

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: Wednesday, 3 May
2017

Meeting time: 09.00

For further information contact:

Naomi Stocks

Committee Clerk

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Pre-meeting (09.00 – 09.15)

1 Introductions, apologies, substitutions and declarations of interest

2 Abolition of the Right to Buy and Associated Rights (Wales) Bill – evidence session 2

(09.15 – 10.15)

(Pages 1 – 20)

- Stuart Ropke, Chief Executive, Community Housing Cymru
- Joe Logan, Chief Executive, Tai Calon
- Ffrancon Williams, Chief Executive, Cartrefi Cymunedol Gwynedd
- Debbie Green, Chief Executive, Coastal Housing

3 Abolition of the Right to Buy and Associated Rights (Wales) Bill – evidence session 3

(10.15 – 11.15)

(Pages 21 – 24)

- Jennie Bibbings, Campaigns Manager, Shelter Cymru



4 Paper(s) to note

Correspondence with the Cabinet Secretary for Communities and Children in relation to violence against women

(Pages 25 – 31)

Letter from the Cabinet Secretary for Communities and Children in relation to Communities First – lessons learnt

(Pages 32 – 42)

Letter from the Chair of the Public Accounts Committee in relation to the ‘Reforming local government: Resilient and Renewed’ White Paper

(Pages 43 – 54)

Correspondence from the Cabinet Secretary for Communities and Children in relation to the Abolition of the Right to Buy and Associated Rights (Wales) Bill

(Pages 55 – 62)

Letter to the Cabinet Secretary for Finance and Local Government in relation to human rights in Wales

(Pages 63 – 65)

Letter to the Cabinet Secretary for Finance and Local Government in relation to local government reform

(Pages 66 – 67)

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

Break (11.15 – 11.30)

6 Abolition of the Right to Buy and Associated Rights (Wales) Bill – consideration of evidence received under items 2 and 3

(11.30 – 11.45)

Document is Restricted

Consultation on the Abolition of the Right to Buy and Associated Right (Wales) Bill

About Us

Community Housing Cymru (CHC) is the representative body for housing associations and community mutuels in Wales, which are all not-for profit organisations. Our members provide over 158,000 homes and related housing services across Wales. In 2015/16, our members directly employed 9,109 people and spent nearly £2bn (directly and indirectly) in the economy, with 89% of this spend retained in Wales. Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales.

Our objectives are to:

- Be the leading voice of the social housing sector.
 - Promote the social housing sector in Wales.
 - Promote the relief of financial hardship through the sector's provision of low cost social housing.
 - Provide services, education, training, information, advice and support to members.
 - Encourage and facilitate the provision, construction, improvement and management of low cost social housing by housing associations in Wales.
1. CHC welcomes the opportunity to respond to the Equality, Communities and Local Government Committee's inquiry into Abolition of the Right to Buy and Associated Rights (Wales) Bill.
 2. We support **the general principles of the Bill, and the need for legislation to deliver the policy intention i.e. to protect the supply of social housing from further erosion in the face of a high level of demand and a supply shortage.**
Since the inception of the policy, 139,233 units of social housing stock have been

sold through Right to Buy and Right to Acquire in Wales¹. This has both reduced the overall quantum of social housing in the country and added an element of uncertainty for social housing providers, with the possibility that the homes they invest in may not be long term assets.

3. For example, since 2007/08, housing associations in Wales have provided an additional 17,864 affordable homes across Wales. Over the same time period, 761 housing association homes and 1906 local authority homes have been sold through Right to Buy and Right to Acquire.
4. Approximately 90,000 households are estimated to be on social housing waiting lists in Wales, and the Public Policy Institute for Wales estimates that housing need in Wales is between 8,700 and 12,000 additional homes per year, of which an estimated 40% should be in the social housing sector².
5. In December, CHC signed a pact with Welsh Government and the Welsh Local Government Association to work towards delivering the Welsh Government's 20,000 homes target, which is a key part of tackling the housing crisis we have described. Ending the Right to Buy and Right to Acquire is a further tool to tackle this crisis, and gives housing associations confidence to invest in building those homes and investing in them for the long term.
6. Alongside the issues that Right to Buy and Right to Acquire have caused with the supply of social housing and investor confidence, there has also been an impact on communities as a result of the policy. A number of housing associations have reported issues whereby tenants who exercise their Right to Buy or Acquire did so and were later unable to afford to maintain them to the same standard as those homes in the same areas which are still managed by the landlord and have benefited from work on their home to bring it up to Welsh Housing Quality Standard (WHQS). In the first instance, the lack of maintenance on the home that has been bought can mean it falls into disrepair, causing problems both for the

¹<https://statswales.gov.wales/Catalogue/Housing/Social-Housing-Sales/totalsocialhousingsales-by-period-providertype>

²<https://sites.cardiff.ac.uk/ppiw/files/2015/11/Future-Need-and-Demand-for-Housing-in-Wales-REVISED.pdf>

community and for the owner's health. Secondly, it can also have a negative impact on the appearance and upkeep of the estate/community.

7. Further to this, where the leasehold on a flat has been bought through Right to Buy or Acquire, this can cause significant issues for the rest of the block of flats in the eventuality of repairs being needed. Often the leaseholder can block, or is unable to afford, the repairs required to be undertaken under the terms of the lease. The social landlord is then faced with either not undertaking the repairs or being forced to subsidise the leaseholder at the expense of its social tenants.
8. Finally, there is evidence that Right to Buy has had an impact on community cohesion. Where previously tenants would live alongside neighbours for a protracted period, forming the relationships key to successful community development, the Right to Buy or Acquire has undermined this, with former social housing tenants selling on properties to let them out privately. A report by *Inside Housing*, based on Freedom of Information requests from 91 councils across the UK, found that nearly 40% of flats and maisonettes sold through Right to Buy are now being privately let.
9. On a similar note, stock that was previously managed by the social landlord now being in private ownership also makes it more difficult for housing associations to effectively manage reports of anti-social behaviour.
10. We note the concerns of some Assembly Members who feel that ending the Right to Buy in Wales will reduce home ownership options for those living in social housing. However, we believe housing associations are well placed to continue to offer affordable options for those who to aspire to own their own home. As of 2015-16, Welsh housing associations had delivered 1,676 homes for shared ownership in Wales, and a further 2,996 homes through Welsh Government's Homebuy scheme.
11. There is appetite and capacity in the sector to deliver more home ownership, and we are currently in discussions with the Welsh Government as a sector about the delivery of a Rent to Own model. The significant advantage of low cost home ownership schemes delivered by housing associations over the current Right to

Buy and Right to Acquire schemes is that funds are re-invested in delivering new affordable homes.

12. We support the **provisions of the Bill in relation to the restriction on exercising the Right to Buy and Right to Acquire (sections 2 to 5), the abolition of the right to buy and the rights to acquire (section 6), and the removal of the power for Welsh Ministers to make discount grants (section 7).** However, further clarity would be welcome on **the duty to provide tenants and prospective tenants with information (section 8).**
13. In particular, the requirement for landlords to share information with a tenant signing a new tenancy after the day on which the section comes into force - section 8 (4) – could be clearer. In the first instance, the requirement to communicate information on the end of Right to Buy ‘as soon as reasonably practicable’ could be clearer, and certainty over how long this requirement will remain in place would be preferable. (i.e. Will landlords still have to communicate that the Right to Buy does not exist a number of years after the policy has ended, or is this a short term measure to deal with those who may not have received the information previously but are starting a new tenancy?) It is our view that it would be more appropriate for this requirement to apply only for a limited period of time.
14. Housing associations are committed to sharing information with qualifying tenants, as set out throughout section 8, and we note the Welsh Government’s submission of its information document to the committee. We broadly welcome the contents of the information document, in particular the emphasis on legal and financial advice that should be sought by those seeking to exercise their Right to Buy in the interim. However, we believe there could be greater emphasis placed on signposting people to other ways they can buy a home. We would also urge Welsh Government to ensure that this information is produced in a number of formats that are accessible for all tenants.
15. We don’t foresee any **barriers to the implementation of the Bill’s provisions** as it is currently drafted.

16. We believe the only **unintended consequence** of the Bill as it is currently drafted is the potential for a spike in Right to Buy and Right to Acquire sales in the interim period between the Bill being enacted and the rights ceasing to exist. Steps to prevent this could include reducing the discount in the interim period, or ensuring that tenants are aware of the other low cost home ownership options available to them, including those offered by housing associations.

Contact details:

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Our vision

Everyone in Wales should have a decent and affordable home: it is the foundation for the health and well-being of people and communities.

Mission

Shelter Cymru's mission is to improve people's lives through our advice and support services and through training, education and information work. Through our policy, research, campaigning and lobbying, we will help overcome the barriers that stand in the way of people in Wales having a decent affordable home.

