review should:

- take into account the impact on the implementation of the Act at a national level that including/omitting any particular public body would have;
- acknowledge that the inclusion of any additional public bodies will result in additional reporting, monitoring and auditing requirements that will inevitably have financial/resourcing implications;
- clearly set out the expectations of public bodies that are not formally subject to the Act in relation to sustainable development, and how those expectations will be monitored and enforced; and
- clearly set out the criteria against which inclusion/exclusion decisions were made and the process or timeframes by which future reviews will be initiated.

Response: Accept in principle

The Welsh Government is committed to realising the benefits of the Well-being of Future Generations Act and recognises there is value in considering whether more public bodies should be subject to the well-being duty. We will carry out a review of the bodies subject to the WFG Act. The four tests applied in determining which

public bodies were subject to the Well-being of Future Generations (Wales) Act 2015 when it was being developed will form the basis of this work.

Given the need to engage with all affected parties and understand the implications on such bodies we intend to conclude the review by summer 2022. This will allow us to review the list alongside the proposals for the social partnership duty in the proposed Social Partnership and Public Procurement (Wales) Bill which will place a social partnership duty on the same bodies captured by the Well-being of Future Generations (Wales) Act 2015. Maintaining a close link between the well-being duty and social partnership duty will ensure there is consistency between the two pieces of legislation, and reinforce the role that employees have in shaping Wales' future.

Financial implications

The financial implications of extending the duty to additional bodies will be assessed as part of a Regulatory Impact Assessment. There will be costs in consulting and engaging with public bodies, costs on bodies, and implications for the Future Generations Commissioner for Wales and Auditor General for Wales

RECOMMENDATION 8

The Welsh Government must continue with plans to frame remit letters around the Well-being of Future Generations (Wales) Act 2015, following consultation with the Future Generations Commissioner. The new remit letters should be in use no later than in relation to the 2022-23 financial year.

Response: Accept

The Welsh Government has moved to Term of Government Remit Letters following the Senedd Cymru election on 6 May 2021. These Remits will be applied from the 2021-22 financial year. The Term of Government Remit Letter Framework includes a requirement to meet fully the well-being duty set out in the Well-being of Future Generation Act (Wales) 2015.

Financial implications

None, any additional costs will be drawn from existing programme budgets.

RECOMMENDATION 9

The Welsh Government must not create any new partnership or collaborative structures to fulfil any functions unless it has fully explored whether:

- existing partnership structures could undertake those functions instead;
- the new structure could replace existing ones;
- the functions can be carried out by existing public bodies; and after consultation with public bodies affected by the proposed changes, can demonstrate support for the new structures from a majority of public bodies affected by them.

RECOMMENDATION 10

The Welsh Government must publish guidance no later than six months after the next Senedd election that sets out:

- how the work of Regional Partnership Boards, Public Services Boards, Corporate Joint Committees, alongside other major partnership structures, interact with each other within the framework of the Well-being of Future Generations (Wales) Act 2015, with examples of good practice;
- what flexibility partnerships have to make decisions to better and more efficiently organise themselves;
- where partnerships and organisations can take action to simplify or consolidate the governance and reporting structures to reduce repetition and duplication;
- the Welsh Government's view of the landscape of partnership structures over the next reporting period (2020-25), including any proposals to abolish or consolidate those structures.

Response: Accept in principle

The outcome of the *Review of Strategic Partnerships*, which was agreed by Partnership Council for Wales, contained clear recommendations not to create new partnerships, or add to the remit of existing partnerships, without considering the existing landscape. It noted there was no support for standing down any specific partnerships and focused on partnerships being supported to simplify their own arrangements locally. The report concluded that any change should come from the ground up, rather than being imposed by the Welsh Government.

We believe delivering against the recommendations from the review will also deliver the aims within recommendation 9 and 10. We will be working closely with the Chairs of strategic partnerships to support local action to align and rationalise the landscape in the way that makes most sense to that area. As per the recommendations of the *Review of Strategic Partnerships*, the Partnership Council for Wales will be monitoring and evaluating progress. As part of its regular review of progress, they will determine what further action may be needed.

However, the immediate priorities for local government are the successful implementation of the Local Government and Elections (Wales) Act 2021.

Financial implications

This commitment will be met from within existing staff resources.

By email

3rd September 2021

Dear Mark,

Thank you for the opportunity to respond to the recommendations in the Public Accounts Committee report '**Delivering for Future Generations: The Story so Far**' published on the 24th March 2021.

I welcome the report's findings and recommendations which reflected my evidence, the findings of my [statutory monitoring and assessing](#) and my [Future Generations Report 2020](#).

