

Agenda – Public Accounts and Public Administration Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	Fay Bowen
Meeting date: 9 February 2022	Committee Clerk
Meeting time: 09.15	0300 200 6565
	SeneddPAPA@senedd.wales

The Committee agreed on 26 January 2022, a motion under Standing Order 17.42 to resolve to exclude the public from this meeting

- 1 Introductions, apologies and substitutions – Public Accounts and Public Administration Committee**
(09.15)
 - 2 Scrutiny of public administration: Analysis of consultation responses**
(09.15 – 09.30) (Pages 1 – 12)
 - 3 Scrutiny of public administration: Ways of working and sharing good practice**
(09.30 – 10.30) (Pages 13 – 35)
 - 4 Late payment (commercial transactions) Common Framework – Common Framework for Public Procurement**
(10.30 – 11.15) (Pages 36 – 127)
- (Break)**
(11.15 – 11.25)
- 5 Papers to Note**
(11.25 – 11.40)



- 5.1 Barriers to the successful Implementation of the Well-Being of Future Generations (Wales) Act 2015: Letter from the Future Generations Commissioner (19 January 2022)**
(Pages 128 – 129)
- 5.2 COVID-19 and its impact on matters relating to the Public Accounts and Public Administration Committee’s remit: Letter from the Welsh Government on health issues (31 January 2022)**
(Pages 130 – 140)
- 5.3 COVID-19 and its impact on matters relating to the Public Accounts and Public Administration Committee’s remit: Letter from the Welsh Government on local government issues (31 January 2022)**
(Pages 141 – 170)
- 6 Auditor General for Wales Report: Care Home Commissioning for Older People**
(11.40 – 11.50) (Pages 171 – 194)
- 7 Auditor General for Wales Report: Joint working between emergency services**
(11.50 – 12.00) (Pages 195 – 252)
- 8 Forward work programme: Audit Wales**
(12.00 – 12.10)
- 9 Scrutiny of Accounts – Senedd Commission 2020–21: Consideration of response to the Committee Report**
(12.10 – 12.30) (Pages 253 – 257)

Scrutinising public administration: summary of evidence

Pwyllgor Cyfrifon Cyhoeddus a Gweinyddiaeth Gyhoeddus | 9 Chwefror 2022
Public Accounts and Public Administration Committee | 9 February 2022

Reference: SR222098-1

Introduction

This paper provides an overview of evidence the Committee has received to date to help identify priorities and how best to discharge the public administration area of its remit.

The paper draws upon evidence received following a consultation held in the autumn term and a roundtable meeting of interested parties held on 12 January 2022.

Section 6 of the paper provides some recommendations for potential next steps that the Committee may wish to explore in light of the evidence received.



1. Principles and best practice

Respondents to the public consultation and witnesses at the round-table stakeholder sessions welcomed the addition of public administration to the Committee's remit.

Some respondents suggested principles and aims to inform the Committee's work in scrutiny of public administration. They proposed that the Committee should focus on principles of:

- good governance;
- improving the conduct, governance and delivery of public services;
- high standards of conduct in public life;
- the right to good administration and access to redress; and
- the effective implementation of duties in equalities law and the Future Generations Act.

2. Ways of working

Respondents offered a range of suggestions for how the Committee could go about scrutinising public administration, including:

- building on the Committee's existing work with Audit Wales on accounts;
- learning from the experience of scrutiny of public administration elsewhere, including internationally, and in particular from the approach of the UK Parliament's Public Administration and Constitutional Affairs Committee;
- taking evidence from the Welsh Government and relevant public bodies, external experts, and former officials and ministers;
- taking evidence from a diverse range of people affected by public administration, engaging with people who share protected characteristics and people who experience socioeconomic disadvantage; and
- using evidence and data collected by relevant public and third sector bodies.

The Public Service Ombudsman for Wales (PSOW) also offered to share findings of data they capture on areas such as public bodies' attitudes towards capturing and responding to complaints. The PSOW indicated that this work was ongoing but

that over the coming years the data will provide valuable insight into how public bodies engage with the public and use that data to improve services.

Dr Helen Foster highlighted some risks for the Committee in taking on scrutiny of public administration alongside scrutiny of public accounts. She argued that the Committee would need to:

- ensure that scrutiny of public administration doesn't dilute scrutiny of public accounts, but complements that work; and
- consider carefully whether to take evidence from Ministers as well as civil servants, recognising that the Committee is obliged not to question the merits of the policy objectives of the government and the risk that the Committee could become politicised and lose credibility.

3. Welsh Government

Some respondents to the consultation focused on the Committee's remit to scrutinise the quality and standards of administration in the Welsh Government, focusing on the role and performance of the civil service, special advisors and Ministers.

3.1. The Welsh Government organisation

Some respondents suggested that the Committee might wish to examine the effectiveness of the Welsh Government as an organisation. They highlighted that the Committee might wish to consider:

- how effectively the Welsh Government is **joining up policymaking** across directorates and ministerial portfolios, and whether there is a need for stronger direction from the **centre of government**;
- civil service **performance management, incentivisation, and leadership development**;
- if the Welsh Government and other public bodies are **structured and organised** in such a way as to effectively implement the policy objectives of the Government;

- what lessons have been learned about the **effectiveness of the machinery of government** and public bodies following their response to COVID-19, and what impact remote working has had on civil service capacity and delivery;
- the relationship between the **devolved Welsh civil service and the wider British civil service**.

3.2. Ministers and special advisors

In his written response, Leighton Andrews proposed the Committee might wish to examine the roles of Ministers and special advisors. In particular, he suggested that the Committee could explore:

- **Cabinet and the Welsh Ministers**, including whether a Cabinet Manual for Wales is needed (a document which sets out rules and procedures for the operation of government), principles for setting up Cabinet Committees, and archiving of Cabinet minutes;
- **public standards**, including the Ministerial Code and the role of the Independent Advisor on the Ministerial Code;
- **special advisors**, including whether there are adequate safeguards in the relationship between special advisors, civil servants and ministers; and/or
- **intergovernmental relations** and the impact of the **Dunlop review of UK Government Union Capability** on public administration.

4. Policymaking and delivery

4.1. Making policy

Some respondents outlined their views that the Welsh Government has taken an ambitious approach to policymaking. However, some responses highlighted challenges for policymaking in Wales, suggesting that the Committee could examine:

- how well the Welsh Government is using the powers and policy levers at its disposal;
- how well the Welsh Government is tackling policy issues that cut across directorates or ministerial portfolios;
- ensuring that people affected by public policy are fully engaged in the development of that policy;
- building up policy capacity outside Welsh Government (particularly in local authorities); and
- supporting the development of independent sources of policy advice and evidence.

4.2. Delivering public services and managing performance

Some respondents argued that the Welsh Government and the public sector have sometimes been better at making ambitious law and policy than delivering on it. In his response, Steve Martin suggested that the Committee might wish to explore reasons for gaps between policy and delivery and how delivery capacity can be built up.

Respondents suggested a range of areas that the Committee could explore, including:

- how effectively the Welsh Government has provided **central steering** to local and regional bodies, providing support and ensuring that policy initiatives, accountability frameworks and funding streams are aligned;
- the Welsh Government's role in **overseeing public bodies** (including making public appointments and supporting boards to provide good governance);
- the use of **public service targets and performance management regimes** and whether they need to be simplified;
- the role of **co-production** between public service providers and service users;
- **spreading good practice** and ensuring that organisations can learn from each other; and
- addressing **variation, inconsistency and inequality** in the provision of services.

Some respondents suggested the Committee might wish to explore the role of **data and digital services** and **procurement** in the delivery of public services.

4.3. Delivering in key areas of law and policy

Some respondents suggested that the Committee explore the implementation of particular areas of law and policy, and in particular:

The Well-being of Future Generations (Wales) Act

The Future Generations Commissioner and the WCVA highlighted the role of the Committee in supporting and scrutinising public bodies to implement the Act. This would build on work by the previous Committee in the Fifth Senedd.

The Social Services and Wellbeing (Wales) Act

The WCVA and Locked Out contributors suggested that the Committee examine the implementation of the Act, focusing on:

- ensuring that organisations are held to account for duties set out in the Code of Practice and recommendations in inspection reports are implemented;
- the impact of easements to the Act under the Coronavirus Act 2020 for support for disabled people and older people;
- understanding how far and how consistently principles of voice, control, and coproduction in the Act are being applied;
- exploring the scope of Welsh Government-commissioned scrutiny of the Act, including whether there is a need to include a wider range of service users and third sector support organisations.

Equalities law and policy

The EHRC, WCVA and Locked Out contributors suggested that the Committee explore the implementation of equalities law and policy, and particularly of:

- the Public Sector Equality Duty and the Socioeconomic Duty;
- equalities plans, such as the Right to Independent Living Framework, the Gender Review, the LGBTQ+ Action Plan and Race Equality Action;

- the use of Equality Impact Assessments, including how far they are conducted and evaluated in partnership with service users, and how effectively they can be challenged.

4.4. Challenging government and public sector decisions

The PSOW's response highlighted the importance of ensuring that people can challenge public sector decisions and get redress. It argued that the Committee might wish to:

- provide oversight of the system of administrative justice in Wales, identifying areas for improvement and promoting coherence; and
- investigate the impact of the COVID-19 pandemic on the quality and standards of administration and complaint handling, in view of a surge in complaint numbers;

Drawing attention to recommendations by Dr Sarah Nason at Bangor University, the PSOW argued that in the longer term the Committee might wish to pursue:

- the creation of a Public Administration and Administrative Justice Code, containing primary and secondary legislation and guidance relating to, for instance, Audit Wales, PSOW, Inquiries, Records & Information and the Welsh tribunals; and/or
- future drafting of an Administrative Procedure Act for Wales, to include a consolidated set of human rights, well-being and equality based procedural duties and provide arrangements for redress.

5. Collaboration

Respondents recognised the importance of collaboration and partnership for the delivery of public services and for the implementation of key areas of law and policy such as the Future Generations Act.

The respondents were also mostly positive about the approach taken in Wales to partnership working between public bodies. However, some raised concerns

about the complexity of partnership arrangements and how these can often lead to obstacles to collaborative working.

5.1. One Welsh Public Service

Some respondents highlighted the Welsh Government's ambition to create a **One Welsh Public Service** across the devolved public sector. They suggested that the Committee explore how this ambition is being taken forward and barriers to implementation.

5.2. Partnership working: across the public sector and beyond

Steve Martin's response highlighted the complexity of local and regional governance arrangements in Wales, recommending that the committee might wish to examine whether there are ways to simplify current governance arrangements without putting effective collaborations at risk.

Audit Wales and PSOW highlighted the lack of clarity around lines of accountability in delivering public services. In particular, Audit Wales raised the issue of long standing weaknesses in partnership working across public bodies in tackling issues where multi-agency responses are needed, such as homelessness.

The WCVA's response highlighted the importance of coordination between the voluntary sector and the public sector, and said there was a need for 'more clarity' about how those relationships should be established and maintained. It also called for transparency about how effectively partnership bodies were engaging with third sector and citizen representatives and supporting the co-production of services.

The WCVA and Locked Out contributors raised concerns about citizen, carer and voluntary sector representation on Regional Partnership Boards, arguing that their involvement was not always meaningful.

6. Future programme of work

A number of potential areas of work for the Committee were highlighted as part of the evidence gathering process.

In their evidence, Leighton Andrews and Helen Foster urged the Committee to concentrate on a limited number of priorities for this Senedd term given the importance of the Committee's public accounts remit.

On that basis, an outline of some areas of work which draw upon the key themes that emerged from the Committee's evidence is outlined below, including potential approaches for how the Committee can take these forward.

6.1. Possible inquiries

A number of potential inquiries were suggested by contributors. However, the inquiry suggestions made remain broad; they would require further scoping work to be conducted by the Committee to develop and refine terms of reference for any future inquiries.

Welsh Government and public sector workforce

The Committee may wish to

- invite the new Permanent Secretary to update the Committee on his predecessor's initiative to 'future proof' the civil service, and to outline his own priorities for the Welsh Government organisation going forward; and
- explore the Welsh Government's ambitions for a 'One Welsh Public Service', including how the work of Academi Wales and the proposed new National School of Government included as part of the Welsh Government and Plaid Cymru Cooperation Agreement contributes towards this aim.

Policymaking and delivery

One of the recurring themes raised by stakeholders was the delivery gap and effective implementation of Welsh Government policy across the public sector. A number of potential areas of work could emerge from this which the Committee could explore:

- the process of 'co-production' between public service providers and service users and how it's working in practice;
- spreading good practice and ensuring that organisations can learn from each other; and

- the use of public service targets, performance management regimes and frameworks, and whether they need to be simplified.

Collaboration across the public sector

The previous Committee looked at the implementation of the **Future Generations Act** across public bodies, finding that a 'complex and bureaucratic landscape of partnership bodies' had made it more difficult for public bodies to adopt the Act. The Committee may wish to follow-up on this area of work. There are number of potential areas of work to explore in this context:

- The emerging principles and approach to a 'one Welsh public service' including potential for shared services;
- Opportunities to redesign public services in the post pandemic landscape looking at how responsive and flexible public services have been in working together including; networking, collaboration as public services move into a different phase in the way in which the work together in Wales.

6.2. Monitoring of public sector data and reports

The PSOW offered to support and provide the Committee with information to inform its scrutiny of public administration across public bodies relating to its functions.

Audit Wales already works closely with the Committee and provides briefings and reports to support its scrutiny of accounts. In written evidence, Audit Wales suggested that there was scope to consider issues that flow from public bodies' accounts and the reporting on administrative performance and governance that goes with them.

The Committee may wish to engage with those organisations, and identify others, to formalise what information the Committee could receive regularly to inform its future programme of work.

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Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-VG-3923-21

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee
SeneddEconomy@senedd.wales

16 December 2021

Dear Paul,

I am pleased to share with the Committee a provisional Common Framework for Late Payment.

This Framework establishes common expectations around key areas of cooperation and outlines how the UK nations will approach any future exercise of legislative powers in this area and is the context of the UK's departure from the EU. All four UK administrations agreed to work together to establish common approaches, known as Common Frameworks, in policy areas that were previously governed by EU law, and which intersect with areas of devolved competence.

Officials in the Welsh Government, together with their counterparts across the UK, have been working jointly to develop these Frameworks to share with their respective scrutiny Committees for Parliamentary scrutiny.

The set of documents can be found [here](#).

Yours sincerely,

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy

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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.

**Pwyllgor yr Economi,
Masnach a Materion Gwledig**

—
**Economy, Trade and
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Vaughan Gething MS
Minister for Economy

17 January 2022

Dear Minister,

Thank you for your letter regarding the Late Payments Framework. The Late Payments and Public Procurement Common Frameworks span the remits of both the Economy, Trade and Rural Affairs Committee and the Public Accounts and Public Administration Committee.

As I'm sure you appreciate, many Frameworks fall within the Economy, Trade and Rural Affairs committee's remit. To ensure adequate time and attention is given to the Late Payments and Public Procurement Frameworks, and to give my committee more time to concentrate on the remainder, Mark Isherwood and I have agreed that the Public Accounts and Public Administration Committee will lead on the scrutiny of these two frameworks.

I have copied this letter to Mark Isherwood for his information.

Best regards,



Paul Davies MS
Chair: Economy, Trade and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.





Department for
Business, Energy
& Industrial Strategy

Late Payment: Provisional Common Framework

December 2021



Late Payment: Provisional Common Framework

Presented to Parliament
by the Secretary of State for Business, Energy and Industrial Strategy
by Command of Her Majesty

December 2021



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Late Payment: Provisional Common Framework

This document sets out a provisional Common Framework Agreement on Late Payment between the UK Government (Department for Business, Energy and Industrial Strategy), the Northern Ireland Executive (Department for the Economy), the Welsh Government and the Scottish Government (hereafter referred to as the Parties):

Outline

Section 1: What we are talking about

1. Policy area

Late payment (commercial transactions)

Late Payment Directive (2011/7/EU) was designed to protect European businesses against late payment in commercial transactions.

2. Scope

The United Kingdom first implemented late payment legislation in 1998 (Late Payment of Commercial Debts (Interest) Act 1998). This saw a statutory right to interest for late payment for small businesses from large firms and the public sector, and from small firms since 2002 (Late Payment of Commercial Debts Regulations 2002). Amended late payment legislation came into force on 16 March 2013 under the Late Payment of Commercial Debts Regulations 2013, implementing recast European Directive 2011/7/EU on combatting late payment in commercial transactions. This replaced the original Late Payment Directive 2000/35/EC. Amendment Regulations were made in 2015 (SI no 1336 and SSI no 226) and minor amendments were made in 2018, under The Late Payment of Commercial Debts (Amendment) Regulations 2018 to ensure that the EU Directive was correctly implemented.

The main provisions of the Late Payment Directive (2011/7/EU) are as follows:

- Public authorities have to pay for the goods and services that they procure within 30 days.
- Enterprises have to pay their invoices within 60 days, unless they expressly agree otherwise and provided it is not grossly unfair.
- Automatic entitlement to interest for late payment and €40 minimum as compensation for recovery costs - the UK position is a fixed charge of £40, £70 or £100 depending on the size of the debt (under £1,000, under £10,000, and higher), plus additional reasonable costs incurred.
- Statutory interest of at least 8% above the European Central Bank's reference rate - the UK position is the Bank of England reference rate plus at least eight percentage points.

- EU countries may continue maintaining or bringing into force laws and regulations which are more favourable to the creditor than the provisions of the Directive.

Legislative competence for legislation relating to Late Payments is devolved in Scotland (under the Scotland Act 1998), Wales (under the Government of Wales Act 2006), and Northern Ireland (Northern Ireland Act 1998). The UK Government has laid regulations on behalf of Northern Ireland (NI) and Wales, and Scotland have made their own legislation.

As a result of the EU directive, the existing legislation has been applied uniformly across the four nations. This has limited the ability of the Parties to independently set policy in this space, as they were required to remain compliant with the standards set in the overarching EU directive. Following EU Exit, the EU directive no longer applies, creating increased scope for variation in policy. As a result, this Framework will apply UK-wide.

The Reporting on Payment Practices and Performance Regulations (2017) and Small Business Commissioner (Scope and Scheme) Regulations (2017) are out of scope for this Framework, as they are not devolved.

This Framework operates in accordance with the principles outlined in the overarching intergovernmental Memorandum of Understanding on Devolution (henceforth 'intergovernmental MoU on Devolution') and is consistent with, and complemented by, other guidance on common working arrangements, notably the principles described in the Joint Ministerial Committee (EU Negotiations) communique of 16 October 2017.

In October 2017, the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) agreed principles to guide the work to create Common Frameworks. These principles are set out below:

1. *Common Frameworks will be established where they are necessary in order to:*
 - *Enable the functioning of the UK internal market, while acknowledging policy divergence.*
 - *Ensure compliance with international obligations.*
 - *Ensure the UK can negotiate, enter into and implement new trade agreements and international treaties.*
 - *Enable the management of common resources.*
 - *Administer and provide access to justice in cases with a cross-border element.*
 - *Safeguard the security of the UK.*
2. *Frameworks will respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore:*
 - *Be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent.*
 - *Maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory, as is afforded by current EU rules.*

- *Lead to a significant increase in decision-making powers for the devolved administrations.*
3. *Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland, and that Northern Ireland will be the only part of the UK which shares a land frontier with the EU. They will also adhere to the Belfast Agreement.*

The Late Payment Framework has been established to enable the functioning of the UK internal market, while acknowledging policy divergence.

The area of policy covered by this Common Framework does not fall directly within the provisions of the Trade and Cooperation Agreement, although both the Common Framework and that agreement will impact significantly on devolved and reserved responsibilities. Agreed outcomes of the ongoing intergovernmental relations review will be reflected in this Framework.

There is no conflict in these Framework proposals with the relevant provisions of the Belfast/Good Friday agreement, and there is no linkage in this Framework to the operation of the Ireland/Northern Ireland Protocol. As the Protocol evolves, this will be kept under review.

3. Definitions

Not applicable.

Section 2: Proposed breakdown of policy area and framework

4. Summary of proposed approach

A business operating across different parts of the UK would be directly affected by divergent regulations. For example, each of the four Parties could choose to implement different regulatory timescales for repayment or introduce different statutory interest rates on late payments. As a result, there would need to be clear-cut criteria to ascertain which regulations apply to businesses operating across different parts of the UK, and to avoid some businesses being presented with a competitive advantage or disadvantage. To manage divergence, the Parties have agreed to develop a common UK-wide approach to maintain a level playing field for business which will maintain the functioning of the UK internal market.

This is a non-legislative Framework, underpinned by an exchange of ministerial letters. This approach will maintain existing mutual understanding and joint ways of working between the Parties. It will provide a forum to consult on developments within, or between, the Parties, and to manage any divergence. The Parties have jointly agreed that legislation is not required to deliver this, with an exchange of letters being deemed appropriate to formalise existing ways of working.

The Parties considered whether a concordat was required as part of the development of this Common Framework. It has been agreed by all parties that a separate concordat is not required in this instance as it would duplicate information that is already in the framework outline agreement.

Whilst Parties have had the powers to diverge within their existing competence, a common UK approach has been maintained to date with recognition of the importance of maintaining a level

playing field across the existing body of late payment legislation, providing consistency and a uniform approach to the benefit of businesses across the UK.

5. Detailed overview of proposed Framework: legislation (primary or secondary)

There is currently effectively a level playing field across the UK in respect of Late Payment of Commercial Debts legislation, which provides for payment periods between businesses of 60 days (or more by agreement), and 30 days for public bodies to businesses. No new legislation is considered necessary to maintain this approach.

6. Detailed overview of proposed Framework: non-legislative arrangements

Existing joint working relationships have been satisfactory for all parties. Previous conversations between officials have highlighted a preference for maintaining the current degree of coordination now that the UK is outside the EU. This outline agreement, covered by an exchange of ministerial letters, will constitute the Framework.

The development of the Late Payment Framework is part of the wider programme of engagement on Common Frameworks jointly undertaken by all Parties, as agreed at the Joint Ministerial Committee in October 2017.

Several key principles have been proposed that will set out required ways of working, consistent with what is in place now, to support the Parties' work on late payment, and ensure a joined-up approach is maintained:

1. All parties agree that it is beneficial for all UK businesses that there is a Common Framework for late payment policy.
2. Parties will consider the impact of decisions on other Parties and the UK internal market and provide time for meaningful engagement on the issue in quarterly meetings of the Late Payment Working Group, containing policy leads from each of the Parties. This working group will meet regularly when required, for example for information sharing, decision-making or dispute resolution purposes. Meetings of the working group may also be convened outside the regular schedule if a substantial issue arises.
3. Any proposed legislative changes should be shared with the other Parties at an official level at the earliest possible point, typically through email exchange initially. The party or parties proposing to diverge from existing arrangements will notify and consult the other parties in respect of their intended action. Should any of the other governments object to the proposed action, the parties will endeavour to identify a mutually acceptable common approach which would achieve an equivalent, or preferably identical outcome. If no mutually acceptable resolution is found, the objecting party or parties may initiate the formal dispute resolution procedure set out in point 5. This Framework will not prejudice the right of Parties to opt to 'agree to disagree' or 'agree to diverge' in certain circumstances.
4. Future collaborative meetings will be conducted at official level and without prejudice to ministerial views. Official level meetings will be scheduled quarterly to foster regular engagement and ensure Parties do not lose touch with key officials. Additional meetings will be scheduled on an ad hoc basis if any significant issues arise.
5. Whilst it is not anticipated that any dispute will arise, any action under dispute should be paused pending resolution through the dispute resolution mechanism. This process will be guided by an agreement to resolve disputes at the lowest possible level of

governance. If one Party wishes to diverge, the Party must first see if a common approach can be agreed that accommodates that individual Parties' desired outcomes and does not disproportionately impact on the UK internal market.

6. Escalations, if necessary, should be done first at official level via the Late Payment Working Group. If a satisfactory resolution cannot be found, the matter should then be escalated to the Late Payment Programme Board, made up of senior officials. If a resolution cannot be reached, it will be escalated to Ministers to provide input or hold a multilateral discussion. Existing routes of multilateral engagement between the Parties should be used for this process. If a resolution cannot be reached at this level, the matter may be referred to appropriate intergovernmental structures – although both parties will strive to resolve issues at official or ministerial level between Departments.

Terms of Reference for the Late Payment Working Group and Late Payment Programme Board can be found at Annex A.

7. Detailed overview of areas where no further action is thought to be needed

Not applicable.

Operational detail

Section 3: Proposed operational elements of framework

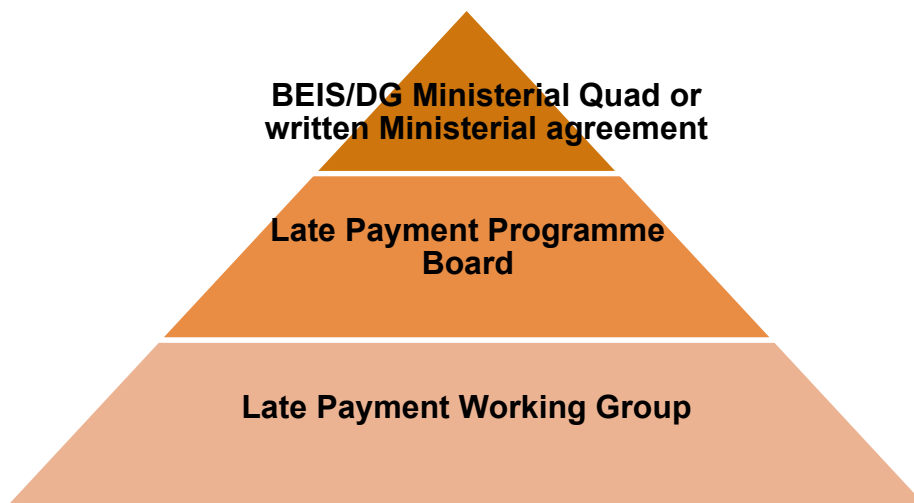
8. Decision making

The principles were agreed through exchange of letters drafted in cooperation between the Parties. The Common Framework will only be put in place once there is unanimous agreement between all Parties.

Decisions will be made in accordance with the principles outlined in “6. Detailed overview of proposed Framework: non-legislative arrangements”, as well as the Common Framework principles agreed at JMC(EN). The agreed quarterly meetings of the Late Payment Working Group will involve all four governments to ensure joint working and information sharing is conducted for this policy area. All parties will have equal decision-making standing.

Decisions will pass through the Late Payment Working Group to the Late Payment Programme Board, made up of senior officials from all four governments, and then ministers. However, not every decision will need to be escalated to the Late Payment Programme Board, nor to ministerial level. Below is a diagram which outlines how decisions are expected to be made, where required. In the unlikely event that a decision cannot be made at ministerial level, the matter will be referred to the dispute resolution mechanism.

Figure 1: Decision making diagram



9. Roles and responsibilities of each party to the Framework

The following sets out the role and responsibilities of officials and ministers in this Framework.

Officials

Policy officials will hold regular discussions on the policy covered by the Late Payment Framework, and put advice to ministers with the rationale for the approach taken within the policy area (e.g. a UK/GB-wide approach), or why divergent policies may be necessary. Officials across Parties will convene to discuss policy issues as appropriate and will discuss any ramifications that policy will have across different parts of the UK. If officials do not agree when making decisions, issues discussed at the Late Payment Working Group can be escalated to senior officials in the Late Payment Programme Board, in line with the Framework's dispute avoidance and resolution mechanism.

Senior Officials

Senior officials (e.g. Deputy Directors and Directors) will provide strategic direction on the policy areas governed by the Late Payment Framework and take key operational decisions. They may review an issue as per the Framework's dispute avoidance and resolution mechanism if officials are not able to agree an approach, or if ministers have disagreed with advice from officials in the first instance, in another attempt to reach agreement. Senior officials will convene to discuss issues as appropriate, on an ad hoc basis, through the Late Payment Programme Board.

Ministers

Ministers may receive advice from their officials either concurrently across Parties as issues arise, or in the course of business as usual for individual Parties. Ministers may accept advice, or they may reject it. If work is remitted to senior officials and an issue remains unresolved, the issue may be escalated to ministers. Where ministers are considering issues as part of the

Framework's dispute avoidance and resolution mechanism this could be via several media, including inter-ministerial meetings or by correspondence.

Information sharing

As per the current MoU on Devolution and with regard to the outcomes of the Intergovernmental Relations Review, each Party will aim to provide each other with as full and open as possible access to policy information including statistics and research and, where appropriate, representations from third parties.

Parliamentary and stakeholder communication and engagement

There is no regular planned Parliamentary or stakeholder engagement for this policy area. Communication takes place on an ad hoc basis.

10. Roles and responsibilities of existing or new bodies

There are no existing or new bodies that have a formal role with respect to the operation of this Framework.

11. Monitoring and enforcement

Monitoring

The Late Payment Working Group will oversee the functioning of the Framework, and any request to amend any element of the Framework will be considered at this group. The group will agree what information it will need to see to provide assurance that the Framework is operating effectively, and on what frequency the information should be collected and reviewed.

Enforcement

Enforcement needs further consideration, and the mechanisms available for providing assurance that the Framework will be adhered to will depend on the way in which the Framework is implemented. The dispute resolution mechanisms provide the first means for ensuring that the Framework is adhered to, with issues to be referred to overarching intergovernmental dispute resolution mechanisms where appropriate.