Values

- Be independent and not compromised in any aspect of our work with people in housing need.
- Work as equals with people in housing need, respect their needs, and help them to take control of their lives.
- Constructively challenge to ensure people are properly assisted and to improve good practice.

Our response

Shelter Cymru welcomes the opportunity to provide a written response to this inquiry. The Right to Buy policy has been a key contributor to the housing crisis that Wales is currently facing. The impact of this policy, and a lack of investment in affordable housing over the last three decades, have resulted in social housing becoming a scarce and limited feature of our housing options for Welsh households. We have been calling for its abolition for many years: in 2008, when the Welsh Government was consulting on the proposed measure to suspend the Right to Buy in areas of housing pressure, we called on the Government to secure the powers to end the Right to Buy altogether.

We welcome Welsh Government's understanding and recognition of the crucially important role that the social sector plays in accommodating some of the most vulnerable in our society. Research shows that affordable housing is a key tool to tackling poverty across Wales¹. With Wales having a higher proportion of households on relatively low incomes,

¹ Tunstall et al. 2013. The links between housing and poverty. JRF

affordable housing can often be a vital element that enables people to live above the breadline². To this end, the importance of social housing cannot be underplayed and any efforts to protect Wales' stock will be fully embraced by Shelter Cymru.

While we recognise the positive aspects of Right to Buy such as its contribution to mixed tenure and income communities, enabling households to access home ownership and remain in their neighbourhoods, it is difficult to envisage the continued selling of affordable houses at discounted prices particularly at a time of high housing need. There are other models in place which support people to transition into home ownership from social housing such as stair-casing and shared equity schemes which are more efficient than the Right to Buy.

Studies do show that homeownership is an aspiration for the majority of households³ but research exploring homeownership among tenants of social housing suggests that is less likely to be a reality for the majority, with only 7% of all housing association tenants wanting to and being able to purchase their own home through Right to Buy⁴.

The security and affordability of social housing means that it continues to be preferred to privately rented housing for the majority of households in Wales. This suggests that only a minority of tenants will lose their opportunity to become homeowners, while the majority will continue to benefit from affordable and secure housing.

While the impact of the abolition won't be instant it will be sustained over the long term, supporting efforts to address the need for affordable housing options for future generations. This will help to ensure the prosperity and resilience of Welsh households, and to support the effective and full implementation of the Welsh homelessness legislation, which depends upon access to affordable and secure housing solutions for people in crisis. The continued selling of our social housing while Welsh Government is aiming to produce 20,000 affordable homes is completely contradictory.

Protecting and investing in social housing may also have a positive wider impact in reducing and preventing homelessness; research has found that homeless people in Wales are more likely to have multiple and complex needs⁵ which are likely to be better met by social landlords. Studies have shown that people with support needs are more likely to sustain a social housing tenancy than a private rented one⁶. Without adequate numbers of homes in the social housing sector more vulnerable people will have to rely on private rented accommodation which may not meet their needs and which may lead to repeat episodes of homelessness.

² Wilcox et al. 2015. UK Housing Review: Briefing Paper. CIH

³ Citizen's Advice Cymru. 2015. The Future of the Right to Buy and Right to Acquire: Response form.

⁴ Pattinson et al. 2016. Tenant Perceptions of the Right to Buy Extension: Evidence from the Big Tenant Survey. CRESR & Sheffield Hallam University

⁵ Mackie, P & Thomas, I. 2014. Nations Apart? Experiences of Single Homeless People across Great Britain. Cardiff University: Cardiff.

⁶ Warnes et al. 2013. Factors that Influence the Outcomes of Single Homeless People's Rehousing. Housing Studies 28 (5), pp. 782-798.

There is also a clear financial argument for abolishing the Right to Buy, with landlords reporting the policy as having a negative impact on their ability to build new homes⁷. In addition to this many houses sold through to Right to Buy emerge years later as private rented properties for people who need social homes but are left with little option but to rent higher cost, less secure houses. Ironically many of these tenants will rely on housing benefit to assist with the cost of these rents: this system is neither efficient, economical nor sustainable.

Tenants' interests

Although there are clear overarching reasons why ending the Right to Buy is in the interests of the Welsh population as a whole, it is also the case that the Right to Buy remains a popular policy among many social tenants⁸. Alternative proposals by tenants have included subsidising deposits, to a value equivalent to the current discount, in order to assist tenants to purchase homes in the private market.

The problem with any intervention which helps people to buy housing is that it inevitably creates a housing bubble, keeping prices artificially high. This is in nobody's interests. Instead we should be concentrating public subsidy on increasing supply rather than demand.

However, we also need to engage with social tenants and listen to them in order to understand their aspirations and needs. It's crucial to understand why home ownership is still an attractive option for tenants.

Shelter and Shelter Cymru, in partnership with British Gas, have developed a new, person-centred measure of housing quality: the Living Home Standard⁹, based on a similar methodology as the Living Wage. The Standard describes what people believe is an acceptable minimum standard for homes in the 21st century in order to support people's wellbeing.

Earlier this year we carried out a Wales-wide survey to understand how many homes in Wales are currently failing the Standard. While across Wales 44% of people live in homes that fail the Standard, among social tenants the figure was considerably higher at 64%. By contrast, among owner-occupiers only 36% live in homes that fail the Standard.

The areas in which social homes were more likely to fail than the Wales average were affordability (42%); conditions (29%); neighbourhood (12%); and stability (11%).

Addressing these shortcomings via continued investment in improving conditions, community safety, affordability and rights is crucial.

We would also argue that the Welsh Government must ensure that tenants are adequately informed about their changing rights in respect of the Right to Buy. Among other reasons

⁷ Inside Housing. 2015. #Wrong to Buy. 17th April 2015, pp. 2-3

⁸ <http://www.welshrenters.org.uk/2015/05/to-buy-or-not-to-buy-this-is-the-question/>

⁹ Not yet published – publication date July 2017

this is important to help tenants be aware of the risk of being targeted by unscrupulous lenders who may be active during the 12-month notice period. While many social landlords in Wales are effective at tenant communication, others have not always performed well in this area and a consistent Wales-wide approach, led by Welsh Government guidance, would be desirable.

Finally, we suggest that it may be fair to give all tenants across Wales the same chance to purchase their home during the 12-month period. During the Welsh Government consultation exercise, eight out of 12 tenants who lived in local authority areas where the Right to Buy had been suspended said they felt the opportunity should be given to all on an equal basis. Although these tenants would have had a notice period already, some may not have understood the process and may have been under the impression that suspended rights would be reinstated at a later date.

Conclusion

We support the Welsh Government's aim to abolish the Right to Buy for three reasons:

- Our social housing is an invaluable resource that cannot easily or cheaply be replaced
- Abolishing the policy will only negatively impact a small proportion of tenants while protecting the majority and future generations
- It will support the wider aims of the Welsh Government to tackle homelessness and provide greater equality and prosperity in Wales.

By Rebecca Jackson, Policy Officer and Jennie Bibbings, Campaigns Manager

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Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-13-17 Papur 3/ Paper 3
Carl Sargeant AM
Cabinet Secretary for Communities and Children

24 March 2017

Dear Cabinet Secretary

Post legislative scrutiny of Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

Following the recent plenary debate on the Committee's report, I am writing to seek clarification on a number of outstanding issues.

Additionally, it also provides an opportunity to ask how the Welsh Government will be involved in the development of the new Domestic Violence and Abuse Act announced by the Prime Minister on 17 February 2017. What involvement, if any, will the Welsh Government have in the development of this new legislation?

During the debate you stated that you were frustrated with the pace of 'introduction' of the 2015 Act and that you have made 'significant' changes to your team. Can you outline what impact these changes will have on the implementation of the legislation?

Recommendation 1: The Welsh Government should, as part of its forthcoming delivery plan to accompany the National Strategy, set out specific, individual delivery dates for:



- each piece of outstanding statutory guidance;
- the guidance to local authorities on the preparation of local strategies;
- the regulations to be made under section 29(6A) of the Education Act 1996 (as inserted by section 9 of the Act) relating to local authorities' reporting of how their educational institutions are implementing the Act; and
- the roll-out of the National Survivor Engagement Framework.

The written response was unclear on some of these points, in particular in relation to the statutory guidance. In responding to the debate, you helpfully clarified that guidance will be issued to local authorities and local health boards to assist with their local strategies in July. You also stated that the statutory commissioning guidance will be consulted on in July, however, it is still unclear if there are any further pieces of outstanding statutory guidance. Could you provide a list of the statutory guidance required by the legislation, with details of when they have been published, or when they will be published?

