

# Agenda – Public Accounts and Public Administration Committee

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Meeting Venue:	For further information contact:
Committee Room 5 and Video Conference on Zoom	Fay Bowen
Meeting date: 27 April 2022	Committee Clerk
Meeting time: 09.00	0300 200 6565
	<a href="mailto:SeneddPAPA@senedd.wales">SeneddPAPA@senedd.wales</a>

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This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

## (Private pre-meeting)

(09.00 – 09.15)

### 1 Introductions, apologies and substitutions

(09.15)

### 2 Papers to note

(09.15 – 09.40)

#### 2.1 Welsh Health Specialised Services Committee: Letter from the Welsh Government (3 March 2022)

(Pages 1 – 2)

#### 2.2 Barriers to the successful implementation of the Well-being of Future Generations Act: Letter from the Minister for Social Justice (7 March 2022)

(Pages 3 – 6)

#### 2.3 Annual scrutiny of the Future Generations Commissioner: an update – Letter from the Chair of the Equality and Social Justice Committee (7 April 2022)

(Pages 7 – 21)

#### 2.4 Inquiry into the Welsh Government Public Bodies Unit: Response from the Welsh Government to letter from the Chair (29 March 2022)

(Pages 22 – 26)

### 3 Care Home Commissioning for Older People: Evidence Session 1

(09.40 – 10.50)



Mary Wimbury – Care Forum Wales

**(Break)**

(10.50 – 11.00)

**4 Care Home Commissioning for Older People: Evidence Session 2**

(11.00 – 12.10)

Helen Twidle – Age Cymru

**5 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following item of business:**

(12.10)

Items 6 and 7

**6 Care Home Commissioning for Older People: Consideration of the evidence received**

(12.10 – 12.20)

**7 Welsh Government Senior Management Restructure: Scoping paper**

(12.20 – 12.30)

(Pages 27 – 29)

**7.1 WECare recruitment campaign: Letter from the Welsh Government (8 March 2022)**

(Pages 30 – 33)

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

Our Ref: JP/PV/LC

3 March 2022

Dear Chair,

## **Welsh Health Specialised Services Committee (WHSSC) Governance**

Further to my letter of 31<sup>st</sup> January I would like to update you on progress being made in relation to Recommendation 5 of the Auditor General for Wales's report of May 2021 into Welsh Health Specialised Services Committee (WHSSC) Governance arrangements. This recommendation relates specifically to the recruitment of Independent Members to WHSSC.

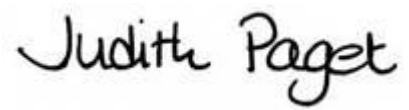
I am pleased to say that at its meeting on 18 January, the Joint Committee agreed to all the proposed arrangements including:

- A recruitment process which will seek written expressions of interest from health board independent members via their Chairs. A concise candidates pack and selection panel process will be developed to support this arrangement and to assist candidates;
- The WHSSC independent member who leads on audit and financial issues may be drawn from any of the health boards, not just the host body as is currently the case;
- Existing WHSSC members will be remunerated from 1 April 2022;
- Health Boards will meet the costs of the additional remuneration;
- The transition to the selection process for new members will start in June 2022 with the appointment of the audit lead first (from autumn 2022) and the remaining two members from April 2023 to align with the tenure of the existing WHSSC independent members

I believe this action from the Audit Wales report can now be considered as being completed.

I am sending a copy of this letter to the Auditor General for Wales.

Yours sincerely

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

**Judith Paget CBE**

cc:

Minister for Health and Social Services

Deputy Minister for Social Services

Nick Wood

Chris Jones

Pat Vernon

Jane Hutt AS/MS

Y Gweinidog Cyfiawnder Cymdeithasol

Minister for Social Justice



Llywodraeth Cymru  
Welsh Government

7 March 2022

Dear Jenny

Thank you for your letter of 15 February regarding the review of public bodies subject to the Well-being of Future Generations (Wales) Act 2015, the resourcing of the Future Generations Commissioner for Wales, and the Welsh Government's implementation of the Act.

I am pleased and encouraged by the level of interest and appetite for the Act's legislative framework to be extended to other public bodies – this illustrates the importance of the Act in changing how public services work together to deliver a more sustainable Wales, as defined through the seven well-being goals. Since the Act was passed into law, the public sector landscape in Wales has changed and it is right that we assess whether additional public bodies warrant designation to be subject to the Act. The decision to conduct a review has been informed by the work of the Auditor General for Wales in their report, *So, what's different? Findings from the Auditor General's Sustainable Development Principle Examinations (May 2020)* and the Public Accounts Committee (5th Senedd) report, *Delivering for Future Generations – the story so far (March 2021)*.

The public bodies currently subject to the Act were identified according to a set of four criteria which we will apply again as part of the review. I have provided the detail of these criteria in Annex A, which are also detailed in the Explanatory Memorandum for the Well-being of Future Generations (Wales) Bill. The Commissioner's estimate of additional public bodies outlined at the Equality and Social Justice Committee on 7 February was based on a long list of bodies that consists of those highlighted by the Auditor General for Wales in his 2020 report, as well as those suggested by some stakeholders in the consultation on the draft Social Partnership and Public Procurement (Wales) Bill in 2021. Based on our initial assessment, many of the public bodies identified in this list will not satisfy the established criteria, and we estimate that there will be fewer than ten additional public bodies subject to the Act following the review.

In extending the list of public bodies subject to the Act, we will engage with all affected parties to understand the likely implications. We will consult on the changes to the list of bodies subject to the Act, and intend to conclude this work by the summer. We are in

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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.

discussions with the Commissioner's office on the financial implications on her office in monitoring and supporting additional public bodies.

