

Agenda – Equality, Local Government and Communities Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 17 October 2018

Meeting time: 08.50

For further information contact:

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Pre-meeting (08.50 – 09.00)

1 Introductions, apologies, substitutions and declarations of interest

2 Inquiry into public services boards: evidence session 6

(09.00 – 10.30)

(Pages 1 – 18)

Alun Davies AM, Cabinet Secretary for Local Government and Public Services

Claire Bennett, Deputy Director, Local Government Transformation and Partnerships, Welsh Government

Claire Germain, Head of Local Government Partnerships Policy, Welsh Government

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

Break (10.30 – 10.40)

4 Inquiry into public services boards: consideration of the evidence received under item 2

(10.40 – 10.55)

5 Inquiry into voting rights for prisoners: consideration of approach to the inquiry

(10.55 – 11.25)

(Pages 19 – 25)



6 Renting Homes (Fees etc.) (Wales) Bill: consideration of the draft report

(11.25 – 11.55)

(Pages 26 – 89)

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EQUALITY, LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

WRITTEN EVIDENCE – PUBLIC SERVICES BOARDS IN WALES

Introduction

1. The purpose of this paper is to provide written evidence to the Equality, Local Government and Communities Committee in respect of the inquiry into Public Services Boards in Wales.

Background

2. Public Services Boards (PSBs) were established under the Well-being of Future Generations (Wales) Act (“the Act”) and came into force in April 2016. They build upon the Local Service Board arrangements that had previously been in place. They involve public service partners working together to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the seven wellbeing goals set out in the Act.
3. The statutory members of the board are Natural Resources Wales, the Fire and Rescue Authority, the Local Authority and the Local Health Board.
4. Statutory invitees to the Boards are the Welsh Ministers, Chief Constables and Police and Crime Commissioners, representatives of probation, and at least one body representing voluntary organisations.
5. It is for each board to consider what other bodies, if any, it wishes to invite to participate in its work as invited participants and the manner in which it intends to involve them. The only condition is that invited participants must exercise functions of a public nature. PSBs are designed to be flexible and beyond statutory members and invited participants, it is for each PSB to determine who is appropriate to be a regular attendee.
6. Following the first meeting of the PSB following a local authority election, it is also for each PSB to decide who to appoint as the chair of the board. Thirteen of the nineteen PSBs are chaired by either the leader or chief executive of the local authority; some are chaired by the local health board, one by Natural Resources Wales and two boards by invited participants (Coleg Sir Gâr – Carmarthenshire PSB and Pembrokeshire Coast National Park – Pembrokeshire PSB).
7. Each PSB must improve the economic, social, environmental and cultural well-being of its area by working to achieve the well-being goals set out in the Act. They must do this in accordance with the sustainable development principle. In other words in a way that demonstrates long term thinking, prevention, integration, collaboration, and involvement. In contributing to the achievement of the well-being goals, PSBs enable a more transparent, joined up delivery of services at the local level.

8. The legal framework for PSBs is based on a model of local determination and local accountability – while there are requirements around *how* they undertake their functions they have discretion on *what* they decide to do as a Board. There is also flexibility, within the statutory requirements, as to how they approach their work to enable them do so in the way that best suits their area. This means there can be significant variation between PSBs.

Assessments of local well-being

9. The first key task for each PSB was to prepare and publish an Assessment of the economic, social, environmental and cultural wellbeing in the area. Its purpose is to provide the board with a robust evidence base to inform decisions on the collective priorities for the area.
10. Preparing and publishing the Assessments was a significant undertaking, and public service organisations that participate on the PSB have demonstrated a commitment to embrace the challenge of analysing the state of well-being of people and communities in their areas.
11. While the majority structured their Assessments by the four dimensions of well-being, others assessed well-being in their area against the national well-being goals, or used life-stage models.
12. Overall the Assessments provide a rich source of intelligence, offering a deeper understanding of an areas strengths, as well as its challenges, a consideration of future trends of the area, and drawing on qualitative as well as quantitative information, engaging the people in the area to seek their views on the well-being of the area.
13. Developing the use of evidence is an iterative and ongoing process and it has been emphasised to boards that the Assessments are evolving pieces of work which should be seen as being ambitious but achievable at the same time.

Local Well-being Plans

14. Following the completion of the assessments in 2017, PSBs were required to produce a Local Well-being Plan setting out the PSB's local objectives and the steps it proposes to be taken to meet them – whether that is by a member, invited participant or other partner of the board. These Plans focus on objectives which partners need to work together to deliver. The first Plans were published in May 2018.
15. The Plan must explain why the PSB's chosen local objectives will contribute to the achievement of the well-being goals and how those objectives have been set with regard to the Assessment. It must also specify the period of time the Board will expect to meet those objectives and how the steps are to be taken in line with the sustainable development principle.