Recommendation 5: The Welsh Government should provide a timescale for when the Violence against Women, Domestic Abuse and Sexual Violence Advisory Board will complete its work into a sustainable funding model for the specialist sector (and when this will be communicated). It should also ensure that sufficient funding is available to the sector to cope with any increases in demand created as a result of the Act.

In the written response, you stated that the 2016–17 budget included an increase in the revenue component of the Domestic Abuse Services Grant of £400,000. During the debate it was unclear whether this increase will meet the likely increase in demand given that the funding is static for 2017–18. Could you clarify if this budgetary increase will cover the increase in likely demand resulting from the Act?

Recommendation 8: As a matter of urgency, the Welsh Government should:

- clarify the legal status of the forthcoming delivery plan, which should preferably be issued as statutory guidance to ensure that it can be enforced;



- outline when the delivery plan will be published, and how it will be consulted upon; and
- ensure that the ten survivor recommendations contained in the report, *Are you listening, am I being heard?*, are fully considered during the development of the national survivor engagement framework

In your written response, you stated that the legal status of the delivery plan would be considered by a Task and Finish Group, which was due to meet for the first time in February 2017. It remains unclear what the legal status of the statutory guidance will be; when it will be published or in the absence of this clarification, when these decisions will be made. Could you provide clarification as to whether the delivery plan will be issued as statutory guidance and when it is likely to be published?

Recommendation 9: The Welsh Government should commit to including teaching about healthy relationships in the new curriculum under the ‘Health and Well-being’ Area of Learning and Experience (AoLE), and should ensure this is delivered in all schools.

As you said during the debate, one of the strong messages both from the report and the debate was the importance of education in preventing abuse happening in the first place. We welcome the recent announcement made by your colleague, the Cabinet Secretary for Education establishing a Healthy Relationship Expert Panel chaired by Professor Emma Renold. We also note that the UK Government have announced that teaching on healthy relationships will be compulsory in all schools in England. This is a matter we will continue to have a keen interest in, and it would be useful to know from you or your Cabinet colleague when a final decision will be made on whether teaching on healthy relationships will be included in the curriculum.

Recommendation 11: The Welsh Government should expedite the preparation of regulations under section 29(6A) of the Education Act 1996 relating to the publication of information by local authorities on how they are exercising their



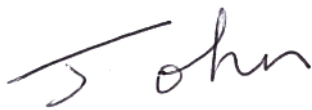
functions to promote the purpose of the Act. It should also commit to requiring local authorities to begin reporting by the start of the 2017/18 academic year.

It was unclear from the written response and the debate whether the Government would be taking forward this recommendation. Can you please clarify?

Recommendation 14: The Welsh Government should review the capacity of the National Adviser's role, and consider allocating additional resources to it for research and to support the development of local strategies.

During the debate, clarity was sought on these matters and the agreement to keep capacity under review. Could you provide an update?

Yours sincerely



John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.





Ein cyf/Our ref MA (L) CS -0278-17

John Griffiths AM
Chair
National Assembly for Wales
Equality, Local Government and Communities Committee
National Assembly for Wales
Cardiff Bay
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20th April 2017

Dear John

Thank you for your letter of 24 March following the recent plenary debate on the Equality, Local Government and Communities Committee report on the Post legislative scrutiny of Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

The Welsh Government continues to work closely with the UK Government and will do so during the development of an UK Domestic Violence and Abuse Bill.

I will respond to each of the specific points raised as requested below:

- During the debate you stated that you were frustrated with the pace of 'introduction' of the 2015 Act and that you have made 'significant' changes to your team. Can you outline what impact these changes will have on the implementation of the legislation?

A secondee has been introduced into the Department to assist the Team and National Adviser. In addition to the new secondee, Sustainable Funding and Delivery Framework Task & Finish Groups has been established and that both will help in increasing the pace of implementation.

- The written response was unclear on some of these points, in particular in relation to the statutory guidance. In responding to the debate, you helpfully clarified that guidance will be issued to local authorities and local health boards to assist with their local strategies in July. You also stated that the statutory commissioning guidance will be consulted on in July, however, it is still unclear if there are any further pieces of outstanding statutory guidance. Could you provide a list of the statutory guidance required by the legislation, with details of when they have been published, or when they will be published?

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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.

Section 15 of the Act is a discretionary power to issue guidance. The Act does not require the publication of guidance. However, the Welsh Government is committed to publish guidance where it is beneficial for achieving the aims of the Act. The delivery framework will list all the guidance we intend to publish to assist in achieving the aims of the Act.

Multi-Agency Collaboration Guidance

Part of the work of the Sustainable Funding Model Task & Group and will report to me at the Advisory Group in November 2017.

Ask and Act

The plan for rollout of Ask and Act will be developed from July 2017 in consultation with stakeholders and Welsh Women's Aid.

Commissioning Services

Commissioning services has been part of the work of the Sustainable Funding Model Task & Group. A draft set of statutory commissioning guidance will be presented at the Advisory Group in November 2017.

Local Strategies

The national strategy will provide guidance and direction to local authorities and Local Health Boards in the preparation of their local strategies. However, it remains the intention to publish guidance in the Summer 2017 to further assist the preparation of local strategies.

- In the written response, you stated that the 2016-17 budget included an increase in the revenue component of the Domestic Abuse Services Grant of £400,000. During the debate it was unclear whether this increase will meet the likely increase in demand given that the funding is static for 2017-18. Could you clarify if this budgetary increase will cover the increase in likely demand resulting from the Act?

The 2017-18 budget of £4.5 million includes the increase of £400,000. The work of the Sustainable Funding Model Task & Finish Group will report progress to me at the next Advisory Group in May 2017.

- In your written response, you stated that the legal status of the delivery plan would be considered by a Task and Finish Group, which was due to meet for the first time in February 2017. It remains unclear what the legal status of the statutory guidance will be; when it will be published or in the absence of this clarification, when these decisions will be made. Could you provide clarification as to whether the delivery plan will be issued as statutory guidance and when it is likely to be published?

The exact contents of the plan is still under development and only when finalised will a decision be made on the legal status. Progress is ongoing with the Delivery Framework Task & Finish Group with a workshop planned at the end of April 2017 and will update me on progress at the next Advisory Group in May 2017.

- As you said during the debate, one of the strong messages both from the report and the debate was the importance of education in preventing abuse happening in the first place. We welcome the recent announcement made by your colleague, the Cabinet Secretary for Education establishing a Healthy Relationship Expert Panel chaired by Professor Emma Renold. We also note that the UK Government have announced that teaching on healthy relationships will be compulsory in all schools in England. This is a matter we will continue to have a keen interest in, and it would be useful to know from you or your Cabinet colleague when a final decision will be made on whether teaching on healthy relationships will be included in the curriculum.

Education officials are still developing the curriculum reforms. Work on the Health and Wellbeing Areas of Learning and Experience (AoLE) began earlier this year. The details will be further developed in 2017 with a view to the new curriculum being available in 2018 and taught in schools by 2021.

- Recommendation 11: It was unclear from the written response and the debate whether the Government would be taking forward this recommendation. Can you please clarify?

We will not proceed with developing regulations or statutory guidance at this time. We will consider the Estyn report on the thematic review of healthy relationship education and the final recommendations from the Expert Panel once they have been published. This will inform what further steps will be taken in this regard.

- Recommendation 14: During the debate, clarity was sought on these matters and the agreement to keep capacity under review. Could you provide an update?

The role of the National Adviser continues to be kept under review.

Yours sincerely



Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

Agenda Item 4.2

Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children



Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-13-17 Papur 4/ Paper 4

Llywodraeth Cymru
Welsh Government

Ein cyf/ Our ref: MA (P) CS 0634 17

John Griffiths AM
Chair of Equalities and Local Government Committee
National Assembly for Wales

27th March 2017

Dear John

During my appearance before the committee on 16 February I offered to provide a written note in response to some of the committee's questions. I trust the note below and the three appendices attached will clarify the specific matters.

1) A note on the data used to evaluate the success of Communities First and to inform the transition period and new approach, including the current and future indicators

Since its re-launch as a tackling poverty programme in 2012, Communities First has been monitored using a Results Based Accountability (RBA) outcomes framework. The framework has three broad goals narrowing the gap between the most and least deprived communities in Wales in terms of: prosperity/employment, health, and learning/skills. The current Communities First outcomes framework comprises 22 population indicators and 101 performance measures. The population indicators are collated by the Welsh Government from a range of national level data sources (e.g. DWP, ONS and Public Health Wales). Performance measure data has been reported quarterly by Lead Delivery Bodies.

Our assessment on the effectiveness of Communities First in tackling poverty has used a number of evidence sources (see appendix 1) including:

- review of the evaluations of Communities First (most recently the Ipsos Mori/Wavehill 'Process Evaluation' (2015));
- analysis of performance management information data held by the Welsh Government; and
- analysis of poverty data (e.g. WIMD, employment and income data).