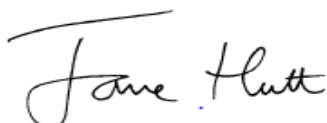
My officials and I also continue to have open dialogue with the Commissioner on the level of Government funding provided to her office. As you are aware, given the significant pressures on Welsh Government budgets in 2022-23, I was only able to allocate a flat-lined revenue budget for Commissioners within my portfolio. I understand this will cause financial pressures for those Commissioners over the year ahead, but we are eager to jointly explore alternative options to alleviate these pressures. As outlined in my letter to the Commissioner on 14 February, I have agreed a temporary increase to the level of financial reserves the Commissioner can carry over into 2022-23. This decision has been welcomed by the Commissioner and will provide greater short-term certainty while enabling joint discussions on longer-term funding to continue.

With regards to the Commissioner's concerns about the role of the Act within Government, Welsh Ministers receive advice from civil servants to inform the decisions we take, the policies we develop, and the laws we propose. All advice to Ministers takes account of relevant legislative and policy matters, including the Well-being of Future Generations Act. It is important to note that the well-being duty placed on Welsh Ministers and public bodies subject to the Act does not dictate the decision that they must reach in any given situation. Instead, it sets out the factors – such as the sustainable development principle – that need to be taken into account in the delivery of well-being objectives. In January 2021, the former Permanent Secretary provided a supporting paper to the Public Accounts Committee's (5th Senedd) inquiry into the barriers to the successful implementation of the Act, which outlined how the Act has changed the way that the Welsh Government works.

Welsh Ministers are steadfast in our commitment to act in accordance with the Act. Publishing our well-being objectives as part of the Programme for Government demonstrates the central role of the Act in how we will deliver a stronger, greener and fairer Wales. The objectives have been set in accordance with the sustainable development principle and formalise our contribution to Wales' seven well-being goals. Progress towards these objectives and the associated steps are kept under review through our Annual Report.

I hope this information provides clarity on the steps we are taking to ensure the Well-being of Future Generations (Wales) Act 2015 continues to shape how Government and public bodies work in pursuit of a sustainable Wales. I am copying this letter to the Future Generations Commissioner for Wales.

Yours,

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

**Jane Hutt AS/MS**

Y Gweinidog Cyfiawnder Cymdeithasol

Minister for Social Justice

## Annex A

### Public authorities subject to the Well-being of Future Generations (Wales) Act

The public authorities that are subject to the provisions of the Well-being of Future Generations (Wales) Act were identified following consideration of a set of criteria.

This criteria was set out in paragraph 61 of the Well-being of Future Generations (Wales) Bill's [explanatory memorandum](#) as follows:

- **Funding:** The authority is over 50% public funded;
- **Impact on Well-being:** The authority undertakes functions or activities that impact on the economic, social and environmental well-being of Wales or their local area;
- **Functions:** The authority has strategic functions;
- **Auditable:** The authority is an 'auditable public authority' as defined in Schedule 7 of the GOWA 2006.

Welsh Ministers may, by regulations, amend the meaning of public body by adding or removing a person from the list, or amending the description of such a person (as provided for in section 52 of the Act).

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**Equality and Social Justice  
Committee**

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**Welsh Parliament**

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Mark Isherwood MS

Chair, Public Accounts and Public Administration Committee

7 April 2022

Dear Mark

**Annual scrutiny of the Future Generation Commissioner: an update (embargo 00.01 11 April 2022)**

The Equality and Social Justice Committee held its annual scrutiny session with the Future Generations Commissioner on 7 February 2022. We agreed to publish a short report highlighting some of the key themes identified during our scrutiny. A copy of this report is enclosed for your information.

I would like to draw your attention specifically to our first recommendation:

*Recommendation 1. We recommend that the Public Accounts and Public Administration Committee carry out a review of the resourcing arrangements of Wales' Commissioners. This review could include consideration of whether any economies of scale can be achieved by the sharing of some backroom functions and staff.*

Our report acknowledges that each Commissioner has different roles and responsibilities and that resourcing needs vary accordingly, but notes that clarification on the justification behind different resource allocations is lacking and warrants further scrutiny. We agreed that a review of the situation would be timely and that, given your Committee's expanded public administration remit, you may be best placed to carry out this work. The findings of our report make clear that the different roles and offices of the Welsh Commissioners have grown in a piecemeal fashion. Ultimately the onus is on the Welsh Government to better justify how each Commissioner is resourced. We believe that a holistic review by your Committee would be the first of its kind and would likely yield important insights and lesson learning for the appointment of future commissioners.

Yours sincerely



Jenny Rathbone

Chair, Equality and Social Justice Committee

# Annual scrutiny of the Future Generations Commissioner: An update

April 2022

## 1. Background

**1.** The Equality and Social Justice Committee (the Committee) is responsible for scrutinising the implementation of the *Well-being of Future Generations Act 2015* (the Act) in the Sixth Senedd. As part of this work, we held our first scrutiny session with the Future Generations Commissioner (the Commissioner) on 7 February 2022.

**2.** This session and the contents of this report draw on:

- the Commissioner's most recent annual report (covering the period to April 2021);
- the findings from the Fifth Senedd's Public Accounts Committee inquiry into barriers to implementation of the Act; and
- the Commissioner's more recent work including housing retrofit, basic income, inequality, and skills for a green recovery.

### **Purpose of this report**

**3.** This report sets out the key themes, conclusions and recommendations identified in our scrutiny of the Commissioner and related work, including that carried out by the Public Accounts Committee in the Fifth Senedd.

**4.** At the beginning of the Sixth Senedd the Committee set itself the strategic aim of "championing equality, social justice and the well-being of future generations across the Senedd



including other Senedd Committees.” In addition to making recommendations, this report aims to bring to the attention of the wider Senedd – particularly its committees – some of the issues that merit further consideration by Members in their scrutiny of the Welsh Government.

5. With the Act having been in place since 2015, the start of the Sixth Senedd offers a timely opportunity to reflect on its implementation to date and to consider improvements and smarter ways of working for the future.

## 2. The Future Generations Commissioner

6. Sophie Howe took up the post of Future Generations Commissioner in early 2016. Her seven-year tenure will end in February 2023.

### **The Commissioner’s annual report**

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7. The Commissioner published her latest annual report in August 2021.<sup>1</sup> It outlined work she undertook in a range of areas in 2020-21 including:

- publishing her Future Generations Report, which contained her assessment of progress and advice to public bodies covered by the Act;
- shaping the Welsh Government’s plan for recovery from the pandemic; and
- undertaking her first Section 20 review into procurement in nine public bodies.