The Well-being of Future Generations Act is the greatest cultural change programme the Welsh public sector has ever experienced and I'm proud of the work that is being done to meet its aspirations. Any cultural change takes time, but changes of the magnitude envisaged by the Act means that this is a long-term mission rather than a short-term fix. Wales is the only country to legislate in this way, using a long-term approach to look at root causes of problems via a law that's admired globally.

In terms of general progress, over the past five years, there has been a marked change in political commitment to the Act and I am starting to see public bodies change the way they deliver and design services. For example, the way transport planning is being approached; the way new schools, homes and public buildings are being designed to be more sustainable; curriculum reform, shifting beyond delivering 'services' to focusing on what matters to communities. I'm seeing politicians for example reject the status quo in addressing congestion through building more roads; instead, they are looking for solutions which are better for the well-being of people and planet.

The Act is providing a helpful tool for change makers to challenge the system. I am pleased to play a role in challenging the blockers but there remains funding challenges.

I do not currently have the resources to deal with all of the issues associated with implementing such broad cultural change and, there needs to be greater funding for capacity, leadership development and support for transformational change.

In addition to having a modest budget, given the wide remit of my role, I already flagged concern in my 2019-20 and 20-21 Statutory Estimates about how my funding level would have a negative impact on the quality and level of my support and advice to Public Bodies. Increased pension costs, and annual modest pay rises in line with Welsh Government rates eat into my year on year flat lined funding.

Flat line underfunding means in real terms I can do less while expectations and demands for support and advice across 44 public bodies grows (who both I and the Auditor General for Wales have found are not

resourced themselves to support the cultural change required by the Act). The level of support and advice offered to Public Bodies and Ministers increases year on year. Requests for support and advice were up by 44% in 2019-20 from 2018-19.

Furthermore, this demand for statutory services looks set to increase: The most recent regulatory impact assessment (RIA) relating to the establishment of Corporate Joint Committees (CJCs) within the Local Government and Elections Bill specifies that costs to my office are nil despite me providing detailed costings to officials.

I will come back to the importance of this, in relation to the implementation of the recommendations below.

'Delivering for Future Generations: The Story so Far' report and its recommendations build on the concerns and advice I highlighted in my [Future Generations Report 2020](#) about the systemic barriers to progress which need to be addressed.

My reflections below directly respond to the following recommendations made by the Committee:

Recommendation 3: The Future Generations Commissioner and Welsh public bodies should ensure that they develop constructive relationships. The inconsistency in their relationships has limited the impact of the Commissioner's work.

Recommendation 4: The Future Generations Commissioner should prioritise supporting public bodies and Public Services Boards to deliver this legislation.

Recommendation 11: Public bodies subject to the Well-being of Future Generations (Wales) Act 2015 must ensure that the five ways of working are embedded in their plans for recovery from the Covid-19 pandemic. We recommend that any gains they have made in their immediate response to the pandemic are not lost, and that they shift their focus from the day-to-day to long-term and prevention.

My response to: Recommendation 3: The Future Generations Commissioner and Welsh public bodies should ensure that they develop constructive relationships. The inconsistency in their relationships has limited the impact of the Commissioner's work.

During my time as Commissioner, I have worked closely with public bodies across Wales, providing advice, guidance, and support to them in their application of the Well-being of Future Generations Act. I was pleased that many public bodies and the Committee recognised that this support was useful. However, this finding reflects the reality of the impossible challenge of supporting 44 public bodies across all policy areas whilst also ensuring that new policy legislation and guidance which comes from Welsh Government does not undermine the Act and the ability of other public bodies to implement it. My office cannot meet these

demands for all public bodies as we have not been adequately resourced. It therefore does not surprise that those we have been able to help find that support valuable and others want more of our time.

“Sport Wales has found the support, resources and advice from the team to be invaluable. How this is made available consistently for all public bodies is a challenge.” (Sport Wales)

“Our relationship with the Commissioner’s office is excellent. I think they’re hugely knowledgeable, very enthusiastic, supportive, and similar for Wales Audit Office, not just on the Act, but on our broader business where they’re able to actually give us a view on how we’re doing, how we’re spending public money, but more importantly, pointing us to good practice and other areas we may wish to explore.” (Velindre NHS Trust)

“We had a lot of involvement with FGCW and had lots of practical support... The support we have had from FGCW has been very useful. They were willing to travel up to North Wales to give us additional information, presentations, support on how to embed the tools. I think that’s seen as a very supportive offer for all authorities across North Wales.” (Cyngor Ynys Mon/Anglesey Council)

“We have used the Commissioner’s tools, resources and information to make resources available across the organisation... Support and input from Commissioner very, very helpful.” (Aneurin Bevan University Health Board)

This ongoing relationship with public bodies is further captured in the requests for support my office receives. Since May 2018, I have received 892 requests for support, 319 of which (~36%) came from public bodies. Of these, 136 (~43% of all public body requests) are from Welsh Government. Requests for support and advice to my office were up by 78% in 2019-20 from 2018-19. This fell by ~19% between 2019-20 and 2020-21 which was likely due to the pandemic. Since this financial year began in April 2021, I have had 128 requests, which is likely to grow as we work more closely with public bodies as per the Committee’s recommendations.