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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.

Whilst the data show Communities First has had some success in improving individual-level outcomes (e.g. numbers “supported into employment”), its ability to affect change at a national or area level has been limited or has not been evidenced. As highlighted by Old Bell 3 in their evaluation in 2011, it is difficult to attribute outcomes specifically to any one programme.

Evaluation of transitional Communities First projects 2017/18

It will be for funding recipients to monitor performance against locally-identified outcomes. There is a clear expectation that, in responding to the well-being goals, recipients should report outcomes against the National Indicators for Wales.

Data to Inform the New Approach

Our new approach to resilient communities has been informed by an extensive stakeholder engagement exercise. This included the following:

- An online survey, “Talk Communities” was launched on 24 October 2016. More than 2,300 online responses were received. A further 863 responses to the engagement process were submitted via means other than the online survey (e.g. letters and e-mails).
- The Wales Council for Voluntary Action ran focus groups on our behalf with Communities First Cluster staff, service users and people with protected characteristics. Roundtables were held with Third Sector organisations.
- Two focus groups were also held with members of the public to explore and capture views on how we can best support resilient communities.

All local authorities and Public Services Boards were offered the opportunity of face-to-face meetings. Meetings were held with 15 local authorities and 7 Public Services Boards.

2) The approximate figures for how the Communities First legacy fund will be distributed between local authorities and clarity on the analysis used to reach the figures

During the recent engagement exercise, stakeholders highlighted the potential impact of phasing out Communities First projects. In addition to the phased transition to the new approach, we decided to provide funding to help build a strong legacy from Communities First. Legacy funding will allow some of the best, most effective Communities First projects to be sustained by Local Authorities.

The £6m per year Legacy Fund will take the form of a specific grant distributed across the 19 Local Authority areas that currently comprise the Communities First footprint. For 2018/19 and 2019/20 funding will be distributed in proportion to current Communities First budgets. Appendix 2 sets out, by Lead Delivery Body, the Communities First funding for the transition year of 2017-18 and indicative Legacy Funding for 2018-19 and 2019-20. For 2020-21, the Welsh Government will consider rolling this fund in to the Revenue Support Grant.

3) The reporting structures of the statutory indicators outlined in the Well-being of Future Generations (Wales) Act

The National Indicators to measure progress against the seven well-being goals of the Well-being of Future Generations (Wales) Act 2015 were laid before the National Assembly for Wales in March 2016. The 46 indicators will enable the Welsh Government, Assembly Members and any citizen in Wales to find out what progress is being made at a Wales level in achieving the seven well-being goals.

Progress against the seven well-being goals will be reported on through national indicators in an **Annual Well-being Report** for Wales which will be laid before the National Assembly for Wales after each financial year. The Annual Well-being Report for Wales will be published under the Code of Practice for Official Statistics. It is planned that the first annual report will be published in Summer 2017.

4) Wales' performance at tackling poverty compared with other nations, specifically Scotland

At around the time of devolution Scotland and Wales had similar proportions of people in relative income poverty. However, in the last decade the gap between the two has widened and remained at a 5 percentage point difference since 2009. Across the four UK countries, Wales has the highest proportion of people in relative income poverty and Scotland has the lowest (table at annex 3).

Generally speaking, higher qualifications attract higher wages. The “uplift” in earnings associated with higher qualifications is broadly similar whether an individual lives in Wales or another part of the UK. In addition, there is strong evidence that employment propensity is strongly linked to qualification levels.

Scotland has a stronger qualifications profile for working age adults when compared to Wales and other parts of the UK. Latest data from 2015 shows that a higher proportion of working age people in Wales have qualifications below level 2 (14 compared to 11 per cent in Scotland), and a lower proportion are qualified to level 4 or above (HE level) (36 compared to 46 per cent in Scotland)¹. The evidence also suggests that Scotland has a better skills profile than Wales. This has contributed to greater economic activity and less poorly-paid work.

Data on young people not in employment, education and training shows that, compared to Wales, Scotland has a lower rate of young people aged 19-24 who are not in employment, education and training.

Other factors are also likely to influence current poverty levels. We know that being in employment is highly protective against living in a low income household. Scotland has tended to have a lower percentage of workless households than Wales since 1996. These are particularly at risk of living in poverty. However, more recently this has changed. In 2015 and 2016 Wales had a slightly lower percentage of workless households than Scotland (table at annex 3)

A handwritten signature in blue ink, appearing to read 'Carl', is positioned to the left of the printed name.

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

Reviews and Evaluations of Communities First

2003

Review of the Communities First programme carried out by the Deputy Minister for Social Justice and Regeneration

2006

Cambridge Policy Consultants published a final report on the interim evaluation of Communities First

Cambridge Policy Consultants, SOLAR, Arwel Jones Associates and IPSOS MORI (2006). *Interim evaluation of Communities First: Summary of Conclusions and Recommendations*. Cardiff: Welsh Assembly Government.
<http://gov.wales/docs/caecd/research/060920-communities-first-interim-evaluation-conclusion-recommendations-en.pdf>

2008

Evaluation of the Communities First Trust Fund.

Wavehill Consulting. (2008). *Evaluation of the Communities First Trust Fund*. Cardiff: Welsh Assembly Government.
<http://gov.wales/docs/caecd/research/080201-communities-first-trust-fund-en.pdf>

2009

Wales Audit Office report.

Wales Audit Office. (2009). *Communities First*. Cardiff: Wales Audit Office.
https://www.webarchive.org.uk/wayback/archive/20090805101805/http://www.wao.gov.uk/assets/englishdocuments/Communities_First_eng.pdf

2010

Independent review of Communities First by Joseph Rowntree Foundation.

Joseph Rowntree Foundation. (2010). *Regenerating Communities First Neighbourhoods in Wales*. York: Joseph Rowntree Foundation.
<https://www.jrf.org.uk/file/40608/download?token=4AD-t4Zs&filetype=full-report>

Assessment by Professor Adamson (University of Glamorgan) of the impact of area-based regeneration policies on the experience of poverty in England, Scotland, Northern Ireland and Wales following devolution in 1997 which includes references to Communities First.

Adamson, D. (2010). *The impact of devolution: Area-based regeneration policies in the UK*. York: Joseph Rowntree.
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National Assembly for Wales, Public Accounts Committee

National Assembly for Wales, Public Accounts Committee. (2010).

Communities First. Cardiff: National Assembly for Wales.

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2011

Process and Outcomes Evaluations by Amion Consulting and Old Bell 3.

Amion Consulting and Old Bell 3. (2011). *The Evaluation of Communities First (full report)*. Cardiff: Welsh Government.

<http://wales.gov.uk/docs/caecd/research/110913-evaluation-communities-first-en.pdf>

2012

Communities First: 2012 Baseline Report, Welsh Government

Welsh Government. (2012). *Communities First: 2012 Baseline*. Cardiff: Welsh Government.

2014

Communities First baseline statistics revised by Welsh Government.

Welsh Government. (2014). *Communities First: 2012 Baseline (Revised)*.

Cardiff: Welsh Government

<http://gov.wales/docs/statistics/2015/151117-communities-first-2012-baseline-revised-en.pdf>

2015

Process evaluation conducted by Ipsos MORI and Wavehill Consulting

Ipsos MORI and Wavehill Consulting. (2015). *Communities First: A Process Evaluation*. Cardiff: Welsh Government.

<http://gov.wales/docs/caecd/research/2015/150226-communities-first-process-evaluation-en.pdf>

2016.

Evaluation of the Pioneer Areas pilot year delivered in Communities First areas by National Museum Wales.

National Museum Wales. (2016). *Evaluation of the Pioneer Areas pilot year*. Cardiff: Welsh Government.