### **The first Future Generations Report**

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8. The Act places a statutory requirement on the Commissioner to publish, a year before a Senedd election, a report containing the Commissioner’s assessment of the improvements public bodies should make in order to set and meet well-being objectives in accordance with the sustainable development principle.

9. The Commissioner published her first Future Generations Report on 5 May 2020.<sup>2</sup> The report found that although there had been a marked change in political commitment and leadership towards meeting the aspirations of the Act over the preceding year, more was now

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<sup>1</sup> Future Generations Commissioner for Wales, Annual report 2020-2021

<sup>2</sup> Future Generations Commissioner for Wales, Future Generations Report 2020

needed to increase the pace of change. The Welsh Government responded to the Future Generations Report in October 2021.<sup>3</sup>

### **Scrutiny by the Fifth Senedd's Public Accounts Committee**

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**10.** In 2020, the Fifth Senedd's Public Accounts Committee (PAC) carried out an inquiry into barriers to implementing the Act, and exploring whether it had delivered the transformative change it heralded when it was introduced.

**11.** This work coincided with, and was shaped by, the first Future Generations Report and the Auditor General for Wales' first statutory report under the Act.<sup>4</sup>

**12.** Set against the context of the coronavirus pandemic, PAC's inquiry explored levels of understanding and awareness of the Act; the resources available to public bodies for implementation; the support and leadership provided by the Welsh Government and the Future Generations Commissioner; and what needs to be done to ensure the Act is implemented successfully in the future. PAC published its report in March 2021<sup>5</sup> and the Welsh Government responded in September 2021.<sup>6</sup>

## **3. Scrutiny by this Committee**

**13.** In advance of our scrutiny session the Commissioner provided a written submission which included an overview of her work since the publication of her annual report.<sup>7</sup> Following our scrutiny session, we wrote to her to request further information in relation to a number of areas covered during our discussion, and she responded on 1 March 2022.<sup>8,9</sup> We also wrote to the Minister for Social Justice to draw her attention to some of the immediate issues arising from our scrutiny<sup>10</sup> and the Minister responded on 7 March 2022.<sup>11</sup>

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<sup>3</sup> [Welsh Government response to the Future Generations report 2020](#), October 2021

<sup>4</sup> Auditor General for Wales, [So, what's different? Well-being of Future Generations report](#), May 2020

<sup>5</sup> Public Accounts Committee, [Delivering for Future Generations: The story so far](#), March 2021

<sup>6</sup> [Welsh Government response to the report of the Public Accounts Committee \(5th Senedd\) Delivering for Future Generations – the story so far](#), September 2021

<sup>7</sup> [Future Generations Commissioner, written evidence, 19 January 2022](#)

<sup>8</sup> [Letter to the Future Generations Commissioner, 14 February 2022](#)

<sup>9</sup> [Letter from the Future Generations Commissioner, 1 March 2022](#)

<sup>10</sup> [Letter to the Minister for Social Justice, 15 February 2022](#)

<sup>11</sup> [Letter from the Minister for Social Justice, 7 March 2022](#)

## Review of public bodies subject to the Act

**14.** In its report *Delivering for Future Generations: The story so far*, PAC recommended that the Welsh Government carry out a review of the public bodies that are subject to the Act.<sup>12</sup> The report stated that the review should:

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

**15.** In accepting this recommendation and the need for a review, the Welsh Government confirmed that the *"four tests applied in determining which public bodies were subject to the [...] Act when it was being developed will form the basis of this work."*<sup>13</sup> The Government also confirmed that the review would be concluded by summer 2022.

**16.** We asked the Commissioner about the review during our evidence session. Her official told us:

*"We have heard from Welsh Government some of the bodies in scope [of the review]. Some of these were named by the Auditor General's 2020 report, and some of them, we understand, are bodies that have come into being since 2015. At last count, there are possibly 74 additional public bodies within scope of this review, which would have a massive impact on us as a team, of course, and our ability to respond to requests for support and to monitor and assess these additional bodies."*<sup>14</sup>

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<sup>12</sup> Public Accounts Committee, *Delivering for Future Generations: The story so far*, March 2021

<sup>13</sup> Welsh Government response to the report of the Public Accounts Committee (5th Senedd) *Delivering for Future Generations – the story so far*, page 3

<sup>14</sup> Equality and Social Justice Committee, 7 February 2022, RoP paragraph 44

**17.** In our letter to the Minister of 15 February 2022, we asked for further information in relation to the review, including the number of bodies being considered. The Minister responded:

*"Based on our initial assessment, many of the public bodies identified in this list will not satisfy the established criteria, and we estimate that there will be fewer than ten additional public bodies subject to the Act following the review."*<sup>15</sup>

## **The Commissioner's budget**

**18.** In her evidence to the Committee prior to our evidence session, the Commissioner confirmed that she had sought additional resources from the Welsh Government:

*"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 PAC's recommendations.*

*If this increase is not agreed, my baseline funding will mean that I will have to reject even more requests for advice and assistance and cut back almost entirely the advice I give on policy 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."*<sup>16</sup>

**19.** During our session, the Commissioner went into more detail on her budget position, and the challenge that her level of resourcing poses to the work that she does:

*"...I'm the lowest funded commissioner of all of the four commissioners. I don't begrudge him a single penny, but I get less than half the money that the Welsh Language Commissioner gets, and less than half the resource of the Welsh Books Council, for example. The Public Services Ombudsman gets £6.4 million, and my budget is £1.5 million.*

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<sup>15</sup> Letter from the Minister for Social Justice, 7 March 2022

<sup>16</sup> Evidence from the Future Generations Commissioner, January 2022

*I think the reality is that I've had to make some tough decisions, and with my limited resources, I've had to work out where do I use that limited resource to get to the thing that's going to have the biggest impact."*<sup>17</sup>

**20.** The Commissioner wrote to the Minister in relation to her budget position in January 2022, setting out the main issues facing her in terms of capacity to support implementation of the Act.<sup>18</sup> In the letter, she noted that without additional funding, she would have to "*cease the provision of advice and support to public bodies including Welsh Government which will have a hugely damaging impact on implementing the WFG Act*".

