

SPSF 3:

Collective role

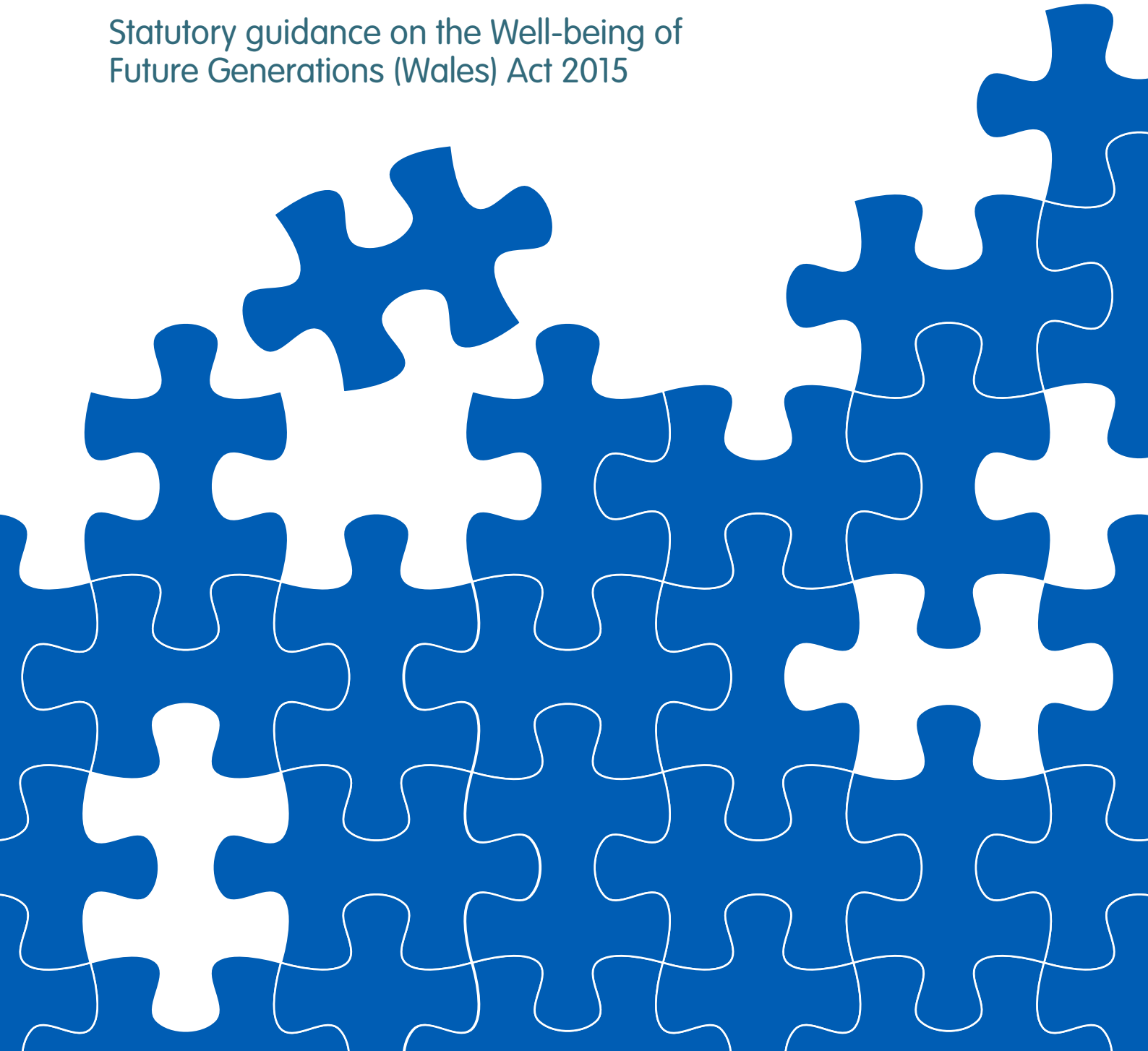
(public services boards)