However, I recognise that due to limited resources and, more recently, the pressures placed on public bodies during the pandemic, building on this support has been challenging. In previous years I have used a combination of the underspend from my year one budget (resulting largely from the delay in recruiting staff to my office) and other income to fund a level of services over and above my annual grant in aid funding level and this won’t be available from March 2022.

I too believe that Welsh Government play a critical role in the success of the large-scale cultural change programme driven by the legislation, not just because they are a major public body covered by the Act themselves, but because whether or not they demonstrate the principles of the Act has a significant impact on what other public bodies do. This has meant that my focus in the early years of my role has been on ensuring Welsh Government have the right policy, processes and levers in place.

In their evidence to the Committee, public bodies recognised the importance of this:

- 50% of public bodies highlighted that the number of strategic partnerships, and having multiple memberships, is a barrier to implementing the Act.
- 56% of public bodies highlighted that short-term funding cycles and finance restrictions etc impede their ability to deliver long-term preventative actions.
- 67% of public bodies suggested that greater cross-policy and strategy alignment is required from Welsh Government.
- 30% of all responses suggest stronger leadership is required from Welsh Government.
- 42% of public bodies suggested that Welsh Government need to better embed and embody principles of the Act as a role model for other public bodies.

These concerns echoed the findings within my Future Generations Report.

A Dedicated Point of Contact

The Committee heard from several public bodies that they wished to have more contact with my office. Having a point of contact within my team is something public bodies have consistently told me would help with implementing the legislation, but this has been challenging due to my resource-level and the need to focus on systemic issues.

Public bodies echoed this in evidence to this Committee:

- 36% of PAC respondents would like additional support, particularly around how to deliver the Act.
- 38% of PAC respondents would like additional training and or resources for their organisation and for public purposes.
- 22% of public bodies raised that closer working relationships with the FGC such as having a direct office contact would be beneficial.

“...what I want more from the Commissioner’s office: I want more time. I think they’re excellent. There are too few of them, and they’re trying to do an awful lot with a very small resource... Excellent relationship would like more of the Commissioner’s team’s time. Excellent but finite resource.” (Velindre NHS Trust)

“...I don’t know what the Commissioner’s resources are but certainly having a direct contact (would be helpful), if she had the resources.” (Powys County Council)

“Having a rep from the Commissioner’s office in every region to give us access to them. More convenient for them to be present in every region (not county because they don’t have enough staff).” (Cyngor Ynys Mon / Angelsey Council)

In listening to this feedback, I am pleased to say I have allocated a member of my team to be a dedicated point of contact for each public body covered by the Act with the intention of deepening our relationship and providing support that is consistent with my current funding allocation.

I have recruited four temporary staff members to trial this approach and involve public bodies in regular conversations over the next few months in order to gauge our resource and capacity to respond to requests for help. The intention is to build more consistent and constructive relationships together, giving us additional opportunities to improve communication, provide advice and support, showcase good practice and help signpost to other colleagues internally and across Wales.

Already, public bodies have told me that they welcome this approach.

“[We] welcome the Future Generations Commissioner decision to support Health Board implementation of the Well-being of Future Generations (Wales) Act through the allocation of a dedicated point of contact within the Future Generations team.” (Letter from a Health Board, July 2021)

“This is a welcome initiative to have that point of contact with the Commissioner and the Commissioner’s office.” (Meeting with a local council leader, July 2021)

“I am definitely in support of this initiative, before this we didn’t have too much interaction with the Office and now it feels like we have a two-way conversation” (Meeting with Cabinet Member for Future Generations and Well-being at a local council, August 2021)

This work has been funded by the last of my historical underspend and reserves which won’t be available from March 2022. **The extra members of my team I have recruited to work in this pilot are sadly on short-term contracts as I will need extra funding at the end of this financial year above the annual grant I have traditionally received.** I am making a case to Welsh Government for this purpose as we are moving to a needs-based budget going forward in my statutory estimates for 2022/23, as I would like to establish this work on a permanent basis.

This 6-month pilot will be reviewed later this year, and I will share an update with the Committee in the New Year.