**21.** In our letter of 15 February we asked the Minister for an update on her consideration of the Commissioner's budget. She told us:

*"As you are aware, given the significant pressures on Welsh Government budgets in 2022-23, I was only able to allocate a flat-lined revenue budget for Commissioners within my portfolio. I understand this will cause financial pressures for those Commissioners over the year ahead, but we are eager to jointly explore alternative options to alleviate these pressures."*<sup>19</sup>

**22.** The Minister confirmed that a temporary increase had been agreed to the level of financial reserves the Commissioner is able to carry over into 2022-23. She noted that this would "*provide greater short-term certainty while enabling joint discussions on longer-term funding to continue.*"

**23.** While different roles and responsibilities make comparison difficult, the following table sets out the Commissioners' core responsibilities and budgets for illustrative purposes:

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<sup>17</sup> Equality and Social Justice Committee, 7 February 2022, RoP, paragraph 36

<sup>18</sup> ~~Letter from the Future Generations Commissioner to the Minister for Social Justice~~, 18 January 2022

<sup>19</sup> Letter from the Minister for Social Justice, 7 March 2022

Commissioner	Core responsibilities and functions	Budget
Future Generations Commissioner	To promote the Sustainable Development principle, in particular to act as a guardian of the ability of future generations to meet their needs and encourage public bodies to take greater account of the long term impact of the things they do; and monitor and assess the extent to which well-being objectives set by public bodies are being met.	£1.509m
Children's Commissioner	To safeguard and support the rights of children and young people; and review the decisions of public bodies, including the Welsh Government.	£1.580m
Older People's Commissioner	To promote awareness of the rights and interests of older people; challenge discrimination against older people; encourage best practice in the treatment of older people; and review the law affecting the interests of older people.	£1.589m
Welsh Language Commissioner	To promote and facilitate the use of the Welsh language.  Attention must also be given to the official status of the Welsh language in Wales; the duties to use the Welsh language set by the Standards, and the rights arising from the enforcement of those duties; the principle that the Welsh language should not be treated less favourably than the English language in Wales; and the principle that people in Wales should be able to live their lives through the medium of Welsh if they wish to do so.	£3.327m revenue  £0.05m capital
Public Services Ombudsman	To consider complaints by members of the public about maladministration or failure by public bodies in the provision of services; and that local authority members or employees may have breached a relevant code of conduct.	£5.287m (cash)  [£5.337m (net resource requirement)]

## Our view

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The Commissioner's unique role is internationally admired and recognised as a world first. It is vital therefore that we in Wales capitalise upon this international renown and use the role and office to its maximum potential.

We are pleased that the Welsh Government is taking forward the PAC recommendation to review the number of bodies that are subject to the Act and note that the Minister's estimate as to the number of additional public bodies which will be subject to the Act will be fewer than ten. More broadly however, we would reiterate our concerns about the potential impact on the Commissioner's capacity and the importance of ensuring that the resources allocated to the Commissioner are commensurate to the work that her office is expected to undertake. We note that the Welsh Government has confirmed a flat-lined revenue budget for the Commissioner, but that a temporary increase in the level of financial reserves the Commissioner can carry over into 2022-23 has been agreed. This temporary fix should be superseded by more sustainable long-term funding arrangements at the earliest opportunity and the Senedd should be given ample opportunity to scrutinise them.

Further, we note the Commissioner's comments that there is a discrepancy in funding between Wales' Commissioners. While we acknowledge that each Commissioner has different roles and responsibilities and that resourcing needs will vary accordingly, clarification on the justification behind different resource allocations is lacking and warrants further scrutiny. We believe that the onus is on the Welsh Government to better justify how each Commissioner is resourced. To enable greater transparency around arrangements and to ensure that lessons are learned ahead of the appointment of a new Commissioner, we believe that a Committee of the Senedd should consider a review of how Wales' Commissioners are resourced with a view to assessing current roles and responsibilities and identifying future needs, in order to achieve maximum efficiency. We believe that the Public Accounts and Public Administration Committee would be best placed to carry out this work. The number of, and roles of the Welsh Commissioners have developed in a piecemeal fashion over the course of devolution. Such a review therefore could consider whether there is scope for better alignment of the Commissioners to achieve economies of scale by the sharing of some backroom functions and staff, particularly in light of the calls to create additional Commissioners.

**Recommendation 1.** We recommend that the Public Accounts and Public Administration Committee carry out a review of the resourcing arrangements of Wales' Commissioners. This review could include consideration of whether any economies of scale can be achieved by the sharing of some backroom functions and staff.

**Recommendation 2.** The Welsh Government should carry out an evaluation looking at the scope of the Commissioner’s work and responsibilities with a view to setting out a plan to support any future expansion. This evaluation should be undertaken in time for the appointment of a new Future Generations Commissioner in 2023.

## The complex landscape

**24.** The Future Generations Report recommended that the Welsh Government should stop *“complicating an already complex landscape.”* The report added that any proposals for new governance arrangements should: *“answer the question of how it is assisting integrated policy making and service delivery and should set out clear guidelines at the outset on how that body should interact with others to achieve local and national well-being objectives.”*<sup>20</sup>

**25.** PAC acknowledged the complexity of the landscape in its report, concluding that the *“complex and bureaucratic landscape of partnership bodies and plethora of legislative and reporting requirements has made it more difficult for public bodies to adopt this Act and has, at times, actively disincentivised it.”*<sup>21</sup>

**26.** The Commissioner reiterated her concerns and noted, in particular, the recent creation of Corporate Joint Committees (CJCs) in our evidence session:

*“The other issue that we’re particularly concerned about is the continuation of adding complexity to an already complex landscape. I know this is something that this committee has considered in the past—the fact that often—and we still think that this is the case—public services boards are being bypassed in terms of prioritisation, in terms of funding packages, in terms of support and so on, and new layers of governance are being created. So, the newest layer of governance now, of course, is the Corporate Joint Committees. It’s still not clear how all of that interaction between CJCs, PSBs, RPBs and so on will all happen.”*<sup>22</sup>