12. Review and amendment

This Framework will be reviewed annually with all Parties through the Late Payment Working Group. The review will look at compliance with the Framework, as well as evaluating whether it is still suitable to ensure all Parties can achieve their aims on late payment policy. Ad-hoc reviews can also be scheduled on the request of any Party if a substantial issue arises.

Review Stage

1. The Late Payment Working Group will review the Framework one year after final sign off, and every three years thereafter, to ensure it is working effectively, or if any amendments should be made. If changes to the Framework are required, senior officials and ministers will need to agree to triggering the amendment stage.
2. An exceptional review can be triggered by a *significant issue*:
 - a. To constitute a significant issue, an issue must be time-sensitive, and fundamentally impact on the operation and/or the scope of the Framework.

- b. An example would be an issue that means the Framework no longer adheres to the Common Frameworks principles agreed at JMC(EN) in October 2017.

Amendment Stage

3. The amendment stage can only be triggered through unanimous agreement by ministers. The existing Framework will remain in place until a final amendment has been agreed.
4. All amendments to the Framework must be agreed by ministers from all parties, and a new non-legislative agreement signed.

Third parties can be used by any party to the Framework to provide advice at any stage in the review or amendment process. If agreement is not reached in either the review or amendment stage, parties to the Framework can raise it as a dispute through the Framework's dispute avoidance and resolution process.

13. Dispute resolution

Disputes could potentially arise at official level (i.e. where officials cannot agree to either recommending a common approach, or recommending that divergence is appropriate, and outlining the impact that this may have on the internal market); or at ministerial level (where Ministers cannot agree on the response to the recommendation put forward to them by officials, or where a dispute cannot be resolved at official level and is escalated to Ministers, who can also not reach a decision).

Dispute resolution processes should only be used if resolution through normal working processes has not been possible. The Late Payment governance provides mechanisms for good communication and cooperation, which should reduce the likelihood of disputes arising. In some areas, commonality of approach will not be needed to meet the JMC principles and therefore an "agreement to diverge" would be acceptable.

Ministerial dispute resolution

In rare instances where Ministers do not reach unanimous agreement on a joint recommendation, or where officials cannot agree an approach (and the dispute is escalated to Ministers for a decision), then a ministerial dispute resolution mechanism will be required at the portfolio level (i.e. there should be a process for Ministers to seek to resolve dispute and reach agreement). Where disputes do arise, they should be handled with adherence to the same principles as the officials' dispute resolution process. In the first instance, the matter should return to officials (with a steer on areas of further work), who should review the available technical material and present further advice to Ministers as appropriate. If this is not sufficient to resolve the dispute, a panel of senior officials from the four nations could meet to discuss possible approaches and a way forward.

Once all of the other options outlined above have been exhausted, and if a disagreement has still not been resolved, the disagreement will be referred to the appropriate intergovernmental structures.

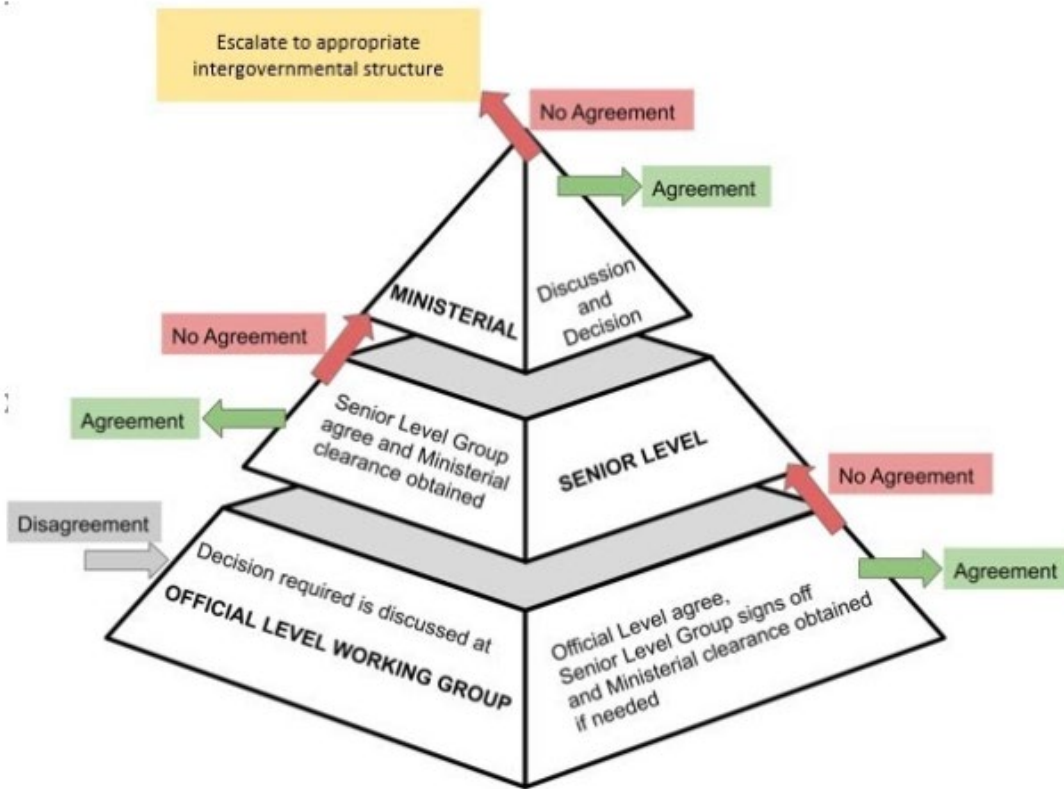
Decisions will be made in accordance with the key principles in "*6. Detailed overview of proposed Framework: non-legislative arrangements*", as well as the Common Framework principles agreed at JMC(EN) in October 2017. The Late Payment governance provides mechanisms for good communication and cooperation, which should reduce the likelihood of

disputes arising. In the unlikely event that a disagreement does arise, a resolution will be sought by following the below principles:

- It does not always follow that, where disagreements emerge, they will need to be escalated or a 'solution' established. This Framework will not prejudice the right of Parties to opt to 'agree to disagree' in certain circumstances.
- In the unlikely event that a common approach cannot be agreed, and divergence is not considered acceptable by one or more of the Parties, the dispute resolution mechanism should be engaged. This should only happen if:
 - genuine agreement cannot be made;
 - one or more party considers the core principles or terms of reference agreed for the Framework to have been breached; or
- One party considers that a Common Framework principle has not been respected, or undue weight has been placed on one principle (or part of a principle) at the expense of another.
- This process will be guided by the principle to resolve at the lowest possible level of governance. If a satisfactory resolution cannot be agreed at working level, the matter will be escalated to senior officials, before being escalated to Ministers. Issues will be referred to the overarching dispute avoidance and resolution mechanism outlined in the MoU on Devolution.
- Actions under dispute should be paused pending resolution through the dispute resolution mechanism.

The Dispute Resolution Mechanism is outlined below:

Figure 2: Dispute resolution diagram



Section 4: Practical next steps and related issues

14. Implementation

The final framework will be fully in place once scrutiny has been completed across all legislatures and Ministerial letters exchanged.

Annex A: Late Payment Framework Groups Terms of Reference

Late Payment Working Group Terms of Reference

Purpose

The purpose of the Late Payment Working Group is to bring together the four Parties to:

- Facilitate multilateral policy development.
- Seek to maintain a level playing field across the existing body of late payment legislation, providing consistency and a uniform approach to the benefit of businesses across the UK.
- Manage potential divergence in a way that respects the devolution settlements.

Scope & Objectives

While policy on late payment is a devolved matter, there are a number of wider policy initiatives and regulations that operate on a UK-wide basis. The Late Payment Working Group will be a collegiate group which facilitates collaboration across the Parties within this policy area. It will provide a forum for policy officials to engage on policy development, provide updates on progress, and raise concerns and awareness of cross-cutting issues.

Membership

Core membership:

- Department for Business Energy and Industrial Strategy (BEIS)
- Scottish Government (SG)
- Welsh Government (WG)
- Department for the Economy (NI)

Rules of procedure

- BEIS will chair and provide secretariat support for the group. However, this will be kept under constant review by the members.
- Regular meetings will be scheduled to take place, with ad-hoc meetings when required.
- The meeting date, time and location will be agreed with all Parties.
- The Group will review its Terms of Reference against its objectives on a 12-month basis or more regularly if required to ensure it continues to add value.

Late Payment Programme Board Terms of Reference

Purpose

The purpose of the Late Payment Programme Board is to bring together the four Parties to:

- Facilitate multilateral policy development by resolving disputes relating to the Late Payment Working Group.
- Make decisions, by consensus of the Parties, on recommendations made by the Late Payment Working Group.
- Provide strategic planning decisions as identified by the Late Payment Working Group.
- Provide a mechanism of dispute resolution as needed and as referred by the Late Payment Working Group.
- Decide, by consensus of the Parties, to refer disputes of the Late Payment Working Group to Ministers.
- Manage potential divergence in a way that respects the devolution settlements.

Scope

While policy on late payment is a devolved matter, there are a number of wider policy initiatives and regulations that operate on a UK-wide basis. The Late Payment Programme Board will be a collegiate group which has oversight over the Late Payment Working Group within this policy area. It will, where identified by the Late Payment Working Group, act as a key mechanism of the dispute resolution procedure within the Common Framework Agreement.

The Late Payment Programme Board maintains an oversight of relevant decisions of the Late Payment Working Group, and the scope of the Late Payment Programme Board is inclusive of relevant matters as identified by the Late Payment Working Group. Specifically, the Late Payment Programme Board will meet where dispute resolution is needed.

The primary objectives of the Late Payment Programme Board are to resolve disputes arising from to the Late Payment Working Group. The Late Payment Programme Board may decide, by consensus of the Parties, to refer matters to Ministers in each Party.

Membership

Core membership:

- Department for Business Energy and Industrial Strategy (BEIS)
- Scottish Government (SG)
- Welsh Government (WG)
- Department for the Economy (NI)

Rules of Procedure

- The position of chair will rotate among members at each meeting.
- BEIS will provide secretariat support for the group. However, this will be kept under constant review by the members.
- The Group will meet where dispute resolution is needed or for financial and/or strategic planning decisions.
- The meeting date, time and location will be agreed with all Parties.
- The Group will review its Terms of Reference against its objectives on a 12-month basis or more regularly if required to ensure it continues to add value.

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27 January 2022

Dear Mark,

I am pleased to share with the Committee, the finalised provisional Common Framework for Public Procurement.

This Framework establishes common expectations around key areas of cooperation in public procurement in the context of the UK's departure from the EU. All four UK administrations agreed to work together to establish common approaches, known as Common Frameworks, in policy areas that were previously governed by EU law and which intersect with areas of devolved competence.

Officials in the Welsh Government, together with their counterparts across the UK, have been working jointly to develop this Framework to share with their respective scrutiny Committees for scrutiny.

I understand my counterparts across the devolved administrations will be taking similar steps to engage with their respective parliaments.

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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.

The document can be found at:

<https://www.gov.uk/government/publications/public-procurement-provisional-common-framework>

I look forward to hearing from you soon.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive style with a period at the end.

Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government



Common Framework for Public Procurement

Updated Provisional Framework Agreement

January 2022

CP 609



Common Framework for Public Procurement

Updated Provisional Framework Agreement

Presented to Parliament by the Paymaster General by Command of Her Majesty

27 January 2022

CP 609



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Common Framework for Public Procurement

1. Policy area

1.1. Public Procurement

2. Preamble

- 2.1. The UK Government, Scottish Government, Welsh Government and Northern Ireland Executive have agreed to work together to establish common approaches, or frameworks, in some areas that have historically been governed by EU law but which otherwise fall within areas of devolved competence¹. The establishment and content of frameworks are guided by the principles ('the Frameworks Principles') set out in the Joint Ministerial Committee (EU Negotiations) (JMC(EN)) communique of 16 October 2017.
- 2.2. This Common Framework for public procurement is being established because it is considered necessary in order to achieve the following outcomes set out in the Frameworks Principles:
- enable the functioning of the UK internal market, while acknowledging policy divergence
 - ensure compliance with international obligations, and
 - ensure the UK can negotiate, enter into and implement new trade agreements and international treaties
- 2.3. This Common Framework is to be read in conjunction with the:
- a. Devolution Memorandum of Understanding and supplementary agreements ("the MoU") dated October 2013 between the UK Government and the Scottish Ministers, the Welsh Ministers, and the Northern Ireland Executive, taking into account any future amendments to the MoU.
 - b. Devolution settlements for Scotland, Wales and Northern Ireland.²
- 2.4. References to devolved competence, devolved matters and reserved matters are to be construed in accordance with the relevant devolution settlement.
- 2.5. This Common Framework between the UK Government, the Scottish Government, the Welsh Government, and the Northern Ireland Executive ("the Parties", also referred to as "the Parties to the Common Framework"), is not intended to confer any rights or obligations which are legally enforceable.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652285/Joint_Ministerial_Committee_communique.pdf.

² The Acts of Parliament dealing with devolution: the Scotland Acts 1998, 2012 and 2016, the Government of Wales Act 1998 and 2006 and Wales Act 2014 and 2017, and the Northern Ireland Act 1998.

3. Scope

- 3.1. This Common Framework (see definitions in section 4) will establish agreed working practices between the Parties in relation to domestic and international public procurement policy and legislation. Specifically, it will cover:
- Consultation and exchange of information
 - Development of policies and legislation
 - Engagement between the Parties on World Trade Organisation Government Procurement Agreement (WTO GPA) business
 - International agreements e.g. the EU-UK Trade and Cooperation Agreement
- 3.2. Management of common resources is not part of the rationale for this Common Framework.
- 3.3. It is intended to guide the actions of the Parties in respect to these matters, in particular the actions of officials working on procurement policy.
- 3.4. The relevant legislation (“the Procurement Regulations”) for this Common Framework, as may be amended from time to time, is as follows:
- The Public Contracts Regulations 2015
 - The Concession Contracts Regulations 2016 and
 - The Utilities Contract Regulations 2016
- In Scotland the following regulations apply:
- The Public Contracts (Scotland) Regulations 2015
 - The Concession Contracts (Scotland) 2016 and
 - The Utilities Contracts (Scotland) Regulations 2016
- The Procurement Regulations were transposed from a series of EU Directives:
- 2014/23/EU Concession Contracts Directive 2014
 - 2014/24/EU Public Contracts Directive 2014
 - 2014/25/EU Utilities Contracts Directive 2014
 - 89/665/EEC Remedies Directive as amended by 2007/66/EC
- 3.5. The EU Commission and Member States negotiated the contents of the Directives.
- 3.6. The Directives provided a framework based around the Treaty principles of equal treatment, non-discrimination, proportionality, and transparency.
- 3.7. The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020 and the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020³ were laid to amend the Procurement Regulations at the end of the transition period to ensure they continued to

³ The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020. <https://www.legislation.gov.uk/ukdsi/2020/9780348212952> and The Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 <https://www.legislation.gov.uk/sdsi/2020/9780111047545/contents?title=procurement>

work. These statutory instruments implemented the Withdrawal Agreement and fixed deficiencies that were caused by the UK leaving the EU.

- 3.8. There was considerable flexibility within the rules for different parts of the UK to transpose Directives differently. However, Parties have not diverged significantly when transposing the Directives.
- 3.9. The UK has participated in the WTO GPA under EU membership since its inception and continued to participate as if it were an EU member during the transition period. The UK joined the WTO GPA in its own right from 1 January 2021 and consequently will continue to comply with the WTO GPA rules.
- 3.10. Each of the Parties will develop and publish their own policies for procurement.
- 3.11. Public procurement is governed by legislation and seeks to align itself with other policies/principles where appropriate and proportionate including, but not limited to:
- [Anti-corruption strategy](#)⁴
 - Value for public money principles (see HMT [Managing Public Money](#)⁵, WG [Managing Welsh public money](#)⁶, [Scottish Public Finance Manual](#)⁷, [NI Public Expenditure Guidance](#)⁸)
 - [Transparency policy](#)⁹, [Welsh Government Publication Scheme](#)¹⁰, [Scottish Procurement Open Contracting Strategy](#)¹¹, [NI Publication Scheme](#)¹²
 - Public sector duties/code of conduct/[Corporate Governance Code/Open government](#)¹³.
 - Social value/wellbeing legislation e.g. [Well-Being of Future Generations \(Wales\) Act 2015](#)¹⁴, [Northern Ireland Public Procurement Policy](#)¹⁵, [UKG Public Procurement Policy](#)¹⁶, Scottish Government's [National Performance Framework](#)¹⁷, [Welsh Government Public Procurement Policy](#)¹⁸
 - Government funding policies
- 3.12. The outcomes of the intergovernmental relations review are in the process of being implemented. Once confirmation has been provided from each government, the outcomes of the review and appropriate intergovernmental structures will be reflected in this Common Framework.
- 3.13. The policy area covered by this Common Framework intersects with the EU-UK Trade and Cooperation Agreement and therefore topics relevant to the framework may be considered from time to time by relevant TCA Specialised Committees or the Partnership Council.

⁴ <https://www.gov.uk/government/publications/uk-anti-corruption-strategy-2017-to-2022>

⁵ <https://www.gov.uk/government/publications/managing-public-money>

⁶ <https://gov.wales/managing-welsh-public-money>

⁷ [Scottish Public Finance Manual - gov.scot \(www.gov.scot\)](#)

⁸ <https://www.finance-ni.gov.uk/topics/finance/public-expenditure-guidance>

⁹ <https://www.gov.uk/government/groups/public-sector-transparency-board>

¹⁰ <https://gov.wales/welsh-government-publication-scheme-2018>

¹¹ [Scottish procurement: open contracting strategy - gov.scot \(www.gov.scot\)](#)

¹² <https://www.finance-ni.gov.uk/foi-and-publication-scheme>

¹³

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/609903/P_U2077_code_of_practice_2017.pdf

¹⁴ <https://www.futuregenerations.wales/about-us/future-generations-act/>

¹⁵ <https://www.finance-ni.gov.uk/topics/procurement/public-procurement-policy-northern-ireland>

¹⁶ <https://www.gov.uk/government/collections/procurement-policy-notes>

¹⁷ <https://nationalperformance.gov.scot>

¹⁸ <https://gov.wales/procurement-policy-notes>

Where a UK-EU meeting agenda includes an item concerning implementation in an area of devolved competence, the UK Government should facilitate the attendance of the Scottish Government, Welsh Government and Northern Ireland Executive of a similar level to that of the UK Government representatives with final discretion as to the UK delegation a matter for the UK co-chair. The UK Government should engage the Scottish Government, Welsh Government and Northern Ireland Executive as fully as possible in preparation for these meetings regardless of attendance, and on all relevant implementation matters.

3.14. There is no intersection between procurement policy and the Northern Ireland Protocol.

3.15. **Not in scope**

The following are out of the scope of this Common Framework:

- contract award procedures which are
 - covered by the Defence and Security Public Contracts Regulations 2011
 - worth less than the relevant WTO GPA thresholds or
 - otherwise excluded from the scope of the Procurement Regulations
- Procurement Reform (Scotland) Act 2014 and Procurement (Scotland) Regulations 2016

4. Definitions

- “**UKG**” refers to the UK Government, while “**SG**” refers to the Scottish Government, “**WG**” refers to the Welsh Government and “**NIE**” refers to the Northern Ireland Executive.
- The “**Parties**” means the UK Government, the Scottish Government, the Welsh Government, and the Northern Ireland Executive.
- A “**Common Framework**” sets out a common approach to certain policy areas that fall under devolved competence, which were previously governed by means of EU legislation, where it has been recognised that a particular level of continued cooperation is required. This Common Framework proposes to formalise agreed approaches through an exchange of ministerial letters.
- References to “**devolved competence**”, “**devolved matters**” and “**reserved matters**” are to be construed in accordance with the relevant devolution settlement¹⁹.
- The “**Frameworks Principles**” means the principles set out for the development of Common Frameworks in the JMC(EN) communique of October 2017.
- The **Common Framework Working Group** (also referred to here as “**the Working Group**”) and The **Common Framework Liaison Group** (also referred to here as “**the Liaison Group**”) are the two official level working groups operating as part of this Common Framework. Terms of Reference are linked at Annex A.

5. Summary of proposed approach

5.1. With due regard to the democratic accountability of the UK Parliament and the devolved legislatures, in a way that respects the devolution settlements, the Common Framework

¹⁹ The Acts of Parliament dealing with devolution: the Scotland Acts 1998, 2012 and 2016, the Government of Wales Act 1998 and 2006 and Wales Act 2014 and 2017, and the Northern Ireland Act 1998.

ensures that decision making in relation to public procurement is carried out consistently with the Framework Principles.

- 5.2. Each of the Parties will continue to develop and publish their own policies for procurement, and the Common Framework provides the vehicle to discuss those policies. The Parties will ensure that they give full and proper consideration to each other's views and will endeavour to achieve consensus in areas of mutual interest without prejudice to the respective competence of each of the Parties. Ministers and officials of each of the Parties will maintain close working relationships and will inform each other at an early stage of any relevant proposals or other developments at domestic level on, or which may affect, public procurement, including any proposals to legislate or litigation of potentially wider significance. The Parties undertake to conduct their relationship on a "no surprises" basis. The Parties also agree to the need for confidentiality of discussions, without which it would be impossible to maintain such close working relationships.
- 5.3. The Common Frameworks Principles agreed at JMC (EN) state that frameworks will be established where necessary to ensure the UK can negotiate, enter into and implement new trade agreements and international treaties, and ensure compliance with international obligations. These principles were established in the context of an ambition for close working between the UK Government and the Devolved Governments on reserved matters that significantly impact devolved responsibilities in Common Frameworks.
- 5.4. Common Frameworks will allow the Parties, in a timely manner, to ascertain the impact of international trade on managing UK policy divergence. All Parties to the framework will consider any impact in a way that meets the requirements of the JMC (EN) principles. Common Frameworks will afford an opportunity to consider any implications stemming from international trade which have a direct bearing on the operation of a Common Framework. The scope of this consideration will not extend beyond Common Frameworks.
- 5.5. International policy formulation will be developed in line with the current Devolution MoU and its accompanying International Relations Concordat. International obligations will be implemented in line with these agreements. In this respect, the Parties will automatically use any updated IR Concordat, and the wider outcomes of the Joint IGR Review, as the basis for such international considerations.

6. Overview of proposed framework: legislation (primary or secondary)

- 6.1. Legislation will not be required to implement this Common Framework.

7. Overview of proposed framework: non-legislative arrangements

- 7.1. An exchange of ministerial letters will formalise these arrangements.

8. Decision making

General

- 8.1. In considering any new such policies relating to public procurement, and any proposals to legislate, the Parties commit to work consistently with the Frameworks Principles. The Parties will also maintain principles of non-discrimination, equal treatment and transparency in respect of economic operators from the UK.
- 8.2. The Parties acknowledge that contracting authorities and UK businesses can benefit from consistent approaches to public procurement policy and regulation and will therefore, where

it is deemed advantageous, seek to identify common approaches in these areas. Any common approach will be subject to agreement between the Parties. The Parties reserve the right to develop policies and regulate independently in accordance with their respective competence where they consider it appropriate.

- 8.3. Where one or more of the Parties does identify an area in which they wish to take a policy or regulatory approach which is different in substance from that taken by the other Parties, they should assess the impact of that approach on the other Parties and its compatibility with the Frameworks Principles. In accordance with the mechanisms set out in this Common Framework, where such an approach is likely to impact upon another of the Parties, the Party or Parties will notify and consult the other Parties in respect of their intended action at a monthly official level Common Framework Working Group. Should any of the Parties object to the action in question on the grounds that it is contrary to the provisions set out in the Common Framework, the Parties will endeavour to identify a mutually acceptable approach which would achieve an equivalent, or preferably identical, outcome. If no mutually acceptable resolution is found, the objecting Party or Parties may initiate the formal dispute avoidance and resolution procedure set out in the Common Framework.
- 8.4. In addition to the monthly official level Working Group, a twice-yearly Common Framework Liaison Group meeting will be held between officials. This will provide the Parties with the opportunity to consult on any matters relating to the operation of this Common Framework or the furtherance of its objectives. The Parties will share the chairing of this meeting on a rotating basis.
- 8.5. Decisions will be tracked through the minutes of the official level monthly Common Framework Working Group and biannual Common Framework Liaison Group, which will include representatives from each of the Parties. Individual Parties will clear any amendments/updates to the Common Framework through their own processes.
- 8.6. No decisions will need to be taken by third parties.
- 8.7. The following roles will apply in the context of decision making and dispute avoidance:

Role	Description
Officials	Put advice to ministers with rationale for UK wide approach or why divergence is appropriate. If officials don't agree, escalate to senior officials.
Senior Officials	Senior officials may review an issue if officials are not able to agree an approach, or if ministers have remitted the advice back to officials, in another attempt to reach consensus.

Role	Description
Ministers	Advice from officials is submitted to ministers for decision. Ministers will serve as the primary actors in the joint decision-making process. If an issue is remitted to senior officials and remains unresolved it may be escalated to ministers via the dispute avoidance process.
Senior Minister	Where required on a case by case basis, Ministers may need to seek the approval of Senior Ministers.
<p>Dispute resolution mechanism agreed following the implementation of the intergovernmental relations review.</p> <p>If ministers and senior ministers cannot resolve an issue, escalation to the overarching process for dispute avoidance and resolution through the appropriate intergovernmental structure takes place.</p>	

Roles and Responsibilities of Common Framework Parties on WTO GPA business

- 8.8. Interests of all Common Framework Parties will be represented at the WTO GPA Committee by the UKG.
- 8.9. Agenda items on areas of devolved competence (or areas that may impact on devolved competence) will be shared by UKG policy leads with other Common Framework Parties for comment as soon as practicable once received from the WTO. The UKG lead will consult with SG, WG and NIE officials on the most appropriate involvement of SG, WG and NIE officials related to issues relevant to their devolved responsibilities.
- 8.10. For interventions in an area of devolved competence, the UKG GPA lead will involve relevant officials of the other Common Framework Parties as fully as possible in the intervention process and seek to agree the approach and wording prior to the GPA Committee meeting. This is to ensure consistency of the UK's membership 'voice'. SG, WG and NIE commit to providing timely information to support UK interventions, engagement and notifications as needed.
- 8.11. UKG leads are responsible for distribution of, and final clearance for, any GPA Committee materials and sharing updates and information with other Common Framework Parties following GPA Committee meetings.

9. Roles and responsibilities of each Party to the Common Framework

- 9.1. The Parties confirm their commitment to consult and exchange information on matters which will impact upon another of the Parties in relation to the handling of policy issues on public procurement, including any proposals to legislate, in a timely and cooperative manner, and to give appropriate consideration to the views of each other. There will be regular consultation between public procurement officials from the Parties to ensure that

there is effective cooperation between the Parties and that the business of all operates effectively and efficiently in relation to these matters. To this end and unless agreed otherwise, there will be a monthly Common Framework Working Group meeting between officials of the Parties, normally by teleconference, to discuss general operational matters.

- 9.2. In accordance with the coordination mechanisms set out in the MoU, advance notification of and consultation on policy initiatives and associated announcements likely to impact upon one or more of the Parties, as well as all legislative proposals relating to public procurement (including subordinate legislation), will normally take place between officials not less than one month prior to the announcement. In the case of legislative proposals, including subordinate legislation, advance notification and consultation will normally take place at least three months prior to the introduction of primary legislation and the making of secondary legislation.
- 9.3. In addition to official-level engagement, Ministers from the Parties will continue to correspond in writing as appropriate.
- 9.4. In accordance with the MoU, all Parties will also encourage joint working by, for example, inviting officials of the other Parties to joint working groups which may be of interest to them.
- 9.5. The monthly Working Group and twice-yearly Liaison Group described in paras 8.3 and 8.4 above will provide Parties with the opportunity to consult on any matters relating to the operation of this Common Framework or the furtherance of its objectives.

10. Roles and responsibilities of existing or new bodies

- 10.1. External bodies do not currently have any role and a future role is not anticipated except as engaged in the Review and Amendment mechanism (see below).
- 10.2. Each of the Parties will continue to consult existing third parties/groups on matters of procurement policy, and significant policy changes will be subject to engagement with key stakeholders including representative sector groups. There is also an option to consult such parties/groups on amendments to the Common Framework.

11. Monitoring and enforcement

- 11.1. The twice-yearly Common Framework Liaison Group meeting will provide for full proper consultation and cooperation between the Parties and assess:
 - intergovernmental cooperation and collaboration as a result of the Common Framework
 - whether Parties are implementing and complying with the Common Framework
 - whether divergence has taken place in contravention of the Framework principles
 - the impact of divergence across the UK
 - if a change is required to the Common Framework as a result of any dispute
- 11.2. The outcome of this meeting will be used to inform joint decision-making going forward and the next review and amendment process. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used.

12. Review and amendment mechanism

- 12.1. The Common Framework, and the functioning of intergovernmental relations generally, will be reviewed after one year of its coming into operation, and every three years thereafter.

Any of the Parties may request an additional ('exceptional') review if they consider it necessary (for example to propose new provisions as the relationship develops).

- 12.2. This Review and Amendment Mechanism (RAM) ensures the Common Framework can adapt to changing policy and governance environments in the future. There are two types of review which are outlined below. The process for agreeing amendments should be identical regardless of the type of review.
- 12.3. The RAM relies on consensus at each stage of the process from the Ministers responsible for the policy areas covered by the Common Framework.
- 12.4. At the outset of the review stage, Parties to the Common Framework must agree timelines for the process, including the possible amendment stage.
- 12.5. If agreement is not reached in either the review or amendment stage, Parties to the Common Framework can raise it as a dispute through the Common Framework's dispute avoidance and resolution mechanism.