<http://gov.wales/docs/caecd/research/2016/160303-pioneer-area-programme-pilot-year-en.pdf>

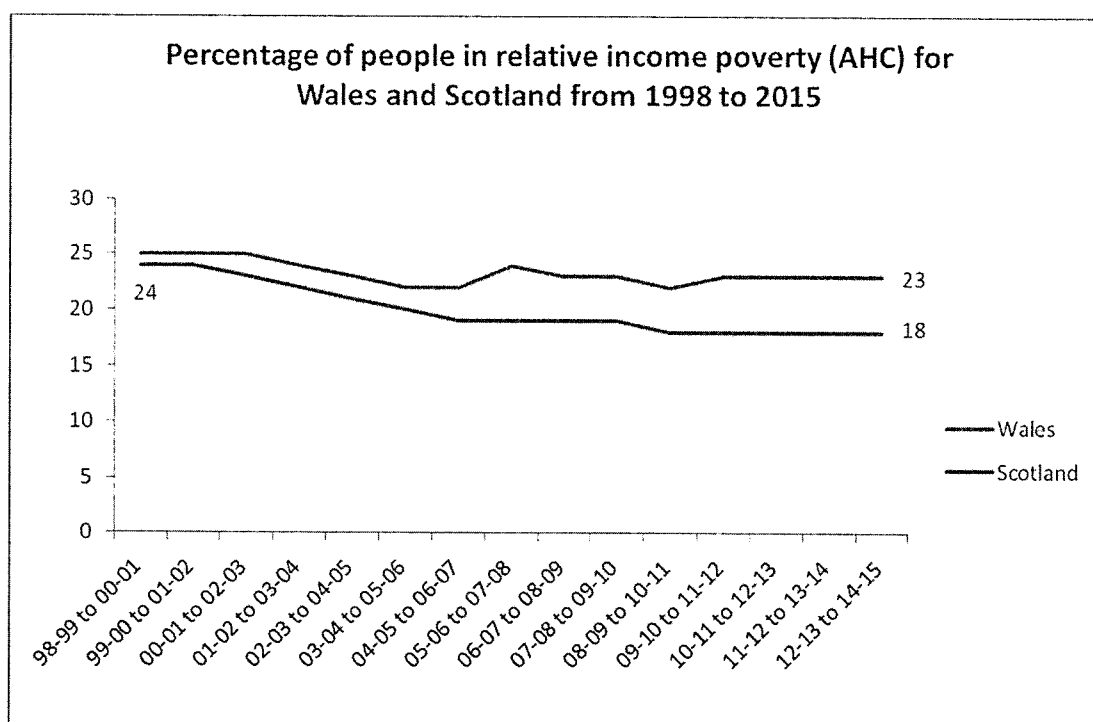
Appendix 2

Communities First Allocations, 2017-18 and Legacy Fund Indicative Allocations 2018-19 and 2019-20

Local Authority Area	2017-18	Legacy Fund Indicative Allocations 2018-19 & 2019-20
Anglesey	£463,540	£125,015
Blaenau Gwent	£1,722,173	£464,465
Bridgend	£1,216,822	£328,173
Caerphilly	£2,031,411	£547,867
Cardiff	£2,088,866	£563,361
Carmarthenshire	£406,005	£109,498
Conwy	£406,267	£109,569
Denbighshire	£466,214	£125,737
Flintshire	£473,421	£127,680
Gwynedd	£403,673	£108,869
Merthyr Tydfil	£1,321,975	£356,534
Neath Port Talbot	£1,579,220	£425,911
Newport City	£1,674,071	£451,492
Pembrokeshire	£412,054	£111,130
Rhondda Cynon Taf	£3,395,018	£915,627
Swansea	£1,991,368	£537,067
Torfaen	£911,716	£245,887
Vale of Glamorgan	£406,645	£109,671
Wrexham	£876,713	£236,447
Total Clusters Awards	£22,247,172	£6,000,000

Poverty comparison tables

Poverty – comparison between Wales and Scotland



Source: Households Below Average Income, DWP

Percentage of workless households

	Wales	Scotland
<i>Per cent</i>		
April-June 1996	24.7	23.5
April-June 1997	23.4	23.3
April-June 1998	25.2	23.1
April-June 1999	24.2	22.7
April-June 2000	23.8	22.4
April-June 2001	25.1	21.3
April-June 2002	24.4	21.7
April-June 2003	21.4	19.7
April-June 2004	20.9	20.4
April-June 2005	21.5	20.2
April-June 2006	20.4	19.6
April-June 2007	20.8	17.5
April-June 2008	19.8	18.4
April-June 2009	22.0	20.5
April-June 2010	22.9	22.6
April-June 2011	19.8	19.9
April-June 2012	21.7	20.6
April-June 2013	20.3	19.5
April-June 2014	18.8	17.5
April-June 2015	17.2	17.9
April-June 2016	15.9	17.2

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children



John Griffiths AM
Chair of Equalities and Local Government Committee
National Assembly for Wales

Llywodraeth Cymru
Welsh Government

5th April 2017

Dear *John*

Thank you for your letter of 28 March regarding the Communities First funding arrangements.

My officials are in regular contact and work closely with the Communities First Lead Delivery Bodies (LDB) and meetings were held in both North and South Wales to discuss the draft Communities Transition and Strategy Guidance, which included details on the funding arrangements from 1 April 2017. A copy of the final guidance, which reflects comments from the LDBs, is attached. My officials will, naturally, continue to support LDBs throughout the transition period.

In terms of the Communities First funding for 2017-18, I can clarify that LDBs have received a 70% revenue funding offer (based on the 2016-17 allocation) for the financial year ending 31st March 2018. In line with previous guarantees, the funding incorporates 100% for the period April to June 2017. LDBs have been given flexibility in determining how to profile the year's funding in support of their local priorities, on the clear understanding that Communities First funding will not be available beyond 31st March 2018. All LDBs have received formal confirmation of their funding allocation for the coming financial year and are currently submitting outline transition plans on this basis.

I recognise the planning for the 2017-18 transition phase is an iterative process and acknowledge that it is likely that an LDB might need to make changes to their transition plans during the year for a number of reasons, including the upcoming local government elections.

Yours sincerely

Carl Sargeant AC/AM
Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

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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.

Pack Page 42

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.

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-13-17 Papur 5 / Paper 5
Mark Drakeford AM
Cabinet Secretary for Finance and Local Government
Welsh Government
Cathays Park
Cardiff CF10 3NQ

10 April 2017

Dear Cabinet Secretary,

Reforming local government: Resilient and Renewed

Since the publication of the White Paper on 'Reforming local government: Resilient and Renewed', the Public Accounts Committee have reflected on a number of issues relating to its contents. As a result, we have a number of observations and concerns about certain elements of the White Paper, which are set out in the attached memorandum.

During the course of our work, we considered a number of areas such as the general power of competence and specifically looked at:

- Local authority income generation and charging
- Financial management and governance in Community Councils 2015-16
- Community safety in Wales
- Regional Education Consortia

I hope you find the Committee's observations useful during your analysis of the responses received to this White Paper.

I am copying this letter to John Griffiths AM, Chair of the Equality, Local Government and Communities Committee.

Yours sincerely,



Nick Ramsay AM
Chair



Public Accounts Committee

Response to the White Paper on 'Reforming Local Government: Resilient and Renewed' (10 April 2017)

1. Since the publication of the White Paper on 'Reforming Local Government: Resilient and Renewed' (the White paper) the Public Accounts Committee (the Committee) have considered a number of issues which relate to the contents of the White paper. As a result, we have a number of observations and concerns about certain elements of the White paper which are set out in this memorandum.
2. The Committee has not considered all of the proposals in the white paper in detail, as this falls in the remit of Equality, Local Government, and Communities Committee but during the course of our work have considered a number of areas such as the general power of competence and regional education consortia which will impact on the future of local government in Wales. We have sent a copy of this memorandum to the Chair of the Equality, Local Government, and Communities Committee.
3. In formulating this response, the Committee has considered evidence provided to us by the Auditor General for Wales (Auditor General), WLGA, Estyn, the Regional Education Consortia, Welsh Government officials, and Police and Crime Commissioners. The comments contained in this document are made solely by the Committee, and we understand many of these groups will be making their own representations on the White paper.

Key themes

4. Although formal powers or structures are beneficial to facilitate the delivery of regional working, there is still a need for better sharing of knowledge and best practice across Wales and move towards coterminosity of the regional footprint.
5. A clear purpose and direction needs to be articulated at the outset to those tasked with working regionally.
6. Consideration needs to be given to how the impact of the decisions made as a result of the White paper are measured to evaluate effectiveness.



Local Authority Income Generation and Charging

7. The Committee considered the Auditor General for Wales (Auditor General) report 'Charging for Services and Generating Income by Local Authorities', which was published in November 2016, at its meeting on 6 February 2017. The Welsh Local Government Association and the Director for Local Government in the Welsh Government gave evidence to the Committee.

The General Power of Competence

8. The Auditor General's report found that the Localism Act 2011 in England, which introduced the general power of competence, has:

"...encouraged authorities to develop commercial vehicles as a means of generating income, but this power does not exist in Wales which limits opportunities."¹
9. Although the report does note that there are some limitations to this power due to some exclusions in the Act, and limitations on what the individual can do.
10. The Committee acknowledges that the introduction of the general power of competence was welcomed by the WLGA during our evidence session, and we broadly welcome its introduction as well in order to ensure there are no constraints or barriers to innovation.
11. However, we believe that the introduction of this power must also be accompanied by a shift in the culture of local authorities. The Auditor General notes in his report that there are powers already in existence, which have limited evidence of use. The Welsh Government response to the report also highlights that 'authorities in Wales have wide-ranging powers to act in ways which improve or promote the wellbeing of their areas'², which are not being fully utilised.

