

Agenda – Communities, Equality and Local Government Committee

Meeting Venue:	For further information contact:
Committee Room 2 – Senedd	Sarah Beasley
Meeting date: Thursday, 26 March 2015	Committee Clerk
Meeting time: 09.00	0300 200 6565
	SeneddCELG@Assembly.Wales

1 Introductions, apologies and substitutions

2 Local Government (Wales) Bill: evidence session 7 – Minister for Public Services

(09.15 – 10.45)

(Pages 1 – 26)

Leighton Andrews AM, Minister for Public Services

Gareth Thomas, Policy Adviser, Local Government Reform, Welsh Government

Sharon Barry, Lawyer, Local Government Team, Welsh Government

Supporting documents:

[Local Government \(Wales\) Bill](#)

[Explanatory Memorandum](#)

3 Papers to note

(Pages 27 – 48)

Additional information provided by the Auditor General for Wales

[‘Learning the Lessons of Public Mergers’ – Report by Audit Scotland](#)

[‘Consolidation in Local Government’ – Report by the Australian Centre for Excellence in Local Government](#)



Break (10.45 – 11.00)

- 4 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from the remainder of the meeting**

- 5 Local Government (Wales) Bill: consideration of key issues**
(11.00 – 12.00) (Pages 49 – 54)

- 6 Inquiry into Poverty in Wales Strand 1: poverty and inequality – consideration of draft report**
(12.00 – 12.30) (Pages 55 – 91)

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WLGA Response to Supplementary Questions:

Communities, Equalities and Local Government Committee Scrutiny of Local Government (Wales) Bill

March 2015

To what extent are you content with the provisions in the Bill relating to establishing transition committees and the way in which they will operate?

The general provisions appear appropriate, subject the commentary below. It should also be noted that the Explanatory Memorandum indicates that the costs of Transition Committees would be an additional cost of c£2m for local authorities over a four year period and that these costs had not been included in the CIPFA calculations for the Transitional Costs, Benefits and Risks of Local Government Reorganisation.

Do you agree that the Minister needs to be given a power of direction over transition committees, and if so, why?

A Ministerial power over direction may be an appropriate back-stop power which might be used, for example, where transition committees were not able to conclude their business before statutory deadlines or where there was significant local disagreement over future direction. It would however be a potentially significant power which would arbitrate over and potentially over-rule local democratic decision-making processes. Clear criteria and guidance should therefore be outlined clarifying why, how and when such Ministerial powers could be used.

Is it appropriate that audit and scrutiny committees of local authorities will not be able to exercise their functions in relation to anything done by a transition committee? If so, will transition committees be sufficiently accountable, and to whom?

Transition committees would be advisory rather than decision-making bodies (S13(1) states that such committees would provide 'advice and recommendations' to merging authorities and shadow authorities). It may therefore be appropriate that audit or scrutiny committees could subsequently exercise their statutory roles when merging authorities or shadow authorities consider or make decisions based on the advice and/or recommendations of transition committees.

As only members will be allowed to vote on transition committees, what role do you envisage senior officers having as those committees make preparations for merger?

Officers would prepare reports, provide appropriate advice, guidance and information as appropriate and as requested by the committees, as is the approach for other local government committees.

Can the WLGA expand on its comments on the July 2014 White Paper that the merger programme “could impact negatively on general officer capacity and expertise as well as on-going service delivery”? How could this be addressed?

Are there any other particular issues around staffing that would cause concern to local government in respect of mergers, including their views in the role of the Staff Commission?

The WLGA’s White Paper Response stated that: ‘...in the last re-organisation all staff rather than the very senior officers were guaranteed a job, this is unlikely to be the case in a climate of continuing local government funding cuts. This situation would make the staffing issues more difficult (and more costly), rather than easier. Staff who will not be guaranteed jobs in the new authority may seek alternative employment and this could impact negatively on general officer capacity and expertise as well as ongoing service delivery.’

Much of the Welsh Government’s analysis and narrative around the ‘cost-cutting’ agenda of mergers has focused on reduced number of senior officers or reduced number of councillors; the reality is however that a significant number of jobs will be lost at all levels as a result of the merger process. Councils are of course already making significant reductions to workforces as a result of the current financial pressures, in advance of any potential merger reform programme. This will have a potentially significant impact on local employment and economies, as councils are not only the largest local employers but ensure that employment opportunities are distributed throughout Wales’ communities.