Additional Support

I am also planning additional support for public bodies through the second edition of the **Future Generations Leadership Academy (FGLA) where in particular senior leaders across the public sector will be able to access reverse mentoring from a future leader and opportunities to test policy development with the Academy.** This programme is fully funded by partner organisations across the public, private and third sector

and following a pilot year in 2019-20 an independent evaluation found the FGLA achieved its objectives to train young people (including young leaders from public bodies) in leadership skills and build their understanding of the Well-being for Future Generations Act and how to achieve its goals. The second FGLA programme will run from November 2021 to June 2022 and we are recruiting 20-30 young leaders from across the public, private and voluntary sector, between the ages of 18-30. You can find more information about the Academy [here](#).

I have also published '**bite-sized**' versions of the **Future Generations Report**, which are tailored at specific sectors and departments in public bodies. The aim of these products is to provide public bodies with alternative versions of the Future Generations Report 2020 which are easier to digest. My team has been running sessions with different sectoral bodies for example North Wales Planning Officers Group (NWPOG) and Young Planners Cymru to upskill them on using these resources. You can find these resources [here](#).

"We really like the simple, attractive, user-friendly format of the document. We think that the Stats and Trends lays out very clearly what the problems are and gives equal weight to the joint crises of global warming and biodiversity loss. The Oxfam donut model demonstrates how we in Wales are living beyond our fair share of the world's resources. We welcome the steer that the document provides as a very clear vision of what Wales should be aiming for." (A National Public Body Feedback)

"This is good – I like this. A great way to illustrate and explain the role and importance of housing in regards to the opportunities and the wider benefits etc. A really helpful way of presenting the link between Housing and Future Generations – particularly for lay people." (A Local Authority Feedback)

In order to support public bodies to apply the Act, and to recognise what good looks like, I have published **case studies** which demonstrate transformational change. I will work with public bodies to identify good practice and scale up learning across their organisations. This is in response to the 31% of responses to the Committee's inquiry that suggested that sharing good practice will inspire and promote further activity. You can find these case studies [here](#).

My response to: Recommendation 4: The Future Generations Commissioner should prioritise supporting public bodies and Public Services Boards to deliver this legislation.

In addition to the comments on Recommendation 3 above, I would like to share the following reflections.

Public Services Boards (PSBs)

It's an important time for PSBs. Between autumn 2021 and spring 2023, they will publish their second well-being assessments and well-being plans for their respective areas, as required by the Act.

In an effort to be as helpful as possible in supporting PSBs to prepare these, my office worked closely with colleagues in Welsh Government's Partnership division to share a clear set of joint expectations in March 2021. This was signed by both Julie James MS and myself, and is included in the appendix for your reference.

This guidance not only sets out what we expected to see during the second round of well-being planning from PSBs, but also what my office and Welsh Government will do (and what we will explore), to support PSBs as best we can.

For example, we said we will continue to collaboratively run the national PSB network meetings and topic focused webinars through 2021 with other organisations and networks, building on the 'involvement' and 'futures/long-term' events we held in November and December 2020. And we said we'd explore the potential for small, online communities of PSB practice (peer networks) on particular themes. My team are also working collaboratively with Co-Production Network Wales who have secured Big Lottery funding to support the involvement of people across Wales in well-being assessments and planning.

My office continues to work with Welsh Government colleagues to actively run and participate in the PSB Coordinator network meetings, held 3-4 times a year. Due to the pandemic, these switched from meeting in person in locations across Wales, to online. And it's been positive to see the energy and active participation from the Coordinators in these more recent online sessions. We're also using the network meetings, quarterly bulletins, online webinars and other means to share good/best practice with PSBs - this is particularly powerful when hearing from PSBs who feel they're delivering aspects of the Acts well in their areas.

My office continues to work closely with the Sustainable Futures Division of Welsh Government, who are leading on the publication of the second Future Trends Report. This is to ensure alignment and integration with the PSBs as it develops. Currently, this includes my office working collaboratively with Welsh Government, Public Health Wales and Natural Resources Wales to prepare clearer steps and guidance to PSBs on how they can embed futures and long-term into their well-being assessments and plans. And, participating in a series of online workshops in the autumn with Government colleagues to help PSBs understand and apply the Future Trends Report to their areas, helping them answer the 'so what?' question.

This dedicated work is in addition to my general duties of providing advice, assistance and encouraging public bodies and PSBs to take greater account of the long-term impact of the things they do. For PSBs specifically, my team regularly provide ad-hoc advice, digest their Annual Reports and provide case studies and share good practice and I sometimes attend PSB meetings to provide advice and encouragement. As explained above, the points of contact within my team are currently involving representatives of public bodies and PSBs across Wales to explore how my limited resources and capacity can be best used to help them implement this legislation and cultural change.