Support for knowledge sharing and experience

12. The Committee heard a number of innovative examples of how local authorities across Wales and England are exploiting opportunities for income generation, although we were concerned that the witnesses were not able to provide examples at the Committee meeting.³

¹ Auditor General for Wales report Local Authority Income Generation and Charging, paragraph 1.13, February 2017

² Welsh Government letter 6 December 2016

³ [Letter from Graham Hinchey, Cardiff Council, March 2017](#)

[Letter from Welsh Government, February 2017](#)



13. We are keen to ensure that the best practice which is being developed and exploited is shared among all local authorities. The spreading of best practice is vital to ensure that all the opportunities available to generate income are maximised.
14. The Committee were concerned that in response to questions around whether there was more that could be done to share knowledge and experience, the WLGA appeared to suggest that there were limited opportunities due to the removal of the Local Government improvement grant.
15. We believe that more must be done to ensure that local authorities share their knowledge and experience, to facilitate regionalisation. The Welsh Government must ensure that the WLGA fully utilise all opportunities for sharing best practice between local authorities and the Welsh Government should send a clear message that complacency in the area is not acceptable.



Financial Management and Governance in Community Councils 2015-16

16. The Auditor General published his fifth annual report on the findings of the statutory audits of community councils in Wales in January 2017. The report found that:
- “Too many community councils in Wales receive avoidable qualified audit opinions and this is particularly the case with smaller councils.”⁴
17. The Committee were concerned to find that in the 2015-16 financial year the Auditor General qualified 30% of the community council accounts (which is over 200 individual councils), and that only 20% of councils had an unqualified opinion with no further matters for their consideration. The remaining 50% had an unqualified opinion but with other matters drawn to their attention. As the Public Accounts Committee, we find it unacceptable that such a high proportion of community councils have had qualified accounts during 2015-16, and we expect better stewardship of public money.
18. The Committee welcomes the commitment from the Welsh Government in the white paper to commission a comprehensive review of community councils, and believe that the findings in the Auditor General reports should be utilised to inform this review. We would expect to see several recommendations emerging from this review which require substantial improvements in the financial management and governance in community councils. We also expect financial management awareness training to be made compulsory for all Members of Community Councils, as there should be a collective responsibility for the timely and accurate production of these accounts.
19. Furthermore, the Auditor General stated the most common audit qualifications came about from failing to either:
- adhere to the statutory timetable for the accounts;
 - put in place arrangements to manage risk; or
 - to set an appropriate budget.
20. Given these reasons, particularly the failure to make proper arrangements for the management of risk, which has been a reoccurring reason in previous qualifications of community council accounts, the Committee has

⁴ Auditor General for Wales report : Financial Management and Governance in Community Councils 2015-16, Page 15, January 2017



concerns about the proposal in the White paper that the general power of competence would be provided to Community Councils.

21. While we understand the principle of incorporating the general power of competence for community councils into this legislation, the lack of financial responsibility within a significant number of community councils suggests that the vast proportion of community councils are far from ready for the responsibility. We would recommend that until the comprehensive review has been undertaken and the findings implemented, that the general power of competence should not be made available to community councils. Furthermore, following the outcome of the review – it should only be available to those councils who are able to demonstrate a clear strategy for using it, with appropriate safeguards and that this should be subject to regular review.



Community Safety in Wales

22. The Auditor General published a report on Community Safety in Wales in October 2016 which examined whether the Welsh Government, Police and Crime Commissioners and local authorities are working together effectively to tackle crime and other public-safety issues that have a negative effect on people's wellbeing. The Committee considered this report in December 2016 and wrote to the four police and crime commissioners seeking their views on the report.
23. Although community safety is not directly referenced in the White paper, the Committee believe it demonstrates some of the issues that can arise from cross cutting areas with complex and split responsibilities nationally, regionally and locally, which could be applied in the wider regional context.
24. The Auditor General highlighted a number of his concerns in his report about clear accountability and unclear leadership; a divergence of strategic direction and priorities; citizens being unclear on roles and responsibilities of those involved and resources being spread widely and not used effectively to either maximise impact or benefits for citizens. Much of which was echoed by the written responses from the Police and Crime Commissioners written evidence.
25. The Committee understands that the Welsh Government are undertaking a more fundamental review of the devolution settlement and the powers and duties of the different agencies engaged in community safety. However, we believe that the Auditor General's report and the responses from the Police and Crime Commissioners illustrates how simply creating boundaries without addressing some of the underlying powers and responsibilities will not itself either lead to improvements nor result in more efficient and cost effective delivery of services, and in reality it can make the situation a lot more complicated and service delivery less effective.



Regional Education Consortia – a model for regionalisation

26. Following the publication of the Auditor General’s memorandum which provided an update on progress in response to recommendations set out in his June 2015 report, ‘[Achieving improvement in support to schools through regional education consortia](#)’. The Committee agreed to look at the issues emerging from this, and to consider whether there were any lessons which could be learnt around regionalisation.
27. The Committee took evidence from all four consortia and Estyn at its meeting on 27 March. In addition to this, we undertook a survey with teaching professionals and received written correspondence from NASUWT Cymru. The Committee have a number of observations emerging from these sessions which we believe should be considered by the Cabinet Secretary when planning for regionalisation.

A Clear Mandate

28. The Committee were concerned that there has been a lack of clarity at the outset as to the role of the Consortia. While we recognise that there has been good progress in developing the role of the consortia since the last memorandum from the Auditor General, we were concerned by the evidence provided that the national direction for the consortia was not clear at the outset.
29. All the witnesses reflected that one of the key lessons to be learnt was that more time was needed at the start to set out aims and a direction for the regional bodies being established, as this had taken a substantial amount of time to address and had impacted on the ability to deliver.
30. When discussing what she thought could have been done differently, Hannah Woodhouse, Managing Director, Central South Consortium Joint Education Service told us:

“... getting the national model really clear at the beginning, before September 2012, in terms of responsibilities, budget, governance, success measures, capacity expectations.”⁵
31. Simon Brown, strategic director for Estyn agreed that the national model had been helpful in improving and that:

⁵ Record of Proceedings (RoP), 27 March 2017, Paragraph 115



“... one of the issues with the national model when it first emerged in 2012 was it was a model that was developing quite quickly and some of that clarity wasn’t there in the original model.”⁶

32. The Committee agrees that there needs to be a clear national direction, but believes there should be flexibility within the system, rather than an overly prescriptive approach, on how to deliver the national picture. Each region has different challenges to address e.g. rurality, Welsh language provision and for regional working to be a success, but we believe flexibility under a national strategy is critical.
33. The Committee was concerned that during the initial period of establishing the consortia, there was a sense of competition between the bodies. While we welcome that they now work together with a sense of co-operation, we still are concerned about how the consortia are working together and sharing knowledge. For example, there appeared to be little cross consortia knowledge about the research projects ongoing within each consortia.
34. In moving forward with any regionalisation of further services, we believe that the lesson should be learnt from the experiences of the consortia and a clear guidance and frameworks should be established by the Welsh Government for those charged with delivering regionally to work towards at the outset.

The Regional Footprint

35. The Committee explored with witnesses about the risks and benefits of a change to the regional footprint for the consortia in any future changes to the regional structures in Wales.
36. The witnesses highlighted that there were a number of risks to changing the existing structures as this may erode the positive progress made by the consortia to educational improvements. Furthermore, there were concerns that changes may be made to the structure of regional educational consortia to address some of the issues in the local government structure, as the focus for any changes to the consortia should be based around educational improvement.
37. We heard evidence that there are significant concerns about the number of good school leaders and the potential risk of staff ‘churn’ due to an unstable environment, which is potentially destabilising. The Committee believes that it is important to set a clear path for the regional structure

⁶ RoP, 27 March 2017, Paragraph 361



over the medium to long term to provide the necessary security, for those involved.

38. There was some agreement among the witnesses that there was a clear benefit to coterminosity with existing services in any regional model moving forward. The Committee received no clear evidence as to whether it would be better to follow the local health board structure or the economic development regions- although Estyn did suggest there is some benefit to the utilising the economic boundaries, because:

“...if you think of pre-16 education going through into post-16, and an alignment, so that you’ve got schools and post-16 providers mapping the skillset in a region to the economic skills of a particular region, using labour market information ultimately, the economic footprint on an economic model tends to make sense, because you’re then developing learners who’ve got the necessary skills for the economic market within their region, assuming there’s not a lot of cross-Wales movement of labour at the moment.”⁷

39. Given that the consortia have been established and appear to be improving and maturing, we believe there is value in maintaining this structure (while recognising there may be some small adjustments).