Notwithstanding the above issues which relate to impact on morale and the retention of staff to maintain core local services in a period of significant reform, there will be the inevitable impact on capacity given the officer resources required to plan for and manage the merger process. The CIPFA analysis suggested that dedicated senior teams would need to be established to manage mergers – estimated at around 20 staff for a merger of 2 authorities and 30 for a merger of 3 authorities. Corporate and senior professional capacity in Welsh local government is already under pressure, as most councils have already significantly reduced their corporate centres and senior management teams as a cost-saving measure during the recent period. Mergers will be an incredibly complex, time-consuming process with significant implications and risk for senior managers who are currently having to manage and deliver services under enormous, unprecedented pressure of finances and public expectation. It is therefore vital that Welsh Government provides adequate capacity and support for the merger process.

Moreover, it is important to consider the age-profile of senior managers who may be most likely to be affected by and expected to manage the merger process. Many senior officers are in their mid-50s and a longer timetable for a merger programme will have varying risks; as a result many senior officers will have less of a personal stake in the process as a result and, furthermore, many senior managers will and are already seeking redundancy or

retirement in the years in the run-up to mergers as a result of the current financial climate. This contraction of senior manager capacity will further mean a significant loss of 'collective memory', will impact on the collective capacity to self-manage to merger process and will require early succession planning, support and development.

In its comments on the July 2014 White Paper, the WLGA raised concern that there were no details about council tax and that "the Welsh Government will have to be clear what its council tax policy is regarding harmonisation". Have these concerns been addressed?

The 2014 White Paper and the Welsh Government Guidance/Prospectus for voluntary mergers were silent on the issue of Council Tax harmonisation. Council Tax harmonisation is however a fundamental issue as was shown with Home Office plans for Police Authority mergers in 2006. It has significant financial as well as legal and political ramifications and impact on the public acceptability of merger plans. Council Tax harmonisation is not addressed through the Bill, but the Welsh Government will have to provide clear guidance around what its council tax policy and legal considerations are regarding harmonisation. Harmonisation of Council Tax may occur under a number of scenarios i.e. council tax may level down to the lowest of the merging authorities, council tax may equalise around the weighted average or council tax may level up to the highest council. According to CIPFA, in terms of ensuring local financial stability the third option is the most prudent. However, even under this scenario there is a significant amount of income foregone of around £57m over 5 years. There are also potential legal issues around setting different council tax levels in different parts of a county. We note that the Minister in his previous evidence to the Committee suggested that the Welsh Government might seek to 'create a situation legally where it is possible, for a transitional period, for authorities to hold different council tax levels in different parts of their authority.' It would therefore be appropriate that such key matters should be addressed through this Bill.

What are your views on how issues around the use of the Welsh language should be dealt with when authorities merge, and what role will there be for the WLGA and leaders in this?

The merger process will be subject to the Welsh Language Standards and the Welsh language implications of merger will be the responsibility of transition committees and shadow authorities. The Williams Commission however noted the need to fully consider the issues of Welsh language with regards the establishment of new authorities: 'We have been particularly mindful of issues around the Welsh language. Several of our respondents urged us to propose boundaries that reflected and sustained public use of Welsh as well as the use of the language as a medium of civic life and administration.' It is therefore important that these issues are covered in guidance (which the Minister confirmed in previous evidence to the Committee) given the potential issue where merging councils have different approaches and policies with regards the use of Welsh in council business and administration, and the resultant impact on member and officer working, organisational culture and council procedures and policies for the new authorities.



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18 March 2015

Dear Christine

I am responding to the further queries that you raised, on behalf of the Communities, Equalities and Local Government committee, in your letter dated 9 March 2015.

UNISON's views on the Welsh Government's proposals for a Public Services Staff Commission

Please see attached UNISON's submission to the Welsh Government on this matter which includes our views on the proposals and timescale. It would certainly seem appropriate, from UNISON's view point, for the Local Government (Wales) Bill to include explicit reference to the proposals to establish a Staff Commission(er) and the important role it could play in ensuring the concerns of staff are appropriately dealt with during the reorganisation of Local Government in Wales. Failure to include the need for the establishment of a commission(er) prior to council mergers, whether voluntary or otherwise, would at best heighten the fears and uncertainties currently being experienced by staff and, at worse, would fundamentally undermine the process and threaten the success of any merger. UNISON would like to have seen the Public Services Staff Commission(er) created, on a statutory basis, as soon as possible as there is work to be undertaken immediately, on an all-Wales cross public service basis, in relation to workforce planning to mitigate the effects of the financial austerity across the public services, a role we envisage for any Commission(er).