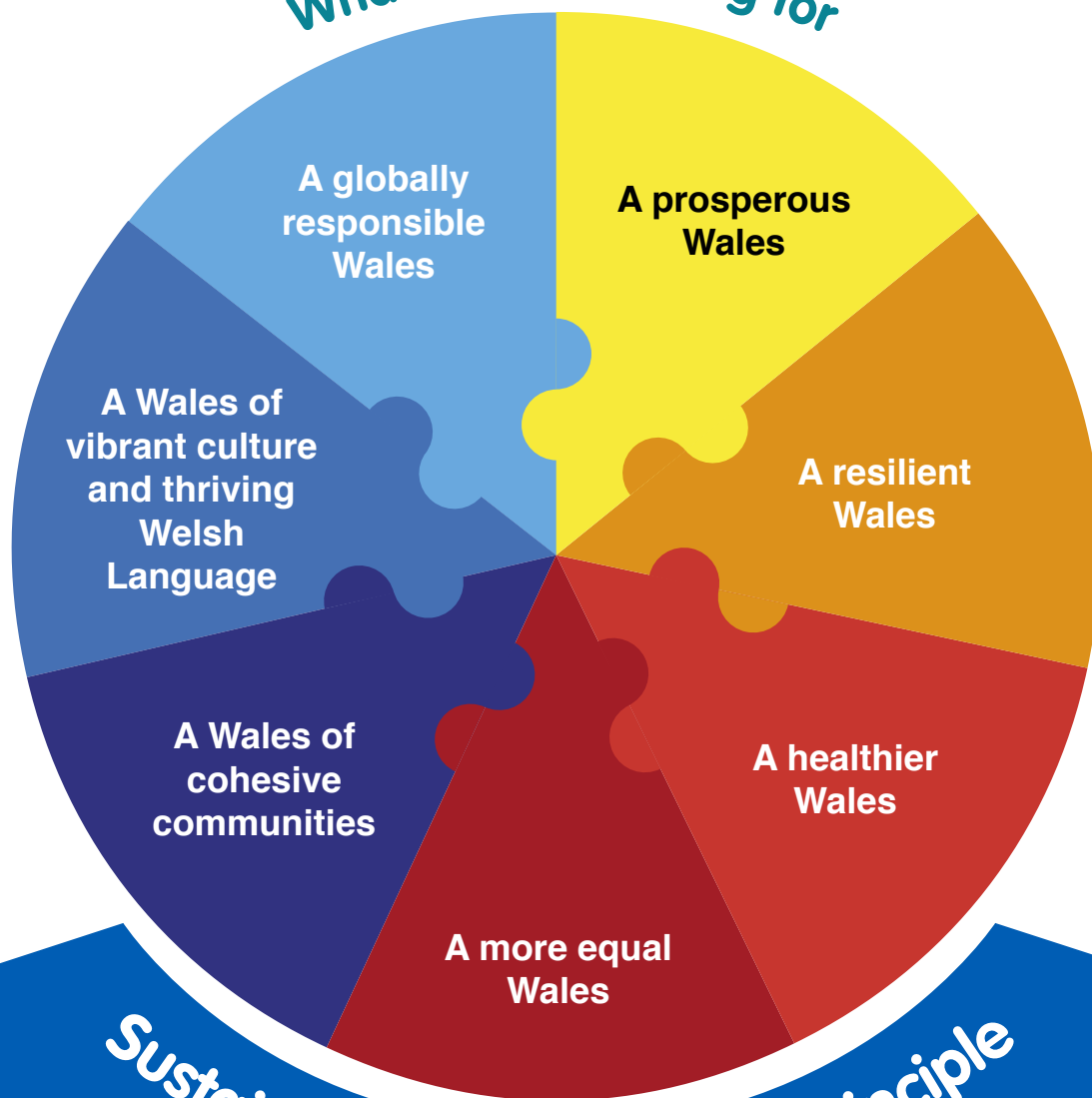
Llywodraeth Cymru
Welsh Government

Shared Purpose: Shared Future

Statutory guidance on the Well-being of
Future Generations (Wales) Act 2015



Well-being Goals What we are aiming for



Sustainable Development Principle How we will deliver



Long Term



Prevention



Integration



Collaboration



Involvement

This guidance is issued under sections 14, 22 (2) and 51(1) of the Well-being of Future Generations (Wales) Act 2015.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

SPSF 3: Statutory Guidance for Part 4 of the Well-being of Future Generations (Wales) Act 2015 - Public Services Boards

This statutory guidance is issued under Section 51(1) of the Well-being of Future Generations (Wales) Act 2015.