12.6. **Review Stage**

- After the initial review following the first year of operation, a periodic review of the Common Framework will take place every three years, in line with official or ministerial level meetings.
 - The period of three years starts from the conclusion of a periodic review and any amendment stages that follow.
 - During the periodic review, Parties to the Common Framework will discuss whether the governance and operational aspects of the Common Framework are working effectively, and whether decisions made over the previous three years suggest the Common Framework needs to be updated.
- An exceptional review of the Common Framework is triggered by a 'significant issue'.
 - A 'significant issue' could be time sensitive or fundamentally impact the operation and/or the scope of the Common Framework.
 - The exceptional review may include a review of governance structures if all Parties agree it is required. Otherwise, these issues are handled in the periodic review.
 - The same significant issue cannot be discussed within six months of the closing of that issue.
- The amendment stage can only be triggered through unanimous agreement by ministers. If Parties agree that no amendment is required, the relevant time period begins again from date of that agreement for both review types (for example, it will be three years until the next periodic review and at least six months until the same significant issue can trigger an exceptional review).

12.7. **Amendment Stage**

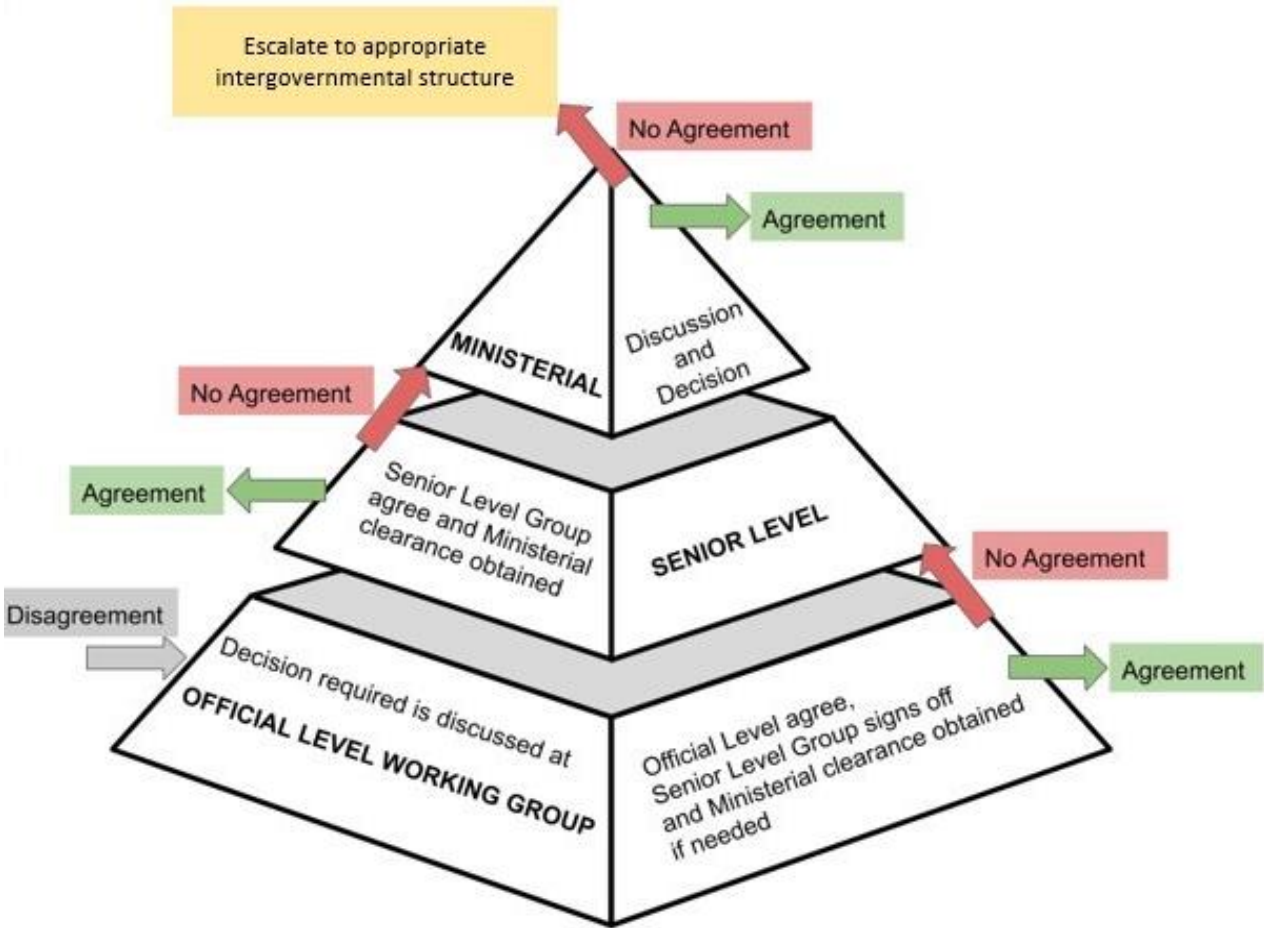
- Following agreement that all Parties wish to enter the amendment stage, Parties will enter into discussion around the exact nature of the amendment. This can either be led by one Party to the Common Framework or all.
- If an amendment is deemed necessary during either type of review, the existing Common Framework will remain in place until a final amendment has been agreed.
- All amendments to the Common Framework must be agreed by all Parties and a new non-legislative agreement signed by all Parties.
- If Parties cannot agree whether or how the Common Framework should be amended this may become a disagreement and as such could be raised through the Common Framework's dispute avoidance and resolution mechanism.

Any changes to this Common Framework must be agreed unanimously by ministers in writing.

13. Dispute resolution

- 13.1. A difference may arise in cases where one or more of the Parties consider that another of the Parties has taken or intends to take an action which does not adhere to the provisions set out in the Common Framework. This is termed a 'disagreement'. A disagreement between Parties of this Common Framework becomes a 'dispute' when it enters the formal dispute avoidance and resolution process set out in the overarching MoU on Devolution that is the subject of the ongoing Intergovernmental Relations Review.
- 13.2. The main intention of the Common Framework is to provide a framework for full and proper consultation and cooperation. The Parties intend that this will minimise the chances of disagreements and disputes occurring. Where differences do arise, the Parties should endeavour in good faith to resolve them at the earliest and lowest possible level, through the general framework for consultation set out in the Common Framework, the monthly official level Working Group meetings and with the involvement of senior officials if necessary, to avoid unnecessary escalation and the invoking of the dispute resolution mechanism in the overarching MoU on devolution.
- 13.3. If a change is required to the Common Framework as a result of any dispute it will be referred to the twice-yearly Common Framework Liaison Group meeting, or if necessary an extraordinary Liaison Group meeting will be called.
- 13.4. If it is not possible to resolve a difference at the lowest level, a disagreement may be triggered by one or more of the Parties. In such a case, the complaining Party or Parties will notify the other Parties in writing, detailing the disagreement and establishing the reasons for invoking the Common Framework's formal dispute avoidance and resolution process. This mechanism will be utilised only when genuine agreement cannot be reached and divergence would impact on the ability to meet the Frameworks Principles.
- 13.5. In the first instance, a meeting will be convened involving officials from each of the Parties and, if appropriate, the Parties' respective legal departments. The purpose of such a meeting will be to identify a course of action acceptable to all of the Parties, in accordance with the mechanisms and principles set out in the Common Framework and the MoU. If no mutually acceptable resolution is identified during this meeting, a further meeting of senior officials, at deputy director or director level, will be convened with a view to identifying a mutually acceptable resolution.
- 13.6. In the event that senior officials are unable to find a mutually acceptable resolution, the disagreement may be escalated to the Parties' respective Ministers, who may provide a steer to their officials for further engagement. At this point or subsequent to this, Ministers may also, subject to mutual agreement, choose to engage informally at pre-existing Ministerial fora or to convene a formal quadrilateral meeting.
- 13.7. Where no satisfactory resolution is found regarding a disagreement, despite the best endeavours of the Parties to do so via the procedures set out in the Common Framework, then a dispute may be referred to the appropriate intergovernmental structures.

13.8. The below diagram states the levels of escalation of a disagreement to a dispute and the interaction between each level:



14. Implementation

14.1. An exchange of ministerial letters will formalise arrangements once Parties have provided final confirmation.

Annex A: Common Framework for Public Procurement Officials Groups – Terms of Reference

	Common Framework Working Group	Common Framework Liaison Group
Purpose	The Public Procurement Common Framework Working Group (“the Working Group”) provides a vehicle for the Parties to the Common Framework to discuss matters affecting public procurement at an early stage of any relevant proposals or other developments at international and domestic level.	The Public Procurement Common Framework Liaison Group (“the Liaison Group”) provides for full proper consultation and cooperation between the Parties, to facilitate decision-making, monitoring, enforcement, and review and amendment of the Common Framework.
Timing	Monthly	Biannually, or by exception
Role of Group	<p><u>General</u> The Working Group will provide a monthly forum for:</p> <ul style="list-style-type: none"> • Discussion on the development of policies and legislation. • Consultation and exchange of information on public procurement where there may be an impact with other Parties. • Procurement-related proceedings. <p><u>Decision making</u> Parties will discuss any planned approaches that are likely to impact on other parties and track any decisions in Working Group minutes, in line with the decision making processes outlined in the Common Framework.</p> <p>Not in scope of this Group are-</p> <p><u>Review and amendment</u> After the first year of operation, a periodic review of the Common Framework will take place every three years by the</p>	<p><u>Monitoring and enforcement</u> The Liaison Group will provide a biannual forum to assess:</p> <ul style="list-style-type: none"> • intergovernmental cooperation and collaboration as a result of the Common Framework. • whether Parties are implementing and complying with the Common Framework. • whether divergence has taken place in contravention of the Common Framework principles. • the impact of divergence across the UK. • if a change is required to the Common Framework as a result of any dispute. <p><u>Decision making</u> The outcome of this meeting will be used to inform joint decision-making going forward and the next review. If there is an unresolved disagreement, the dispute avoidance and resolution mechanism should be used. Any substantial changes to the Common Framework will be subject to ministerial clearance and scrutiny by the relevant legislature committees.</p>

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	Common Framework Working Group	Common Framework Liaison Group
	<p>Common Framework Liaison Group, in line with official or ministerial level meetings.</p> <p><u>Dispute avoidance and resolution</u> If the Common Framework Working Group recognises that a change is required to the Common Framework as a result of any dispute, it will be referred to the twice-yearly Common Framework Liaison Group meeting, or if necessary an extraordinary Common Framework Liaison Group meeting will be called.</p>	<p><u>Review and amendment</u> After the initial review following the first year of operation, a periodic review of the Common Framework will take place every three years, in line with official or ministerial level meetings.. Any substantial changes to the Common Framework will be subject to ministerial clearance and scrutiny of the relevant administrations legislative committees.</p>
Membership	<p>Officials from public procurement policy teams in Northern Ireland, Welsh Government, Scottish Government and UK Government. Officials attending may vary depending on the topics being discussed.</p> <p>Parties may invite other relevant colleagues and legal teams if needed. Prior notice should be given to other parties when responding to the Chair's invitation.</p>	<p>Officials from public procurement policy teams in Northern Ireland, Welsh Government, Scottish Government and UK Government and other relevant colleagues as appropriate.</p> <p>Parties may invite other relevant colleagues and legal teams if needed. Prior notice should be given to other parties when responding to the Chair's invitation.</p>
Roles and Responsibilities of Parties	<p>The membership of the Working Group will commit to:</p> <ul style="list-style-type: none"> ● undertaking the role of chair (on a rotating basis). ● representatives attending all scheduled meetings. ● disseminating the role of the Working Group within their administrations. ● sharing topics of discussion and where necessary accompanying papers in advance of meetings to allow subject matter experts to attend and enable an informed discussion. 	<p>The membership of the Liaison Group will commit to:</p> <ul style="list-style-type: none"> ● undertaking the role of chair (on a rotating basis). ● representatives attending all scheduled meetings. ● disseminating the role of the Liaison Group within their administrations. ● sharing all communications and information, including any accompanying papers, across all the Liaison Group members in advance of the meeting to allow subject matter experts to attend and to enable an informed

	Common Framework Working Group	Common Framework Liaison Group
	<ul style="list-style-type: none"> ● sharing all communications and information across all the Working Group members. ● where possible making timely decisions and taking action to enable policy development to move forward. ● provide members with reasonable notification and input into any communications regarding procurement policies and the Common Framework. ● notifying members of the Working Group, as soon as practical, if any matter arises which may be deemed to affect the Common Framework. <p>Members of the Working Group will expect:</p> <ul style="list-style-type: none"> ● that each member will be provided with complete, accurate and meaningful information in a timely manner. ● to be given reasonable time to make key decisions to allow policy development to move forward. ● to be alerted to potential risks and issues that could impact the Common Framework, as they arise. ● open and honest discussions in the spirit of transparency. 	<p>discussion.</p> <ul style="list-style-type: none"> ● where possible, making decisions and taking action in a timely manner so as to not hold up policy development. ● notifying members of the Liaison Group, as soon as practical, if any matter arises which may be deemed to affect the Common Framework. <p>Members of the Liaison Group will expect:</p> <ul style="list-style-type: none"> ● that each member will be provided with complete, accurate and meaningful information in a timely manner. ● to be given reasonable time to make key decisions and to allow proper discussion and consideration. ● to be alerted to potential risks and issues that could impact the Common Framework, as they arise. ● open and honest discussions in the spirit of transparency. ● outcomes from the ongoing 'health checks' of the overall status and 'health' of the Common Framework to be discussed and properly addressed.
Meetings	<ul style="list-style-type: none"> ● All meetings will be chaired on a rotating basis between the Parties of the Common Framework. ● A meeting quorum will be at least one member from each of the Parties to the Common Framework. ● Meeting venue and times will be organised by the Party responsible for chairing the meeting. 	<ul style="list-style-type: none"> ● All meetings will be chaired on a rotating basis between the Parties of the Common Framework. ● A meeting quorum will be at least one member from each of the Parties to the Common Framework. ● Meeting venue and times will be organised by the Party responsible for chairing the meeting.

	Common Framework Working Group	Common Framework Liaison Group
	<ul style="list-style-type: none"> • Meeting agendas will be provided by the Party responsible for Chairing at least one week in advance of the meeting. • Meeting minutes will be provided within one week of the subject meeting by the Party that chaired the meeting and focus on collective decisions and action points, not contributions. • Meetings will be held monthly. • If required, subgroup meetings will be convened outside of these times at a time convenient to subgroup members. 	<ul style="list-style-type: none"> • Meeting agendas will be provided by the Party responsible for Chairing at least one week in advance of the meeting. • Meeting minutes will be provided, within one week of the meeting, by the Party that chaired the meeting, and focus on collective discussions and action points, not contributions. • Meetings will be held twice a year, or by exception. • If required, subgroup meetings will be convened outside of these times at a time convenient to subgroup members.
Amendment, Modification or Variation	These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by ministers of the Parties to the Common Framework.	These Terms of Reference may be amended, varied or modified in writing after consultation and agreement by ministers of the Parties to the Common Framework.
Term	These Terms of Reference are effective from [date of final confirmation] and will be ongoing until terminated by agreement between the Parties.	These Terms of Reference are effective from [date of final confirmation] and will be ongoing until terminated by agreement between the Parties.

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Agenda Item 5.1



Comisiynydd
**Cenedlaethau'r
Dyfodol**
Cymru

**Future
Generations**
Commissioner
for Wales

By email

19th January 2022

Dear Mark,

Thank you for your request for a breakdown of the requests of support that my office has received since May 2018.

Please find attached the information requested.

The Excel document includes the list of all formal requests my team has received between May 2018 (when my team began recording these in a consistent format) and 14th December 2021 (which is the date when the requested analysis was undertaken). We expect that some additional requests may not have been recorded – particularly those that took place in meetings or reached us through less formal channels than e-mail. Also, this does not include the spontaneous advice given by my team during meetings or the many speeches or presentations given by my team and myself at conferences, workshops, or meetings.

The table captures requests for our help directly to us in writing and it provides a useful overview of the volume of asks that are directed to my office.

In summary, we have received **1,061** requests in total from everyone since May 2018 when our records started. Of these, my team has managed to complete **708** (~68% of all requests received). The rest have either been declined due to capacity or because beyond my area of focus; are still in progress; or have been cancelled for reasons like lack of response from the person requesting support.

The number of requests my office has received from public bodies in this time is **362** (~34% of all requests). **157** of these have come solely from Welsh Government.

Since the publication of your report on the barriers to the implementation of the Act, I have been piloting having a dedicated team to act of a point of contact for each public body, funded by my historical reserves. This has led to an increase of 179% of requests over the last year.

As part of the pilot, we have asked public bodies what support they would like going forward and 22 Public Bodies have requested specific and tailored support. These requests are generally not simple and straightforward. They include requests for 'handholding' advice and support in major policy areas such as Vale of Glamorgan request for help on food poverty and working with the third sector, 4 local authorities requesting help on implementing the Act in procurement, NRW advice on their 2050 vision and plan, Cwm Taf Morgannwg Health Board request for help on addressing health inequalities post covid, Arts Council request help in better embedding their wellbeing objectives in their whole organisational approach, request from Torfaen to help scrutiny committee members make better use of the Act in Scrutiny, Cardiff and Vale Health Board on their shaping clinical futures plan.

Comisiynydd Cenedlaethau'r Dyfodol Cymru

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As you know and have recognised in your report, capacity and my level of resources is an issue for the delivery of this work, in particular as this is an exercise of power rather than the discharge of my core duties. This year, as we move towards need based budgeting, I have asked Welsh Government for increased resources to help me offer more support to public bodies and those who can help achieve the well-being goals as set out in the Act and to implement your recommendations.

If this increase is not agreed, my baseline funding will mean that I will have to reject even more requests as I focus my limited resources to my core duties to promote the sustainable development principle in general and monitor and assess the extent to which well-being objectives are being met.
I hope that you will find this information useful.

Yours sincerely,

Sophie



Sophie Howe
Comisiynydd Cenedlaethau'r Dyfodol Cymru / Future Generations Commissioner for Wales

Agenda Item 5.2

Cyfarwyddwr Cyffredinol Iechyd a Gwasanaethau Cymdeithasol/
Prif Weithredwr GIG Cymru
Grŵp Iechyd a Gwasanaethau Cymdeithasol

Director General Health and Social Services/
NHS Wales Chief Executive
Health and Social Services Group



Llywodraeth Cymru
Welsh Government

Mark Isherwood MS
Chair – Public Accounts and Public
Administration Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

Our Ref: JP/LC

31st January 2022

Dear Chair,

Thank you for the Committee's letter on the 10th December 2021 following my session on the 17th December 2021. Please find below a response to your action points in the order raised in your letter.

Social Care

WeCare Wales have been running an ongoing recruitment and retention campaign which commenced in August 2021 involving a variety of advertising including TV adverts, social media promotion, cinema adverts, digital displays at supermarkets and print advertising at bus stations.

This has resulted in increased traffic on the WeCare.Wales jobs portal: this has varied but has been as much as triple in comparison to prior to the start of the campaign. TV advertising reached 65% of the adult population in Wales during the first two months of the campaign (August/September 2021). Unfortunately, because social care is diverse and largely in the independent sector, we do not have access to further statistics on the impact on jobs applied for or employment taken up.

Plans for further media activity are continuing until the end of this financial year with total of £481,000 invested, including the production of a new TV advert to further stimulate interest in the sector.

The WeCare.Wales jobs portal advertises several hundred jobs at any one time. All campaign activity is directed to the portal which also has information on free online "Introduction to Social Care" training, a 3 day online programme covering the essentials needed to start working in social care such as communication, safeguarding and working practices. Evening time slots are also running to ensure full flexibility of the programme.

Protective Personal Equipment (PPE)

Given the work already ongoing in this area, Welsh Government currently have no plans to undertake or commission the type of study described in the Committee's letter, but will await with interest the results of any such study in England.

All staff deaths are investigated by Health Boards as required by the Health and Safety Executive (HSE), to determine if they should be reported as occupational exposure under RIDDOR (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013).

All patients who acquired COVID-19 in hospital are being investigated as required by the *Putting Things Right* Regulations. Welsh Government has invested in this work to ensure its full and rapid coverage.

Funding and Finances

As at the 31st December 2021, NHS organisations are reporting an overall cumulative deficit of £34.5m and are forecasting a year-end outturn deficit of £49.1m. The overall deficit is due entirely to the financial positions of Hywel Dda and Swansea Bay University Health Boards. These two organisations are forecasting a year-end deficit outturn of £25m and £24.4m respectively. All other NHS organisations are reporting small underspends as at the end of December, and are forecasting financial balance or a small underspend at the year-end.

As was captured in the national recovery plan "NHS Wales Covid-19 Looking forward" in March 2021, system wide recovery was required to ensure equity and realistic recovery. It clearly identified key areas of priority, which the additional investment then and in the future should be targeted at;

- Reducing health inequalities to achieve a fairer Wales – examples include, increased research, to support the delivery of the new liberty protection standards, and to provide additional prison health support.
- Building more responsive primary and community care- an example includes, additional investment to support removal of the backlog in annual health checks for chronic conditions. Pharmacy support to increase range of services available via community pharmacy services
- Creating supportive mental health services- Service redesign and alternative support such as online and telephone support and additional investment to in support mental health scheme
- More effective and efficient hospital services- given direct to health boards to support additional diagnostic, treatment and review services provided internally or through external commissioning arrangements
- Better working between health and social services- additional investment to regional partnership boards to support effective partnership solutions particularly around improving delayed transfers of care and flow through the system
- Supporting and building a resilient workforce- additional money was provide to support the wellbeing of both the NHS and Social care workforce. Also used to support additional recruitment and retention activity across both sectors.

- Providing accessible digital support- increasing digital support for the 111 urgent care system, increasing digital support for virtual review of patients both in primary and secondary care

The aim of the recovery plan and the prioritisation of the investments was to reduce the significant impact of Covid-19 on our health and social care system, patients and staff. The areas identified provide a structure to identify where investment should be targeted as we start on the road to recovery.

PPE Stock levels

An update on the publication of PPE stock data is included under Recommendation 5 in the **Auditor General Report – PPE** section below.

To ensure appropriate PPE is used in each setting, Wales follows the PPE requirements set out in the UK-wide Infection Prevention and Control (IPC) guidance. The IPC guidance is for the four UK nations and is based on a continuous review of the available evidence.

Throughout the pandemic, via membership of the UK IPC group, Wales has played and continues to play an active part in the development and continual evaluation of the IPC guidance including the risk based requirement for PPE in health and social care settings. Wales, like all UK countries, has adhered to this guidance and will continue to do so.

NHS Wales Shared Service Partnership (NWSSP) are responsible for the procurement and supply of the required PPE items into health and social care settings and are supported by the NWSSP Surgical Materials Testing Laboratory (SMTL) in ensuring the PPE provided meets technical and quality standards.

NHS and social care provider organisations are responsible for the implementation of the guidance within individual health and social care settings.

I would also like to take this opportunity to assure the Committee that the supply and distribution of high quality PPE to frontline health and social care workers continues to be a critical part of the Welsh Government's response to the ongoing COVID-19 pandemic.

Since the start of the pandemic over 1.2 billion items of PPE having been issued. Of these, over 500m have been issued to social care. At no point has Wales run out of PPE at a national level.

The PPE position in Wales remains stable. Lessons learnt from the initial phase of the pandemic were reflected in NWSSP's *PPE Winter Plan* (September 2020) and in the current *NWSSP Longer-term PPE Plan* (October 2021). Key components of both plans are ensuring the ongoing procurement and supply of free PPE to health, social care and wider primary care settings. In addition, NWSSP have been asked to maintain a usable contingency stockpile of core PPE items of no less than 16 weeks supply (based on the issue rate at the height of the pandemic) to maintain preparedness.

For items where this contingency level hasn't already been met or exceeded, secured orders are in progress and a new, fully compliant PPE framework is being established for core PPE items to ensure the ongoing resilience of supply chains.

This level of support on the provision of PPE will continue with the Programme for Government committing Welsh Government to continue to provide free PPE for health and social care for as long as is needed to deal with the pandemic.

The approach will be kept under review including in response to the findings of the PPE workstream of the *UK Review of Emergency Preparedness Countermeasures Advisory Board* which Welsh Government expects to report in early 2022.

Covid deaths for Health Boards

The numbers of patients who may have contracted COVID-19 while in hospital in Wales are reported via the Rapid Covid-19 surveillance dashboard, with the relevant page accessible via the link below:

[Rapid COVID-19 virology - Public | Tableau Public](#)

The information is broken down by various definitions of onset, and can be interrogated by date and Health Board area.

Information relating to COVID-19 deaths can similarly be accessed via the dashboard, with the link to the relevant section below. Please note that the death figures include any report to Public Health Wales of a death in a hospitalised patient or care home residence where COVID-19 has been confirmed with a positive Laboratory test and the clinician suspects that this was a causative factor in the death. The Office for National Statistics produces regular mortality statistics based on death certificates.

[Rapid COVID-19 virology - Public | Tableau Public](#)

Further analysis on COVID-19 related mortality is being undertaken and I will share the outputs of that with your committee when it is available.

Vaccine equity

Vaccine equity is not only important from a public health perspective, it's also a matter of social justice. We know that many of those under-served groups in our communities have been disproportionately affected by the effects of Coronavirus. We are also aware that there are significant health inequalities which have been exacerbated by the pandemic. Furthermore, it is recognised that vaccine hesitancy is far greater in the under-served population groups in our society.

Vaccine equity is a key principle of Wales' vaccination programme. The 'nobody left behind' campaign set out in the phase 3 Autumn and Winter Covid-19 Vaccination Strategy (Annex B) is built on the premise that everyone should have fair access and fair opportunity to take up the offer of a COVID-19 vaccination.

A COVID-19 Vaccine Equity Committee (VEC) was established jointly by Welsh Government (WG) and Public Health Wales (PHW) early on in the roll-out of the Vaccination Programme to identify barriers to take-up and causes of hesitancy and advise on additional support to increase coverage across under-served groups in our communities. It includes many umbrella organisations which work with and represent the interests of under-served groups, providing insight and access to these communities.

The VEC and the supporting COVID-19 Vaccine Equity Strategy sets out the aim that everyone in Wales who is eligible for COVID-19 vaccination has fair access and fair opportunity to receive their vaccination. It is informed by Public Health Wales' monthly enhanced surveillance report which monitors and highlights equity gaps in uptake and helps tailor engagement and communication activity.

All Health Boards have outreach workers, and communications plans aimed at addressing the specific concerns raised which gives a voice to people of diverse backgrounds and in areas of socioeconomic deprivation. Offering opportunities to catch-up and local interventions to address barriers is important to keep narrowing the gaps.

Working with Health Boards and a wide range of partners, we are encouraging vaccine take-up by making it as easy as possible to get a vaccine by offering a flexible service according to local circumstances. For example:

- Mass vaccination centres throughout Wales offer extended hours at evenings and are open at weekends.
- Transport or travel initiatives have been in place in many areas;
- Outreach services, pop up clinics and mobile services have taken the vaccine to communities who may otherwise not take up their offer.
- With partner support, vaccine clinics have been held in familiar settings such as faith, cultural and community centres.

It is also important that people have access to accurate, reliable and accessible information so they can make an informed choice about taking up their offer of the vaccine. This is why, for example:

- Information materials have been produced for different audiences and in a wide range of languages and accessible formats;
- There have been engagement events and information webinars, often facilitated by faith leaders or clinical experts.
- Health Boards will consider how and where lessons identified during the first phases of the vaccine programme can be implemented for the booster phase.

Vaccine equity will continue to be a key principle as we begin the process of transitioning the COVID-19 vaccination programme to business as usual.

Vaccine Workforce

In response to the emerging information about Omicron and its impact, an accelerated booster delivery plan was developed on 13 December to rapidly increase the workforce capacity to offer all those eligible a booster vaccination before 31 December. This included.

- NHS staff from redeployed from other services and teams
- NHS staff from national or central teams redeployed
- Fire service personal
- Local authority personal
- Military support (MACA) with 70 staff across a range of roles in support of vaccination until end of January
- Exploring use of staff in other government departments.

Due to the nature of the pandemic and the need to provide people with the maximum protection in response to waves of variants over the last year, there have been times when there has been a need to significantly uplift the vaccination workforce.

An example of such a short sharp effort was in response to omicron, the vaccination workforce capacity was significantly increased through the mechanisms mentioned above, on a short-term basis, to ensure all those eligible received an offer for a booster vaccination before 31 December. To mitigate the impact on the NHS as much as possible, there was a campaign to use volunteers from non-NHS workforce from other public and emergency services, voluntary sector, retirees and students. However, there was undoubtedly an impact on other NHS services, procedures and scheduled care. Once uptake numbers began to reduce, workforce models and rotas have been adjusted with redeployed staff returning to their normal (pre- vaccination) services. Normal services have already begun to resume since the beginning of the New Year.

In addition, higher short-term sickness rates and isolation have had more of an impact on the current phase, than in previous phases, due to higher community prevalence of COVID-19.

Future workforce planning at a national and local level has and will continue to take account of the additional pressures on the health and care system. All NHS Wales organisations aim to use a workforce model split between core staff and flexible staff. The strength of this model is the agility to step up and down dependent on the path of the pandemic, any future waves and on future vaccination planning.

A recruitment drive for unregistered professionals continues in each Health Board to stabilise the workforce models. Health Boards are planning for current demands, such as vaccinating 5-11 year olds at risk which requires paediatric staff, and future demands, such as any further boosters.