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<sup>20</sup> [Future Generations Report, Chapter 2, page 28](#)

<sup>21</sup> Public Accounts Committee, *Delivering for Future Generations: The story so far*, March 2021, Conclusion 11

<sup>22</sup> Equality and Social Justice Committee, 7 February 2022, RoP, paragraph 22

## Our view

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Concerns regarding the complexity of the landscape are likely to be exacerbated by the extra layer that has been added with the creation of the CJsCs. It is a matter of concern that the Commissioner is unclear around how all the different bodies will interact within the context and the framework set out by the Act. The Welsh Government needs to do more to provide leadership and clarity on these matters and take steps to articulate a better shared understanding of how activities hang together.

**Conclusion 1.** The Welsh Government should provide greater leadership and clarity around how different bodies interact within the context and framework of the Act.

### The “implementation gap” and the need for culture change

**27.** During our evidence session the Commissioner expressed concern at the gap between policy and delivery. This “implementation gap” which she described as “*a tendency to push out legislation, policies, guidance and direction from Government with little understanding of how it will be delivered or adequately resourced in practice.*”<sup>23</sup> She acknowledged that progress had been made in terms of policy, but noted concern with the detailed implementation of the Act:

*“...we are seeing better integration at a strategic policy level and better application of the Future Generations Act at a strategic policy level than we have ever seen before. So, that's hugely encouraging, and I think that the First Minister can be commended for that. When it gets down into the system, however, it is the detailed implementation, and it's that detailed implementation that people out there, the various local authorities and various regional structures, and so on, have to deal with, that is not just necessarily joined up.”<sup>24</sup>*

**28.** The Commissioner provided us with several examples of this “implementation gap” in practice, including:

*“The Welsh Transport Appraisal Guidance (WelTAG) was updated in 2017, with input from my team to help officials provide guidance that was more in line with the Act. Still, there has been a lack of resources and training for its*

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<sup>23</sup> Letter from the Future Generations Commissioner, 1 March 2022

<sup>24</sup> Equality and Social Justice Committee, 7 February 2022, RoP paragraph 87

*proper implementation and no analysis of capacity in the current system to enable these changes to happen."*

...

*A current Welsh Government consultation, titled 'Planning legislation and policy for second homes and short-term holiday lets', provides no link to the Well-being of Future Generations Act, the Welsh Government's well-being objectives, how such a policy would apply the sustainable development principle and, therefore, how local actors are meant to use such a policy to improve well-being and equality for the people they serve."<sup>25</sup>*

**29.** The Commissioner also pointed specifically to comments made by the then Welsh Government Permanent Secretary during a PAC evidence session in the Fifth Senedd.<sup>26</sup> The then Permanent Secretary was asked if there had been any occasions since the Act became law in 2015 where she had had to challenge a Minister regarding an inconsistency between the policy or approach that the Minister wanted to take and the Act. The Permanent Secretary responded:

*"I can't think of an example where that would happen. And, for me, that shows that the system works, because the policy development process should not result in a situation where there is, if you like, a clash between civil servants and Ministers at all. It should be a process of developing policy and airing concerns early enough in the process to be able to address them."<sup>27</sup>*

**30.** In evidence to PAC, the Auditor General also highlighted an incongruence in decision making with the Act :

*"...repeatedly, examples where we're seeing decisions taken by the Welsh Government that are not entirely congruent with the spirit of the Act. So, some examples of very good practice, but it's a large organisation with a vast array of policy responsibilities within it, and genuinely to get the whole of that machine operating in a way that is internally joined up enough to make a reality of the Act, I think, is a huge challenge."<sup>28</sup>*

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<sup>25</sup> Letter from the Future Generations Commissioner, 1 March 2022

<sup>26</sup> Equality and Social Justice Committee, 7 February 2022, RoP paragraph 87

<sup>27</sup> Public Accounts Committee, 1 February 2021, RoP paragraph 195

<sup>28</sup> Public Accounts Committee, 14 December 2020, RoP paragraph 85

**31.** We asked the Minister if she agreed with the assessment made by the former Permanent Secretary. She said:

*"With regards to the Commissioner's concerns about the role of the Act within Government, Welsh Ministers receive advice from civil servants to inform the decisions we take, the policies we develop, and the laws we propose. All advice to Ministers takes account of relevant legislative and policy matters, including the Well-being of Future Generations Act."*<sup>29</sup>

**32.** We asked the Minister to outline what systems the Welsh Government has in place to ensure that its business and conduct is compliant with the Act. The Minister responded:

*"Welsh Ministers are steadfast in our commitment to act in accordance with the Act. Publishing our well-being objectives as part of the Programme for Government demonstrates the central role of the Act in how we will deliver a stronger, greener and fairer Wales. The objectives have been set in accordance with the sustainable development principle and formalise our contribution to Wales' seven well-being goals. Progress towards these objectives and the associated steps are kept under review through our Annual Report."*<sup>30</sup>

## Section 20

**33.** Section 20 of the Act gives the Commissioner the power to conduct a review into the extent to which a public body is safeguarding the ability of future generations to meet their needs. Any such review may take into account the steps the body has taken or proposes to take to meet its well-being objectives and the extent to which the body is meeting those objectives. A Section 20 review is the strongest use of the Commissioner's powers under the Act.