Wording of section 4(1)(g)

As detailed in our submission to your committee: "UNISON and the wider trade union movement has long fought for (and continues to fight for in many workplaces) trade union recognition in the workplace. Local authorities in Wales all recognise trade unions and this clause does not acknowledge this fact, allowing for local authorities to by-pass the recognised workplace trade unions." In other words the employers and the trade unions have established consultation and collective bargaining mechanisms which is not the case for '*any organisation representing staff*' the formulation used in section 4 (1) (g). Therefore the trade unions would like to see '*any organisation representing staff*' to be replaced with '*recognised trade*'

unions' failure to do so could be interpreted as an undermining of, long fought for, established recognition and collective bargaining arrangements.

How appropriate and practical are the provisions in sections 3 to 10 particularly in terms of time scales?

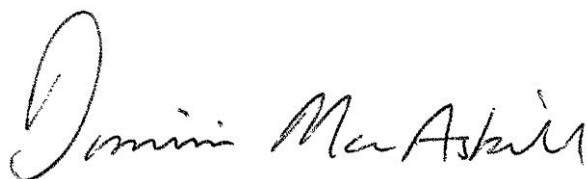
It is UNISON's view that there are unlikely to be any further expressions of interests from councils wishing to pursue a course of voluntary merger until the Minister for Public Services, in the summer, publishes a 'new map' of how the Welsh Government see local government looking in the future. This then would provide a very limited window of time, before the November 2015 deadline, for councils to put together a business case for any merger proposal. In addition the provision of a 6 month period for a shadow authority for councils who chose to go down a voluntary merger process is a very tight timescale to deal with the transfer of governance, business and financial arrangements and, not forgetting, the need to bring together two separate workforces into one.

Pay policy statements and extension of the functions of the Independent Remuneration Panel (IRP).

UNISON shares the view of Richard Penn, Chair of the Independent Remuneration Panel, which he articulated in his evidence to your committee. In Mr Penn's evidence he questioned whether the IRP had the skills or expertise to take on the proposed additional responsibilities and suggested that these were much more appropriate tasks to be undertaken by the Public Services Staff Commission. This view fits in with UNISON position on the establishment of a Staff Commission(er) as detailed above and in the attached document.

I hope that you, and your committee, find these additional comments helpful in your consideration of this Bill and thank you again for inviting UNISON to provide evidence on this important issue.

Yours sincerely,



Dominic MacAskill
**REGIONAL MANAGER
HEAD OF LOCAL GOVERNMENT**



Welsh Government Consultation on Public Services Staff Commission

UNISON Cymru Wales Response

Introduction

1. UNISON is Wales' largest public service union representing over 90,000 public service workers. UNISON welcomes the intentions from the Welsh Government to establish a Public Services Staff Commission to advise Welsh Ministers and public service organisations on the workforce matters needing action and resolution. We hope the responses to this consultation will stimulate discussion and ensure that the trade union and labour movement is fully involved in developing responses to the current challenges.

Background

2. It is vital that the Welsh Government has a strong vision of the Wales we want for the future, a view of the steps necessary to achieve it, and how the Public Services Staff Commission or an alternative fits into this. The Welsh Government should also provide a strong, clear narrative which outlines the expectations it has for the Welsh Public Service Workforce. UNISON welcomes ongoing engagement to deliver this and achieve effective reorganisation while ensuring public service staff are fairly and equitably treated.
3. Since the Williams Report, UNISON has called on the Government to ensure that the Welsh public service is treated fairly and respectfully. An open, transparent and effective Commission can help Wales protect our valued services by providing the opportunity to ensure that the public service workforce is at the heart of discussions about quality and sustainability.
4. Public Services, and Local Government in particular, have a crucial role in reducing inequality to help deliver a fairer Wales. Inclusion and cooperation are the foundations on which the Welsh Government can renew and reinvigorate the Welsh public service delivery system and should not be ignored throughout this process.
5. It is imperative that any approach is not just a talking shop, but rather a catalyst for transformation across Wales. The Welsh Government has a good record in crafting solutions suitable for Wales such as their

successful programme to tackle youth unemployment attracting attention from the rest of the UK.