The on-boarding of staff from advert to commencement is constantly under review to shorten the process for these priority posts. This is a process led through workforce teams in both Health Boards/trusts and NHSSSP.

Cross Border issues

All four nations have adhered to the Joint Committee on Vaccination and Immunisation (JCVI) advice throughout the vaccination programme. Whilst the operational delivery might differ slightly, the core eligibility and prioritisation is the same in all four nations. We meet on a four nations basis weekly to discuss developments, supply, delivery, progress and challenges.

Health Boards also have good relations with their English counterparts across the border which supports those people who live in Wales and access health services in England and vice versa.

We have a data sharing agreement in place between England and Wales for the transfer of vaccination data, and this is happening. We are also working with other UK Nations and the relevant Crown Dependencies in agreeing the necessary data flows. This will resolve the outstanding issues re non visibility of vaccinations administered in other UK geographical territories. We are not aware of any cross border problems as presented.

Welsh Health Specialised Services Committee (WHSSC) Governance

In relation to the three recommendations for the Welsh Government contained in the Auditor General for Wales's report of May 2021 into Welsh Health Specialised Services Committee (WHSSC) Governance arrangements, please see response below:

Recommendation 5: Independent Member recruitment

In July 2021, the Minister for Health and Social Services agreed that more work should be done with the NHS in Wales to explore a system of remuneration for the independent members of WHSSC in order to attract and retain members. Welsh Government Health and Social Services officials subsequently worked with the Chair and Committee Secretary of WHSSC on the principles which should underpin such a change. A paper was considered by the NHS Wales Chairs on 5 October and further engagement with representatives of the Chairs also took place following that meeting.

The immediate risk to the quoracy of WHSSC has been averted by the appointment of two new members under the existing, non-remunerated arrangements, however there is still a need to achieve resilience going forward. Measures to remunerate WHSSC independent members are therefore being developed for agreement by the members of WHSSC in the next few months, and will be reviewed after 12 months' operation. Remuneration of independent members of WHSSC recognises the additional time commitment required by Health Board independent members when fulfilling the role of a WHSSC independent member. However, if remuneration does not prove to be the solution it is acknowledged that, as mentioned in the Audit Wales report, legislative amendment may be required in order to accommodate widening the pool from which independent members can be drawn. If this were required it would need to be considered in light of Ministerial legislative priorities and is not on the programme at this stage.

Welsh Government officials will continue to work alongside WHSSC as they proceed with agreeing the arrangements for appointment of the independent members via the Joint Committee governance arrangements.

Recommendation 6: Sub-regional and regional programme management (linked to recommendation 2 directed to WHSSC); and Recommendation 7: Future governance and accountability arrangements for specialised services

WHSSC has indicated that it is strengthening its own capacity in relation to the programme management around new commissioned specialised services. This is being achieved through the appointment of a number of key staff and the use of a common approach to project management. When services are not the sole responsibility of WHSSC, they will contribute to the programme arrangements.

In terms of the wider picture, we are also still considering, with Ministers, plans for a new national executive, as set out in A Healthier Wales, to provide stronger leadership and strategic direction to the health system. This work was paused in order to focus efforts on the pandemic response and I cannot pre-empt the Minister's decision on these plans in this letter. However, I undertake to write to you again to set out these areas in more detail once a decision has been made.

Whilst I do not anticipate that WHSSC will be directly impacted by the national executive plans, we did commit in A Healthier Wales to review other parts of the governance of NHS Wales, recognising for example that some of the arrangements for hosted national functions are complex. Whilst it would still be our intention to review these arrangements, they cannot be considered a priority during the current pandemic.

Auditor General Report - PPE

You asked for a written update on the actions taken in response to the recommendations of the Auditor General Report, including further details on the procurement plan and the expectations that Welsh Government is now putting on potential suppliers. Please see below.

Recommendation 1 – *As part of a wider lessons learnt approach, the Welsh Government should work with other UK countries where possible to update plans for a pandemic stockpile to ensure that it is sufficiently flexible to meet the demands of a pandemic from different types of viruses.*

Action taken – Welsh Government representatives are attending meetings of the *UK Review of Emergency Preparedness Countermeasures Advisory Board* (chaired by DHSC) and are expecting the PPE workstream to report in early 2022. Public Health Wales (PHW) are also engaged and will provide advice to Welsh Government on the PPE recommendations as the work develops.

In the meantime and to maintain preparedness, Welsh Government have asked NWSSP to maintain a 16 week usable contingency stockholding of all key PPE items (based on the highest 16 weeks usage rate during the pandemic).

Recommendation 2 - *In updating its own plans for responding to a future pandemic, the Welsh Government should collaborate with other public bodies to articulate a set of pan-public sector governance arrangements for planning, procuring and supplying PPE so that these do not need to be developed from scratch.*

Action taken - As reflected in the AGW's report, working collaboratively with stakeholders is at the heart of the Welsh Government and NWSSP's response on PPE procurement and supply. Best practice and lessons learnt on PPE have been collated throughout the pandemic and these include a recognition that, in some cases, governance and finance frameworks were designed as the pandemic progressed resulting in some duplication of effort. To address this Welsh Government has reviewed all the governance arrangements on PPE and ensured the terms of reference are clear on the accountability between governance groups and teams. The review also ensures that the decision-making and controls framework for PPE have been articulated and agreed in advance so that PPE governance requirements can be built into contingency plans.

These arrangements are being kept under review, for example to ensure alignment with the broader Four Nations and Emergency Preparedness Countermeasures approach.

Recommendation 3 - *Shared Services should work with NHS and social care bodies to maintain an up-to date stock management information system that provides timely data on local and national stocks of PPE that can be quickly drawn upon in a future pandemic to support projections of demand and availability as well as providing a robust source of information for briefing stakeholders.*

NWSSP have advised that they have now purchased and embedded their PPE Stockwatch system across all Covid stores in the NHS and social care. In addition PPE stock information is now captured within NWSSP's Oracle Inventory system as part of NWSSP's business-as-usual reporting.

Recommendation 4 - *In updating the strategic approach to PPE, Shared Services and the Welsh Government should work together to develop a clear direction in terms of:*

- *A return to competitive procurement and an end to emergency exemptions.*
- *Fuller consideration of the wider criteria usually applied to procurement, such as sustainable development and policies on modern slavery.*
- *The intentions and aspirations in relation to the domestic PPE market, including the balance between the potential benefits of resilience through local production capacity against the potentially increased costs compared to international manufacturers.*
- *The size and nature of the pandemic stockpile it intends to hold, considering the benefits and costs of holding and maintaining stock and the timing of purchases given the ongoing disruptions to the PPE market.*

NWSSP's *Longer-term PPE Plan* (October 2021) has been finalised and agreed by NWSSP and Welsh Government PPE governance groups. This plan sets out NWSSP's strategic approach to the ongoing procurement and supply of PPE.

In line with this plan a fully compliant framework contract for future competitive procurement has been tendered for five core PPE items (Gloves, Type IIR Masks, Visors, Thumb-Looped Gowns and Wipes). Products not included on the Framework, such as FFP3 masks, have robust inward supply lines through UK central procurement arrangements. The framework contract has been evaluated and awarded in part with final testing of products underway by SMTL. It will become fully operational during the course of January and February 2022. The awarding of the new framework contract fully considered the points raised including supply chain resilience, foundation economy, modern slavery, Wellbeing of Future Generations Act and decarbonisation.

The pandemic stockpile for PPE is currently managed to ensure a 16 week stock in hand position (based on issues at the height of the pandemic) for all core PPE lines. The resilience of our inward supply lines and access to new sources of PPE (if required) through the contract framework will ensure that this stockpile reflects a resilient and robust level of security to meet current and future demand.

Recommendation 5 - *To increase confidence in stocks and supplies at the national level, Shared Services should work with the Welsh Government to publish details of the amount of stock it holds of each item alongside the regular publication of data on the numbers of items issued.*

Action taken – Ministers did not feel it was proportionate to routinely publish national stock data. It should also be noted that publishing national stock data would not provide an accurate picture on stock levels as it would not reflect local stockholdings which are often significant.

Welsh Government continue to publish a monthly statistical release on PPE items issued based on management information provided to the Welsh Government by NWSSP. Data on stock levels is currently published when requested.

Recommendation 6 - Shared Services should: check that it has published contract award notices for all contracts where it is required to do so; review those that it has published to ensure they are accurate; and ensure that it publishes contract award notices within the required timeframe for future contracts.

Action taken - NWSSP have reviewed all existing contract awards and have taken corrective action where necessary to ensure contract award notices have been published.

In addition NWSSP undertook a refresh of their internal operating procedures to ensure future compliance with the requirements to publish notices for contracts.

Recommendation 7 to review whether the Sell2Wales site needs updating to allow bodies to publish retrospective contract award notices more efficiently without relying on suppliers to sign-up.

Action taken - NWSSP have updated Sell2Wales to reflect all direct awards. Welsh Government undertook a review of the Sell2Wales site which identified potential options for publishing direct awards in future, however these options required administrative effort from both the buyer and seller. In addition NWSSP have advised that the establishment of a new PPE Framework means there is a greatly reduced risk of future direct awards given a more resilient supply chain will be in place – on this basis the options identified in the Welsh Government review were not progressed.

Recommendation 8 Given public interest in the awarding of PPE contracts and to promote confidence in the procurement system, the Welsh Government and Shared Services should publish details of the contracts awarded under emergency exemptions in a single place that is easy to access.

Action taken – NWSSP have published a full listing of PPE contracts awarded on their website.

Auditor General report – vaccination programme

As we transition from pandemic to endemic, it is inevitable that Covid-19 Vaccination is part of the process of learning to live with the virus. In adapting to a business as usual approach (in a similar vein to other immunisation programmes) we will continue to be led by the latest clinical and scientific evidence and advice from the JCVI, which has proved appropriate and proportionate throughout the pandemic, in terms of the timing and eligibility for future booster doses.

At a national and local level, we are now looking at what an Integrated Vaccination System would look like, both from a Covid-19 perspective and all other immunisations perspective. We are considering and planning for how delivery of the Covid-19 vaccination programme sits with other immunisations – taking what we have learned from deployment to date. We have a responsibility to ensure a future service which is fit for purpose going forward, including ensuring it is sufficiently resilient to cope with future outbreaks or major incidents. Capitalising on the workforce situation is also important, ensuring that the vaccination expertise gained by staff is utilised and developed. Consideration of the future position from the perspective of value for money, efficiency and effectiveness is essential, while delivering a patient friendly, accessible and equitable service.

As we move from emergency response, it has provided time to rationalise our oversight and governance, standing down daily meetings and sit reps to provide more space for a combination of responsive and future planning work. We continue to report to the Minister for Health and Social Services and the First Minister on a regular basis and the Covid-19 Vaccination Programme Board continues to meet bi-weekly to provide oversight.

These governance arrangements will be reviewed in line with our increased focus on future planning towards a more integrated approach.

As outlined above, the Covid-19 vaccination programme will continue to make the most of the current infrastructure and approaches to reach the most vulnerable and underserved communities, pivoting services to reach out and into communities in line with local data and intelligence. We will not lose sight of our 'nobody left behind' principle.

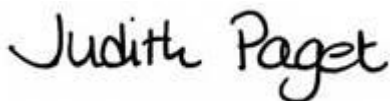
High level planning has begun to develop a whole system workforce plan for the next phase of the programme, which, as outlined above, is looking at the potential to develop an integrated vaccination service with the aim to deliver a model that can adapt to the increasing population health requirements.

Since the start of December, we have had the fastest roll-out of the booster programme in the UK. We have administered more than 1.8 million boosters and third doses. That is more than two thirds of our population aged 12+ (67%).

As part of future planning it is assumed that there will be a need for the vaccine estate to be flexible to respond to surges, with the likelihood of future waves and variants being ever present. The infrastructure will need to adapt to suit the current demand, including vaccine supply, workforce and estate. The effective Health Board blended model will continue to be pursued, ensuring flexibility for services and accessibility and equity for patients.

I hope I have provided clarity on the areas set out in your letter but if you would like further information please let me know.

Yours sincerely



Judith Paget CBE

cc: Minister for Health and Social Services
Deputy Minister for Social Services
Albert Heaney
Steve Elliot
Lisa Wise
Claire Rowlands
Andrew Sallows
Nick Wood
Chris Jones

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

31 January 2022

Dear Mr Isherwood

I am writing in response to your letter of 10 December 2021, following my attendance at Public Accounts and Public Administration Committee on 1 December 2021.

Please find below a response to each of the action points raised under the two areas of Local Government Finances and Community and Town Councils.

LOCAL GOVERNMENT FINANCES

Detailed information on Local Authority reserves

As we mentioned at the Committee, the Welsh Government does not hold the level of detail on local authority reserves that was the subject of a series of questions raised by one Committee Member. However, we have since consulted with the Welsh Local Government Association and the Society of Welsh Treasurers to determine how straightforward it would be to provide this detail and work is underway to provide a response. I hope the Committee Members will understand that this is a particularly busy time for local authority finance teams and they are currently setting council budgets and council tax for 2022-2023, but I will write again once I have more information.

Variable levels of usable reserves

Reserves are published as a snap shot at the end of the financial year. The level of uncertainty as a result of the pandemic, and the impacts on expenditure from associated delays to some programmes and projects, mean that authorities reported holding higher reserves than normal.

'Useable reserves' are often earmarked for specific purposes, which are set out in their financial statements, with a relatively small proportion designated as 'general reserves' to be utilised for any purpose. Reserves can vary depending on authorities' longer term plans, for example to use for restructuring, service change or large capital projects. Those with lower reserves may, for example, have recently completed a large project. In general there is a strong correlation between the size of an authority and the level of useable reserve. However all authorities will want to keep a minimum level of absolute reserves. This means that proportionately smaller authorities may have a higher percentage of useable reserves.

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.

All authorities should continue to ensure that their reserves remain adequate for planned future needs and contingencies without placing undue constraints on current expenditure. In addition some councils may have a lower risk appetite around their reserve strategies or plans for specific additional investment in services.

Business grants and any underspends

In terms of the business grants, some Local Authorities were underspent over the course of the funding rounds since April 2020, with others were overspent. All Local Authorities have been contacted and any combined underspend has been reused for the recently announced £120m fund in response to the restrictions brought in on the 26th December 2021. There will be a further exercise at the end of the financial year to recover any underspend from this latest round of funding.

COMMUNITY AND TOWN COUNCILS

Update on the recommendations of the Independent Review Panel on Community and Town Councils

At my committee appearance asked for a written update on the areas for action in response to recommendations of the Independent Review Panel on Community and Town Councils in Wales. The Minister for Finance and Local Government recently provided an update to the Housing and Local Government Committee on the areas for action. This reflects the latest position and I attach it as an Annex to this letter.

Information held by the Society for Local Council Clerks and how proposals on qualifications for clerks been received

We have contacted the Society for Local Council Clerks regarding the data they hold on qualification levels of community council clerks. They have confirmed that as of 1 December 2021, there are 73 clerks who have CiLCA, four clerks that are qualified to Level 4 (i.e. a Certificate of Higher Education) and two that have a Level 6 qualification (i.e. BA(Hons)). A clerk may hold more than one qualification.

The consultation closed on 24th September 2021 in regard to proposals to specify the qualifications a community clerk must hold in order for a council to resolve itself as eligible to exercise the general power of competence. The summary of responses was published on 3rd December and is available at the link below. The regulations were subsequently laid on 13th December 2021 and will come into force on 5th May 2022. There was broad support for the qualifications named in the consultation, including CiLCA.

English - <https://gov.wales/sites/default/files/consultations/2021-12/summary-of-responses.pdf>

Support for members to understand their duties as corporate employers of the clerks, in terms of their employment rights

There is a range of support for members – current or new – to understand their duties as corporate employers of clerks in terms of their employment rights. One Voice Wales offer a training module to all councils on the council as an employer. The Wales Training Strategy for community and town councils developed with sector partners through the National

Training Advisory Group – notes that it will be an expectation that councillors in their first year of office will attend this module as part of their core competency in the role. This combined with the duty under s67 of the Local Government and Election Act 2021 for councils to develop a training plan gives some confidence that councillors should make this training a priority. In addition, the Good Councillor's Guide for Community and Town Councillor's, which will be updated for the new intake, provides a comprehensive briefing for councillors on their duties – including as employers.

I would be happy to provide further information or clarification on any of the above points.

Yours sincerely

A handwritten signature in black ink that reads "Tracey Burke". The signature is written in a cursive style with a large initial 'T'.

Tracey Burke
Director General, Education and Public Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: RE/616 /21

John Griffiths MS
Chair, Local Government and Housing Committee
Welsh Parliament
Cardiff Bay
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29 October 2021

Dear John,

Thank you for your letter requesting further information on some of the issues we discussed during my attendance at the Local Government and Housing Committee on 22 September.

At the meeting I promised to provide further detail on work of the Independent Remuneration Panel for Wales (the Panel). The Panel is the independent body whose principal function is to make determinations on the salaries and payments principal councils, community councils, fire and rescue authorities and national park authorities make to their elected members. Its powers also include making recommendations on any proposed changes to the salaries of the chief executives of principal councils and chief fire officers.

The current remit of the Panel includes county and county borough councils, town and Community councils, national park authorities and fire and rescue authorities. The Welsh Ministers powers in relation to the Panel are limited, and are set out within the 2011 Measure, and the Local Government (Wales) Act 2015 ("the 2015 Act").

In order to exercise its function the Panel:

- Has regular dialogue with members and officers of the bodies for which it has responsibility for setting remuneration;
- Undertakes an analysis of changes in appropriate comparable remuneration structure;
- Considers any specific issues that may impact on the appropriate level of remuneration for the bodies in question;

- Engages with relevant bodies in Wales in relation to the remuneration of elected representatives i.e. the Welsh Local Government Association and One Voice Wales.

The Panel is required to produce an annual report, which will prescribe the payments and allowances for councillors and members of the organisations listed above, and may produce Supplementary Reports at any time that it considers necessary. In preparing its reports the Panel is required to take into account the likely financial impact of its decisions on the authority or authorities in question.

The Panel is currently consulting on its Annual Report for 2022/2023. The consultation will end on 26 November following which the Panel will consider any representations which will inform decisions about final determinations and content of the final Report. The consultation document can be found [here](#).

I also promised to provide an update on progress made in responding to the recommendations of the Independent Review Panel on Community and Town Councils in Wales.

While the recommendations were for all sectors to consider and take forward, the Welsh Government set out a number of key actions it proposed to take in response. The previous Minister provided a written update on Welsh Government's work with, and support for, the community and town council sector in March 2020 [\[link\]](#). I have attached a more detailed update on the progress on the areas for action at **Annex A**. As outlined in the written statement, there are still some unresolved questions raised by the review which require further thought, and the need to focus on the pandemic has delayed giving them due consideration. I intend to revisit these questions this Senedd Term, working with our partners to develop clear proposals, some of which may require further legislation.

You requested further detail on the support available to council clerks, including training packages for people new to the role, and whether any work is being undertaken or is planned to update job descriptions to ensure candidates have a clear understanding of the role and have relevant experience.

In respect of Welsh Government support, in 2021-22, we have allocated around £70k to provide funding for the full cost of undertaking the Certificate in Local Council Administration (CiLCA) for around 70 clerks. We also provide around £2k for additional general training for clerks, for example, for clerks new in post to undertake Introduction to Local Council Administration (ILCA); and other continuous professional development needs. To provide some context, in the previous two years, we offered £6k and £3k respectively to support and incentivise clerks' training and these were not fully spent. I am open to increasing the funding available if demand increased, and am working with One Voice Wales and the Society for Local Council Clerks (SLCC) to encourage this. The incoming requirement for community councils to publish training plans will provide insight into their training needs.

The Society for Local Council Clerks is the professional body for local council clerks and supports its members to gain the necessary knowledge, training and skills for their role. They offer a mentoring service for new clerks in Wales. They hold two webinars annually specifically aimed at new clerks and produce a check-sheet to support clerks who have recently started in their role. They provide advice on the role and job description of the clerk, including a specimen job description. One Voice Wales provides a range of services

and we understand that this would include support to councils wishing to appoint a new clerk.

You also requested more information about the arrangements to ensure Corporate Joint Committees (CJCs) are democratically accountable.

CJCs aim to bring more coherence to, and strip out some of the complexity of, regional governance arrangements - strengthening local democratic accountability by ensuring that it is local elected members making decisions together about local government services in an open and transparent manner and for the benefit of their citizens and communities. The leaders of each constituent council will be the members of the CJCs and they will be accountable to their constituent councils for the decisions they make as part of their CJC.

A CJC will be required to put in place appropriate overview and scrutiny arrangements in consultation and agreement with its constituent councils. This will be an important part of the democratic accountability of the CJC. A CJC will also be required to have its own governance and audit sub-committee which will have the same functions as that of one in a local authority - including to review and scrutinise the financial affairs, risk management and internal control of a CJC.

Public accountability is also a key part of ensuring the democratic accountability of a CJC. A CJC will be required to encourage participation in its decision making by members of the public, ensuring that individuals are able to contribute to the shaping of services which they and their families rely upon and which have a significant impact on their daily lives. Members of the public will be also be able to access the meetings of a CJC, including viewing meetings, in the same way as they currently do for local authorities.

Officers of a Corporate Joint Committee will be subject to the same requirements in terms of conduct, transparency and accountability as employees of local authorities.

Finally, during the meeting I referred to the *Reforming Local Government Finance in Wales: Summary of Findings* report and said I would welcome the Committee's views on the options set out. The summary of findings can be found at <https://gov.wales/reforming-local-government-finance-wales-summary-findings>.

I have written separately to you and the Chair of the Finance Committee regarding the financial allocations made from the £2 billion unallocated in June's supplementary budget.

Yours sincerely,



Rebecca Evans AS/MS

Y Gweinidog Cyllid a Llywodraeth Leol
Minister for Finance and Local Government

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

THEME 1: Clarifying the role of the sector

The Welsh Government has consistently confirmed the important role it sees for the sector, which has been highlighted by the contribution made to responding to the pandemic and supporting their communities. We have legislated to provide community and town councils with the potential to play a more substantial and more visible role in their communities.

For instance, we have provided community and town councils with a new general power of competence through the Local Government and Elections Act 2021. We have also placed a new requirement on the sector to reflect on how they engage, plan, undertake and report to their electorate by introducing annual reporting.

We regularly communicate with community and town councils through national events arranged by the Society for Local Council Clerks and One Voice Wales. One Voice Wales work with communities locally to promote the value of community councils. We think this is a role best suited for those who are closest to the communities. Our role is to support them in good governance.

Our sector partners are taking forward work to clarify roles regarding the services community and town councils could deliver. One Voice Wales and the WLGA have established a Task and Finish Group to explore asset transfer and service delegation, and develop place-based planning. We agree with them that decisions on clarifying 'who does what' should be made locally and not imposed by national government.

THEME 2: Increasing democracy and participation

The review recommended that community boundaries should be reviewed regularly. It also recommended actions to increase democratic access to, and participation in, the councils.

Using existing powers to ensure Community Reviews are conducted on a regular basis is a proportionate response to ensuring that individual boundaries remain relevant. The Boundary Commission for Wales have just completed a cycle of electoral reviews which are being brought into force ahead of the next ordinary local government elections. Some of these have made changes to community council arrangements, and the recommendations from the community review in Monmouthshire are also being implemented. Following the completion of this exercise, the Welsh Government will work with local authorities to reflect on the process and plan ahead for the next cycle. For instance, it might be sensible to review the timings of community reviews to ensure they can complete in good time inform the electoral reviews.

In respect of engaging with their communities and increasing participation, we are encouraging community and town councils to make more use of free tools and

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

platforms. We have provided specific support by using evidence gathered from community and town councils to prepare and publish a digital media guide, '[Connecting with your Local Community](#)' in January 2021.

To improve public awareness and access of the work of community and town councils, the Local Government and Elections Act (Wales) 2021 provided for community councils to make arrangements to enable virtual access to council meetings. On the issue of public participation in meetings, there appears to be little impact of annual public meetings on public participation in England. Therefore we have taken a more regularised approach - from May 2022, a member of the public will have a right to make reasonable representations on a business item at any community and town council meeting. We feel this this will remove barriers for the members of communities to engage with their council.

We have also taken steps to encourage more people to stand for election to community and town councils. In October, we launched an Access to Elected Office Fund to support disabled candidates seeking election in next year's local government elections. The fund pays for practical support to allow disabled people to fully participate in the political process.

We have funded One Voice Wales to develop promotional films to share across a variety of media platforms.

We recognise that this work is a continual and sustained process. In order to inform how we might take this forward, we have:

- Issued a survey to community councillors to find out more about their experiences and barriers to inform the next iteration of this work;
- Commissioned a literature review of the remuneration of councillors in other countries; and
- Commissioned an omnibus survey to examine to better understand public perception of councils and councillors.

THEME 3: Building capacity

The key action under this area was to provide access to the general power of competence to eligible community councils, which we did under the Local Government and Elections (Wales) Act 2021. This provision comes into force from May 2022. There has been extensive engagement on the proposal to provide access to the general power, the intention to attach conditions, and what those conditions would be.

From early 2020, we have provided funding for around 70 full-funded places for the Certificate in Local Council Administration (CiLCA) to support introduction of the general power.

Annex A – Independent Review Panel on Community and Town Councils in Wales

Welsh Government Areas for Action – Update

October 2021

We have consistently made funding available for community and town councils to develop joint delivery arrangements through a grant to encourage such arrangements. However, the appetite from the sector was not as we might have anticipated and for 2020-21 onwards the resources for joint working were redirected to support an increased emphasis on financial management and governance training.

THEME 4: Building capability

We work with the sector bodies One Voice Wales and the Society for Local Council Clerks (SLCC), through the National Training Advisory Group (NTAG) to identify core training needs for clerks and councillors.

Whilst there is no appetite for mandatory core training from the sector, the Welsh Government has provided bursaries to incentivise training for councillors and clerks in specific areas, particularly around financial management and governance. This includes the aforementioned CiLCA bursary for community and town council clerks.

To support continuous improvement in the sector, we are exploring how we can do more to support the sector to self-evaluate and self-improve. There is work underway on a self-assessment tool which is to be piloted this autumn. The self-assessment tool, co-produced with One Voice Wales and SLCC with advice from Audit Wales, is intended to support councils to understand their audit obligations, and assist them to improve their governance arrangements.

THEME 5: Improving relationships

One Voice Wales and the WLGA took the initiative to establish a Task and Finish Group reviewing how to strengthen key relationships between community and town councils and principal councils – including whether to make certain structures mandatory. This was paused during the pandemic, but the expectation is this work will be restarted.

We remain concerned about instances where working relationships break down within community and town councils. The Welsh Government has facilitated engagement between the Ombudsman's office and the sector's representative bodies and they are collectively developing a guide for community and town councils in relation to officer complaints about bullying and harassment by individual councillors. This is expected to be published by One Voice Wales and SLCC in the coming months.

A written statement was recently issued on the [Review of the Ethical Standards Framework for Wales](#), which recommended some changes to the core Code of Conduct. The self-assessment toolkit for community and town councils includes a checklist item to ensure that all councillors have read and agree with the Code of Conduct.

Annex A – Independent Review Panel on Community and Town Councils in Wales
Welsh Government Areas for Action – Update
October 2021

THEME: Improving accountability

Provision was made in the Local Government and Elections (Wales) Act 2021 to require community and town councils to report annually to their communities. The guidance for annual reporting will support councils to be transparent to their communities on recent activities and their plans for the future.

The guidance will also encourage councils to work within the cycle of engage, plan, undertake and report. This approach will be reinforced within the self-assessment toolkit for community and town councils. The Good Councillors Guide, which sets out what is expected and what good practice looks like, is in the process of being updated before the local government elections in May.

Community and town councils will also be required to prepare and publish a training plan for councillors and clerks. It is important for councils to be transparent about their training needs and priorities to provide confidence that it has the skills needed to support their communities.



Llywodraeth Cymru
Welsh Government

Number: WG43570

Welsh Government
Consultation – summary of response

Consultation on the community council clerk qualification regulations

December 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

This document is also available in Welsh.

Overview

The Welsh Government undertook a consultation on draft regulations specifying the qualifications that the clerk to a community council must hold in order for a community council to meet the second of three eligibility conditions for the purpose of exercising the general power of competence. This document provides a summary of responses received.

Action Required

This document is for information only.

Further information and related documents

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

Contact details

For further information:

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: <https://gov.wales/community-council-clerk-qualifications-regulations>

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Introduction – Background to the consultation

Section 24 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') gives qualifying local authorities a general power of competence ('the general power'). The general power gives these authorities the power to do anything that an individual generally can do, provided they act rationally and within the law. Section 25 provides boundaries of the general power and section 26 provides limits on doing things for commercial purpose in exercise of the general power. Qualifying local authorities are specified in the 2021 Act as principal councils and 'eligible community councils'.

The conditions a community council must satisfy in order to resolve itself an 'eligible community council' are:

- at least two-thirds of the total number of members of the council have been declared to be elected, whether at an ordinary election or at a by-election;
- the clerk to the council holds such qualification or description of qualification as may be specified by the Welsh Ministers by regulations;
- the council has received unqualified auditor's opinions from the Auditor General for Wales, for two consecutive financial years. The latest unqualified auditor's opinion must have been received during the 12 months preceding the day on which the council will resolve itself to become eligible.

Consultation process

The Welsh Government undertook a formal consultation on draft regulations specifying the qualifications that the clerk to a community council must hold in order for the community council to meet the second of the three eligibility conditions to become an eligible community council. The consultation was open for responses between 28 June 2021 and 24 September 2021.