**34.** The Commissioner referred to her use of Section 20 powers to carry out a review into procurement, the report for which was published in February 2021.<sup>31</sup> She noted *"public bodies were not adequately applying the Future Generations Act to their procurement decisions"*<sup>32</sup>

**35.** The report made recommendations to the Welsh Government, one of which called on the Welsh Government to establish a Procurement Centre of Excellence for improving coordination,

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<sup>29</sup> Letter from the Minister for Social Justice, 7 March 2022

<sup>30</sup> Letter from the Minister for Social Justice, 7 March 2022

<sup>31</sup> Future Generations Commissioner, [Procuring Well-being in Wales](#), February 2021

<sup>32</sup> Equality and Social Justice Committee, 7 February 2022, RoP, paragraph 60

collaboration and providing practical support to public bodies in the exercise of their procurement functions, specifically in relation to the Act. However, the Commissioner told the Committee that “...the Welsh Government has not taken that recommendation forward as such yet.”<sup>33</sup>

**36.** The Commissioner has now launched a Section 20 review into how the machinery of Welsh Government is carrying out sustainable development and safeguarding the ability of future generations to meet their needs, the findings of which she is aiming to publish in November 2022.<sup>34</sup>

## Our view

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### Implementation gap

The “implementation gap” has been a recurring theme throughout scrutiny of the Act and the Commissioner, and by multiple actors including Senedd Committees and the Auditor General for Wales. The situation has improved somewhat since the early years of the Act with the Commissioner, for example, noting the marked change in political commitment and leadership. Furthermore, as part of our recent scrutiny of the Draft Budget the Committee was pleased to see examples provided of how spending decisions align with the well-being goals and five ways of working. It remains the case however that a complex landscape coupled with patchy and inconsistent application by public bodies and decision-makers across the length and breadth of Wales is preventing full realisation of the Act’s aims.

In terms of the Welsh Government, it is evident that more needs to be done to improve implementation of the Act, and to ensure that this is done consistently at all levels in both policy and practice. There appears to be a heavy reliance on the Commissioner’s office by the Welsh Government to support and advise on how the Act is incorporated into its work and this necessitates a culture change. The Welsh Government should redouble its efforts to embed the Act into the knowledge and understanding of its workforce so reliance on the Commissioner’s office is reduced.

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<sup>33</sup> Equality and Social Justice Committee, 7 February 2022, RoP, paragraph 61

<sup>34</sup> [Review by the Future Generations’ Commissioner into how the machinery of Welsh Government is carrying out sustainable development and safeguard the ability of future generations to meet their needs – Terms of reference](#), January 2022

## Section 20

In terms of the use of Section 20 and the findings of the Commissioner's previous report into procurement, we note that the Welsh Government has yet to accept its recommendation in relation to the creation of a Centre of Excellence for Procurement.

We welcome the Commissioner's Section 20 review into the machinery of Welsh Government and consider this a timely endeavour.

**Conclusion 2.** While encouraging progress is being made in terms of the implementation of the Act, there is ample room for improvement, particularly in relation to the gap between policy and practice. Given the cross-cutting nature of the Act, we would like to draw the issues raised in this report to the attention of the wider Senedd. Embedding the Act into all aspects of Members' and Senedd Committee's work will be crucial in making further progress. The Act heralds transformative change for Wales, and ensuring its effective implementation in future will be key to achieving this ambition.

**Recommendation 3.** The Welsh Government should set out how it uses training and professional development to ensure its employees fully understand and comply with the Act, so as to reduce the apparent need for reliance on the Commissioner's office.

**Recommendation 4.** The Welsh Government should set out its plans for embedding the Act to ensure that all aspects of public life are shaped by the legislation and that the measures in place to monitor and evaluate progress in implementing the Act are fit for purpose.

# Agenda Item 2.4

**Dr Andrew Goodall**  
Ysgrifennydd Parhaol  
Permanent Secretary



Llywodraeth Cymru  
Welsh Government

**Mark Isherwood MS**

Chair, Public Accounts and Public Administration Committee  
Welsh Parliament  
Cardiff Bay  
CF99 1SN

29<sup>th</sup> March 2022

Dear Mr Isherwood

Thank you for your letter of 7 February in which you set out the Committee's request for an update on a number of issues discussed at the hearing on 26 January, which looked at the role of the Welsh Government's Public Bodies Unit (PBU). I also reply here to your subsequent letter of 25 February about the 2020-21 Financial Reports of the National Museum Wales.

**Evaluation of the work**

I will keep the Committee informed of progress with the evaluation of the work around arm's-length bodies and the work of the PBU as part of this process during 2022-23. I appreciate the importance of proper evaluation of new initiatives once they have had time to bed in. I will write to the Committee with an update by 30 September 2022.

**Register of Devolved Public Bodies**

The Register of Devolved Public Bodies in Wales was updated on 31 January 2022. A further update, based on returns from the end of year accounts process, will be published on or about 30 June 2022 and then will be reviewed and updated as necessary at least once every six months. The full register will be shared annually with the AAO to review and confirm its accuracy. The list of bodies does not change very often but contact details are subject to more frequent change, and it is important to keep all those details up to date.

**Relationship between PBU and the Partnership Teams**

I attach a document which sets out the relationship between PBU and the Partnership Teams which oversee our Arm's Length Bodies. This diagram reflects, as far as it can, the changes in senior structures within the Welsh Government which I am introducing



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from 1 April and about which I am writing to you separately. There may be some changes to this diagram as the changes bed in.

PBU sits within the new Office of the Chief Operating Officer (COO) and reports to the Director of HR. It has no direct responsibility or accountability to the Partnership Teams, nor are the Partnership Teams responsible to PBU. The distinct responsibilities and roles of PBU and partnership teams, and the overall framework within which they operate, are set out in *Delivering Together: Strengthening the Welsh Government's Sponsorship of Arm's Length Bodies*, published in 2017, and the Framework Document being issued to all executive public bodies. I expect, of course, all parts of the Welsh Government to work together constructively in accordance with my requirements as Principal Accounting Officer.

### **Progress in Delivering Diversity and Exclusion Goals**

The Covid-19 pandemic had a profound impact on the number of appointments and reappointments made in 2020-21, the most recent year for which full datasets are available. In agreement with the Commissioner for Public Appointments, the Welsh Government suspended competitions for a period of six months. In order to allow Boards to continue to operate effectively and legally, extensions by exception or reappointments were used, meaning that there was little change to the existing membership. This had an impact on the diversity of public appointments for 2020–21. For that period, the proportion of appointees and reappointments from ethnic minority communities and of disabled people was just less than 5%. The number of new appointments of women stood at 55% and reappointments at 45%.