Governance and Accountability within a Regional Structure

40. The Committee raised a number of concerns about the relationship between local educational authorities and regional educational consortia, and whether there is enough clarity between their roles to allow for sufficient accountability to the electorate.
41. Leadership is key in order for regional working to be a success. It is essential that elected members are engaged with the process and understand their role in the scrutiny process.
42. The responses from the witnesses highlighted that this was a live issue which is still under consideration and development. As a Committee we would urge that thorough consideration is given to the governance arrangements to ensure that responsibilities are clear and that the responsibility of the local representatives to the electorate remains clearly traceable.

⁷ RoP, 27 March 2017, Paragraph 273



43. Estyn have not made any inspection judgements on the impact of the consortia, and during the evidence session, outlined a number of difficulties with separating the achievements of individual schools versus the impact of the consortia. They indicated that it would not be looking to do so in the near future.
44. We believe that consideration needs to be given to how to judge the success/impact of regional working where this still sits alongside local responsibilities. In the case of education, individual schools have a significant influence and are ultimately responsible for decisions, which makes identifying the impact of the regional consortia, at best, complicated.
45. In addition, the survey undertaken by the Committee highlighted that many within the teaching profession have little knowledge/appreciation of what the consortia deliver. While recognising the argument put forward by our witnesses that school improvement and positive results are what matters, we believe that in order for regional working to be a success it needs to be recognised as having a positive impact.



Conclusion

46. In conclusion:

- The introduction of the general power of competence for local authorities is broadly welcomed by the Committee to ensure there are no barriers to innovation. We believe the introduction of general power of competence should be accompanied by a shift in culture with local authorities, to be willing to utilise fully the powers within their control, and greater sharing of best practice and knowledge.
- The general power of competence for community councils should only be made available to those councils which can demonstrate strong financial management and a clear strategy for its utilisation. The devolving of this power should only happen following the comprehensive review of community councils (referenced in the White Paper).
- Evidence from the establishment of the regional education consortia clearly points to the need to establish a clear mandate and direction from the outset when establishing regional structures. Furthermore, consideration needs to be given to how the impact of regionalisation is measured and communicated, which is evidenced by the lack of clarity over what regional consortia have delivered and the negative response this generated.
- The Committee believes that going forward the aim should be for as much coterminosity as possible between regional structures. This is the simplest approach for the public to understand and to administer.



Ein cyf/Our ref: MA-L-CS-0256-17

John Griffiths AM
Chair Equalities, Local Government and Communities Committee
National Assembly for Wales

12th April 2017

Dear John

ABOLITION OF THE RIGHT TO BUY AND ASSOCIATED RIGHTS (WALES) BILL

When I attended the Committee's meeting on 29 March about the Abolition of the Right to Buy and Associated Rights (Wales) Bill, I undertook to send you a copy of the draft information document which is intended to be sent to relevant landlords and tenants, if the Bill is passed by the National Assembly.

The information document (and accompanying flowchart) is intended to be issued after Royal Assent, in accordance with section 8 of the Bill, to inform tenants and prospective tenants of the effect of the Bill on the Right to Buy and the Right to Acquire.

I would welcome any comments from the Committee on the draft document.

Yours sincerely



Carl Sargeant AC/AM

Ysgrifennydd y Cabinet dros Gymunedau a Phlant
Cabinet Secretary for Communities and Children

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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.

INFORMATION ABOUT THE END OF THE RIGHT TO BUY AND RIGHT TO ACQUIRE

Information for Tenants of Social Landlords

Note: This sample has been produced simply to illustrate the type of information which could be issued to tenants by their social landlord if the Bill to abolish the Right to Buy and Right to Acquire is passed by the National Assembly for Wales. It has been produced to inform Assembly Members and stakeholders during the scrutiny process should questions arise on how such a change would be communicated to tenants. The production of this draft guide does not in any way presume the outcome of the Bill's passage through the Assembly.



SUMMARY

- The Right to Buy and Right to Acquire will end for all tenants of social landlords on **[insert date of abolition]**
- This guide explains what you need to know about the end of the Right to Buy and Right to Acquire and what you should do if you are thinking about buying your local authority (council) or housing association home.
- If you live in an area in which the Right to Buy and Right to Acquire has been suspended, you will not be able to buy your home under these schemes.
- This guide does not give legal advice, which you should seek separately if you want to buy your home.

Right to Buy and Right to Acquire - The Basics

If your landlord is a local authority, you may have the **Right to Buy**. The Right to Buy allows eligible secure tenants of local authorities to buy their home at a discount to the market value. The maximum discount available is £8,000.

If your landlord is a Registered Social Landlord, referred to in this guide as a “housing association”, you may have the **Right to Acquire**. The Right to Acquire enables eligible assured and secure tenants of housing associations the right to buy their home at a discount to market value. The maximum discount available is £8,000. The Right to Acquire does not apply in certain designated rural areas.

If your home used to be owned by the local authority but was transferred to another landlord, such as a housing association, while you were living in it, you may have the **Preserved Right to Buy**. This is very similar to the Right to Buy and the maximum discount available is also £8,000.

Before you start thinking about buying your home, you need to find out whether you are eligible to do so. In order to qualify for any of the above discounts you must have rented your home from a public sector landlord (e.g. a local authority, a housing association, NHS Trust) for 5 years. But it doesn't have to be 5 years in a row.

Further information on the eligibility requirements is available in the links at the end of this document, or from your landlord.

The end of the Right to Buy and Right to Acquire

The Right to Buy, Right to Acquire and Preserved Right to Buy are ending for all tenants in Wales on **[insert date of abolition]**. This is part of the Abolition of the Right to Buy and Associated Rights (Wales) Act 20[XX].

If you are able to exercise a right to buy your home, you can submit your application up to **[insert date of abolition]** and it will be considered in the usual way. Any application made after this date will not be accepted.

If you are applying close to **[insert date of abolition]**, you may wish to send your application to your landlord by recorded delivery to ensure the date it is received is noted or deliver it personally to your landlord's office to ensure it arrives by the deadline date. If you deliver it in person, you may wish to request a receipt to show the date it was received by your landlord.

You must take care to make sure that all the details on your application form are correct. If not, then your application may be turned down. With this in mind, it is better not to leave your application too late. You will want to allow as much time as possible to resolve any issues that may arise.

If you have arrears of rent or council tax when you apply to buy your home, your landlord can refuse to sell it to you. You should check that all your payments are up to date in case this causes a problem.

If there is anything you don't understand about the application form, or you are not sure what information you have to provide, your landlord will be able to help.

The end of the Right to Buy and Right to Acquire will not affect your tenancy in any other way.

Suspended Areas

In Anglesey, Carmarthen, Denbighshire, Flintshire and Swansea, the Right to Buy and Right to Acquire have been suspended. If you live in one of these areas you will not be able to buy your home under these schemes. Your landlord will be able to give you more information if you live in one of these areas.

Early abolition on new homes only

The Right to Buy, Right to Acquire and Preserved Right to Buy will end for "new homes" only on **[insert date 2 months after Royal Assent]**. A "new home" is one which has not been let as social housing for the six months before **[insert date 2 months after Royal Assent]**, for example a new build property, or a home that has been recently acquired by the landlord.

There are certain exceptions if you are forced to move into a "new home". Ask your landlord for further information if you are in this situation.

Other Ways to Buy a Home

Other means of assistance to help you buy a home may be available. Talk to your landlord or visit the Welsh Government's website <http://gov.wales/topics/housing-and-regeneration/housing-supply/buying-and-selling/help-for-buying/?lang=en> for further information.

Financial and Legal Advice

Buying a home is a big commitment. Home ownership has costs as well as benefits. The costs include: the price of the home (after the appropriate discount), legal costs, survey fees, and possibly some taxes e.g. Stamp Duty/Land Transactions Tax. After buying, there will be monthly payments for council tax and a mortgage (if you have one) as well as other on-going costs, which are currently included in your rent e.g. repairs, maintenance and buildings insurance. As the homeowner, you will have to pay for these. Remember, too, mortgage interest rates could increase at some point.

It is important to get professional advice, for example, on financial matters. You should also consider taking legal advice. Organisations such as your local Citizens Advice Bureau may be able to explain how best to go about it. This is particularly important if you have been approached by someone offering to help you buy your home (perhaps in exchange for handing over ownership of the home to that person at a later date) or offering advice in return for a fee.

Further information

The guidance booklet 'Your Right to Buy Your Home - a guide for tenants of social landlords in Wales' is published by the Welsh Government. It gives general information on the Right to Buy rules and how to apply. It can be found here:

<http://gov.wales/docs/desh/publications/150801-your-right-to-buy-your-home-en.pdf>

The Welsh Government's guidance booklet on the Right to Acquire can be found here:

<http://gov.wales/docs/desh/publications/170203-the-right-to-acquire-en.pdf>

If you want general information about the Right to Buy, Right to Acquire or Preserved Right to Buy you can contact the Welsh Government by email at righttobuy@wales.gsi.gov.uk or you can telephone on **[insert phone number]**.