Online versions of the formal consultation document and the draft regulations were provided in English and Welsh on the Welsh Government website. The link to the consultation was sent to all community and town councils in Wales as well as a range of other stakeholders.

Responses received

A total of 117 responses were received by the deadline. No further responses were received after the deadline.

Responses were received as follows:

- 87 responses from the community and town council sector
- 1 response from a county or county borough council
- 4 responses from audit/inspection/regulator/commissioner bodies
- 3 responses from representative bodies, professional bodies or associations
- 12 responses from members of the public
- 10 anonymous responses

Summary of response

This document is intended as a summary of the responses received. It does not aim to capture in detail every point raised by respondents.

Six questions were asked in the consultation document and the responses to each are summarised below.

Not all questions were answered by all respondents and some gave a general response to the consultation rather than answering specific questions. Where this is the case we have included their response under the most appropriate question or included in the summary of responses to question six.

Question 1: Does the type of qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power?

There were a total of 102 direct, yes / no, responses to this question, of which 70 agreed that the type of qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power. A further 3 respondents said they could not answer the question categorically, indicating they presumed the qualifications would give the level of competence required. Another respondent added a comment in response to the question that they believe all clerks have the core knowledge required.

Some respondents who answered in the affirmative to this question added further comments, including:-

- The Certificate in Local Council Administration (“CiLCA”) should be the minimum and the other qualifications dependent on the size of the council.
- CiLCA qualification is sufficient for small and medium community councils.
- The qualifications specified in the consultation are suitable, sector-specific qualifications and align with England’s approach to the general power of competence.
- The qualification has to be recognised as a basic requirement when new clerks are appointed and should be specified in the advertisement.
- It is vital that clerks’ knowledge and skills are kept up-to-date, with mandatory continuing professional development considered after a specified time period after achieving the CiLCA qualification.
- Time must be allowed for current clerks to achieve the qualification if it is to be essential.
- Clerks also need to undertake basic training within 3 months of appointment.

A small number of those who agree the qualifications specified give confidence that the clerk has the core knowledge said that recognition should also be given to those who have worked in the role for a number of years.

Of the 32 respondents who explicitly disagreed that the qualifications specified give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power, the following key points were raised:-

- The proposed list of qualifications does not recognise the range of qualifications held by senior local government officers.
- A qualification is only part of the assessment of whether someone can perform effectively, other things like competencies, experience and local knowledge are also important.
- Other qualifications (including finance and vocational qualifications) and experience should be taken into account.
- The qualifications may be suitable for the larger councils but would not be necessary for a small community council.

- Length of service should also be recognised, for example 4 or more years in post.
- Experienced clerks should not be expected to obtain an additional qualification.
- There should be a range of core training for clerks and it should not be essential that they hold the qualification before commencing the role as this would increase recruitment problems.
- More detail is required on the qualifications to enable comment on whether they would give confidence.

Some respondents suggested that there are other qualifications which would give the same level of confidence, including:-

- A qualification in equality, equity and diversity and unconscious bias.
- Qualification to degree level or equivalent
- Other qualifications such as Master of Public Administration, along with two years' experience as a clerk or five as deputy clerk or councillor.

Some respondents raised practical challenges:-

- The costs of the course will have to be met by the council, in addition to the clerk's salary, and smaller councils will not have the funding to enable their clerk to complete the training.
- The requirement will make it harder to recruit clerks.

Other points raised in response to this question were:-

- New clerks should complete basic training within 3 months of their appointment.
- Suggestion of a basic outline training course with a test so *'ex-professionals can be brought up to speed on legislative requirements and duties'*.
- Ensuring clerks' knowledge and skills remain up to date is also important.
- The Responsible Financial Officer should also be required to have FiLCA: Financial Introduction to Local Council Administration.
- Clerks should also be able to demonstrate that they can wisely use the general power.
- Implications for being an eligible community council if a clerk with the required qualification leaves their role.

Question 2: Does each title description make it clear which qualifications are being specified?

There were a total of 101 responses to this question, of which 85 agreed that each title description makes it clear which qualifications are being specified.

Of those who did not agree that the title descriptions are clear which qualifications are being specified, the following issues were raised:-

- Not specific enough information provided of the skills and knowledge each qualification provides.
- Unclear which level of CiLCA is referred to.
- Unclear whether it is CiLCA for Wales or England or either required.
- Higher education qualifications not clearly understood.
- CiLCA should be the standard requirement.

Other comments

- CiLCA qualification should be reviewed and designed to meet the needs of local government in Wales.
- Clerks of small councils do not require these qualifications.

Question 3: Are there other appropriate sectoral qualifications that should be considered for inclusion in the draft regulations?

A total of 74 respondents submitted a response to this question. Of those that responded, 26 said they had no further qualifications to suggest, or that they agreed CiLCA is the appropriate qualification, or that they did not, or could not be expected to, have sufficient knowledge of sectoral qualifications.

One Voice Wales supported CiLCA as the minimum qualification for clerks as one of the conditions for a council being able to resolve itself an eligible community council for the purposes of the general power of competence.

The Society for Local Council Clerks (SLCC) responded that there are no other appropriate sectoral qualification that should be considered for inclusion in the regulations, adding that SLCC fully supports the requirement for a qualified clerk as one of the conditions for a council to resolve itself an 'eligible community council'. SLCC notes in its response:-

'CiLCA (Wales) is a sector specific qualification that incorporates all the essential and varied topics required by a clerk to successfully administer a local council in Wales. It consists of five units covering core roles in local council administration; law and procedure for local councils; finance for local councils; management for local councils; and community engagement... It has been refreshed for 2021 to ensure it remains completely up to date and relevant, is positioned at Level 3 of the National Qualifications Framework (NQF), and is externally accredited by Ascentis who are the awarding body. The qualification, whilst administered and managed by the Society, is a National Training Strategy (NTS) qualification approved and agreed by the key national stakeholders in Wales who form part of the National Training Advisory Group (NTAG).'

The SLCC's response goes on to say that accountancy and law qualifications are not 'specific or tailored to the local council sector'. The SLCC response also supported the other proposed qualifications in the draft regulations, noting they build on the CiLCA curriculum.

A number of responses to this question made suggestions of other qualifications that should be considered:-

- Degree equivalent in eg business studies, politics, law, accountancy
- Level 5 ILM/NVQs/City&Guild
- Financial management qualifications
- CIPFA, ACA, ACCA
- Chartered Institute of Secretaries
- Chartered Institute of Personnel and Development
- Royal Institute of Chartered Surveyors
- Local government recognised qualifications

- GCSE IT
- Masters of Public Administration

Six respondents referred to ILCA: Introduction to Local Council Administration, 2 specifically noting that this should be a minimum for assistant clerks, 1 noting that it should be obtained soon after appointment and another noting it is a building block towards CiLCA.

One respondent suggested CiLCA plus a minimum of two years' experience in post, while another suggested the Masters of Public Administration plus experience as a clerk, deputy clerk or councillor.

Other responses referred to specific training that clerks require, for example, one respondent commented that it is vital that clerks are up-to-date with legislation while another suggested compulsory equality, equity and diversity training and qualifications. Three responses referred to Welsh language training.

Some key behaviours were also highlighted as important for community council clerks such as team working and communication.

A small number of respondents commented in response to this question that the qualifications proposed in the consultation would have an impact on recruitment / retention of clerks, with three referring to the cost of training in terms of clerks' time and the training itself.

Eleven responses referred to recognising the prior experience in the role of the clerk, some mentioning specific lengths of service that should be taken into account ranging from four to ten years. Nine responses referred to recognising prior learning or experience gained from other sectors.

Question 4: We would like to know your views on the effects that the draft regulations would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

A total of 69 respondents replied directly to this question.

A number of responses from the community council sector referenced their location and own council's use of the Welsh language.

Eighteen responses stated that the draft regulations would have no effect on the Welsh language. Five respondents commented they did not understand the relevance of the question.

Four respondents said there would be implications for the Welsh Language as the potential pool of applicants would be made smaller as a result of the regulations.

Some respondents referred to there being benefits if there is an opportunity to complete the qualifications through the medium of Welsh, such as encouraging Welsh speakers to consider taking the courses, or specific terminology being used more frequently.

Three respondents commented that the awarding bodies for the qualifications in the draft regulations are all in England and that Welsh institutions should be encouraged to offer the courses. Two respondents commented that the course material and tuition is probably not available in Welsh and they felt this is linguistically discriminatory and does not treat the Welsh language on an equal level with the English language.

The response from the Welsh Language Commissioner stated the following:-

'The consultation document explains that candidates for the Certificate in Local Council Administration (CiLCA) can submit their portfolio in Welsh or English, and that a Welsh-speaking assessor is available to assess Welsh language portfolios. We strongly support this. It acknowledges the official status of the Welsh language in Wales, which was established by the Welsh Language (Wales) Measure 2011. By facilitating the use of Welsh, it also supports the aim of the Welsh Government's Cymraeg 2050 strategy to increase the number of Welsh speakers and increase the use of the Welsh language.'

Question 5: Please also explain how you believe the draft regulations could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

There were a total of 40 responses to this question. A number of respondents either did not respond to this question or referred to their response to the previous question.

A number of responses from the community council sector referenced use of the Welsh language generally rather than commenting specifically on how the draft regulations could be formulated to have increased positive effects on opportunities to use the Welsh language.

Some points raised were:-

- If the course is the same whether studied through the medium of Welsh or English there would be no difference to the service provided by the clerk.
- There is a wider issue than the draft regulations – resources should be in place to help the sector e.g. with maintaining a bilingual website.
- Encourage the use of frequently used terminology through the medium of Welsh.
- Make it compulsory for all clerks to have a minimum of Level 2 written and verbal Welsh language skills by 2025-26.
- Specific training could be provided for clerks in understanding the Welsh Language Act and promoting the use of Welsh.
- Encourage proposed courses to be offered at a Welsh institution.
- Four responses referred to bi-lingual course provision.

The Welsh Language Commissioner welcomed the introduction of a specific module on the general power of competence in Wales. The Commissioner's response also noted *'We urge you strongly to discuss with the Society how to make the qualification even more relevant and valuable, by including a module that would ensure an understanding of the status and situation of the Welsh language in Wales'*.

Question 6: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

Question 6 provided an opportunity to raise any related issues which were not specifically addressed by other questions. There were 68 responses to this question (including some taken from covering letters) which covered a range of issues that respondents wished to raise or reiterate their position on.

Some comments in response to this question related to the qualifications proposed in the draft regulations:-

- Clerks are scrutinised each year through audit of accounts.
- Qualification requirements should only apply to larger town councils.
- Requiring specific qualifications does not necessarily support councils to recruit or retain the right staff, and knowledge and expertise should be assessed more flexibly.
- Qualified clerks are an asset to the council with or without the general power of competence.
- Competency requirements for clerks supported for improving effectiveness.
- Suggestion that there may be benefit in sufficient numbers of people with the required skills and experience being available for recruitment or trained in a reasonable time.
- Question of whether there should also be a requirement to have a working knowledge of IT.
- Succession planning is considered important, with questions about what happens if the qualified clerk leaves a council that has resolved itself eligible.
- An existing clerk should not be forced to undertake the qualification.
- Cost and time implications of the clerk achieving the qualification, particularly for smaller councils.
- Length of service should be taken into account, not only qualifications.
- SLCC could devise a written test for long standing clerks with short training sessions to address any gaps in understanding.
- An annual test on recent legislation should be introduced to ensure clerks are up-to-date on legislative changes.
- Consultation does not take into account the diversity of community councils.
- Suggestion that the qualifications are regarded as 'preferable' or that councils could ask that clerks be 'working towards' them; also that the requirements should apply to future rather than current clerks.
- There should be a means to verify qualifications of the clerk.
- If the proposed list of qualifications is not widened, there will be councils not in a position to resolve themselves eligible.
- Questions over accrediting prior learning, funding of the training proposed and for remuneration to reflect qualifications.
- There should be flexibility for a member of staff other than the clerk to hold the qualifications.
- 'CiLCA is a robust and all round qualification'.

- A qualified clerk is an asset to a council either with or without the general power.
- Concern that someone could undertake the qualification without having experience of the sector, and some criteria to assess whether clerk is competent in practice is also needed.
- Suggestion that qualifications could be differentiated according to the size of the council.
- Experience and local knowledge more important than qualifications and councils with experienced clerks should not be prevented from becoming an eligible community council for the purposes of the general power.
- One respondent questioned whether there could be some flexibility if other council staff hold one of the qualifications but the clerk does not.
- CiLCA and ILCA are not reflective of the role of a clerk in a small community council.
- Focus should be on responding where a clerk is considered '*not up to the job*', rather than applying a qualification requirement to all.

Some points raised related to the general power of competence more broadly:-

- One respondent commented that the smallest councils are not attracted to the general power but may feel that they need to recruit someone with one of the qualifications to ensure flexibility for the future.
- A question was raised about whether there are enforcement powers in relation to the conditions.
- Smaller councils should not be included in the general power of competence.
- Staffing capacity should be considered before a council can use the general power.
- Question over what happens to councils that do not resolve themselves eligible, and concern over the implications if implementation is 'forced'.

Some comments in response to this question went beyond the draft regulations and related to wider community council sector matters:-

- There should be some rationalisation of community councils.
- This is only one part of improving community councils, experience and qualifications of community councillors is also important.
- Sector needs improved sources of advice available and accessible.

Qualifications Wales notes in its response that three of the four qualifications proposed are validated or awarded by Higher Education Institutions and are within the remit of the Higher Education Funding Council for Wales (HEFCW) and the Quality Assurance Agency for Higher Education (QAA). CiLCA is offered by Ascentis, who are recognised and regulated by Qualifications Wales. However, Ascentis have excluded CiLCA from their scope of recognition and it is not regulated or monitored by Qualifications Wales. Qualifications Wales note, however, that the CiLCA training programme is well established. The response also includes a comment that '*naming specific qualifications in Regulations can be problematic, requiring new Regulations to be drafted should there be any changes to the qualification titles, the providers, or if the qualifications cease / are withdrawn. At*

present there is a single training provider delivering the CiLCA programme and therefore there is also a risk should the provider for any reason be unable to operate.'

Audit Wales stated in response to the consultation: *'To ensure that the qualifications listed in the regulations are, and remain, sufficient, we think that the Welsh Government needs to review, and obtain expert advice on, the relevance and effectiveness of the qualifications in some detail on an ongoing basis.'*

The Public Services Ombudsman notes that the proposed qualifications seem appropriate and relevant to the clerk role. The Ombudsman's response adds that the time it takes to complete the qualifications, and the recommendation from the SLCC that a clerk is in post for a minimum of 12 months before applying for CiLCA, could mean that councils with newly appointed clerks that do not have the proposed qualifications could be delayed in being able to resolve themselves an eligible community council. The Ombudsman asked for consideration to accepting alternative aligned qualifications and relevant experience. The Ombudsman also noted the bursaries currently available towards the cost of training, and asked for consideration of funding for the long term.

Considerations

The Welsh Government values all the responses received to the consultation. Whilst this report will not be providing a response to each of the issues raised, the responses have been carefully considered and taken into account when finalising the draft regulations.

It is noted that the majority of respondents to the consultation agreed that the qualifications specified in the draft regulations give confidence that the clerk has the core knowledge, skills and understanding to support a community council in the exercise of the new general power of competence. The vast majority of respondents also agreed that the title descriptions are clear on the qualifications specified.

Some respondents put forward alternative qualifications for consideration for the draft regulations. There was no consensus on other suitable, sector specific qualifications. While the qualifications proposed are acknowledged in terms of level of attainment, they are not considered specific to the community and town council sector. The extent to which the content of these qualifications would be applicable to the sector would vary.

Some respondents also suggested that experience in a clerk role should be taken into account, with suggested time-spans varying between four and ten years. While experience is acknowledged, it cannot be objectively measured for the purposes of assuring that a clerk is suitably equipped to support a council to exercise the new general power of competence. This subjectivity is reflected in the different suggestions of number of years to be taken into account as sufficient experience.

Some of the responses appeared to be of the understanding that the qualifications would be a requirement for all council clerks, with some specifically pointing out that it should be for larger councils while it would be unnecessary for smaller councils, and others raising concerns that it would result in clerks having to leave the sector.

It is important to emphasise that a community council does **not** have to pursue the conditions for the general power of competence unless it wishes to do so. The qualification requirement detailed in the draft regulations as consulted on is only for those councils, regardless of size, that wish to resolve themselves as an eligible community council for the purposes of exercising the general power of competence. Councils which do not wish to exercise the general power of competence will **not** be required to have a clerk with qualifications set out in the regulations. The general power under section 137(1) of the Local Government Act 1972 has been retained for community councils that do not wish to resolve themselves as eligible community councils, or are not yet able to satisfy the eligibility conditions. A council that does not wish to utilise the new general power of competence would continue to rely on section 137 of the Local Government Act 1972, with the financial limits that apply.

Some respondents referred to the cost of training, both in terms of funding the qualifications themselves and the time for the clerk to undertake their studies. Welsh Government currently provides [bursary funding](#) to enable clerks to undertake the full CiLCA certificate, and would encourage councils and clerks to take advantage of this opportunity. This CiLCA bursary funding is reviewed on an annual basis.

The responses to the consultation also referred to the importance of clerks keeping their skills up-to-date. We would encourage clerks to consider the range of continuing professional development opportunities available. In recognition of this, Welsh Government has made a bursary available for clerks to cover 50% of the cost of ILCA, SLCC training courses, SLCC conferences or SLCC CPD events up to a maximum bursary payment of £100. This is available in the 2021-22 financial year.

One respondent was unclear about which CiLCA programme was referred to. There is only one Certificate in Local Council Administration (CiLCA). One of the modules of CiLCA relates to legislation and the content of which is different depending on whether the English or Welsh version of the course is requested. The resulting certificate is the same in either case.

One respondent had queried whether the requirement was for a Wales-specific CiLCA qualification, while another suggested the qualification should be reviewed and designed for local government in Wales. There is only one CiLCA qualification, although clerks undertaking the training in Wales will have content and legislation tailored to the Welsh context. The SLCC is currently updating the delivery of the CiLCA qualification for Wales to incorporate a module relating to the general power of competence in Wales. The module will also be available as a standalone module for those who have already achieved CiLCA.

A number of questions were asked in response to this consultation about the practicalities of exercising the general power of competence. We will be issuing statutory guidance to community and town councils on their new powers and duties as set out in the 2021 Act. This will include a section on exercising the general power of competence and questions raised in this consultation will be reflected in the guidance. The guidance will be subject to consultation later this year and Welsh Government is committed to working closely with sector partners to ensure the guidance meets the needs of community and town councils in Wales

Some respondents raised concerns that the awarding bodies for the qualifications in the draft regulations are all based in England. The consultation did not identify a suitable alternative from a Welsh body.

During the consultation, we became aware of an issue regarding the Welsh medium provision for CiLCA. We had understood that there was full bilingual support for training and completion of the course in Wales. However, this was not the case for all aspects of the CiLCA course. As part of the commitment to supporting Cymraeg 2050, we will work with SLCC and partners to ensure that the experience of a clerk undertaking CiLCA is the same whether they take the course through the medium of Welsh or English.

Qualifications Wales noted that CiLCA is an unregulated qualification. However, it is the primary sector-specific training certificate for community council clerks, endorsed by SLCC. A person who completes CiLCA is widely recognised as having the training necessary to complete the key parts of their role. We will be clear in the materials supporting these regulations that this is the case.

Qualifications Wales notes the risk of naming the relevant qualification in regulations and of the dependency on a single provider regarding CiLCA. Audit Wales comment that the Welsh Government should '*...review, and obtain expert advice on, the relevance and effectiveness of the qualifications in some detail on an ongoing basis.*' Our view is that, in this case, we do want to name specific qualifications due to the sector-specific nature of the qualifications required. There is a slow turnover of appropriate qualifications which mitigates the risk of regular amendments to regulations. We agree with Audit Wales that, from time to time, Welsh Government should review options for appropriate qualifications to support the exercise of the general power of competence in community and town councils.

Some respondents referred to the need to ensure all clerks keep their skills updated. We agree ensuring that community council staff, and members, are suitably trained to fulfil their roles is key to building the capacity and capability of the sector. Section 67 of the 2021 Act requires community councils to make and publish a plan about the training provisions for its members and staff. The first training plans must be published by 5 November 2022 and the statutory guidance referred to above will seek to support councils in developing these plans.

Next steps

There are no changes proposed to the draft regulations in light of responses to the consultation.

There is clear confidence that CiLCA provides the appropriate sector-specific training for clerks to enable them to support their council – particularly from the main sector representative bodies. The other specified qualifications also meet that requirement. Other qualifications identified in responses are not specific enough to provide an objective indicator that the clerk has received training in how to support the council in using the general power. Time served is also too subjective a measure. We would encourage established clerks, in councils who wish to use the general power of competence, to make use of the bursary scheme.

The Welsh Government has worked with the SLCC, as the training provider, and Ascentis, as the awarding body, to address the issue with Welsh medium provision. From no later than 5 May 2022, the user experience of taking CiLCA through the medium of English or Welsh will be the same. We are thankful to SLCC and Ascentis for their support in resolving this.

Other issues raised can be addressed in the statutory guidance to support community and town councils in implementing the various provisions in the 2021 Act that apply to them. We will issue draft guidance for consultation later this calendar year that will provide advice on preparing a council for exercising the general power.

We will work with partners in One Voice Wales and SLCC to provide support to the sector for changes resulting from the 2021 Act to ensure suitable implementation. We intend to make the regulations later in 2021 with a coming into force date of 5 May 2022, to coincide with the introduction of the general power of competence for community and town councils.

Annex A – List of respondents to the consultation

Community and town council sector

87 submissions*

* This reflects the number of submissions which came from the community council sector. It was unclear from many of the responses whether the response was an individual, personal response from a clerk or councillor, or a formal response on behalf of a council. In addition, more than one response was received from some councils, either from two councillors or the council and a separate response from the clerk.

County or county borough council

Merthyr Tydfil County Borough Council

Audit/inspection/regulator/commissioner bodies

Audit Wales
Public Services Ombudsman for Wales
Qualifications Wales
Welsh Language Commissioner

Representative bodies, professional bodies or associations

One Voice Wales
Society of Local Council Clerks
North and Mid Wales Association of Local Council Clerks

Members of the public

12 submissions

Anonymous

10 submissions

Document is Restricted

Care Home Commissioning for Older People

Report of the Auditor General for Wales

December 2021



This document has been prepared as part of work performed in accordance with statutory functions.

In the event of receiving a request for information to which this document may be relevant, attention is drawn to the Code of Practice issued under section 45 of the Freedom of Information Act 2000.

The section 45 code sets out the practice in the handling of requests that is expected of public authorities, including consultation with relevant third parties. In relation to this document, the Auditor General for Wales and the Wales Audit Office are relevant third parties. Any enquiries regarding disclosure or re-use of this document should be sent to Audit Wales at infoofficer@audit.wales.

We welcome correspondence and telephone calls in Welsh and English. Corresponding in Welsh will not lead to delay. Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg a Saesneg. Ni fydd gohebu yn Gymraeg yn arwain at oedi.

This document is also available in Welsh.

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Summary report

Current arrangements for commissioning older people's care-home placements are not resolving some long-standing issues; the Welsh Government must assure itself that proposed policy reforms go far enough

About this report

- 1 We have recently completed a review of the commissioning of care-home placements for older people in North Wales. Our work involved a range of commissioning partners but focused primarily on the six local authorities¹ and Betsi Cadwaladr University Health Board. We have prepared a detailed report for these organisations to help drive improvement specifically in North Wales: Commissioning Older People's Care Home Placements – North Wales Councils and Betsi Cadwaladr University Health Board. Our review enabled us to consider in more detail, across the region, issues raised in previous audit work on social services budgetary pressures in two of the local authorities².
- 2 We have prepared this short report to draw out from our work in North Wales some issues of wider national significance and to make recommendations for the Welsh Government to consider. Our aim is to highlight challenges that should be considered as part of planned policy reform and to secure meaningful change and better outcomes for people across Wales. The report is rooted in evidence from our work in North Wales, but we have also drawn on our wider audit intelligence such as from our all-Wales review of the Integrated Care Fund in July 2019 and publicly available data on spending and activity.

1 The councils involved are Isle of Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham.

2 In 2020, we reported on social services budgetary pressures in Conwy County Borough Council and Denbighshire County Council.

Across Wales, the costs of care-home commissioning for older people run into several hundreds of millions of pounds each year and many thousands of people are affected

- 3 Care-home commissioning is the result of assessing population need, planning, shaping, procuring, and sometimes providing care-home services. It involves monitoring and managing service quality. It should be undertaken with the aim of delivering sufficient good-quality care-home capacity to meet current and expected future need. It should focus on value for the taxpayer and outcomes for service users. It is much more than the spot purchasing of care-home placements.
- 4 The public funds involved with care-home commissioning flow from local-authority and health-board budgets. Care-home commissioning also draws on large parts of individuals' life savings. At a high level, responsibility for care-home fees is straightforward:
 - a person can choose to move to a care home at their own expense;
 - if a person has continuing healthcare needs, then the health board is responsible for meeting the full costs;
 - if a person has social care needs only, the local authority is responsible for meeting these costs, but the service user will be assessed to determine how much they should pay towards their care; and
 - if a person has a combination of health and care needs then the council and health board will share the costs.

Complexity can arise when health boards and local authorities need to agree on eligibility for funding.

- 5 **Exhibit 1** provides some key facts and figures relevant to care-home commissioning across Wales. The figures are for different years depending on the latest available published data, as at the end of June 2021. We have reported 2019-20 costs for health boards for the purpose of comparison with local authorities. **Appendix 1** includes an additional breakdown of certain costs for individual local authorities and health boards relative to their populations. The data used in this report is the latest information available from before the pandemic; to use more recent data would not reflect normal activity levels.

Exhibit 1: some key facts relevant to care-home commissioning

6.24 million days

Total number of days adults aged 65 or over were supported in residential care homes in 2018-19 (StatsWales)



£297 million

Local authority spending on nursing and residential placements aged 65 and over in Wales in 2019-20 (StatsWales)



16,144

Aged over-65 receiving adult care-home services from local authorities in 2018-19.

Of these, 5,534 are also receiving nursing services.

Latest data indicates:

677 care homes in Wales

263 of these provide nursing care

96 Welsh local-authority-run care homes

22,706 care-home beds in Wales (CMA 2017)

25,500 residential care staff

£415 million

Health Board continuing healthcare and funded nursing-care costs in 2019-20 (Annual Accounts)



833 days

Average period that adults over 65 were supported in residential care homes as recorded in 2018-19 (StatsWales)

Sources:

- [Social Care Wales – workforce profile 2018](#)
- [The future of care in Wales, Wales Fiscal Analysis](#)
- Health Board Annual Accounts. The majority but not all continuing healthcare costs relate to care-home placements
- Competitions and Market Authority (CMA) – [Care-homes market study 2017](#)
- [StatsWales](#)

The Welsh Government expects local authorities and health boards to collaborate effectively as they deliver their care-home commissioning duties

- 6 The Social Services and Well-being (Wales) Act 2014 (SSWB Act) came into force on 6 April 2016. The Act provides the legal framework for improving the wellbeing of people who need care and support and for transforming social services in Wales. It includes some key requirements around care-home commissioning. The SSWB Act requires local authorities and health boards to work together to assess the care and support needs of the population in their area³. Local authorities and health boards were required to publish their first combined population assessments as required by April 2017. Thereafter, local authorities and local health boards are required to prepare one combined population assessment report per local government electoral cycle.
- 7 As well as existing specific public-sector equality duties⁴ for public authorities in Wales, the socio-economic duty which commenced on 30 March 2021 in Wales places a legal responsibility on relevant bodies. These include certain local authorities and local health boards⁵, when they are taking ‘strategic decisions’ to have due regard to the need to reduce the inequalities of outcome resulting from socio-economic disadvantage. Welsh Government guidance states strategic decisions are those which help a relevant body fulfil its intended statutory purpose. There is not an exhaustive list of decisions that will engage the duty, although examples include strategic policy development, major commissioning decisions such as those for care home commissioning and the setting of well-being objectives⁶.
- 8 The SSWB Act requires local authorities to undertake market stability reviews but did not set a commencement date for these. Regulations introduced in April 2021 have set specific requirements to publish the stability report by 1 June 2022, six years after the Act came into force. Therefore, the impact of these requirements on the care-home commissioning for older people remains to be seen.

3 Code of Practice in relation to measuring social services performance issued under section 145 of the Social Services and Well-being (Wales) Act 2014

4 The Public Sector Equality Duty Section 149 of the Equality Act 2010; The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

5 Section 2(6) of the Equality Act 2010; The Equality Act (Authorities subject to the Socio-economic Inequality Duty) (Wales) Regulations 2021, relevant bodies include Local Health Boards and a County Council or County Borough Council

6 Welsh Government Guidance – A More Equal Wales – The Socio-economic Duty Equality Act 2010

- 9 The SSWB Act Statutory Guidance relating to partnerships arrangements⁷ states that local health boards and local authorities should in relation to care homes undertake a population needs assessment and market analysis to incorporate the needs of self-funders. They should also agree an appropriate integrated regional market position statement and regional commissioning strategy. These should specify the outcomes required of care homes, including the range of services required, and consensus on the methods of commissioning. In addition, the guidance states that local authorities and health boards should:
- agree a common contract and specification.
 - agree common contract monitoring criteria and processes that include service user feedback.
 - develop an integrated approach to agreeing fees with providers.
 - develop an integrated approach to quality assurance.
 - adopt a transparent use of resources. Budgets must be aligned with overall expenditure identified, together with the financial commitments of both agencies to the commissioning of care homes. These arrangements will need to be subject to a written agreement.
- 10 The Well-being of Future Generations (Wales) Act 2015 requires bodies covered by the Act – including health boards and local authorities – to work differently. They must show they are applying the sustainable development principle. This includes balancing short and long-term needs, considering how their objectives integrate with other partners, working in collaboration, involving stakeholders, and seeking preventative approaches. As mentioned above, when carrying out existing duties which could be strategic, such as the setting of well-being objectives, relevant bodies are also now required to demonstrate paying due regard to the socio-economic duty in their decision making.
- 11 In our recent regional report on Commissioning Older People’s Care Home Placements, we recommended that North Wales Councils and Betsi Cadwaladr University Health Board review their commissioning arrangements for care-home placements to ensure they fulfil their statutory responsibilities around the Welsh language, and the Well-being of Future Generations Act in particular.