6. In regard to the makeup of local councils, UNISON is not wedded to a specific number but are supportive of the organisations boundaries being coterminous with the Health body boundaries. This would greatly assist in moving forward with the necessary integration of Health and Social Care services and towards a one public service for Wales.

The Workforce Partnership Council

7. The Welsh Government already has a successful social partnership body chaired by the First Minister for public service employers and staff trade unions to discuss both specific and cross public services issues above the official collective bargaining machinery. In UNISON's view this body, the Workforce Partnership Council, has been effective and efficient for both sides in providing a forum for raising, discussing and progressing common issues.
8. The Welsh Government are consulting about establishing a new body, The Public Services Staff Commission, to deal with the staffing issues connected with the major Local Government re-organisations over next three years but also to be a forum for making recommendations on innovation, best practise and future challenges going forward.
9. UNISON does consider that specific independent work on Local Government re-organisation would be helpful to all parties and the Welsh Government for a variety reasons. Our concern is that the new body may overlap with the work of the established Workforce Partnership Council and given tight budgets this cannot be justified on cost or effectiveness grounds.
10. In coming to this conclusion, we also considered a variety of innovation or new issues that cross all Welsh public services, such as:
 - health/social care integration
 - staff education, qualification levels and training
 - new technology, on-line services and related new jobs and skills
 - Personalised budgets and services
 - Universal Credit
 - Introduction of new EU public procurement directive in 2015 with new options for social, environmental and labour provisions
 - Increasing proportion of older workers as no default retirement age with different needs
 - Flexible Working in light on 2014 extension of right to request
 - New areas for Apprenticeships
 - Zero Hours Contracts
 - Cuts in funding

- Shortages of qualified staff in key areas such as social work or NHS
11. We came to the conclusion that all these issues would need to be discussed at both the Workforce Partnership Council and the new Public Services Staff Commission if created and this would cause confusion.
 12. However, we have considered an alternative which builds on the best of the existing social partnership but would be a resource that could advise on Local Government re-organisation and innovation and best practise to address future challenges.

Building on the best – a Public Services Commissioner

13. UNISON believes that instead of a Commission the Welsh Government could have an independent Public Services Commissioner, a single post with a small team of staff with different expertise, who could work with Ministers and the Workforce Partnership Council.
14. This would avoid the duplication of two bodies reporting to ministers, reduce costs and have the advantage of some independent assessment of UK, EU and international evidence of successful public service reform that might work in the Welsh context.
15. The Commissioner could be given specific inquiries and remits by the Workforce Partnership Council (WPC) to investigate upcoming issues and challenges in Welsh Public Services and report back to the WPC with recommendations for government, employers and staff.

We would be prepared to expand on this option further on request.

Formal Consultation Questions

16. We will respond to the main consultation questions for the record.

How would this relate to existing “bargaining arrangements”?

17. The non-statutory Staff Commission or Commissioner should not supplant existing pay and terms and conditions collective bargaining arrangements within the public service sectors.

Q How best should the Workforce Partnership Council and the Public Services Staff Commission work together?

18. The Workforce Partnership Council (WPC) has demonstrated how the Welsh Government, trade unions and employers in the public sector can work in partnership in the interest of protecting our valued public services. As set out above we believe that a Commissioner, not a Commission, would work best with the Workforce Partnership Council.

Q Are the public bodies listed in paragraph 49 the appropriate bodies to be included in a public service wide remit?

19. The Careers Wales company ‘Careers Choices Dewis Gyrfa’ should be included in the list of public bodies covered in the Commission’s or Commissioners remit. Careers Choices Dewis Gyrfa is an all Wales public service that gives people free and valued career advice which assists in career development and transition which will be an important

component of any restructuring of public services. Wholly owned by the Welsh Government, UNISON believes the Careers Wales company should be incorporated into the public bodies list in paragraph 49 to ensure that it can be an integral part of the one public service Wales vision.

20. For a truly shared, collaborative and citizen centred set of public service values UNISON also believe that Further and Higher Education institutions should be covered by the remit of the non-statutory Commission or Commissioner. Any public sector body that receives funding from the Welsh Government should be included. This would provide an all-encompassing remit which would represent the entirety of the Welsh public service workforce.

Q Is the approach outlined in paragraphs 50 to 55 the appropriate approach?