My response to: Recommendation 11: Public bodies subject to the Well-being of Future Generations (Wales) Act 2015 must ensure that the five ways of working are embedded in their plans for recovery from the Covid-19 pandemic. We recommend that any gains they have made in their immediate response to the pandemic are not lost, and that they shift their focus from the day-to-day to long-term and prevention.

As Welsh Government, the Senedd and public bodies develop their plans for recovery from the COVID pandemic and deal with ongoing challenges, the long-term and integrated focus of the Well-being of Future Generations Act has never been more essential. We have a once-in-a-generation opportunity to create public services that tackle the economic, equality, health, climate and nature crises simultaneously, and which provides the 'Wales We Want' for our communities now and in the future.

COVID-19 has placed huge pressure on the public sector and has resulted in devastating loss of life. The Committee have heard many examples of how public bodies have used this period as an opportunity to see things differently. However, I have not yet been assured that futures-thinking and foresight planning has or is being fully applied to help shape Welsh Government's long-term response to the pandemic, or in how it seeks to prevent future crises from occurring.

Furthermore, COVID-19 has highlighted or exacerbated many inequalities that were already there and can no longer be ignored. I advise public bodies to take all reasonable steps to identify and address these challenges. My forthcoming Inequality in a Future Wales Report will also provide public bodies with further information to consider.

To ensure Welsh Government were considering the Well-being of Future Generations Act in its recovery plans I issued several pieces of advice, including a [5 point plan](#), a detailed letter to Jeremy Miles MS and Rebecca Evans MS (as attached) and published a [Fit for the Future Programme for Government](#). I have followed this up with more detailed advice on specific aspect for example investing in the decarbonisation of homes, the new nation Transport Strategy and on the development of skills policy.

I welcomed the comments made by public bodies during the inquiry. Over a third of written PAC responses highlight that COVID (and Brexit) should be used as opportunities for implementing the Act while people are receptive to change. There are clear lessons here for how these ways of working can be 'baked in' for future work and applied to long-term thinking, not just crisis response.

"The Act emerging from COVID is more important than ever before. The goals are core principles for every country throughout the world. We've learnt a lot of lessons and that's the country we want coming out of the pandemic. The way to do it is to work together. The 5 Ways of Working are more important than ever post-COVID" (Cyngor Ynys Mon / Anglesey Council)

"The experience of COVID and the ACT have planted a conscience in us of a higher purpose and making our services more accessible." (National Library of Wales)

Rather than spending £3m on a new centre, the National Library of Wales chose to invest in digital to make their collections more accessible.

Flintshire Council recognized that budget restrictions and COVID has helped them look at things differently. They've refurbished the old buildings for some day centres and commissioned a third sector organisation who are running the service far better- the offer to service users has far improved.

I have welcomed the innovation and collaboration by public bodies in addressing the COVID response. Activities and decisions that once were seen as challenging or not essential have been actioned and I'm pleased that public bodies have committed to continuing many of these good approaches beyond the recovery.

In my evidence to the Committee, I shared concerns that Welsh Government were failing to apply all five ways of working consistently during the pandemic. These concerns included:

- Lack of join-up and **integration** on Wales' COVID-19 recovery. I was concerned that several policy groups and Ministerial Advisory Groups were potentially working in isolation.
- A lack of alignment between the activity on equality, diversity and inclusion in relation to the response to COVID-19 and the ministerial advisory groups (and others) focused on recovery. It is not clear how the information and intelligence being gathered is informing the work (and investment decisions) of Government to address **preventative** action.
- A lack of **involvement** (in terms of diversity and equality) in many of the groups shaping the recovery. There is a need to build on involvement methods used as part of the crisis response, broadening the involvement of groups steering the recovery.
- The absence of **integration** across policy areas. For example, the National Museum have been open in their message that they are an 'underused resource'. They want to be better connected to the other groups and networks working on COVID-19 recovery, particularly groups focused on the environment, skills and health and well-being.
- Unclear how **long-term** thinking, futures and foresight is being applied.

These lessons must be shared across Government and externally.

Welsh Government showed a progressive approach in passing this law – but has underestimated the scale of focus, support and reform needed to get it delivered in every layer of governance and public service delivery in Wales. The Government now needs to ensure that the ambitious approach in passing legislation on the floor of the Senedd is matched with ambitious action on implementing it on the ground.

I look forward to working with this Committee and others across the Senedd during remainder of my term.

Kind regards,



Sophie Howe
Future Generations Commissioner for Wales

Mark Isherwood MS

Chair of the Public Accounts and Public Administration
Committee

22 September 2021

Response to recommendations of the Fifth Senedd's Public Accounts Committee

Dear Mark

The Fifth Senedd's Public Accounts Committee made two recommendations to the Business Committee of the Sixth Senedd as part of its scrutiny of the implementation of the Well-being of Future Generations Act 2015: *Delivering for future generations: the story so far*.