### **Timetable for Tailored Reviews**

There are 52 public bodies in Wales which could be subject to a Tailored Review. We are working to agree a timetable for a programme of Reviews up to May 2026, given the resources available in both Welsh Government and the ALBs to carry out the work. Consultation on the Tailored Review programme is due to conclude in April 2022 and I will write to the Committee as soon as those discussions are completed.

The Tailored Review Guidance for Wales is in the process of undergoing an assurance review. It was presented to the Community of Practice for Governance Excellence, a Welsh Government internal grouping of expert officers that provides advice and guidance on issues relating to governance, regularity, propriety and compliance with the requirements and principles of Managing Welsh Public Money.

The associated risk assessment tool is known as HART (Handy Risk Assessment Tool), a model which considers each organisation's setup, functions, and existing assurance and governance structures in order to evaluate the current risk factors. Consultation on the use of HART was completed in March 2022 and will be used for all ALBs by February 2023. This is because some public bodies are facing strategic and other reviews before December 2022, meaning that applying the model before then would be less useful. Other bodies have said that other commitments mean that they cannot complete the HART model assessment before the end of 2022 or engage on a Tailored Review in the next 12-18 months.



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## Tailored Review of the National Museum

The first workshop with the senior executive team (SET) of the Museum was held on 21 March 2022. Up to four workshops will be held to agree the approach to and methodology of the Review: this process takes up to three months to complete.

The next stage is the creation of the Review Team made up of no more than four Independent Panel Members. This is the official start of the Tailored Review, which could take up to six months to complete from this point. The Review Team will initially undertake a desktop review and discuss the Terms of Reference before working on interviews, workshops and benchmarking. The PBU will support the Review Team throughout the process and act as a conduit for all relevant communication. We expect the first draft of the report in September or early October and the final report by early December (depending on an early start to the full Review). Publication will follow scrutiny by the Welsh Government Challenge Panel.

I hope that these responses are helpful to the Committee in continuing its scrutiny in this important area.

Sincerely,

Yours,



### Dr Andrew Goodall

Ysgrifennydd Parhaol/ Permanent Secretary  
Llywodraeth Cymru/ Welsh Government



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## WELSH GOVERNMENT ARM'S LENGTH BODIES

### PARTNERSHIP GROUPS FOR ALBs AS OF 1 APRIL 2022

Partnership Group	Arm's Length Body
Climate Change and Rural Affairs	Hybu Cig Cymru
	Natural Resources Wales
	Transport for Wales
Covid and Local Government	Local Democracy and Boundary Commission for Wales
Economy, Treasury and Constitution	Arts Council of Wales
	Cwmni Eginio
	Development Bank of Wales plc
	Global Centre for Rail Excellence
	Industry Wales
	International Business Wales
	National Library of Wales
	National Museum of Wales
	Royal Commission on Ancient and Historic Monuments in Wales
	Sport Wales
	Transport for Wales
	TVR Manufacturing Ltd
	Welsh Revenue Authority
	Welsh Development Management
	WGC Holdco Ltd
Education and Social Justice	Careers Wales
	Children's Commissioner for Wales
	Education Workforce Council
	Estyn (HM Inspectorate of Education and Training in Wales)
	Future Generations Commissioner
	Higher Education Funding Council for Wales
	National Academy for Educational Leadership
	Qualifications Wales
	Student Loans Company
Welsh Language Commissioner	
Health and Social Services	Life Sciences Hub
	Social Care Wales
	Older People's Commissioner*
Office of the Chief Operating Officer	Centre for Digital Public Services
	Design Commission for Wales

\* Funded through Education and Social Justice Group budgets

(Details may change)

# WELSH GOVERNMENT ARM'S LENGTH BODIES

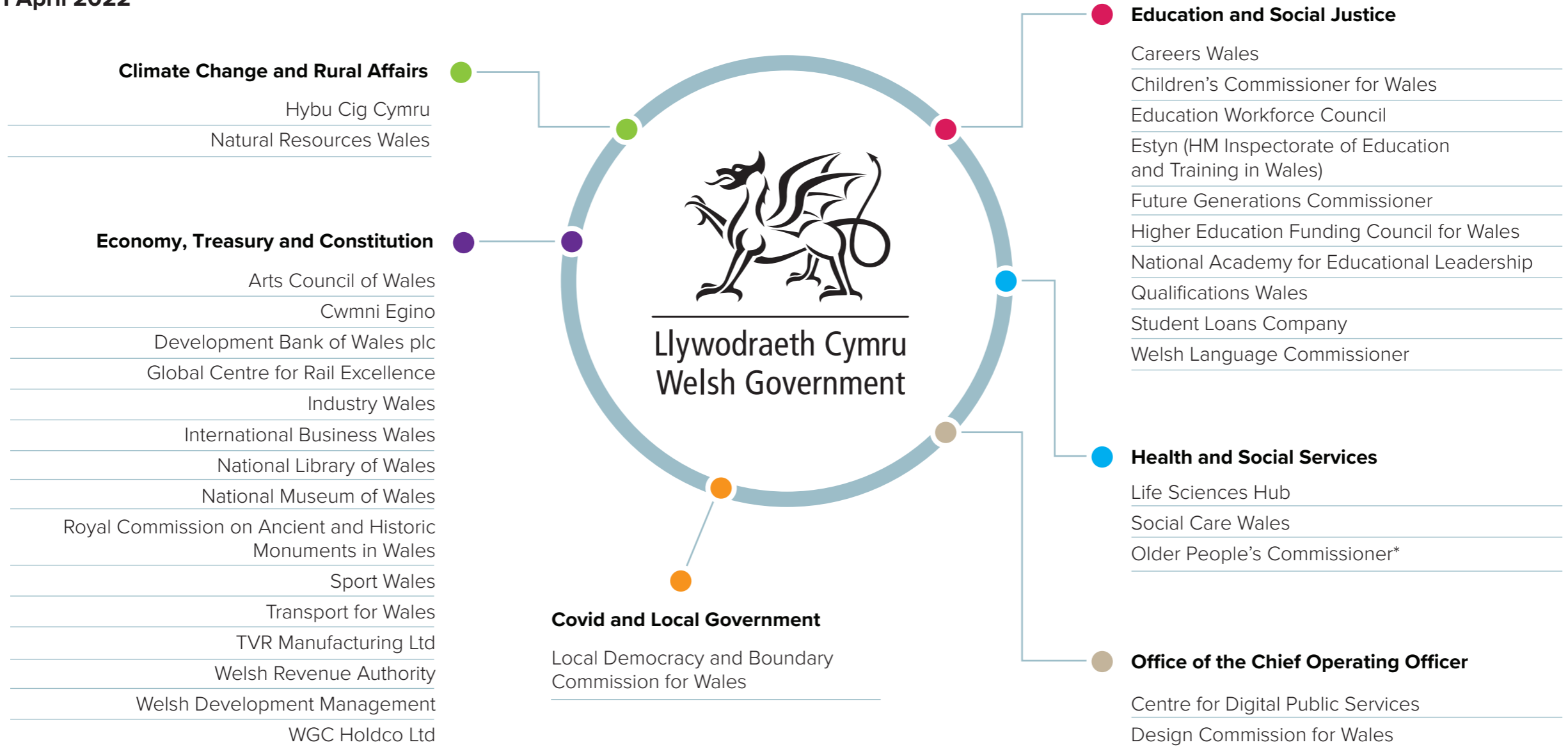
\* Funded through Education and Social Justice Group budgets