21. UNISON agree that the Commission, or Commissioner, should be independent but have access to a range of experts, who would not only offer a range of relevant skills and experience in workforce matters and organisational development but, who have also the conviction to see the Public Service Commission or Commissioner role succeed and develop.
22. The remit of the Commission or Commissioner needs to be developed so that it is set in the context of supporting public service provision and opposing privatisation. The marketised public services in England, which UNISON opposes, have seen loss of expertise, compliance expense, secrecy and a lack of sharing best practise for commercial gain. Service improvement might only happen at the retender stage after 4 to 7 years and does not happen continuously in such a model.
23. The Commission/er needs to look at the whole public sector and its remit should also cover and apply to staff in private sector and voluntary organisations that deliver public services under contract.
24. We agree that Welsh Ministers should take direct advice from the non-statutory Commission or Commissioner via the WPC. The proposed advice to Welsh Ministers and the WPC should be published online and circulated directly, through newsletters, to the public services workforce and to the relevant organisational groups to demonstrate openness and transparency for all stakeholders.

Q Do you have any views about the timing of the establishment on the non-statutory Staff Commission?

25. UNISON welcome that the Commission or Commissioner will be set up prior to the voluntary Local Authority mergers taking place in order to ensure that the affected workforce are treated in a fair, equitable and consistent manner during the restructuring process.
26. Although we understand why the Commission or Commissioner should initially be set as a non-statutory body and that this could allow it to be more innovative and challenging, UNISON believes the Commission or Commissioner should either transfer to a statutory body as soon as possible or gain some other form of statutory underpinning in order to provide the necessary authority for the Welsh Government, WPC and the public sector employers to act on the recommendations.

27. Moreover, the Commission/er should continually brief the WPC and public sector staff on the timetable and reorganisation of local government, and other public sector restructurings, so that they are fully informed of all events and changes.

Q Do you have any further comments on the functioning of the non-statutory Staff Commission?

28. Its authority and relationship with the WPC and Welsh Ministers needs to be clearly defined. The advice and recommendations published by the Commission or Commissioner should be clear and presented in a way that makes it extremely difficult for them to be misinterpreted or ignored. The way recommendations are phrased will be of vital importance.

29. UNISON recommend that the Commission or Commissioner should itself conduct mini-consultations annually to ensure it evolves and adapts in line with what public services require. Consultations could be organised online and include an initial short questionnaire which monitors views over the years. This could then be collated at the end of the reform to measure the impact of the reorganisation on public service workers.

Q Are the skills and experience identified in paragraph 57 correct? & Are there any skills and experience which the non-statutory Staff Commission requires which is not included in the list?

30. We agree that the skills, experience and capability of the Commission/er and their team will be extremely important to establish its credibility and therefore believe that the skills need to be expanded upon.

31. UNISON welcome that the team should have knowledge of local government but should also have an extensive knowledge of public services as a whole to fulfil a wider role than local government reorganisation.

32. In addition the Commission or Commissioner need to have access to impartial expert advice and research capacity and are not reliant on civil servants to drive the work of this body. This would ensure that the Commission or Commissioner is sufficiently resourced to be able to pursue the remits set by the WPC. Job evaluation will be an integral part of the remit and therefore should be included in the list of skills. Members of the Commissioners team should have experience of previously delivering job evaluation in order to understand the complexities that arise from this area.

33. UNISON calls for a commitment from the Welsh Government that the Commission or Commissioner is not overly reliant on civil service support. The civil service work well in an administrative role, but their views should continue to be impartial and recommendations made purely by the Commissioner.

34. The appointment of the Commission or Commissioner should reflect the diversity of Wales and be conducted in an open, transparent and fair way.

Q Are the proposed communication processes outlined in paragraphs 59 to 62 appropriate?

35. The communication processes outlined in paragraphs 59 to 62 outline the need to communicate, but lack substance on exactly how this will be achieved. UNISON welcome the circulation of regular bulletins but how, at

what interval and where the information is shared needs to be defined. We recommend that the Commissioner has its own website.

36. In addition to a website, the Commission/er should utilise social media channels, such as Twitter. When bulletins are sent out, the defined bodies in paragraph 57 and all public sector stakeholders should be encouraged to, at minimum, make staff and interested bodies aware of the Commission/er website.