7 Welsh Government ‘Social Services and Well-being (Wales) Act 2014’ Codes and guidance: Part 9 Statutory Guidance (Partnership Arrangements) Issued under Section 169 of the Social Services and Well-being (Wales) Act 2014

The Auditor General has raised concerns previously with the Welsh Government about whether regional pooled funds in relation to care homes for older people are delivering value for money

- 12 Our July 2019 report on the Welsh Government's Integrated Care Fund noted that before the SSWB Act and the introduction of the fund in 2014, health and social care partnerships had explored the potential to pool funds to develop integrated services. However, there had been only a handful of practical examples and the willingness of key public bodies to release funds into joint arrangements was a key barrier.
- 13 The SSWB Act led to statutory Regional Partnership Boards (RPBs) being established and with an expectation that they would develop pooled funds. Our report on the Integrated Care Fund noted that pooled funds for the commissioning of adult care-home provision had been in place across Wales since April 2018. The report reflected the view of Welsh Government officials that the maturing of partnership arrangements because of the Integrated Care Fund had provided a solid basis for taking pooled funding arrangements forward. However, it also found that there was little evidence of successful projects being mainstreamed and funded as part of public bodies' core service delivery.
- 14 In September 2020, the Auditor General wrote to the Welsh Government and copied the letter to all local-authority and health-board chief executives in Wales, raising concerns about regional pooled funds in relation to care homes for older people. These concerns emerged from audit work at two of the local authorities in North Wales earlier that year (**paragraph 1**). We had found that while funding from the relevant organisations was initially deposited into a pooled fund administered by Denbighshire County Council, each contributor got their funding returned to them 24 hours later.
- 15 Our findings raised some significant concerns around the practical application of pooled budgets for care-home provision in North Wales, and potentially more widely in Wales. While we had not tested the arrangements in other regions, we believed that they were of a similar nature. From speaking to Welsh Government officials at the time, we understood that the arrangement in North Wales met the minimal technical requirements under the SSWB Act. However, we concluded that the arrangement neither offered value for money, nor any of the intended wider benefits of a pooled fund. Welsh Government officials also emphasised to us that they did not regard this type of arrangement as a satisfactory response to the policy intention of enabling closer co-operation between care-home commissioners to benefit care and support recipients.

- 16 In response to the Auditor General's letter, he was informed that the [then] Deputy Minister for Health and Social Services had already discussed these matters with RPB chairs and had challenged regional partners to step up delivery.
- 17 In November 2020, the Welsh Government published a Pooled Budgets Evaluation Framework report (the Framework). The Welsh Government had commissioned the report to assess the progress each of the seven RPBs had made in developing pooled funds. The review focused on the use of pooled budgets relating to care-home accommodation for older people (aged 65 or over).
- 18 The review concluded that RPBs were predominantly meeting the minimum requirement in relation to the pooled funds for care homes for older people, but many RPBs did not physically pool the budgets or share risks for care homes for older people. Only two of the seven regions in Wales physically pool funds for older people's care homes, and most RPBs highlighted care homes for older people as a challenging first area to pool funds, under the legislation which demonstrates different levels of maturity across the RPBs. Some of the key challenges that were highlighted in the Framework were around managing a diverse cohort of need across localities as opposed to specialist services, which they deemed to be more suited to a pooled-fund approach, and the risk of cross-subsidisation across local-authority boundaries.
- 19 We found through our regional work in North Wales that the response to the Deputy Minister by the North Wales RPB provided no assurance that partners intended to act in the short term to address the Auditor General's concern. The response indicated that the RPB did not intend to make any changes to its pooled-budget arrangements until the Welsh Government had progressed further its White Paper proposals on Rebalancing care and support. We understand that the RPB is in ongoing dialogue with the Welsh Government on the best way to implement the Act more broadly, and not just in relation to pooled funds.
- 20 In 2020-21, we have seen many examples of partners effectively coming together in incredibly complex and challenging environments. For example, to develop the new COVID-19 test, trace and protect, and vaccination services. Goodwill and commitment of partners have led to improvement.
- 21 This, and some of our earlier work on the Integrated Care Fund, suggests that where partners come together to jointly manage additional funding, they have had some success but when they come together to share their own core resources, they have had much less success. Although the Welsh Government has directed local authorities and health boards to work collaboratively and pool funds for older people's care homes, progress is limited with little if any benefit seen by the service user.

Our work on commissioning older people's care-home placements across North Wales identified some fundamental issues that are likely to be reflected throughout Wales to some degree

- 22 Based on the findings from our previous Integrated Care Fund review and the Welsh Government's Pooled Budgets Evaluation Framework report, we anticipate that the findings from our North Wales review will be reflected throughout Wales to some degree. In our most recent work in North Wales, we concluded that **partners are working individually and collectively to provide care home placements for vulnerable service users; this is made more difficult by complex national processes, resulting in a significant focus on costs, which causes division amongst partners and has the potential to impact adversely on service users and their families. Strengthening accountability and developing a regional strategy and delivery plan has the potential to drive positive change and better partnership working, especially in relation to complex and more specialist care.**
- 23 While there is room for improvement in North Wales, where regional partners are responsible for the way that national legislation, frameworks and policy are implemented, some of the underpinning issues arise because of long-standing national legislative frameworks and policy and funding arrangements.

- 24 The findings from our regional work and our additional all-Wales analysis are summarised as follows:
- **Access to care homes by older people is complex and hard to navigate.** Commissioners are aware of the impact on service users but have not been able to simplify the process; the overall policy and guidance is set out by the Welsh Government.
 - **Public-sector funding approaches for different aspects of care can create division among partners.** Care-home placements are costly which can encourage an overemphasis on cost; while the implementation of the approach at a local level can increase tensions, the basis of the funding responsibilities is set out by the Welsh Government.
 - **The intended benefits and actual achievement have not been quantified.** Performance information collected and reported relating to health and social-care commissioning is fragmented across sectors and does not provide a good indicator of whether policy aims are being achieved, well-being goals delivered and there is no evidence of changes to service-user outcomes. Welsh Government officials and the Deputy Minister for Social Services meet RPB chairs and partners regularly to assess progress in implementing national policy but neither the Welsh Government nor regional partners have developed a performance framework to assess outcomes.
 - **Minimum technical compliance with the pooled-fund requirement fails to deliver any tangible benefit.** To comply with the law without achieving any benefits from the arrangement is a poor use of public money and poor value for money. The Welsh Government is aware of the overall progress in the implementation of pooled fund arrangements for older people's care home placements. It has developed a tool kit launched through the Association of Directors of Social Services Cymru to help tackle the challenges. However, this has had little impact and pooled fund arrangements are in general not being strengthened while the rebalancing care and support white paper is developed.
 - **The governance and operation of RPBs is maturing but, in line with legislation, structures are extensive and complex, and there are still issues about their accountability.** Following our Integrated Care Fund work, RPBs were expected (in line with [2020-21 ICF Guidance](#)) to have been putting in place arrangements to support effective scrutiny of their decisions. In addition, our work in North Wales has challenged governance and accountability more widely. The Welsh Government has a role in setting out how they should be held to account and to hold them to account for delivering on Welsh Government policy. However, RPB partners also have a responsibility to ensure suitable scrutiny and approval of key agreements takes place using their own organisations' governance arrangements.

- **There is inexplicable variation in expenditure on residential care and continuing healthcare costs, suggesting inequitable application of policy across Wales.** Factors such as local decision making and availability of preventative services to support people to live in the community will affect local spending on care-home placements. **Appendix 1** shows these variations in more detail.
- **The charging cap on service user contributions is different for care-home placements compared to people supported in the community.** This provides a potential perverse incentive for commissioners to place a person in a care home, or for a person to choose to remain at home, as many would prefer.

25 While most local-authority and health-board officers we spoke to during our North Wales review were able to describe the problems from their experiences, none felt able to have any influence or impact on the scale of changes needed within the national policy framework. As a result, they collectively accepted the need to make the best of the current situation and hope for change.

There is a timely opportunity for the Welsh Government to ensure planned reform resolves some of the long-standing and challenging issues around care-home commissioning and integrated care

- 26 In April 2021, the Welsh Government completed the consultation on its white paper Rebalancing care and support (**paragraph 20**). The white paper proposed a national framework, regional organisation and more powers for the RPBs. We responded to the Welsh Government as part of its consultation, drawing on relevant evidence from our audit work.
- 27 The issues highlighted from our most recent work on care-home commissioning in North Wales indicate that current legislation and policy are not having the desired positive effect. However, they also point to some practical issues and cultural reluctance that might question whether the proposals in the white paper go far enough to address these fundamental issues. At the heart of our findings, discrete and separate budgetary responsibilities and accountabilities create division, result in a focus on cost, require complex pathways to navigate and can have a negative impact on the wellbeing of service users and their families. We acknowledge that the Welsh Government is proposing reform to the foundation of legislation and policy that causes these issues, but it needs to assure itself that the changes go far enough to resolve them.

- 28 The pandemic has exposed the fragility of care services across Wales, but most of the issues now faced were there before to some degree. The issues include the capacity and capability of RPBs to facilitate regional working and, for example, concerns around fee levels, which are considered by councils to be local issues rather than regional or national. We were told during our review that a regional approach does not always suit commissioning of care homes. It is unclear whether the solutions proposed by the rebalancing care and support white paper around regional working are practical and will deliver the required change.
- 29 There is now an opportunity to build consensus amongst providers, commissioners, service users and the public, about the changes that are necessary to deliver much needed improvements, ensuring these fully address all the issues that remain in the sector.

Recommendations

Exhibit 2: recommendations

Recommendations

We recommend that the Welsh Government:

- R1 considers what the findings from our work in North Wales mean for planned policy reform and whether these reforms will go far enough to tackle the root causes of the issues; and
- R2 more specifically that it:
- should reduce the complexity of the funding responsibilities across partners to streamline arrangements;
 - clearly describes and communicates how it expects pooled funds to operate across health and social care partners;
 - takes measures to require strengthened scrutiny arrangements and accountability of Regional Partnership Boards (following through with further action in response to a recommendation in our previous report on the Integrated Care Fund); and
 - develops a framework for outcome-based performance reporting, which links to policy ambition and the seven well-being goals for Wales.

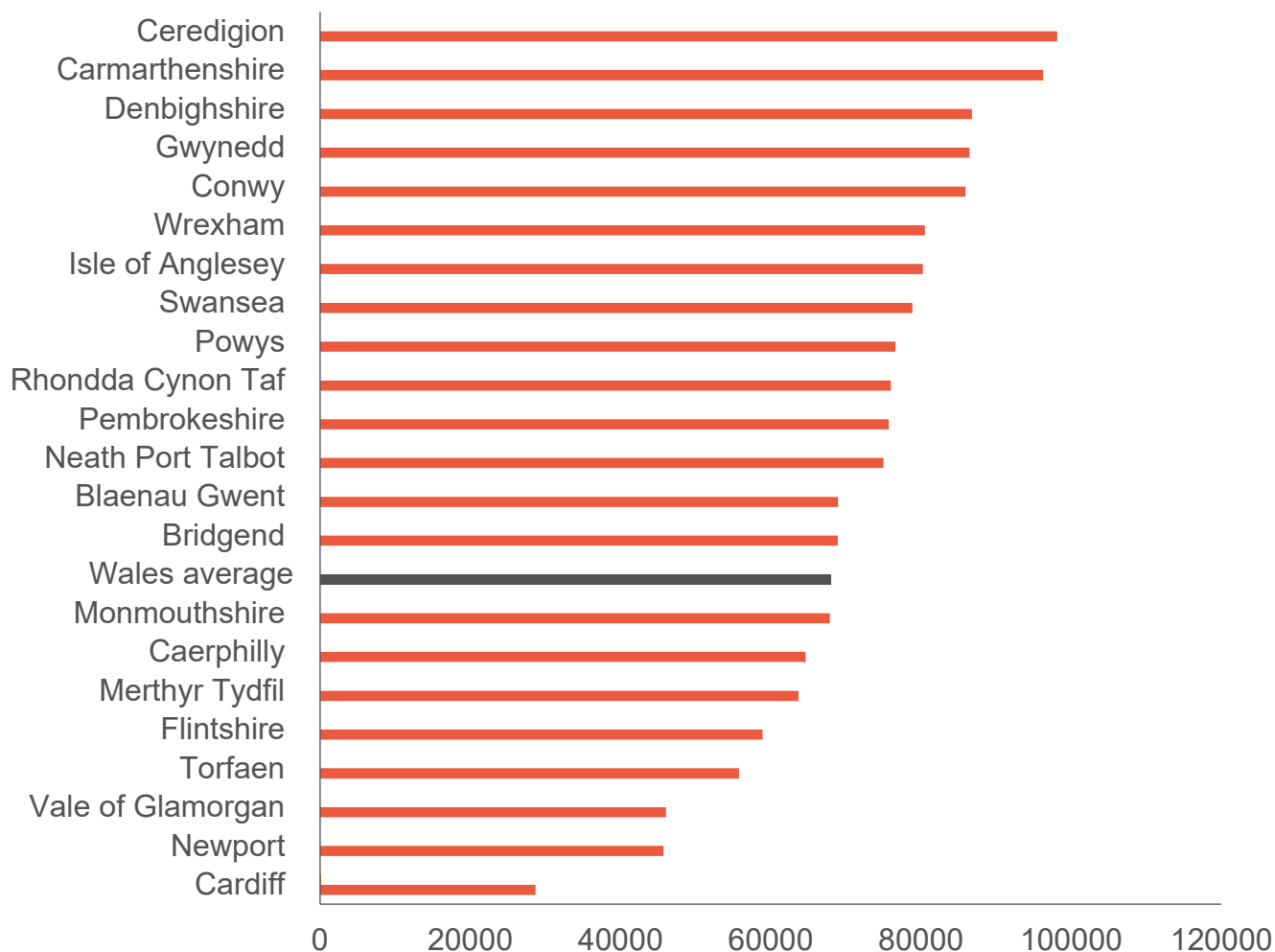


Appendices

- 1 **Spending on commissioned care-home placements across Wales**

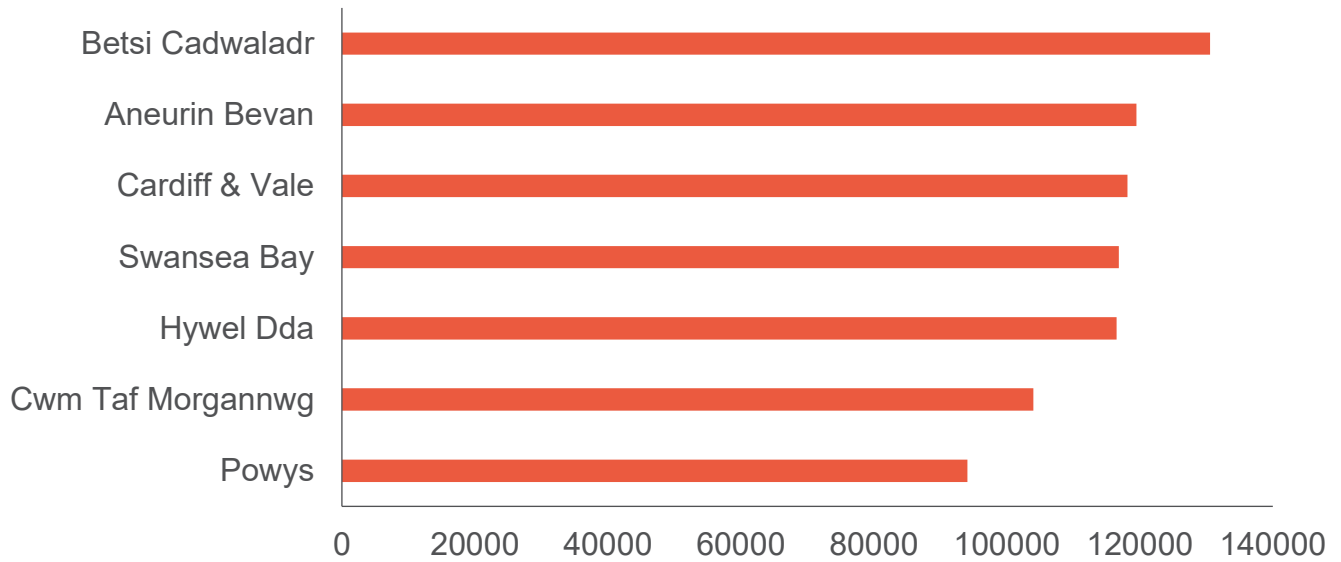
1 Spending on commissioned care-home placements across Wales

Exhibit 3: net expenditure (£) on residential-care placements (excluding nursing care) for those aged 65 years and over per 1,000 population (2019-20)



Source: StatsWales – Social services revenue outturn expenditure by client group (Older People, residential care placements) and 2019 mid-year population estimates (latest available information as at 31 August 2021)

Exhibit 4: continuing healthcare expenditure (£) per 1,000 population, 2019-20



Source: Health Board Annual Accounts and Stats Wales population statistics



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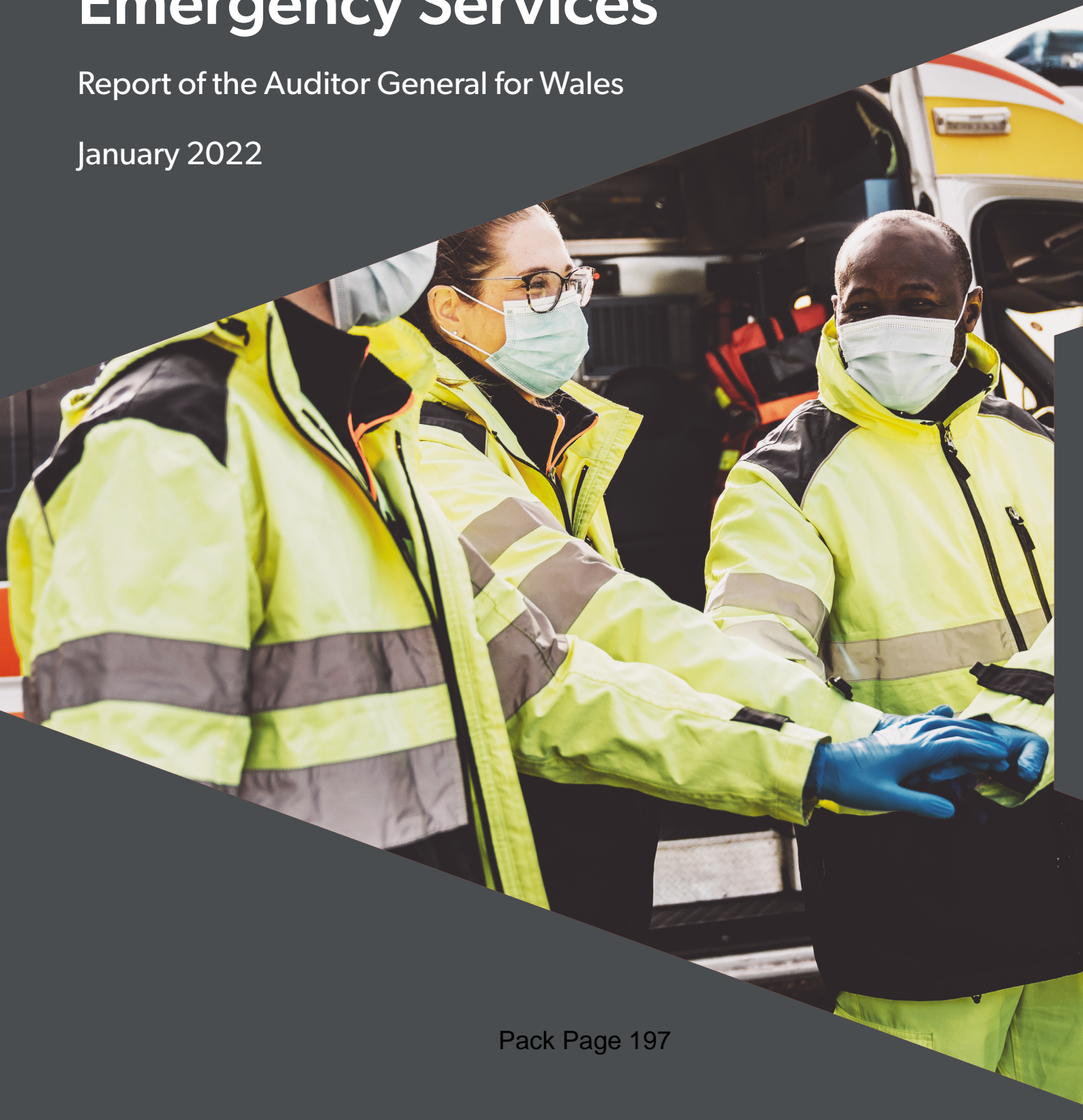
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Joint Working Between Emergency Services

Report of the Auditor General for Wales

January 2022



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Mae'r ddogfen hon hefyd ar gael yn Gymraeg.

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Summary report

Background

- 1 The 'blue light' emergency services¹ in Wales consist of the four police services, three fire and rescue services and the Welsh Ambulance Services NHS Trust (**Exhibit 1**). The Welsh Government oversees the fire and rescue services and Welsh Ambulance Services NHS Trust, and the UK Government Home Office oversees the four police forces. When we refer in this report to 'emergency services' we mean these eight organisations.

Exhibit 1: the eight Welsh 'blue light' emergency service organisations

Police	Fire and Rescue	Ambulance
Dyfed Powys Police	Mid and West Wales Fire and Rescue Service	Welsh Ambulance Services NHS Trust
Gwent Police	North Wales Fire and Rescue Service	
North Wales Police	South Wales Fire and Rescue Service	
South Wales Police		

Source: Audit Wales

1 'Blue light' is a popular term for those services that, in case of an emergency, are allowed to turn on flashing blue lights indicating traffic priority over other motorists.

- 2 In addition to the ‘blue light’ services, a range of other organisations are classed as ‘emergency responders’; organisations with specialist knowledge and skills who act in an emergency. These include search and rescue services², the Royal National Lifeboat Institution, Her Majesty’s Coastguard, local authority emergency planning teams and voluntary sector bodies like St John Ambulance Cymru and the British Red Cross.
- 3 The potential benefits of emergency services collaborating and integrating services broadly fall under two key areas:
 - firstly, joint working to ensure emergency services plan for and effectively respond to emergencies and disasters when delivering their responsibilities under the Civil Contingencies Act 2004 (**Appendix 2**); and
 - secondly, collaborating and integrating emergency services by removing duplication of effort in the design, commissioning, operation and delivery of activity that helps bodies make better use of resources and deliver seamless services.
- 4 This report looks at the second of these two areas of work, examining whether emergency services in Wales are working more closely together to make better use of resources. **Appendix 1** provides more detail about our audit approach and methods.
- 5 We acknowledge the significant pressures emergency services have been under responding to the pandemic in the last 18 months. COVID-19 has generated huge demands on frontline workers who have had to respond creatively and over extended periods of time to keep people in Wales safe and well.

2 For example, the Central Beacons Mountain Rescue Team and the North Wales Mountain Rescue Association.

Key findings

- 6 Our overall conclusion is that blue light emergency service collaboration is slowly growing but requires a step change in activity to maximise impact and make best use of resources.
- 7 Joint working across emergency services to make best use of resources is not a new concept. Emergency services have been working closely together to provide a better service to the public for many years. Innovative partnership initiatives have saved money, reduced local response times and have contributed to protecting the public.
- 8 Despite this, there are growing expectations from government policy and legislation that collaboration needs to happen more deeply and quickly to ensure front line services can meet the challenges facing 21st century Wales. While there are areas where services do not need to collaborate with each other, different lines of accountability and other practical issues can also influence the extent and pace of joint working.
- 9 The Joint Emergency Services Group, which brings together senior leaders from 'blue light' services, is leading the collaboration agenda. Although collaborating better is acknowledged as essential, fully integrating services is not a priority at this time.
- 10 In key areas – such as estates and co-location of services, fleet management and workforce – there are examples where collaborative activity is happening, but the overall scale of activity has been limited. In addition, while emergency services effectively share and use data to improve response times and vehicle utilisation, they do not have an effective approach to managing vulnerable people.
- 11 The Joint Emergency Services Group has established a Strategic Collaboration Board to identify and deliver future joint working opportunities, giving a clear signal that a step change is required. Plans for collaboration are developing but some of these are limited in coverage and not supported by consistent project management arrangements. Clear priorities are still to be identified and project work has not yet been fully costed. The Group have also yet to agree how they will judge the impact and value for money of collaboration.

- 12 As the Strategic Collaboration Board arrangements develop, there are opportunities to learn from some of the critical factors that support examples of emergency service collaboration elsewhere in Great Britain. Nevertheless, integrated services are not widespread elsewhere and no 'blue light' collaboration board appears to have fully cracked the secret of collaboration.



The emergency services have a long history of working collaboratively and they continue to help keep people in Wales safe. Their innovative partnership initiatives have saved money, reduced local response times, and have contributed to protecting the public. Despite this, the growing expectations of public policy and legislation mean they need to work together even more to make better use of their resources and truly maximise their impact.

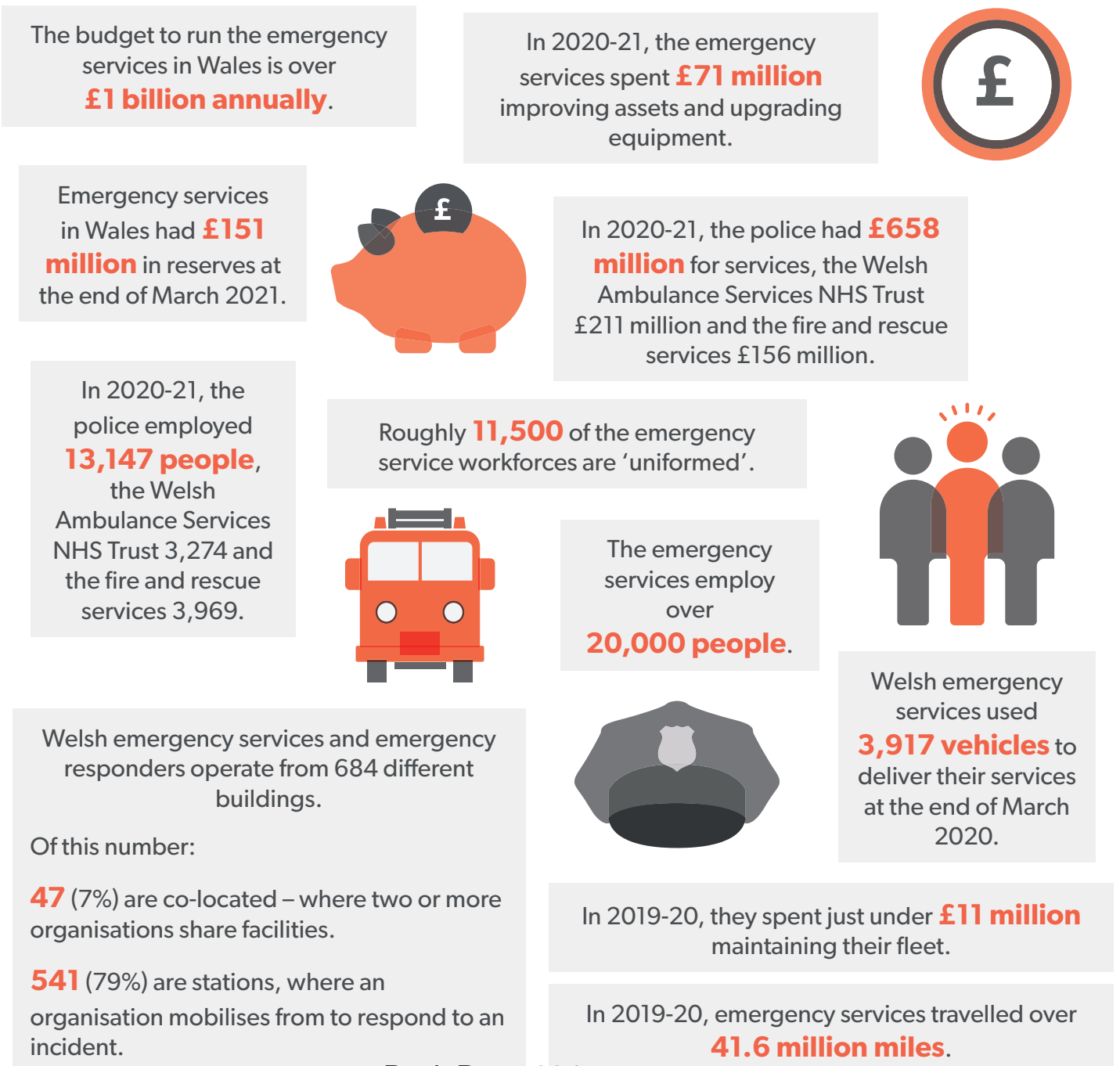
Adrian Crompton

Auditor General for Wales



Key facts

13 The infographic below summarises key facts from our report and supporting data tool about emergency services in Wales.