If you want more specific information about buying your own home, you should contact your landlord.

Your landlord will be able to give you a Right to Buy application form, or you can download it here:

<http://gov.wales/docs/desh/publications/150122-notice-claiming-right-to-buy-en.pdf>

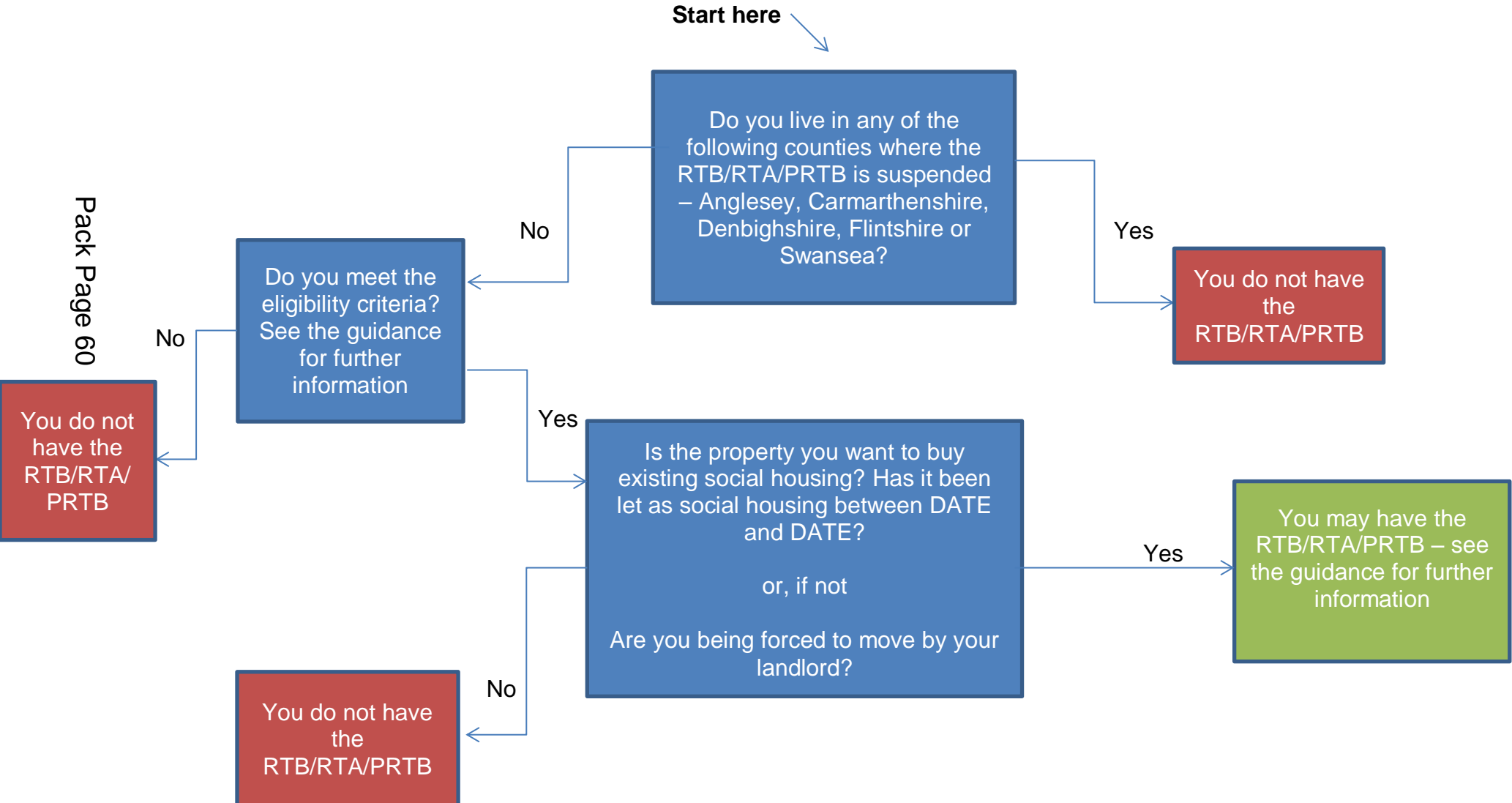
[insert link to Right to Acquire application form]

If you would like hard copies of any of these documents, please contact the Welsh Government at **[righttobuy@wales.gsi.gov.uk and insert office address]** or call **[insert phone number]**.

DRAFT

Are you a tenant with the Right to Buy, Preserved Right to Buy or Right to Acquire your home?

The chart below gives an overview for tenants on the availability of the Right to Buy (RTB), Preserved Right to Buy (PRTB), or Right to Acquire (RTA) if the “Abolition of the Right to Buy and Associated Rights (Wales) Bill” is passed by the National Assembly for Wales.



Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-13-17 Papur 7/ Paper 7
Mark Drakeford AM
Cabinet Secretary for Finance and Local Government

26 April 2017

Dear Cabinet Secretary

Human Rights in Wales

We have embarked on an inquiry into human rights in Wales. Our inquiry is looking at:

- the impact of the UK’s withdrawal from the European Union into human rights protections in Wales;
- the impact of the UK Government’s proposal to repeal the Human Rights Act 1998 and replace it with a UK Bill of Rights; and
- public perceptions about human rights in Wales, in particular how understandable and relevant they are to Welsh people.

We are writing to you, because of your role on the Joint Ministerial Committee on EU Negotiations.

We have received written evidence, and have started taking oral evidence, hearing from the Equalities and Human Rights Commission and Dr Simon Hoffman and Professor Thomas Glyn Watkin.



At this early stage, we wanted to ask what representations the Welsh Government will be making to the UK Government to ensure that the protection of human rights is central to the Brexit negotiations. We have already heard evidence raising concerns that the human rights legal framework in the UK will be weakened, when the UK leaves the European Union. This is because much of the current human rights framework is underpinned by EU treaty obligations.

While the UK Government has stated their intention to maintain the level of human rights protection in line with the EU at the point of the UK exiting the EU, we have heard concerns of the risk of increasing divergence if the European Union introduces further protections, which the UK may not choose to match. We have heard concerns about the impact of the loss of funding from the European Union which supports the equalities and human rights infrastructure and what this will mean for human rights protection.

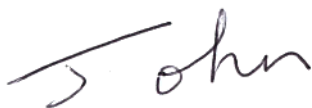
There are also significant concerns about the loss of protections that derive from the Charter of Fundamental rights of the EU which are not protected by the Human Rights Act, for example a guarantee of human dignity, a prohibition on human trafficking and the social protections included in Title IV of the Charter.

We also note the Prime Minister indicated that she would include in a manifesto for the 2020 General Election a pledge to withdraw from the European Convention on Human Rights. At the time of writing, we are unclear, if following the announcement of a general election in June, if this will be part of any party manifestos, and what impact on human rights protection this would have. We will continue to follow developments on this.



We will keep the Welsh Government updated with our thinking on this important issue. I am copying in the First Minister, Cabinet Secretary for Communities and Children, the Chair of External Affairs and Additional Legislation Committee and the Chair of the Constitutional and Legislative Affairs Committee for information.

Yours sincerely

A handwritten signature in black ink that reads "John". The letters are cursive and connected.

John Griffiths AM
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Agenda Item 4.6

Y Pwyllgor Gydraddoldeb, Llywodraeth Leol a Chymunedau
Equality, Local Government and Communities Committee
ELGC(5)-13-17 Papur 8/ Paper 8
Mark Drakeford AM
Cabinet Secretary for Finance and Local Government

26 April 2017

Dear Cabinet Secretary

Reforming Local Government

Following our evidence session with you on the White Paper – ‘Reforming Local Government: Resilient and Renewed’, the Committee wants to seek clarity on some outstanding areas:

- Further information on the how the decision about electoral systems for individual local authorities will be arrived at; who will be responsible for making the final decision and what level of public consultation would be expected;
- Further information on the reasons why changes to the electoral system for local authorities will not be mandatory across Wales;
- Clarification on whether lowering the voting age to 16 for local authority elections would be a decision for individual local authorities;
- Further information on how the Public Service Boards will operate within the proposed new governance arrangements;
- Clarification on staff eligibility for redundancy payments if made redundant by a local authority because of the consolidation of services into a cluster arrangement across local authorities, but are then appointed into a comparable job within the consolidated regional service.



With many thanks

Yours sincerely

A handwritten signature in black ink that reads "John". The letters are cursive and fluid, with a long horizontal stroke for the 'J' and a similar one for the 'n'.

John Griffiths AM

Chair, Equality, Local Government and Communities Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