37. UNISON welcome further consultation to ensure the work programme remains current, flexible and adaptable to the changing circumstances for public sector workers in Wales.

Q Are the proposed links between the non-statutory Staff Commission and the IRP appropriate?

38. UNISON welcomes the Welsh Government's intention to extend the provisions in the Local Government (Democracy) (Wales) Act 2013 in relation to the Independent Remuneration Panel for Wales (IRP) to include all Local Authority chief officers for the duration of the local government merger programme.

39. We agree that that there will need to be a close and effective working arrangement between the IRP and the non-statutory and statutory Public Services Staff Commission or Commissioner.

40. However, the proposed links between the non-statutory Staff Commission or Commissioner and the IRP will need further consideration to avoid an unforeseen consequences i.e. under the amended regulations, Local Authorities would no longer be able to offer Chief Officers vacancies, with salaries over £100,000, as 'suitable alternative employment' in a redundancy situation and would require all such vacancies to be advertised externally. This could force councils to make senior staff redundant which would create problems for authorities restructuring at the higher level and increase transitional costs.

Q Are there other priority workforce issues the non-statutory Staff Commission should be engaged with?

41. UNISON support that the Commission or Commissioner will not supplant existing bargaining and negotiating mechanisms. The Commission or Commissioner should not only act as a reactive body but also proactively engage with other priority issues that occur across the public sector in Wales as a result of this reorganisation.

42. The Commission or Commissioner should be tasked to focus on maintaining directly provided integrated public services with a valued and motivated workforce that will attract and retain talent for the future.

43. Equality should be at the heart of the Commission/er's consideration and part of this will be to ensure that restructured public services can deliver equality proofed single status pay structures.

44. Other important issues for the Commission/er to develop are: developing redeployment opportunities across public sectors; developing 'best practice' and consistent discretionary policies and support; the harmonisation of Terms & Conditions; ensuring pension portability; ensuring education and support

are available for all grades of staff to ensure continual service quality improvement and to ensure there are consistent engagement and negotiation mechanisms with the recognised trade unions.

45. In some defined circumstances it may be appropriate for the Commission/er to play an arbitration role between public sector employers and their recognised trade unions.

46. If the Welsh Government is fully committed to improving the Welsh public sector then strong incentives to continue working in the public sector must be provided. In light of job mergers, the opportunity of career progression, pathways and development should be enhanced.

Q What additional powers might Welsh Ministers need to effectively support the work of the statutory Staff Commission, for example, powers of direction or guidance?

47. A statutory Commission/er will be able to make directions and guidance which Ministers, the WPC, unions and public sector employers should have to consider.

Q Will making statutory provisions for the Staff Commission in the second Local Government Bill to be introduced in to the National Assembly for Wales in the Autumn of 2016 enhance the standing of the Commission?

48. Yes, if a Commissioner

Q Should the Staff Commission be given powers to issue guidance in its own right, or should it only be able to make recommendations to the Welsh Minister about issuing guidance?

49. UNISON believes that the Commission or Commissioner should be given powers to issue guidance in its own right, working with the WPC. Guidance should be issued in collaboration with the WPC. The powers described in paragraph 71 are correct in that the Commissioner should have the ability to issue statutory guidance in its own name, working with the WPC and that there may be times when it is more appropriate that the Welsh Ministers address certain issues. The majority of the time it should be the Commissioner with statutory powers which issues directions to the new bodies being created, after consulting and receiving direction from the WPC.

Q What powers will the statutory Staff Commission need in order to provide accurate and authoritative guidance?

50. UNISON believes that the Commission/er whether non statutory or statutory needs sufficient powers to enable it to fulfil its remit, thus ensuring its guidance is followed.

Q Are the powers described in paragraphs 71 and 72 the right ones?

51. UNISON agree that the Commission/er will also need a power to require existing Local Authorities and any other public bodies to supply relevant information on proposed mergers and restructures.

52. Quantitative data is important in order to analyse and measure the impact of the Reform programme on the public sector workforce, but qualitative information should also be gathered. Qualitative information will provide an

in-depth source of information for the Commissioner, Workforce Partnership Council and Welsh Government which may provide an insight in the issues affecting the public service workforce.

Q What additional powers might Welsh Ministers need to effectively support the work of the statutory Staff Commission, for example, powers of direction or guidance?