We are pleased to be able to accept both recommendations. Please find our full response to those recommendations enclosed.

Yours sincerely



Elin Jones MS

Y Llywydd and Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Recommendations (from *Delivering for future generations: the story so far*)

Recommendation 13. The Business Committee of the Sixth Senedd should ensure that the Senedd’s Committee structure facilitates effective scrutiny of legislation such as the Well-being of Future Generations (Wales) Act 2015 and other matters that cross policy areas and Ministerial portfolios.

Recommendation 14. The Business Committee of the Sixth Senedd should give specific consideration to how post-legislative scrutiny of the Well-being of Future Generations (Wales) Act 2015 should be undertaken, and refer that body of work to an appropriate Committee or forum accordingly.

Response from the Business Committee

We accept recommendations 13 and 14.

We sought to address these recommendations in the proposals we made to the Senedd on the establishment of committees.

The remit of the Equality and Social Justice Committee includes *“implementation of the Well-being of Future Generations Act 2015”* and an ability to scrutinise any area of policy from the perspective of the cross-cutting issues within its remit, including (but not restricted to): equality and human rights, and the implementation of the Well-being of Future Generations Act 2015.

Whilst it is for the ESJ Committee to determine how best to deliver its remit, we believe that emphasising the ability to work across policy boundaries will ensure all aspects of the WFGA can be pursued without restriction. It is also our hope that this approach acts as a catalyst for greater collaboration between committees when approaching cross-cutting scrutiny challenges.

We have ensured that there is capacity within the committee timetable to help facilitate joint-working between committees. It is now for committees to determine if and how they wish to take this opportunity.

Making one committee responsible for scrutiny of the implementation of the WFGA will hopefully ensure it receives focused post-legislative scrutiny, but this need not be done in isolation from the work of other committees.

Flexibility was an underpinning principle when designing the committee system. Committees are guided rather than bound by their remits and can pursue cross-cutting issues wherever they might lead in policy terms. To ensure that this is done effectively, communication between committees is

essential. We set this expectation in our report *Sixth Senedd Committees: Titles and remits*.

We have also agreed to propose that the Senedd establishes a Committee for the Scrutiny of the First Minister with a cross-cutting remit to “*scrutinise the First Minister on any matter relevant to the exercise of the functions of the Welsh Government.*” As in the Fifth Senedd, the Chairs’ Forum will provide a valuable space within which cross-cutting scrutiny challenges can be discussed and addressed by the Chairs of Senedd Committees.

Jane Hutt AS/MS
Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref JH/3178/21

Mark Isherwood MS
Chair
Public Accounts and Public Administration Committee
Senedd Cymru
Cardiff Bay
Cardiff CF99 1SN

1 October 2021

Dear Mark,

Response to the Report of the Public Accounts Committee (5th Senedd) *Delivering for Future Generations – the story so far.*

Thank you to the members of the previous Public Accounts Committee for their valuable work in looking at the barriers to the implementation of the Well-being of Future Generations (Wales) Act 2015.

We recognise that the nature of the inquiry led by PAC means that it made recommendations that concern policy matters relating to the implementation of the Well-being of Future Generations. We have considered the report and its conclusions and recommendations carefully and I attach a response to the policy recommendations which are the responsibility of Welsh Ministers.

The Welsh Government is committed to using the Well-being of Future Generations framework to put Wales on a more sustainable path and help tackle the long-term sustainability challenges Wales faces. Over the past 18 months we have seen considerable scrutiny of how the Well-being of Future Generations Act is being implemented from Members of the Senedd, the Future Generations Commissioner and the Auditor General for Wales.

The broad coverage of the findings, ideas and recommendations of these reports reflect the nature with which the Well-being of Future Generations legislation is penetrating Government and the Welsh public service and its bearing on policies, processes and

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

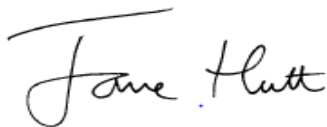
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

people. Whilst this can be complex and viewed as a weakness of the legislation, it continues to demonstrate the WFG agenda is not an add-on activity, and is being used to challenge, question and improve current ways of working so more sustainable choices can be considered. These reports will provide an essential reference point as we work with the Future Generations Commissioner and public bodies to remove the barriers to implementation, and build on the enthusiasm found in public officials and stakeholders which Members highlighted in their report.