16. It has been emphasised to the boards that, as with the Assessments, the Plans should be living documents which are added to and evolve as new data and insight becomes available. Boards have also been encouraged to target their efforts on the issues where they believe they can have the biggest collective impact; rather than spreading their attention and efforts too thinly.

17. Now that all Local Well-being Plans have been published, the focus for PSBs is firmly focussed on their delivery. To date, sub-groups of the boards have been established to focus in detail on how the objectives will be delivered and some boards have published delivery plans.

Ability of boards to merge or collaborate

18. The PSBs are best placed to decide when, where and how they wish to work together and the WFG Act was designed to ensure they have the flexibility to do so.

19. The Act provides for two or more PSBs to be able to merge if it would assist them in contributing to the achievement of the well-being goals. Four PSBs have taken the decision to merge (Rhondda Cynon Taf and Merthyr have merged to form Cwm Taf PSB and also Conwy and Denbighshire are a merged PSB). Meanwhile Anglesey and Gwynedd have taken the decision to operate a joint board but stopped short of a formal merger.

20. PSBs also have broad powers to collaborate, including:

- cooperating with another Board
- facilitating the activities of another Board
- coordinating its activities with another Board
- exercising another Board's functions on its behalf, or
- providing staff, goods, services or accommodation to another Board.

21. Many of the Boards have already used this power to collaborate on a regional basis on the production of their Assessments of Local Well-being and preparation of their Local Well-being Plan. Collaboration for this purpose was encouraged and supported through funding from the Welsh Government.

22. An example of the way that PSBs work together can be demonstrated by the Gwent Strategic Well-being Assessment Group (GSWAG). This group was set up to share best practice across the Gwent area in the development of the Assessments and Plans. Representatives from the bodies which sit on the five boards are members of the group. This group has worked on a number of regional projects to assist in the well-being planning work. Most recently they have developed a set of regional priorities that could be worked on across the Gwent area.

Resourcing the work of Public Services Boards

23. The WFG Act requires that the Local Authority must make administrative support available to the PSB. Administrative support is considered to be duties such as

ensuring the board is established and meets regularly; preparing the agenda and commissioning papers for meetings; inviting participants and managing attendance; work on the annual report and preparation of evidence for scrutiny.

24. However, it is for the board to determine appropriate and proportionate resourcing of the board's collective functions which are the responsibility of all the statutory members equally.
25. There is also nothing to prevent invited participants or other partners providing advice, assistance, and resources to the board for instance in the form of analytical or professional expertise. They are not required to provide financial assistance but may do so if they consider it is within their powers.

Welsh Government support for PSBs

26. The Welsh Government has provided a package of support to PSBs and previously LSBs for a number of years. The focus of support has changed over time to respond to the different tasks PSBs were focusing on.
27. Previously time limited funding to provide support for LSB development was provided for local authorities via a European Social Fund project in Convergence areas, which was matched via the LSB grant in the non-Convergence areas. The European Social Fund project came to an end in 2015.
28. An additional year of transitional funding for each LSB in 2015-16 was provided to enable continuity of support and maintain momentum whilst acting as a bridging arrangement in preparation for the changes the WFG Act would bring.
29. Since PSBs were established in 2016 the type of support offered to PSBs has been in a different form, moving away from broad partnership support (which should be the responsibility of members as part of normal business) and instead being focussed on addressing specific capacity and capability issues which might impact on the ability of the Boards to deliver. For example, ensuring appropriate analytical expertise is in place to undertake the assessments.
30. The package of support for 2018/19 reflects the fact this will be the third phase of work, where PSBs will be delivering against their plan and reporting against progress. In other words, for the first time since their establishment, PSBs will be working on 'business as usual', which will be the case for the next three years before work begins on their second well-being assessment.
31. The support offered to PSBs is a combination of non-financial and financial support and broadly breaks down into:

General Support

- A national offer of general support for PSBs, in terms of access to expertise and services. This includes quarterly network meetings for coordinators supporting PSBs, funding towards the Wales Centre for Public Policy which

has a role in supporting PSBs, 'drop-in clinics' organised by the Welsh Government offering advice to those working on the Assessments and Plans at key points, and funding towards events and training.