Recommendations

- 14 Our recommendations are intended to help support the Joint Emergency Services Group to maximise the opportunities for greater collaboration to both make better use of resources but also continue to protect people and communities throughout Wales.

Recommendations

In **Part 2** we note that while it is important that emergency services comply with relevant data protection legislation, they also need to share data to ensure citizens receive efficient and effective services. While these two things are not mutually exclusive, uncertainty on data protection responsibilities is resulting in some officers not sharing data, even where there is agreement to provide partners with information.

- R1 We recommend that the Joint Emergency Services Group provide refresher training to service managers to ensure they know when and what data they can and cannot share.
- R2 We recommend that the Joint Emergency Services Group review and update data sharing protocols to ensure they support services to deliver their data sharing responsibilities.

In **Part 3** we review future plans for collaboration between emergency services and identify opportunities to improve project planning and management to maximise the benefit and impact of improved joint working on citizens.

- R3 We recommend that the Strategic Collaboration Board review workstream plans to ensure they are SMART and are focused on delivering the right outcomes.
- R4 We recommend that the Strategic Collaboration Board introduce and adequately resource project management arrangements for delivery of workstream plans to be able to effectively track performance but also identify where corrective action is required.

Recommendations

In **Part 3** we consider how emergency services are measuring and evaluating their collaborative work, but found systems and data used to judge impact and benefit are yet to be established.

- R5 We recommend that the Joint Emergency Services Group agree baselines which show the extent of current joint working and collective spend on collaborative activity.
- R6 We recommend that the Joint Emergency Services Group establish targets for future activity to be able to demonstrate delivery of planned savings and improvements in the future.
- R7 We recommend that the Joint Emergency Services Group report performance against planned activity to demonstrate the savings and improvements that are being achieved and report this publicly to provide assurance to people in Wales on its work.

In **Part 3** we conclude that much of the good joint working between emergency services is not promoted and broadcast widely and the Joint Emergency Services Group does not have a strong public visibility.

- R8 We recommend that the Joint Emergency Services Group undertake a publicity and awareness raising campaign to promote its past work and future plans.

In **Part 3** we highlight critical success factors drawn from a review of emergency service collaborations across Great Britain that can strengthen approaches in Wales.

- R9 We recommend that the Strategic Collaboration Board workstreams use our self-reflection tool to evaluate their work programmes and identify where activity needs to improve (the tool is set out in **Appendix 4**).



**Emergency services
are expected to work
collaboratively to make
better use of resources**

01

- 15 In this part of the report, we set out expectations and recommendations from recent reviews and government policy that promote collaboration between emergency services. We also highlight the scale of joint working and the limitations on where collaboration and integration can take place.

Joint working across Welsh emergency services to make best use of resources is not a new concept and is growing in importance

- 16 Emergency services have been working closely together to provide a better service to the public for many years. Innovative partnership initiatives have saved money, reduced local response times and have contributed to protecting the public. Fundamentally, it is only through effective joint working when planning and/or responding to an emergency that blue light services can effectively discharge their statutory responsibilities.
- 17 The Knight Review³ published by the UK Government in 2013 and the UK-wide Emergency Services Collaboration Working Group⁴ report from 2016 both outlined much of the good work of emergency services in working together. While primarily focused on England, many of the findings relate to Wales. However, they also identified opportunities for improvement to increase efficiency and make better use of resources.
- 18 The expectation of emergency services in England working more closely together is partly a reflection of the duty to collaborate introduced by the Policing and Crime Act 2017 in England. Under sections 1 – 5 of the Act the police, fire and rescue and ambulance services are required to work together in discharging their functions, and this has encouraged a growth in joint working between emergency services.
- 19 Similarly, the Fire and Rescue National Framework 2016⁵ states that the Welsh Government will promote collaboration between fire and rescue services and other agencies in the interests of improving safety. More recently, in March 2021⁶ and December 2021⁷ the Welsh Government published written statements on broadening the role of firefighters, both as a means of better utilising the skills and capabilities that firefighters have to secure better health outcomes but also to make more efficient and effective use of resources. Ministers have been clear that they want to see collaboration between the emergency services go further and faster.

3 [Findings from the review of efficiencies and operations in fire and rescue authorities in England](#), UK Government Department for Communities and Local Government, May 2013

4 [Emergency Services Collaboration Working Group National Overview](#), 2016

5 [Fire and Rescue National Framework 2016](#), Welsh Government, November 2015

6 [Written statement on broadening the role of firefighters](#), Welsh Government, March 2021.

7 On 6 December 2021 the Chief Fire and Rescue Advisor for Wales published his in-depth review of [broadening of the role of firefighters in Wales](#) and the Deputy Minister for Social Partnership published a [written statement on broadening the role of firefighters](#).

- 20 These and other past reviews and statements have identified several benefits of increasing joint working between emergency services, namely:
- improving communications, emergency response and scheduling of personnel, including reciprocal arrangements for operational support, training, emergency cover and control rooms;
 - facilitating the specialisation of skills, services and strengthening capacity in back-office functions and creating opportunities to make better use of and share specialised services or equipment;
 - increasing spending power and opportunities to make savings through the joint commissioning and procurement of goods, services and equipment; and
 - assisting with 'master-planning' for a wider geographical region and opportunities for making better use of current assets, rationalising bases, planning new joint facilities and modernising communication and ICT systems.
- 21 The need for better co-ordination and integration stems from some fundamental challenges, such as:
- growing demand driven by demographic change;
 - the proliferation of 'wicked issues' where public bodies need to work collectively to address complex needs;
 - the fragmentation of public service responsibilities with the growth of local, regional and national planning and delivery bodies;
 - limited financial resources; and
 - growing public expectations.
- 22 These changes bring common challenges which in turn means a common response is necessary if better outcomes for people and communities across Wales are to be delivered.
- 23 In addition, legislation introduced by the Welsh Parliament requires or encourages blue light services to work better together and with other public bodies to address some of the big challenges facing the country. For instance, the Well-being of Future Generations (Wales) Act 2015 and the Social Services and Well-Being (Wales) Act 2014. Such legislation emphasises the key role of emergency services in Welsh public life and their essential contribution to meeting need and keeping people safe.

- 24 While the Future Generations Act includes Fire and Rescue Authorities as responsible bodies, this is not extended to other emergency services. The police and Police and Crime Commissioners are statutory invitees to Public Service Boards, but not the Welsh Ambulance Services NHS Trust. Meanwhile, the Social Services and Well-being Act does not include fire and rescue services within its remit. Despite these anomalies, all bodies are committed to working to deliver the ambitions of the legislation.

Emergency services have different responsibilities and accountabilities which influences the extent and pace of joint working

- 25 While collaboration can help resolve some of the challenges facing 21st century public services, achieving such benefits is not easy because of the associated problems of securing accountability, managing complexity, coping with shifting demands and the difficulties of measuring success. In addition, despite coming under the broad umbrella of 'blue light services', the police, ambulance and fire and rescue service are culturally distinct and have different governance models, responsibilities and ways of working.
- 26 Consequently, we would not expect to see collaboration on everything 'blue light' services do. There are things that they should not work together on as well as things they should. We call this the 'Joint Working Continuum' (**Exhibit 2**).

Exhibit 2: the 'Joint Working Continuum' for emergency services



Independent working

Activity specific to a body which has no bearing on or influence from another emergency service partner. Decisions on how to deliver these functions are determined by the individual organisation. Examples include patient transfer, policing patrols and home fire safety visits.



Dependent working

Recognises the importance of emergency services exchanging information for mutual benefit and working in ways to achieve a common purpose. For instance, in responding to road traffic collisions and incidents of arson.



Collaboration

Where organisations share resources – money, staff and buildings – to help strengthen capacity and for mutual benefit. For example, the creation of joint control rooms, co-located services and operating joint fleet maintenance contracts. While collaborative working brings together different disciplines, professional boundaries, identification and autonomy is maintained. Good collaborative working is often a necessary precondition to integration.



Integration

Where two or more emergency services have been formally combined and work together as part of a single entity under a single governance, management and delivery structure. Consequently, integration will see a deliberate blurring of roles and responsibilities and the creation of common organisational support structures such as management, payments, protocols, policies and support.

- 27 There are also some fundamental structural issues which can reduce the potential for joint working. The Welsh Ambulance Services NHS Trust is a commissioned organisation overseen by the Welsh Government and which responds primarily to the requirements of the NHS in Wales and local health boards. This can limit the potential scope and scale of joint working because of differing priorities, funding and commissioning arrangements within the health service. Fire and rescue services are accountable to the Welsh Government and respond to its policy priorities. However, criminal justice and policing is not devolved, and the police services respond to the agenda set by the Home Office which is not always aligned with Welsh Government.
- 28 In practical terms, the three 'blue light' services:
- operate to different footprints – the Welsh Ambulance Services NHS Trust is an all-Wales body, but the police and fire and rescue services work to regional footprints. Only in North Wales is the boundary for both the police and fire and rescue services the same. While the Welsh Ambulance Services NHS Trust has regional hubs, these do not map neatly onto the footprints for police and fire and rescue services; and
 - have different governance models – each police service reports to a Police and Crime Commissioner, the Welsh Ambulance Services NHS Trust has a Board made up of a Chair, Non-Executive Directors, the Chief Executive and four Executive Directors; and the fire and rescue services each have an Authority made up of representatives from their constituent local authorities.



How well emergency services are currently working together

02

- 29 In this part of the report, we briefly set out the important leadership role of the Joint Emergency Services Group which is providing direction and setting priorities for future collaboration. We review how emergency services in Wales are currently working together to make better use of their resources. We summarise progress to date and highlight where collaboration is taking place in respect of making better use of estates, fleet, joint posts, co-located services and better information sharing. These are the 'big ticket' items that offer the greatest opportunities to realise savings and make best use of resources.

The Joint Emergency Services Group is providing leadership for collaboration, but there is no priority to move towards more fully integrated services

- 30 The Joint Emergency Services Group brings together the most senior leaders in the emergency services in Wales. The Group consider their contribution to civil contingencies, counterterrorism and focus on addressing the wider cross-service issues of joint interest. The Group consists of key decision makers: the four Chief Constables, the three Chief Fire Officers and the Chief Executive of the Welsh Ambulance Services NHS Trust. Attending in an observer capacity are the Chief Executive of the NHS in Wales, senior Welsh Government officials and senior military leaders in Wales.
- 31 The Joint Emergency Services Group continues to play a key role in coordinating emergency service responses to the pandemic, and the cooperation between members has helped forge closer working relationships. The importance of strong relationships between senior leaders is evident with the success to date in developing ideas into campaigns in short timescales that have had the buy-in of individual organisations and achieved significant impact. This has been most recently seen with the launch of a joint information campaign in respect of violence against emergency services personnel⁸. Within two months of issues being highlighted, the campaign was set up and introduced to coincide with the reopening of pubs following previous relaxation of COVID-19 lockdown restrictions. The campaign received interest from partners in England.

8 'Work with us, not against us' campaign, Welsh Ambulance Services NHS Trust Article, May 2021.

- 32 Members of the Joint Emergency Services Group we spoke to also recognise the importance of leadership in making collaboration and integration a reality, and they see the group as fundamental to delivering these ambitions and expectations. It is with this in mind that the Joint Emergency Services Group has recently developed a Joint Strategic Collaboration Plan and has appointed an officer to coordinate the group's civil contingencies and collaboration work. Part 3 of our report considers the work of the Joint Emergency Services Group in more detail.
- 33 Although there are many benefits to joint working between emergency services, it also comes with challenges, and these cannot be underestimated. It is also clear that while there is a commitment to strengthen partnerships and deliver more collaborative working, the Joint Emergency Services Group is not pursuing integration at this time.
- 34 Staff we interviewed from emergency services in Wales, the Welsh Government and other stakeholders highlighted some potential risks of integrating services with different responsibilities and diverting organisations from their core purpose during the pandemic. Several blue light service staff we spoke to also felt that the cost of pursuing integration would not result in meaningful benefits in terms of saving money, nor improving the quality and responsiveness of services to deliver better outcomes for people in Wales.

Emergency Services are collaborating to make better use of their estate, but the scale of collaboration has been limited

- 35 Sharing offices and buildings is an area often identified as the starting point for better collaboration. It offers emergency services greater flexibility in terms of their estate, the costs associated with managing and running buildings and in organising service delivery. Shared offices also provide the chance for networking, mingling and learning and provides organisations with enhanced access to key partners who can help support your work. There are greater opportunities for information sharing to strengthen resilience in services.
- 36 In total, there are 597 buildings owned by the blue light services in Wales and a further 87 by the named emergency responders⁹. Of these buildings, 541 (79%) are stations, where an organisation mobilises from to respond to an incident. Overall, just under 7% of these 684 buildings are currently shared between two or more emergency services and/or emergency responders (**Exhibit 3**). There are opportunities for emergency services and responders to make better use of real estate through greater co-location.

9 This is not an exhaustive list and other bodies who can respond to an emergency will have buildings they operate from. These are the ones identified by blue light services in use of estate.

Exhibit 3: the number of buildings owned, leased and shared by emergency services and emergency responders in Wales at 31 March 2021

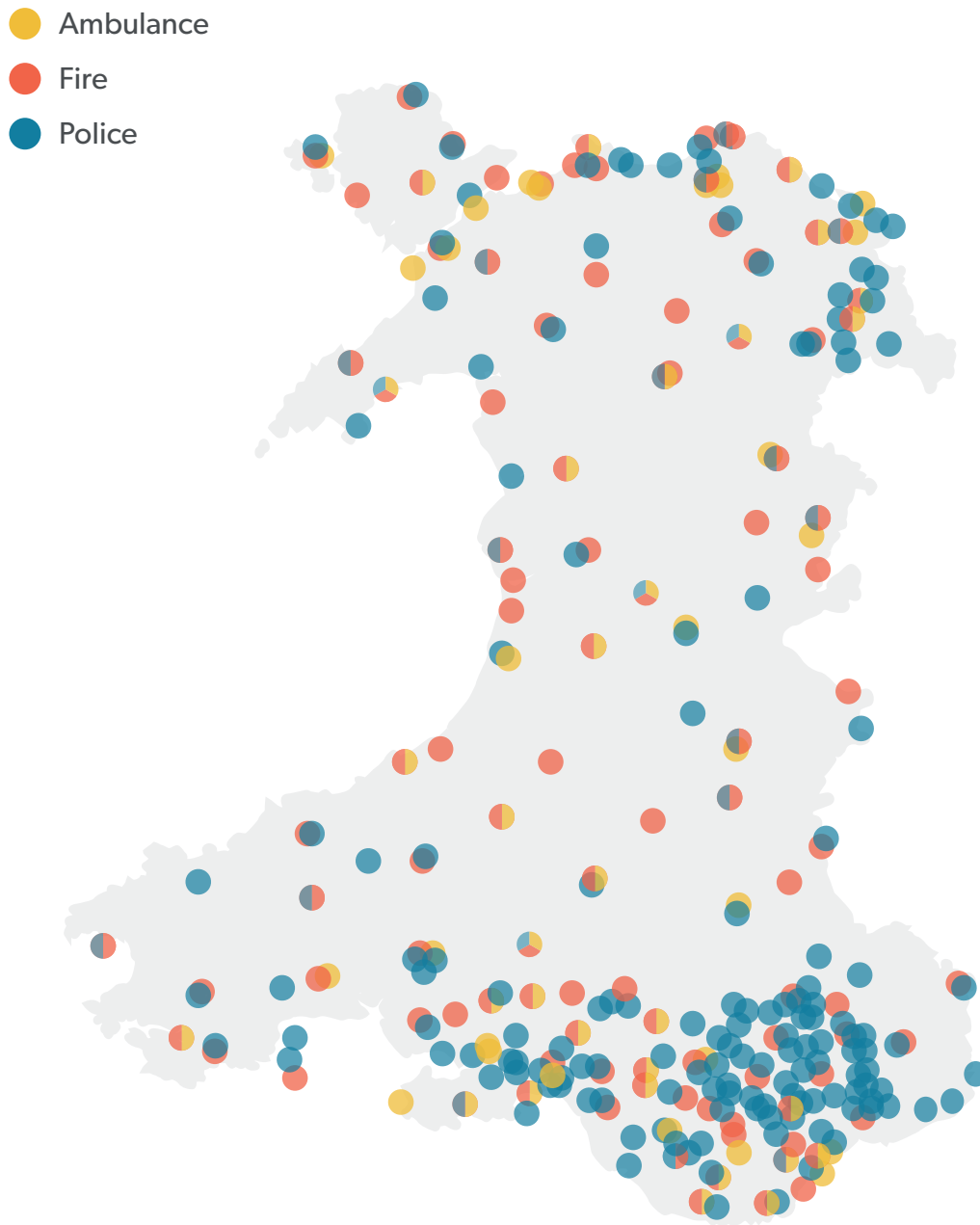
Emergency services and emergency responders manage a large number of buildings across Wales, but the level of co-location is limited to date

Organisation	Number of buildings owned	Number of buildings owned or leased by named organisation with one or more other emergency service or responder working from them	Proportion of owned buildings that are shared
Dyfed Powys Police	53	1	1.9%
Gwent Police	52	1	1.9%
North Wales Police	58	6	10.3%
South Wales Police	103	1	1.0%
Mid and West Wales Fire and Rescue Service	122	3	2.5%
North Wales Fire and Rescue Service	49	8	16.3%
South Wales Fire and Rescue Service	50	8	16%
Welsh Ambulance Services NHS Trust	110	15	13.6%
RNLI	30	0	0%
Search and rescue	14	2	14.3%
Coastguard	43	2	4.7%
TOTAL	684	47	6.9%

- 37 There are several examples of the Welsh Ambulance Services NHS Trust co-locating at fire stations using these bases as they would an ambulance station because they offer space to park, fuel and rest areas for crew. For instance, in North Wales the Trust shares fire stations in Wrexham, Bangor, Llandudno and Colwyn; and in South Wales in Maesteg, Pontyclun, Caerphilly, Barry and various locations in Cardiff. A smaller number of co-locations include the police service, which can be vital in rural areas in keeping a local presence. For example, North Wales Police and North Wales Fire and Rescue service share buildings in Tywyn, Nefyn, Deeside and Prestatyn.
- 38 Similarly, Mid and West Wales Fire and Rescue Service share a facility with Dyfed Powys Police and the Ministry of Justice in Llandrindod Wells and also share facilities with the Welsh Ambulance Services NHS Trust in several locations in Swansea. There are also some good examples of emergency services and responders sharing buildings. The Llantwit Major Joint Emergency Services Station co-locates the South Wales Fire and Rescue Service, Welsh Ambulance Services NHS Trust, South Wales Police and HM Coastguard.
- 39 Through our [geo-mapping tool](#) we have plotted the location of all emergency service buildings in Wales. This shows that in many locations emergency services site buildings are in close proximity to each other. For example, there are 72 emergency service buildings within 10 miles of Pontypridd town centre, 51 within 10 miles of Swansea city centre, 24 within 10 miles of Bangor and 20 within 10 miles of the centre of Wrexham¹⁰. **Exhibit 4** provides a geographical snapshot of emergency service buildings across Wales.

10 Our analysis is measured as the shortest distance between two points - 'as the crow flies'.

Exhibit 4: emergency services buildings at 31 March 2021



Source: Audit Wales data tool

40 Not all sites will be suitable for co-location and the positioning of stations should always be driven by operational and risk planning, but opportunities to co-locate emergency services need to become central to these considerations. In addition, the sale of surplus buildings to generate funding for reinvestment needs to be considered as part of this decision making. We believe there are clear opportunities to make better use of the collective emergency services and emergency responders estate going forward.

Joint work on fleet is limited and there are opportunities to make better use of resources

- 41 Emergency services are responsible for massive fleets of vehicles. As fleet managers modernise their fleets, there are opportunities to work together to share resources and reduce costs. **Exhibit 5** highlights that emergency services were using 3,917 vehicles at 31 March 2020 and collectively spent almost £11 million on maintaining fleet in 2019-20¹¹. Of this figure, roughly 50% of the spend is by the Welsh Ambulance Services NHS Trust, but it is not immediately clear from our fieldwork why they are spending significantly higher sums than other emergency services.

11 How emergency services calculate total vehicle maintenance costs and mileage varies. Some exclude the cost of parts, overheads, internal staffing costs and accident repair (due to some of the work being outsourced). Similarly, some emergency services exclude some specialist vehicles, and on occasions estimate mileages due to software limitations.

Exhibit 5: emergency services' fleet, maintenance costs and mileage at 31 March 2020

Emergency services manage a large number of vehicles and invest a significant sum of money annually on maintaining fleet.

Organisation	Total number of vehicles	Total vehicle maintenance cost (annual)	Average annual maintenance cost per vehicle	Total mileage at year end
Dyfed Powys Police	465	£1,352,255	£2,908	5,276,328
Gwent Police	400	£744,405	£1,861	5,695,410
North Wales Police	595	£551,750	£927	10,364,506
South Wales Police	867	£1,625,000	£1,874	10,235,034
Mid and West Wales Fire and Rescue Service	378	£527,011	£1,394	1,990,779
North Wales Fire and Rescue Service	223	£201,726	£905	1,870,533
South Wales Fire and Rescue Service	408	£504,025	£1,235	2,373,689
Welsh Ambulance Services NHS Trust	581	£5,482,775	£9,437	3,814,605
Total	3,917	£10,988,947	£2,805	41,620,884

Source: Audit Wales data tool.

- 42 Collaboration offers benefits beyond achieving financial efficiencies. For instance, sharing knowledge and skills with partners will enhance capability and capacity, and can help drive innovation across emergency services to ensure the fleet is prepared for the future. Joint working on maintenance increases economies of scale and allows for better access to specialists and more comprehensive training and support. Reducing duplication between procurement functions and agreeing common specifications on fleet is one way to save money and improve resilience, particularly given that outside of specialist fleet such as ambulances and fire appliances, services overwhelmingly use the same type of vehicles – cars and vans for instance
- 43 To date collaborative work between blue light services on fleet has been limited. While the work of the joint fleet group between the three fire and rescue services is progressing well and bulk fuel purchasing is delivering estimated annual savings of between £70,000 and £80,000 for the four police forces, there remain opportunities for emergency services to develop joint approaches to procurement, maintenance, standardised specifications, training and apprenticeships.

There are few joint emergency service posts, and they are not a major feature of service delivery

- 44 Joint posts and teams can help build a collaborative culture by enabling shared decision-making, regular team building and working towards a common goal. Working together in this way can strengthen the flow of information between organisations, help improve communication and share learning from one another.
- 45 Overall, there are just over 20,000 emergency service personnel in Wales (**Exhibit 6**). Rather than create joint posts, emergency services have focussed on creating co-located services where teams work together from a single base. For example, the Joint Public Service Centre control room with joint staff operated between South Wales Police, Mid and West and South Wales fire and rescue services based at police headquarters in Bridgend. There, services work together but retain operational independence and report to their respective organisations. The co-location on a single site has allowed partners to reduce call handling duplication and improve intelligence sharing.

Exhibit 6: emergency services' workforce at 31 March 2020

Organisation	Police Special Constables	On call	Support staff	Police Constable Support Officers	Uniformed	Total
Dyfed Powys Police	93		724	139	1,182	2,138
Gwent Police	86		706	163	1,362	2,317
North Wales Police	156		998	185	1,591	2,930
South Wales Police	163		2,037	387	3,174	5,761
Mid and West Wales Fire and Rescue Service		723	214		386	1,323
North Wales Fire and Rescue Service		438	147		297	882
South Wales Fire and Rescue Service		593	325		846	1,764
Welsh Ambulance Services NHS Trust			531		2,743	3,274
Total	498	1,754	5,682	874	11,581	20,389

Source: Audit Wales data tool

- 46 Similarly, Dyfed Powys Police have created an Operational Planning and Civil Contingencies Unit with its key partners including emergency services. The Unit is co-located with three Local Resilience Forum co-ordinators in the Strategic Co-ordination Centre at police headquarters in Carmarthen. Other joint staffing responses include seconded police officers working in fire crime units and medical response training for firefighters provided by the Welsh Ambulance Services NHS Trust. There is also some good inter-service working taking place. For instance, the joint police firearms teams, the joint police forensic services and counter terrorism activity, and fire and rescue services' joint fire investigation teams. Also, joint work on personal protective equipment, uniform, fleet design and procurement.

Emergency services effectively share and use data to improve response times and vehicle utilisation but do not have an effective approach to managing vulnerable people

- 47 Reacting to requests for help from citizens often results in a combined intervention by different emergency services. To ensure responders have a full understanding of needs and requests it is essential that emergency services share data appropriately and efficiently. Meaningful and effective communication between responders and responder agencies underpins effective joint working. Sharing information aids understanding and awareness, which is fundamental to good decision making.
- 48 To do this well requires blue light services to have good systems in place to exchange reliable and accurate information about risks and threats. This information should be jargon free to avoid confusion and misinterpretation, and clarified using terminology that is common to all. Effective data sharing is also essential to support vehicle utilisation¹² and to optimise responses to ensure the right people and organisations attend incidents.

12 The vehicle utilisation rate highlights an emergency services fleet's capacity against logistical needs. Whereas you may not achieve 100% vehicle utilisation, the vehicle use rate will let you identify the excess fleet capacity. Using such data highlights where there are opportunities to widen existing roles for emergency services to do more.

- 49 Several people we interviewed noted the positive impact of the JIGSO¹³ and Multi Agency Incident Transfer (MAIT) initiatives. JIGSO is a digital solution designed to assist the resilience community to plan and respond to a major incident or public health emergency. MAIT is a service which provides emergency services with a robust, virtually instantaneous, secure inter-agency messaging solution. JIGSO and MAIT have helped reduce operational response times by more than three minutes per emergency and reduce the risk of errors and delays, enabling frontline staff to focus on the task at hand, saving time, cost and lives. Both initiatives use address data provided by Geoplace¹⁴ as the recognised definitive source of addressing in the UK.
- 50 The current arrangements are a vast improvement to the old method of different branches of the emergency services physically dialling 999 to share incident information with other emergency services and has contributed to improved data and information sharing to help improve response times. Within Wales, over 300,000 calls are made per annum across the three emergency services and the use of MAIT is estimated as potentially saving over 18,000 hours of emergency service control room staff time spent telephoning other agencies¹⁵.
- 51 We also identified some continuing challenges. Data protection legislation is seen as often stopping organisations from undertaking projects that involve the use of personal and sensitive data, especially where it requires sharing information with partners. Most importantly, concern over data protection is encouraging risk-aversion and stifling innovation in using data, because of the fear of being penalised. There remains an enduring cultural resistance to sharing information. Developing joint protocols to share information on vulnerable people is seen as a key priority for the future.

13 'JIGSO' is the Welsh word for 'Jigsaw' and is the name given to this initiative.

14 [Geoplace](#) uses standardised Unique Property Reference Number (UPRN) address to underpin command and control systems for emergency services in Wales.

15 See [The UPRN underpinning the Multi Agency Incident Transfer \(MAIT\) standard | GeoPlace LLP](#) for further detail.



How emergency services plan to collaborate in the future

03

- 52 This part of our report considers emergency services' future plans for collaboration through a new Strategic Collaboration Board. It also sets out some opportunities to strengthen this work, including drawing on lessons from collaborative initiatives elsewhere in Great Britain.

The Joint Emergency Services Group has established a Strategic Collaboration Board to identify and deliver future joint working opportunities

- 53 The Joint Emergency Services Group has agreed an appropriate focus in its strategic collaboration plan to develop, plan and coordinate delivery of actions to make best use of resources through collaboration – **Exhibit 7**. To encourage wider and deeper collaboration, the Joint Emergency Services Group has also created a Strategic Collaboration Board, giving a clear signal that a step change is required to fully realise the benefits of cross-service collaboration. Established in November 2020, the Strategic Collaboration Board consists of senior leaders from across police, fire and ambulance services in Wales.