Within our response we have sought to accept the recommendations, which we agree will help tackle the barriers to implementation. However, for some the specific suggestions for the completion of work by a prescribed timetable or in a prescribed way mean we have accepted these in principle.

Next week, I will be writing to the Auditor General for Wales detailing our response to their report which we agreed with Audit Wales we would consider alongside the findings and report of the Public Accounts Committee. I will also write to the Future Generations Commissioner to conclude our response to the Future Generations Report (2020).

Yours,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first few letters.

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol
Minister for Social Justice

Welsh Government response to the report of the Public Accounts Committee (5th Senedd) Delivering for Future Generations – the story so far.

RECOMMENDATION 1

The Welsh Government should carry out of a review of how it can provide longer-term financial security to the public bodies that are subject to this Act. This review should be completed in time to inform funding decisions in relation to the 2023-24 financial year.

Response: Accept in principle

It remains the Welsh Government's aspiration to provide longer-term budgets for our partners and stakeholders and we remain open to exploring options to provide certainty where this is possible as it set out in our Budget Improvement Plan which we publish alongside our Draft Budget. The Committee's recognition of the lack of forward funding figures from the UK Government is welcomed, and has previously meant the Welsh Government has been unable to give multi-year funding settlements. The Welsh Government has continued to press the case to the UK Government to publish multi-year settlements with the prospect of the forthcoming UK Spending Review and Budget on 27 October indicating we could expect a 3 year settlement.

Under current funding arrangements for public bodies we already provide an indication of funding for future years where this is possible. We are moving to a programme of Term of Government Remits for Arms-length Bodies in Wales, and this will be much more productive if we receive a multi-year settlement from the UK Government, which would enable us to provide bodies with longer-term indicative budgets.

Financial implications

The potential exploration of options would be met from within existing resources.

RECOMMENDATION 2

The Welsh Government should carry out a review of how the work of Public Service Boards is funded. The review should begin no later than six months after the next Senedd election, with its conclusions implemented in time for them to inform funding allocations for the 2023-24 financial year. The review should be undertaken with the following principles in mind:

- PSBs should be able to access pooled funds, drawn from the resources of their statutory members, which they could either hold as formal corporate entities, or via informal arrangements.
- PSB budgets should be determined by clear, consistent guidelines set out by the Welsh Government.
- PSB budgets should be informed by the role that the Welsh Government has set out for them.

- The contributions that each organisation is required to make to finance PSBs should recognise wider commitments that they have to other partnerships (including to other PSBs).

Response: Accept in principle

The Welsh Government has taken the view to date that it is for the PSBs to decide how they collectively resource their work – including pooling funding. However, we recognise partners have had varying degrees of success with this and there may be scope to support the development of a common approach to pooling resources. Some partners may also value additional guidance on the existing flexibilities regarding funding available from other sources.

We will work with PSBs to get a better understanding of where they have pooled – or attempted to pool – resources and identify and share good practice. Alongside this we consider, on an annual basis, the package of funding and support we make available directly to PSBs and will be looking at how we can raise awareness of the range of funding sources available to them.

The immediate priority is supporting the delivery of the local assessments of well-being, which need to be undertaken by next spring. Whilst this work is therefore unlikely to commence at the time recommended by Public Accounts Committee, we would seek to provide guidance to inform PSBs by the time they complete preparation of their local well-being plans and put in place arrangements to resource delivery of them.

Financial implications

Any review of the approach to funding would be met from within existing resources.

RECOMMENDATION 5

The Welsh Government must continue with plans to set and publish milestones as required by section 10 of the Well-being of Future Generations (Wales) Act 2015 no later than six months after the 2021 Senedd election.

RECOMMENDATION 6

The Welsh Government must continue with plans to review and publish revised national well-being indicators no later than six months after the 2021 Senedd election. The review should recognise the challenges and opportunities presented by the Covid-19 pandemic and take into account the views of public bodies, the public, and key stakeholders of the private and voluntary sectors.

Response (5 & 6): Accept in principle

We published a consultation on the national milestones and indicators on 1 September 2021 and are committed to publish the first set of national milestones and updated national indicators by December 2021.

Whilst we agree it is important to move quickly on the development of National Milestones and reviewing and making small changes to the National Indicators, it is

equally important for us to find the right balance between moving at pace and undertaking quality engagement. We believe the timetable outlined in the delivery roadmap still reflects the right balance overall.

The existing timetable is already tight and attempting to move forward publication by a month to comply with the recommendation would involve significantly curtailing the time currently reserved for collaborating with stakeholders or, alternatively, seriously impact our plans for a written consultation in the autumn. Given Welsh Ministers have a statutory duty to consult public bodies on the National Indicators and Milestones before they are set, our view is attempting to change the timing of the roadmap at this stage would be more problematic than beneficial to the delivery of both the National Milestones and the revised National Indicators for Wales.