## PARTNERSHIP GROUPS FOR ALBs

(those in remit of Public Bodies Unit)

As of 1 April 2022

Pack Page 26



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# Agenda Item 7.1

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

Our Ref: JP/DM/LC

8 March 2022

Dear Mr Isherwood,

Thank you for the Committee's letter on the 15 February 2022.

The aim of the advertising recruitment campaign, funded by Welsh Government and hosted by Social Care Wales is to build awareness of the job opportunities in social care and the value of such a career – with the objective of people visiting the WeCare.Wales jobs portal.

Over December 2021 and January 2022, there has been an increase of 176.5% in people visiting the jobs portal compared to the same period 12 months ago, which is an indicator of success.

Demographic information gained from use of social media, for example, can allow an increasingly sophisticated and informed targeted approach to advertising and promotional content.

We are planning further evaluation of the advertising to run alongside the roll out of a new TV advert from March. This is likely to gather information from new entrants into social care as to their impressions of the advertising campaign and if this was influential in their decision to pursue a job in social care.

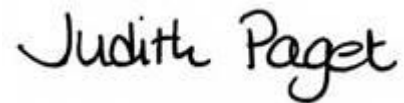
It will be important to note that we cannot simply judge the success of the advertising campaign by the number of new staff taking up employment. We know of the significance of pay and conditions and this period of evaluation in the Spring will coincide with the introduction of the Real Living Wage and the roll out of the additional payment aligned with the Real Living Wage. These are positive developments, albeit in the context of a job sector that has faced long standing challenges associated with the challenges of relatively poor pay and conditions.



There will be a wider evaluation of the impact of the Real Living Wage and we will ensure that advertising and recruitment campaign is also considered within this.

Please find attached a summary evaluation report. I hope I have provided clarity but if you would like any further information please let me know.

Yours sincerely

A handwritten signature in black ink that reads "Judith Paget". The script is cursive and fluid, with the first letters of each word being capitalized and slightly larger than the rest of the letters.

**Judith Paget**

## **WeCare.Wales 01 December 2021 – 31 January 2022 Evaluation Summary**

### **Overview**

*Policy aim:* To increase staff in the social care sector in Wales

*Communications aims:* Use true life domiciliary care case studies to build awareness of opportunities available in all areas and of the type of person required for the job.

*Strapline (bi lingual):* “We care, Will you?”

*Call to action:* Visit the WeCare.Wales Jobs Portal

*Target audience:* Adults in Wales

### **Strategy**

The campaign approach was to achieve a high reach campaign promoting maximum awareness. The platforms and channels used for paid for advertising were as follows:

- Television adverts- *ITV, S4C, Sky Regional*
- On demand platforms- *ITV, All4, My5, Sky*
- Radio- *Heart North and South Wales*
- Out of home- *Pan Wales Buses (15 Depots), trains, supermarkets (21 ASDA stores)*
- Cinema
- Digital (some regionalised for latter part of campaign period)- *YouTube, Facebook, Google*

### **Evaluation highlights**

- 176.5% increase in traffic to the jobs portal than the same period 12 months previously
- 79% increase in new users of the website over the campaign period
- TV ads reached 46.21% of Welsh population- ITV as a whole channel network reaches 56% of all TV viewers (stat representative of UK wide).
- More than 18m opportunities to see the campaign- this figure is the amount of times in total the message has been exposed in some form throughout the campaign period.

### **Demographics**

Learnings throughout the campaign period include a rising interest from the 35-44 year old bracket, and those who are family focussed. This data can be used as insight to inform and successfully target future communications activity.

### **Platform performance**

- Google ads stood out as a very successful medium with a click through rate (percentage of people who visited the Jobs Portal after seeing the advert) of 6.23%. A positive outcome as an industry standard is over 1% and over 3% is very well performing. Helpful evidence to support future targeting of media towards an interested and engaged audience.
- Facebook advertising reached the most amount of people for the lowest cost and, along with Google ads, drove the largest amount of traffic to the Jobs Portal.
- Levels of direct visits to the portal and search engine searches for the page have increased, indicating the contribution of TV, radio, cinema and out of home ads in awareness raising and promoting recall of the advert and the call to action.
- Cinema took longer to achieve target due to Covid related complexities.

### **Main conclusion and recommendation**

- The campaign period achieved success in raising awareness evidenced primarily by the consistent increase in traffic to the WeCare Jobs Portal (the call to action) and the WeCare website as a whole.
- Moving forward we should work towards a more sophisticated and informed targeted approach, by using insight now gained and further research exploring audience motivations and barriers.