53. Welsh Ministers should be able to accept recommendations, act on guidance and direction from the Commissioner and WPC, provide feedback and information when requested, provide early warning to the WPC and Commissioner of any planning substantive changes to previously agreed arrangements and provide early warning of any proposed changes to senior management teams.

Q Should the statutory Staff Commission be time limited and phased out at the end of the current reform programme?

54. The Commission/er should not be time limited or constrained to Local Government restructuring, as this body will be crucial in further monitoring and influencing staffing matters and assisting the WPC whilst the wider public sector is restructured. It would also represent a commitment by the Welsh Government to investing into the future of the one Public Services Wales vision.

Q How could the statutory Staff Commission best support the embedding of the social partnership approach?

55. Social partnership requires a real commitment from public service staff and the Welsh Government. The Staff Commissioner would best support the social partnership by having a clearly defined and agreed relationship with the WPC.

56. UNISON Cymru Wales are grateful for the opportunity to assist the Welsh Government with its reorganisation of Local Government and we are happy to provide further assistance if required.

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Mr Leighton Andrews AM
Minister for Public Services
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Date: 27 February 2015
Our ref: HVT/2280/fgb
Page: 1 of 3

Dear Leighton

SENIOR MANAGEMENT INFORMATION

I refer to your letter dated 17 February 2015 seeking my view on whether there is consistency in the information about the cost of senior management published by local authorities in their financial statements under the Accounts and Audit Regulations (Wales) 2005.

The disclosure requirement, as set out in the Accounts and Audit Regulations (Wales) 2005, and the Accounts and Audit (Wales) (Amendment) Regulations 2010 define a senior employee as a person whose salary is more than £150,000 per year, or whose salary is at least £60,000 per year (to be calculated pro rata for a part-time employee) and who is:

- a) the designated head of paid service, a statutory chief officer or a non-statutory chief officer of a local government body (in terms of the meaning given by the Local Government and Housing Act 1989);
- b) the head of staff for a local government body which does not have a designated head of paid service; or
- c) any person having responsibility for the management of the local government body to the extent that the person has power to direct or control the major activities of the body.

Whilst (a) and (b) are clearly defined, category (c) has been interpreted by local government bodies in different ways. This can be seen from the memorandum on senior management pay across the Welsh public sector which I prepared for the Public Accounts Committee (February 2014). In that memorandum I considered disclosures in the 2012-13 financial statements for local government bodies and identified a variance of between 3 and 21 managers disclosed as 'senior managers'.

These variances are referred to again in section 3.15 of your White Paper, '*Reforming Local Government: Power to Local People*'. In that section reference is made to figures in the context of 2013/14 accounts for Blaenau Gwent and Neath Port Talbot, with three senior managers each and Conwy disclosing seventeen senior managers.

However from looking at those financial statements, I cannot determine how the White Paper figure of three is arrived at for Blaenau Gwent as more than that are disclosed, the Neath Port Talbot disclosure refers to the Chief Executive and three directors (although there is also a disclosure note adding that the post of a fourth director was filled by the services of an interim director, with payment to Windsor Transformational Limited).

For Conwy, the disclosure includes the Chief Executive, three strategic directors plus two statutory heads (of social services and education services) plus 12 heads of service.

It is clear that, whilst the regulations state (in c) above that the disclosure should be of any person having responsibility to the extent that they 'have power to direct or control the major activities of the body', some local government bodies interpret this as a head of service whilst most confine it to more senior staff. It therefore follows that there is currently inconsistency in the interpretation of the Regulations.

It is interesting to note that the Welsh Government NHS Wales Manual for Accounts uses a definition of a senior manager as '*those persons in senior positions having authority or responsibility for directing or controlling the major activities of the NHS body. This means those who influence the decisions of the entity as a whole rather than the decisions of individual directorates or departments*'. The Manual goes on to say that it is usually considered that the regular attendees of the entity's board meetings are its senior managers – usually between nine and twelve individuals in total.

Whilst local government has different corporate structures to the NHS the above definition might be a useful starting point for providing greater clarity.

In summary, my view is that further clarity of definition would certainly be beneficial for local government bodies as regards regulation (c) above to ensure greater consistency in disclosure. You will of course appreciate that absolute consistency is unlikely to be achieved given the different organisational structures which are in operation.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Huw Vaughan Thomas'.