Targeted Support

- Targeted support which is led by PSBs particular needs. This support is provided on a regional, rather than individual basis to encourage consistency of approach and avoid duplication of effort.
- This year £400,000 has been offered (and divided proportionately) for Boards to use towards completing their well-being plans and then delivering against them, as well as consolidating work on the assessments of local well-being.
- Some examples of how the regional funding is being used include gathering more environmental data in order to present a persuasive evidence base which sets out current and future circumstances and will identify adaptations which can be made locally to help cope with the negative impacts of climate change. Another region is using part of the funding to engage with stakeholders and partners to promote interactive use of an information bank which will assist with filling gaps in data.
- In addition, support is being offered on a thematic (rather than geographic) basis to PSBs which will build on some of the objectives that have common elements across Wales. The themes are tied with areas identified in Prosperity for All (Early Years, Housing, Social Care, Mental Health, Skills and Employability).

Local Support

- On a local level, the main priority is supporting individual PSBs' board development. Investment has also been made in Board development with Academi Wales making their expertise and products explicitly available to PSBs and the offer of facilitated 'Healthy Board' development days for each Board for which there has been a positive response.

Welsh Government representatives on PSBs

32. The Well-being of Future Generations (Wales) Act 2015 states that Welsh Ministers must be invited by a PSB to participate in the activity of the board. This role has been delegated to senior civil servants from within the Welsh Government, and all nineteen boards have a representative from the Welsh Government as an invited participant.

33. The role of the Welsh Government representative on PSBs is to bring a national perspective to meetings and to ensure that national and regional delivery remains responsive to local issues and local democratic accountability.

Governance of PSBs

34. In order to ensure democratic accountability there is a requirement for a local authority to designate one of its Overview and Scrutiny Committees to review the governance arrangements of the PSB as well as review or scrutinise the decisions made or actions taken by the PSB and make reports or recommendations to the Board regarding its functions or governance arrangements.
35. It is for each local authority to determine what form these scrutiny arrangements take. For example, existing legislative powers can be used to put in place joint arrangements, such as 'co-opting' persons who are not members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area.
36. The committee can require any statutory member of the Board to give evidence, but only in respect of the exercise of joint functions conferred on them as a statutory member. This includes any person that has accepted an invitation to participate in the activity of the Board. In collaboration with the Centre for Public Scrutiny, the Welsh Government issued Guidance to local authority Scrutiny Committees in August 2017.
37. The emphasis in the WFG Act is on local accountability, with relatively few powers for the Welsh Ministers or other national bodies in scrutinising the work of PSBs.
38. While copies of published Assessments of Local Well-being, Local Well-being Plans and annual reports must be sent to Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales this is for information rather than approval.
39. The Future Generations Commissioner's advice must be sought on the preparation of the Well-being Plan, and she is formally consulted on both the Assessment of Local Well-being and the Well-being Plan. It is for the Commissioner and the Boards to determine how they work together; recognising that while the Commissioner will not be undertaking reviews of PSBs itself the bodies involved in the PSB will also be engaging with the Commissioner as individual bodies carrying out the well-being duty.
40. The Welsh Ministers have the power to direct a Board to review its Local Well-being Plan, or to refer a Plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example due to an adverse response from the Commissioner or a Ministerial concern that statutory duties are not being met.
41. Similarly the Auditor General for Wales has no specific role in examining PSBs, but may carry out examinations of public bodies to assess the extent to which a body has acted in accordance with the sustainable development principle when setting objectives and taking steps to meet them – including collaboration.

Relationships with other partnerships

42. Many of the Local Well-being Plans make reference to how the work of the boards will fit with the wider partnership landscape, for example city deals and Regional Partnership Boards.
43. There has been particular interest in how the work of the PSBs will fit with that of the Regional Partnership Boards (RPBs). While the membership of the two boards is similar, they have a different purpose. RPBs have a specific role in driving the integration of health and social care services and the delivery of integrated, innovative care and support needs. They are required to prioritise the integration of services for specific groups (older people with complex needs, people with learning disabilities, carers, and children with complex needs). PSBs have a broader, more strategic, role to improve the wider economic, social environmental and cultural well-being of their area; they also have more discretion on where to focus their collaborative efforts. They are also on a different footprint; the RPBs are on the local health board footprint while PSBs are primarily on a single local authority footprint.
44. Their interests do overlap - the RPB is likely to have an interest in wider well-being of individuals, particular in where the need for formal care and support might be prevented; and for PSBs an individual's well-being is a key part of the well-being of an area. For example, Caerphilly PSB's Well-being Plan identifies loneliness and isolation linked to an ageing population as an issue which has come up for both Boards.
45. The expectation is that, where there are areas of common interest, the two Boards will undertake complimentary, rather than conflicting or duplicating, activity. This is best considered and determined locally. The emphasis from a Welsh Government perspective is on ensuring there is flexibility for the members of the two boards to decide what arrangements work best for them, which may differ across Wales.

Alun Davies

Cabinet Secretary for Local Government and Public Services

Agenda Item 5

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

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