Financial implications

None, any additional costs will be drawn from existing programme budgets.

RECOMMENDATION 7

The Welsh Government must carry out a review of the public bodies that are subject to the Act. The findings of that review should be implemented in sufficient time for any newly added public bodies to receive their funding allocations and associated remit letters for the 2022-23 financial year. The review should:

- take into account the impact on the implementation of the Act at a national level that including/omitting any particular public body would have;
- acknowledge that the inclusion of any additional public bodies will result in additional reporting, monitoring and auditing requirements that will inevitably have financial/resourcing implications;
- clearly set out the expectations of public bodies that are not formally subject to the Act in relation to sustainable development, and how those expectations will be monitored and enforced; and
- clearly set out the criteria against which inclusion/exclusion decisions were made and the process or timeframes by which future reviews will be initiated.

Response: Accept in principle

The Welsh Government is committed to realising the benefits of the Well-being of Future Generations Act and recognises there is value in considering whether more public bodies should be subject to the well-being duty. We will carry out a review of the bodies subject to the WFG Act. The four tests applied in determining which public bodies were subject to the Well-being of Future Generations (Wales) Act 2015 when it was being developed will form the basis of this work.

Given the need to engage with all affected parties and understand the implications on such bodies we intend to conclude the review by summer 2022. This will allow us to review the list alongside the proposals for the social partnership duty in the proposed Social Partnership and Public Procurement (Wales) Bill which will place a social partnership duty on the same bodies captured by the Well-being of Future Generations (Wales) Act 2015. Maintaining a close link between the well-being duty and social

partnership duty will ensure there is consistency between the two pieces of legislation, and reinforce the role that employees have in shaping Wales' future.

Financial implications

The financial implications of extending the duty to additional bodies will be assessed as part of a Regulatory Impact Assessment. There will be costs in consulting and engaging with public bodies, costs on bodies, and implications for the Future Generations Commissioner for Wales and Auditor General for Wales

RECOMMENDATION 8

The Welsh Government must continue with plans to frame remit letters around the Well-being of Future Generations (Wales) Act 2015, following consultation with the Future Generations Commissioner. The new remit letters should be in use no later than in relation to the 2022-23 financial year.

Response: Accept

The Welsh Government has moved to Term of Government Remit Letters following the Senedd Cymru election on 6 May 2021. These Remits will be applied from the 2021-22 financial year. The Term of Government Remit Letter Framework includes a requirement to meet fully the well-being duty set out in the Well-being of Future Generation Act (Wales) 2015.

Financial implications

None, any additional costs will be drawn from existing programme budgets.

RECOMMENDATION 9

The Welsh Government must not create any new partnership or collaborative structures to fulfil any functions unless it has fully explored whether:

- existing partnership structures could undertake those functions instead;
- the new structure could replace existing ones;
- the functions can be carried out by existing public bodies; and after consultation with public bodies affected by the proposed changes, can demonstrate support for the new structures from a majority of public bodies affected by them.

RECOMMENDATION 10

The Welsh Government must publish guidance no later than six months after the next Senedd election that sets out:

- how the work of Regional Partnership Boards, Public Services Boards, Corporate Joint Committees, alongside other major partnership structures, interact with each other within the framework of the Well-being of Future Generations (Wales) Act 2015, with examples of good practice;

- what flexibility partnerships have to make decisions to better and more efficiently organise themselves;
- where partnerships and organisations can take action to simplify or consolidate the governance and reporting structures to reduce repetition and duplication;
- the Welsh Government's view of the landscape of partnership structures over the next reporting period (2020-25), including any proposals to abolish or consolidate those structures.

Response: Accept in principle

The outcome of the *Review of Strategic Partnerships*, which was agreed by Partnership Council for Wales, contained clear recommendations not to create new partnerships, or add to the remit of existing partnerships, without considering the existing landscape. It noted there was no support for standing down any specific partnerships and focused on partnerships being supported to simplify their own arrangements locally. The report concluded that any change should come from the ground up, rather than being imposed by the Welsh Government.

We believe delivering against the recommendations from the review will also deliver the aims within recommendation 9 and 10. We will be working closely with the Chairs of strategic partnerships to support local action to align and rationalise the landscape in the way that makes most sense to that area. As per the recommendations of the *Review of Strategic Partnerships*, the Partnership Council for Wales will be monitoring and evaluating progress. As part of its regular review of progress, they will determine what further action may be needed.

However, the immediate priorities for local government are the successful implementation of the Local Government and Elections (Wales) Act 2021.

Financial implications

This commitment will be met from within existing staff resources.