Exhibit 7: Joint Emergency Services Group Strategic Collaboration Plan objectives

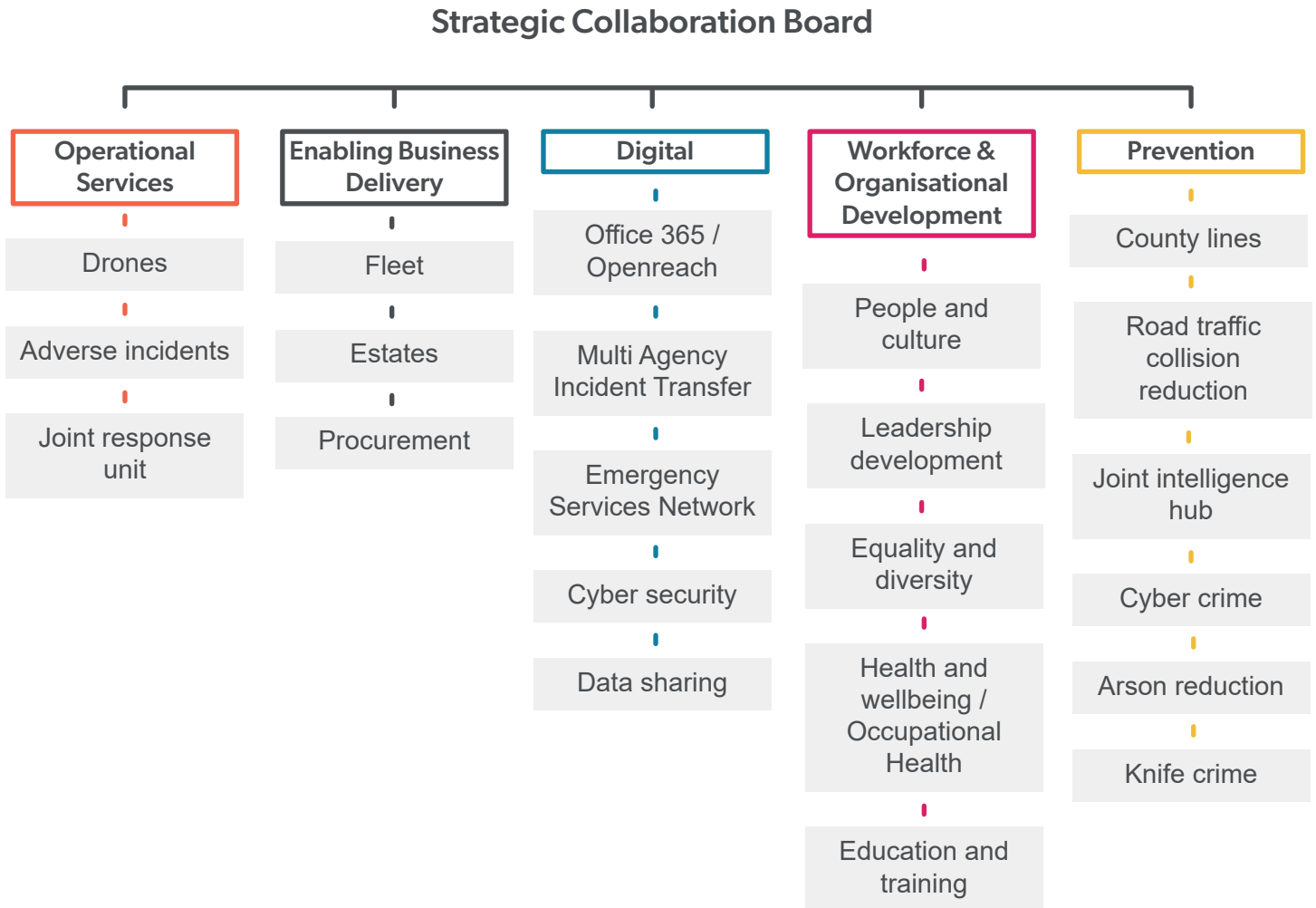
- Consider issues of mutual interest and develop joint initiatives which, through collaborative working, enhances the delivery of services across Wales
- Improve co-operation and co-ordination between emergency services
- Exploit opportunities to collaborate and support enhanced emergency services delivery
- Develop new ways of working together
- Promote proactive collaboration initiatives to ensure the public of Wales receive the most appropriate emergency service response
- Reduce the volume and seriousness of adverse incident reporting between emergency services in Wales
- Deliver value for money to the Welsh taxpayer through implementation of cost-effective collaborative initiatives



Source: Joint Emergency Services Group, Joint Strategic Collaboration Plan, Version 1.0, July 2021

54 The Strategic Collaboration Board has also agreed three key principles for successful collaboration that will underpin prioritisation of future activities. These are: reduce risk and harm to our communities; enable service delivery improvement; and provide better value for money. The Board has also agreed and mapped its priorities for the future under five broad workstreams (**Exhibit 8**). Each of these five areas – operational services; enabling business delivery; digital; workforce and organisational development; and prevention – is led by a senior officer from one of the emergency services partners.

Exhibit 8: Strategic Collaboration Board workstreams and key priority areas



Source: Joint Emergency Services Group, Joint Strategic Collaboration Plan, Version 1.0, July 2021

55 The five Strategic Collaboration Board portfolios are in line with national thinking, in particular in the desire to broaden the role of firefighters and for all partners to develop digital services. In addition, important 'big ticket' items of expenditure such as fleet and assets have been prioritised. These are the most likely to yield the biggest benefits. In addition, the five workstreams are building on current practice and are not intending to join up with other national committees and working groups. The priority is to use groups and relationships that are already established and working. Some workstreams will continue to prioritise work within services, while others plan to deliver pan emergency service collaborations.

Plans for collaboration are developing but some of these are limited in coverage and not supported by consistent project management arrangements

56 Each of the five workstreams has been identifying and agreeing potential short-, medium- and long-term areas for action, which in themselves can be small scale adjustments, as well as more significant pan-organisation changes. Some of the activity also builds on, and seeks to strengthen, well-established joint working – for example, the joint work on arson reduction and road safety prevention work – while others are entirely new collaborative opportunities such as joint vehicle maintenance contracts.

57 In principle, the Strategic Collaboration Board is looking to deliver three projects under each workstream per year. Although each of the workstreams is progressing, and some have made good progress, most are still identifying, mapping out and agreeing their priorities for the future. In July 2021:

- the Operational Services workstream had identified potential topics and agreed leads for different activities and actions but was yet to agree a plan of activity or a timeline to deliver against.
- in comparison, Enabling Business Delivery had agreed draft programmes highlighting potential areas for collaboration in relation to fleet, estates and procurement, although timelines are not in place for all activities.
- both the digital and prevention workstreams were scoping baselines and agreeing work to finalise their future collaboration plans.
- while the workforce and organisational development group had identified several potential areas for collaboration, concerns had been raised that progress will be limited without specific resources being dedicated to support activity.

- 58 The agenda set by the Strategic Collaboration Board is appropriate and is focussed on ensuring 'togetherness', but it needs more robust and consistent project management support and could be more ambitious in some areas. For example, some of the activity is focussed on identifying whether there is a case for collaboration with actions described as 'mapping activity'; 'sharing information'; 'creating a baseline'; 'obtaining advice'; 'benchmarking'; 'explore opportunities'; 'assess competencies'; and 'produce a list'. These read as a plan to create a plan for collaboration, not delivering improvement through actual collaboration.
- 59 Consequently, some workstreams are still narrowing down potential actions and have yet to finalise their priorities. While the type of activities appears sound, it is not always clear what outcome is being aimed at. This raises questions as to whether actions will result in meaningful improvements, particularly as much of the detail needed to measure success and evaluate progress have yet to be agreed.
- 60 While the five workstreams are broadly focussed on the right things they have no consistent, resourced and agreed approach to project management. Establishing a consistent resourced approach is therefore critical because it:
- brings leadership and direction to projects and supports the creation of a proper plan for executing on strategic goals;
 - ensures proper expectations are set around what can be delivered, by when, for how much and ensures the quality of whatever is being delivered, consistently hits the mark;
 - ensures proper project management processes are followed throughout the project life cycle and enables the right people do the right things, at the right time; and
 - enables risks to be properly managed and mitigated against to avoid them becoming issues and supports effective tracking and reporting of a project's progress.
- 61 Currently, much of the coordination work falls to the Joint Emergency Services Group coordinator but this is not sufficient to support such a wide and ambitious programme. Overall, workstream capacity is limited with no dedicated staff resource to support Strategic Collaboration Board activity with everyone doing their 'day job+'. In addition, some important recent inter-agency collaborations such as the fire and rescue services co-responding to medical emergencies and joint response units with the police have not progressed in recent years because of uncertainties in funding.

- 62 Without a consistent project management approach and ensuring there are adequate resources in place, the ambitions of the Strategic Collaboration Board are unlikely to be realised. This is a major risk to future success.

The Joint Emergency Services Group have yet to agree how they will judge the impact and value for money of collaboration

- 63 Establishing clear outcomes for collaboration is important to enable partners to understand the impact and value of joint working. However, developing 'whole system' outcomes is complex, especially in a multi-disciplinary environment. Integrating the outcomes and outputs from different services can be as complicated as delivering the collaboration itself. And it can be difficult to know where to start without a clear baseline, or where particular measures are not already in place, and without them, it is impossible to evaluate how well you are doing. It is essential therefore that partners identify outcomes at an early stage of the collaboration process rather than retrospectively fitting them to already agreed and funded activities or interventions to ensure they can undertake a proper evaluation.
- 64 Importantly, the strategic collaboration plan includes an objective to deliver value for money to the Welsh taxpayer through implementation of cost-effective collaborative initiatives. However, beyond this ambition, there is little information currently reported to judge whether existing and planned future collaborations between 'blue light' services is and will deliver better value for money.
- 65 For instance, there is no baseline data which shows collectively what organisations currently spend; no information on collaborative activities highlighting the savings that have been made to date; and no agreed targets on improvements that are planned to be delivered in the future. Existing collaborations are yet to be mapped or assessed for impact.
- 66 In addition, much of the good joint working between emergency services is not promoted and broadcast widely and the Joint Emergency Services Group does not have a strong public visibility. This is a missed opportunity given the Group's positive work in the last 18 months steering their way through the pandemic.

There are opportunities to learn from what is happening elsewhere in Great Britain

67 Nationally, emergency services benefit from being part of service-based networks that operate on a wider basis and have a good track record of encouraging within-sector collaboration. They include the National Fire Chiefs Council, National Police Chiefs Council and the Association of Ambulance Chief Executives. In addition to service specific networks, there are several other national, regional and local 'blue light' strategic collaboration boards in other parts of Great Britain.

The Scottish Emergency Services National Collaboration Strategy 2018-2023 is heavily focused on policy and service integration

68 In 2014, a Reform Collaboration Group was established in Scotland. It comprises the Scottish Fire and Rescue Service, the Police Service of Scotland and the Scottish Ambulance Service. In addition to the chairs of the fire and rescue and ambulance services, the chair of the Scottish Police Authority, the Chief Fire Officer, the Chief Executive of the Scottish Ambulance Service and the Chief Constable of Police Scotland also sit on a separate governance group. The Reform Collaboration Group vision is "working together for a safe and successful Scotland" and they have agreed seven areas for action:

- improve outcomes for people;
- transform by rebalancing how we deploy resources towards prevention activities;
- enhance the skills of our workforce;
- improve how we work in partnership and collaborate with others;
- further build and strengthen community resilience;
- exploit new technology in redesigning our services; and
- develop more flexible service models.

69 Importantly, in January 2018 the Group published the Scottish Emergency Services National Collaboration Strategy¹⁶. The strategy sets out the collective vision, strategic direction, objectives and working principles which will guide the ongoing development of collaborative working across the three emergency services in Scotland. A joint vision has been agreed, that "through ever closer working and through empowering our staff and communities we will improve the safety and resilience of communities and improve the wellbeing of the people of Scotland".

16 The partners have also developed a separate plan for improving use of data. This supports delivery of the overall National Collaboration Strategy.

- 70 The strategy includes a brief analysis of the demands that are being placed on emergency services and other public services and makes the case for why collaboration is important. Demographic change, social inequality, reductions in resources and political uncertainty highlight the need for a robust response to enable emergency services to be able to continue to deliver their responsibilities.
- 71 The strategy takes a logical step by step approach focussing on quick wins and easy choices that build up to longer term benefits focussing on four priority areas: co-location of services; co-responding; policy and data integration; and integration and shared services. They are focussing on these four areas because “Co-location helps us to co-respond which can lead to better sharing of knowledge and information which can help us to integrate services”. The Reform Collaboration Group is also developing a Collaborative Improvement Model to inform future collaborative work and to maximise opportunities, efficiencies and effectiveness.

The Thames Valley Emergency Services Steering Group is overseeing a focused programme of sharing resources and enhancing joint capabilities

- 72 The Thames Valley Emergency Services Steering Group brings together senior officers from the emergency services. The main differences with the Joint Emergency Services Group in Wales are the inclusion of the Thames Valley Police and Crime Commissioner and local authorities as members. There is a Programme Support officer, and a triage mechanism for focusing and reducing workstreams so they remain achievable and realistic. The Thames Valley Emergency Services Steering Group provides overall guidance, challenge, and direction on the implementation of the Collaboration Programme. Strategic priorities are focused on:
- demand analysis and reduction;
 - enabling services through joint procurement;
 - sharing specialist capabilities;
 - identifying and collaborating on workforce recruitment and development; and
 - operational integration.
- 73 Significant progress has been made including Buckinghamshire Fire

Authority, South Central Ambulance Trust and Thames Valley Police co-locating in a new purpose built 'Hub' with all three services operating from one site. Other developments include the joint procurement of standardised fire appliances and using a single supplier for personal protective equipment across the three fire and rescue services in the region. A collaboration register and monitoring report has been developed and is used to track progress¹⁷.

Emergency services in the East of England are starting to quantify the return on investment from collaborations

- 74 An evaluation report of current collaborative activity between Bedfordshire Fire and Rescue Service and the East of England Ambulance Service Trust estimated a total return on investment of £5.09 million in social value, or £7 for every £1 invested¹⁸. This includes:
- the return on investment and social value of the Fire and Rescue Service's support during the pandemic from firefighter secondments into Ambulance Service Trust of £0.448 million;
 - the social value of the Fire and Rescue Service's falls team in 2020-21 of £1.053 million;
 - bariatric complex patient rescue service with an added social value to Bedfordshire of £0.384 million;
 - co-responding with an added social value to Bedfordshire of £2.244 million; and
 - effecting entry¹⁹ has added social value to Bedfordshire of £0.960 million.
- 75 Due to collaborative efforts, the evaluation highlights that COVID-19 has been less impactful on the Ambulance Service Trust and since April 2020 the support of the Fire and Rescue Service has enabled an extra 600 emergency ambulances to be available and more than 22,332 patient-facing hours have been provided. As a result, in 2020-21 the Ambulance Service Trust met all its category 1 life threatening incident response standards²⁰ in the Bedfordshire area for the first time since 2010. The Trust have since reported the third best performance in England within their 7-minute target during 2020-21.

17 [Thames Valley Collaboration Report](#)

18 [BFRS and EEAST Collaboration Evaluation 2021](#).

19 Effecting entry is where the fire and rescue service break into a property where there is a concern for the life of a patient in a premises and ambulance or police crews are unable to make entry.

20 In 2017, NHS England implemented new ambulance standards across the country. This was to ensure the sickest patients get the fastest response and that all patients get the right response first time. A set of pre-triage questions were introduced to identify those patients in need of the fastest response. There are four categories of call and Category 1 covers calls from people with life-threatening illnesses or injuries and requires a response within 7 minutes.

What can Wales learn from this?

- 76 From the examples we have reviewed in other parts of Great Britain, we conclude that collaboration is mostly operationally focused, prioritised locally not nationally and is often a tactical response to address a problem or circumstance. Activity is also often invisible to the public. Integrated services are not widespread elsewhere and no 'blue light' collaboration board appears to have fully cracked the secret of collaboration.
- 77 Drawing from the examples above and others – **Appendix 3** provides a summary of some additional partnerships – there are clearly some key principles that can help make 'blue light' collaboration work. In taking this agenda forward in Wales, **Exhibit 9** highlights some likely critical factors of success. Building on this, **Appendix 4** provides a self-evaluation checklist.

Exhibit 9: making collaboration work – critical success factors

- Visible leadership that prioritises the importance of collaboration.
- Being clear how collaboration contributes in a meaningful way to taking forward each agencies vision and strategy.
- Contextualising the reasons for change – how demographic, societal, financial and political issues require different responses from services in the 21st Century.
- Being open about the potential areas of conflict and confronting these head on by openly discussing, assessing and managing them.
- Establishing clear protocols around behaviours, regularity of meetings, information and data sharing, finances, and accountabilities.
- Establishing a shared understanding, and an appreciation, of the remit and limitations of collaboration.
- Ability to commit time, energy and resource (including senior leaders time) to sustain momentum and delivery.
- Appreciating the service user’s perspective and involving them in identifying where collaboration can improve their experience.
- Promoting the importance and benefits of collaborative working at the ‘front line’ and communicating/explaining why it is important.
- Creating measures of success that enable you to demonstrate impact and value for money, and regularly evaluating and reporting performance against these.



Source: Audit Wales



Appendices

- 1 Audit methods and approach**
- 2 The Civil Contingencies Act 2004 and responding to disasters in Wales**
- 3 Examples of emergency services and responders collaborations elsewhere in Great Britain**
- 4 Positive characteristics of emergency services who collaborate effectively**

1 Audit methods and approach

Methods

We completed our review between March 2020 and October 2021 and used a range of methods in delivering the review:

- **document review:** we reviewed Welsh Government documentation, guidance and announcements, a range of materials on approaches in other parts of Great Britain and reports and information published by the UK Government;
- **interviews:** we interviewed senior leaders from each of the emergency services, officers with responsibility for delivering collaboration initiatives in Welsh emergency services, staff of the Welsh Government and a small number of people working in emergency services in England; and
- **data analysis:** we undertook a detailed data collection and analysis exercise drawing on information included in published accounts and data held by each of the emergency services. The data requested covered the following:
 - stations/bases, control rooms and location of each organisations buildings – we had all of this information.
 - workforce by role - uniformed and non-uniformed – we had all of this information.
 - revenue and capital spend – we had all of this information.
 - reserves – we had all of this information.
 - number of vehicles, annual mileage and spend on maintaining fleet – we had most of this information.
 - spend on overtime – we had most of this information.
 - sickness absence levels – we had some of this information.
 - board remuneration – we had all of this information.

We have only drawn on data sets which are fully or mostly complete in our analysis and have checked the validity and accuracy of the information with each body. Because of these differences in data, the analysis in the report varies between financial years.

Approach

Following previous local audit work on collaboration between police forces in Wales, we launched this review looking more widely at all Welsh 'blue light' services in March 2020. We originally planned this work as a '2 stage' audit:

- Stage 1 desktop review of resources, budgets, fleet and assets, to identify from where and how services currently work together.
- Stage 2 opportunities to improve resilience through better collaboration, integration and use of resources.

We revised our plans to take account of the challenges facing emergency services in dealing with the impact of COVID-19. We reduced the scope and coverage of our fieldwork. For instance, we did not process map how each emergency service responds to emergency 999 calls, including resolution and recovery at the Bridgend Joint Emergency Services Centre; we did not hold focus groups of frontline emergency workers; and we did not review risk registers and risk management arrangements. We also completed the review as a single stage audit.

2 The Civil Contingencies Act 2004 and responding to disasters in Wales

The Civil Contingencies Act 2004, and accompanying non-legislative measures, provides a single framework for civil protection in Wales²¹. Part 1 of the Act and supporting regulations and statutory guidance establish a clear set of roles and responsibilities for those involved in emergency preparation and response at the local level. We reported on the operation of the Act in 2012²².

The Act divides local responders into 2 categories, imposing a different set of duties on each. Those in Category 1 are organisations at the core of the response to most emergencies (the emergency services, local authorities and NHS bodies). Category 1 responders are subject to the full set of civil protection duties. They will be required to:

- assess the risk of emergencies occurring and use this to inform contingency planning;
- put in place emergency plans;
- put in place business continuity management arrangements;
- put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- share information with other local responders to enhance co-ordination;
- co-operate with other local responders to enhance co-ordination and efficiency; and
- provide advice and assistance to businesses and voluntary organisations about business continuity management (local authorities only).

21 Under Section 41 of the [Transfer of Functions Order in 2018](#), key provisions of the Civil Contingencies Act 2004 ('the Act') were transferred to Welsh Ministers

22 [Civil Emergencies in Wales](#), Auditor General for Wales, December 2012.

Category 2 organisations (the Health and Safety Executive, transport and utility companies) are 'co-operating bodies'. They are less likely to be involved in the heart of planning work, but will be heavily involved in incidents that affect their own sector. Category 2 responders have a lesser set of duties - co-operating and sharing relevant information with other Category 1 and 2 responders. Category 1 and 2 organisations come together to form 'local resilience forums' (based on police areas) which help co-ordination and co-operation between responders at the local level.

Emergency services in Wales have taken the lead in keeping people and property safe in response to a wide variety of incidents. For instance, severe storms and floods as well as transportation accidents, riots, civil protests, massive fires and oil pollution.

3 Examples of emergency services and responders collaborations elsewhere in Great Britain

Joint working between emergency services is growing in importance across Great Britain and there are numerous approaches in place or under development. For further information on the work of the Reform Collaboration Group in Scotland, Thames Valley Collaboration Steering Group and Bedfordshire Blue Light Collaboration Strategic Board see paragraphs 67 to 75 in the main body of this report.

Collaboration	Wider Membership	Performance management framework in place	Evaluation of existing joint working arrangements	Work programme prioritised	Additional and separate Tri Service strategies and approaches developed
Scotland Reform Collaboration Group	N/A	Yes	No	Yes	Data
Thames Valley Collaboration Steering Group	Police and Crime Commissioner County Councils Local Resilience Forum Local Economic Partnership NHS CCG	Yes	Yes	Yes	Estates Fleet Procurement Emergency Services Hubs Operational rotas Apprentices

Collaboration	Wider Membership	Performance management framework in place	Evaluation of existing joint working arrangements	Work programme prioritised	Additional and separate Tri Service strategies and approaches developed
Bedfordshire Blue Light Collaboration Strategic Board	Police and Crime Commissioner Local Resilience Forum	Yes	Yes	Yes	Estates Fleet Procurement Workshops
Southwest Emergency Services Collaboration Group	Cornwall Council Local Resilience Forum	Yes	Yes	Yes	Tri Force Specialist Operations Digital Storage and Management Emergency Services Mobile Communication Programme (ESMCP)
Warwickshire Blue Light Collaboration Joint Advisory Board	Police and Crime Commissioner County Council	Yes	No	Yes	Fire crime scene investigation Real Time Demand Management

Collaboration	Wider Membership	Performance management framework in place	Evaluation of existing joint working arrangements	Work programme prioritised	Additional and separate Tri Service strategies and approaches developed
Cheshire	Air ambulance	Yes	No	No	People Development professional elements Facilities and Estates Strategic Change Improvement Courier Services Legal Services Print Services Corporate Communications
Cumbria Blue Light Executive Leaders Board	County Council Mountain Rescue	Yes	No	Yes	Data sharing District level Local Focus Hubs Strategy Joint Command and Control Centre Mobile working strategy

Collaboration	Wider Membership	Performance management framework in place	Evaluation of existing joint working arrangements	Work programme prioritised	Additional and separate Tri Service strategies and approaches developed
Essex Strategic Board	Thurrock Council Southend on Sea Council	Yes	Yes	Yes	Estates Fleet Procurement Safer Essex Roads Strategy
Merseyside Blue Light Collaboration Board	Local Resilience Forum Liverpool City Council	Yes	No	Yes	Joint training for commanders and control room supervisor Common debrief process

Source: Audit Wales

We have developed this self-assessment checklist drawing on our review of

4 Positive characteristics of emergency services who collaborate effectively

emergency service collaborations across Great Britain. We have recommended that it is used by the emergency services in Wales to evaluate and strengthen their collaborative work programmes.

Characteristic	Always	Sometimes	Never
We have visible leadership that prioritises the importance of collaboration			
I trust others within the collaboration, and others trust me			
We are clear how collaboration contributes in a meaningful way to taking forward each agencies vision and strategy			
We know why and can contextualise the reasons for change – how demographic, societal, financial and political issues require different responses from services in the 21 st Century			
We are open about the potential for conflict and confront these head on by openly discussing, assessing and managing them			
We know who will hold the partners together during challenging times			
Individuals are taking specific actions to move the collaboration forward			
The most difficult issues are being addressed			
We have clear and effective protocols around behaviours, regularity of meetings, information and data sharing, finances, and accountabilities			
Responsibility for coordinating the collaboration process is clear and partners are committed to sharing responsibility for the collaboration			
We have a shared understanding, and an appreciation, of the remit and limitations of collaboration			
We can commit sufficient time, energy and resource (including senior leaders time) to sustain momentum and delivery of our collaborative work			

Characteristic	Always	Sometimes	Never
I and my organisation is prepared to create and sustain capacity, and all other partners are committed to doing the same			
We value the service user's perspective and involve them in identifying where collaboration can improve their experience			
We promote the importance and benefits of collaborative working at the 'front line' and communicate and explain why this is important			
We have measures of success that enable us to demonstrate impact and value for money, and regularly evaluate and report performance against these			

Source: Audit Wales



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Manon Antoniazzi

Prif Weithredwr a Chlerc y Senedd
Chief Executive and Clerk of the Senedd

Agenda Item 9

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

2 February 2022

Dear Mark

Public Accounts and Public Administration Committee Report on the Scrutiny of Accounts 2020-21.

I am writing in response to the Public Accounts and Public Administration Committee report on the Scrutiny of Accounts 2020-21. I would like to thank the Committee for its scrutiny.

I'd also like to thank the Committee for commending the Commission on its performance during the last 12 months as it continues to aim for excellence in public sector economy, efficiency and effectiveness, and for commending the Commission on its early laying of the Annual Report and Accounts and noting the effective presentation of the document and its use of diagrams and infographics.

I would like to take this opportunity to assure the Committee that we remain as committed as ever to providing greater clarity and assurance through external scrutiny and audit as well as our internal governance framework. We have committed to a review of our corporate performance indicators and will share the outcome of this review with the Committee, with particular reference to the KPI relating to underspends.

We will also share information on our 2021-22 Capacity Review and provide the Committee with more detail on its aims, progress and outcomes by next Spring.

Your Committee's recommendations concerning the Commission are addressed in full in the attached Annex. If you would like any further information on any matter covered in the Annex, please do not hesitate to let me know.



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As ever, if there is any further information your Committee would like, please let me know.

Yours sincerely

Manson Antoniozzi

cc Senedd Commissioners, Nia Morgan



Annex 1

Public Accounts and Public Administration Committee Report on the Scrutiny of Accounts 2019-20

Recommendation 1. In the interests of greater transparency we recommend, that in advance of annual scrutiny of the accounts, the Commission provide the Committee with details summarising and collating underspends and setting out any decisions taken to reallocate underspends. It would be helpful for this to be in a similar format to the letter provided to the Finance Committee

Accepted

We welcome the Committee's scrutiny and request for further information on the Commission's underspends and reallocation of any underspend during 2021-22.

The Commission will again be providing the Finance Committee with a letter, following the end of the 2021-22 financial year, outlining the financial implications of the pandemic on the outturn. We will share this information with this Committee and also provide additional information, where necessary, to provide the required transparency in advance of the annual scrutiny session in Autumn 2022.

Recommendation 2. In order to assist the Commission in increasing its spend on suppliers from Welsh based companies, we recommend that it undertakes an exercise to split contract spend limits i.e. into brackets of <10k, <50K <100k, <500K and over 500K and analyse the financial spread of contracts awarded to identify opportunities to break down larger contracts and to increase the likelihood of smaller Welsh based companies successfully bidding for contracts. We would welcome a six monthly update on progress in this area

Accepted

We regularly carry out spend analysis on all our contracts with a value in excess of £25,000.

All contracts which exceed a value of £25,000 are managed centrally by the Commission's Procurement team. Management of contracts below the £25,000 threshold is delegated to the relevant Commission manager.

For higher value contracts, we always look at the feasibility of options to break these down into smaller 'lots' to increase opportunities for smaller Welsh based suppliers. A recent, successful, example of this approach is the printing and copying contract,



where we were able to award elements of the new contract to a Wales-based company.

The Commission continually explores ways to increase spend with Welsh suppliers. We do this through market research, early engagement with suppliers and as mentioned by considering how we can structure contracts to encourage Welsh supply. Recently, we have allocated a dedicated resource within the Procurement Service to lead on this work. We also have a policy on 'Encouraging small and medium sized enterprises' .

We agree to provide the Committee with a six monthly update on progress in this area.

Recommendation 3. We recommend that the Senedd Commission continues to work to understand drivers resulting in the low representation within their workforce from ethnic minority communities and lower socio-economic groups and strengthens policies and takes actions to reduce perceived barriers and pay gaps for these and other diverse groups

Accepted (ethnic minority communities)

The Commission is working continuously to ensure that it understands and resolves the low representation within the workforce from ethnic minority communities, particularly at senior grades.

Noted (lower socio-economic groups)

Since April 2021 the Commission has included socio-economic data within its recruitment processes which will provide an understanding of the socio-economic diversity of the applicant pool in the first instance. The information will be reviewed alongside the Commission's annual Diversity and Inclusion reporting mechanisms in May 2022.

Recommendation 4. We recommend the Commission provide a six monthly update on the use of single use plastic.

Accepted

The Senedd Commission takes seriously the need to reduce single-use plastics in its operations. We have already removed a large number of plastic items, participated in Plastic Free July initiative, and have the minimising of single-use plastic written into our Environmental Policy. We follow the waste hierarchy where possible; prioritising re-use



and recycling options, and don't send any waste to landfill.

In summary, so far we have:

- Removed disposable plastic coffee cups almost a decade ago;
- Replaced the take-away containers in the canteen with plastic-free alternatives;
- Removed plastic cutlery, water beakers, dessert pots and straws;
- We have been working with the catering contractor, before the pandemic started, to replace items sold in plastic packaging where alternatives exist (e.g. drinks bottles);

Over the next 6 months we will:

- Work with the Welsh Youth Parliament team to provide re-usable metal drinking bottles for Members, and aim to make these available to staff in order to promote the move away from single-use alternatives;
- Promote the use of our existing drinking fountains as an alternative to bottled water;
- Investigate the feasibility of adopting one of the plastic-free management standards currently available;
- Write to our major existing suppliers and ask them to adopt the principles of the UK Plastics Pact, and request the same of new suppliers as part of the procurement process.

We will update the Committee on our progress in six months.