HUW VAUGHAN THOMAS
AUDITOR GENERAL FOR WALES

Meeting date: 26 March 2015

Paper 4 – Forward Work Programme

Purpose

1. The purpose of this paper is to:
 - outline the Committee's work programme for the summer term. The Committee's provisional forward work programme is attached at Annexe A.

Forthcoming work

Local Government (Wales) Bill

2. The Committee will consider its draft report for the first time on 22 April. There will be further opportunities to consider revisions to the report in advance of the reporting deadline of 8 May.
3. Subject to Stage 1 agreement, the Bill will return to the Committee for Stage 2 proceedings. The meetings on Wednesday 24 June and Thursday 2 July are being held provisionally for the consideration of amendments.

Renting Homes (Wales) Bill

4. The Committee will hear from the Minister for Communities and Tackling Poverty on 22 April 2015. There will then be seven evidence sessions with stakeholders, before the Minister returns to Committee on 20 May.
5. Members may wish to note that the meeting on 14 May will extend into the afternoon.

6. The Committee will consider its draft report for the first time on 10 June. There will be further opportunities to consider revisions to the report in advance of the reporting deadline of 26 June.

7. Subject to Stage 1 agreement, Stage 2 proceedings on the Bill will take place in Committee in September/October.

Heritage (Wales) Bill

8. We anticipate introduction of the Heritage (Wales) Bill by the Welsh Government after the Easter recess, and we expect the Bill to be referred to the Committee for Stage 1 scrutiny.

9. In line with usual practice, we expect the Business Committee to write to the Committee in advance of the introduction of the Bill to seek Members' views on the draft timetable for consideration.

Action

10. The Committee is invited to:

- note the contents of the paper and the provisional forward work programme at Annexe A.

Annexe A – Forward Work Programme

<p>22.04.15 Wednesday</p>	<p>Renting Homes (Wales) Bill: evidence from the Minister for Communities and Tackling Poverty Local Government (Wales) Bill: consideration of draft report</p>
<p>30.04.15 Thursday</p>	<p>Renting Homes (Wales) Bill: evidence from stakeholders –</p> <ul style="list-style-type: none"> ▪ Housing Law Practitioners Association (tbc) and the Law Society ▪ Welsh Tenants, the NUS and Let Down in Wales <p>Local Government (Wales) Bill: consideration of final report</p>
<p>06.05.15 Wednesday</p>	<p>Renting Homes (Wales) Bill: evidence from stakeholders –</p> <ul style="list-style-type: none"> ▪ Chartered Institute of Housing, Community Housing Cymru, and the WLGA ▪ Cymorth Cymru and Tai Pawb
<p>14.05.15 Thursday</p>	<p>Renting Homes (Wales) Bill: evidence from stakeholders –</p> <ul style="list-style-type: none"> ▪ Guild of Residential Landlords, National Landlords Association, Residential Landlords Association, and the Country Land and Business Association ▪ Association of Residential Letting Agents (tbc) and the Association of Residential Management Agents (tbc) ▪ Citizens Advice Cymru and Shelter Cymru <p>[please note we will be using our afternoon slot to take evidence from stakeholders]</p>
<p>20.05.15 Wednesday</p>	<p>Renting Homes (Wales) Bill: evidence from the Minister for Communities and Tackling Poverty Renting Homes (Wales) Bill: consideration of main themes</p>

Half term recess (25.05.15 – 29.05.15)	
04.06.15 Thursday	<p>The following work to be undertaken during this term. Dates to be confirmed.</p> <ul style="list-style-type: none"> ▪ Consideration of the Heritage Bill; ▪ Local Government Bill – stage 2 proceedings; ▪ Renting Homes Bill – stage 1 report
10.06.15 Wednesday	
18.06.15 Thursday	
24.06.15 Wednesday	
02.07.15 Thursday	
08.07.15 Wednesday	
16.07.15 Thursday	
Summer recess (20.07.15 – 11.09.15)	

26 March 2015 – Papers to note cover sheet

Paper No:	Issue	From	Action Point
Public papers to note			
1	Local Government (Wales) Bill	Welsh Local Government Association	Additional information following the meeting on 26 February 2015
2	Local Government (Wales) Bill	Unison Wales	Additional information following the meeting on 4 March 2015
3	Local Government (Wales) Bill	Auditor General for Wales	Additional information following the meeting on 12 March 2015
4	Forward work programme	Clerking team	The Committee is invited to note the contents of the paper and the provisional forward work programme

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