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Introduction

1. The Well-being of Future Generations (Wales) Act is about “sustainable development” which is the process of improving the economic, social, environmental and cultural well-being of Wales, by taking action in accordance with the sustainable development principle aimed at achieving well-being goals (see below, and at SPSF 1 - chapter 5).
2. The Act sets out a “sustainable development principle” which is about how the public bodies listed in section 6 of the Act should go about meeting their well-being duty under the Act. In the Act, any reference to a listed public body doing something “in accordance with the sustainable development principle” means that body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
3. The Act sets seven well-being goals and gives a description of each:

Well-being goal	Description
A more prosperous Wales	An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.
A resilient Wales	A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).
A healthier Wales	A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

A more equal Wales	A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances).
A Wales of cohesive communities	Attractive, viable, safe and well-connected communities.
A Wales of vibrant culture and thriving Welsh language	A society that promotes and protects culture, heritage, and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.
A globally responsible Wales	A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

4. The seven well-being goals (the goals) show the kind of Wales we want to see. Together they provide a shared vision for the public bodies listed in the Act to work towards. The well-being goals must be considered as an integrated set of seven to ensure that the relevant links are made in the context of improving the economic, social, environmental and cultural well-being of Wales.
5. In addition to the well-being duty put on listed individual public bodies (covered in SPSF 2), the Act also puts a well-being duty on specified public bodies to act jointly via public services boards to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals.
6. This document addresses the requirements relating to public services boards set out in Part 4 of the Act.
7. Public services boards' contribution to the achievement of the goals must include:
 - (a) assessing the state of economic, social, environmental and cultural well-being in their areas;
 - (b) setting local objectives that are designed to maximise their contribution within their areas to achieving those goals;
 - (c) the taking of all reasonable steps by statutory members of boards (in exercising their functions) to meet those objectives.

8. Public services boards' planning cycle:



Chapter 1 - Operating a public services board

9. The Act establishes a statutory board, known as a public services board, in each local authority area in Wales.
10. The four statutory members of each board are listed in section 29 of the Act: they are the local authority, the Local Health Board, the fire and rescue authority for the area and Natural Resources Wales. References in this guidance to statutory members are to the bodies listed in that section.
11. A reference to a public services board is a reference to the statutory members of that board acting jointly, and any function of a public services board is a function of each member that can only be exercised jointly with the other statutory members.
12. Statutory members are collectively responsible for fulfilling the board's statutory duties. This means unanimous agreement of the statutory members is needed in relation to fulfilling these duties (e.g. to publish assessments of local well-being, local well-being plans and annual progress reports).
13. However, statutory members will not and cannot work in isolation. Other bodies and organisations in the area have a significant contribution to make.
14. Public services boards are required to invite certain other persons or organisation to participate, and can invite others as they consider appropriate provided they exercise functions of a public nature (see paragraph 18). Where the boards have invited people to participate as invited participants we would expect them to have full participation in the work of the board (subject to paragraph 12).
15. Representatives of all the statutory members must be in attendance at a meeting of a public services board. See the table at para 34 for details about representation at board meetings.

Participation and Roles

Invited Participants

16. Public services boards must invite specified statutory invitees to participate in the board's activity. These invitees are not required to accept the invitation. If they accept the invitation they do not become statutory members of the board but become "invited participants". However, as indicated there should be nothing preventing these bodies participating fully in the activities of the board (subject to paragraph 12).
17. Invited participants, having accepted an invitation, will work jointly with the board on anything the board does under its well-being duty, including

assessing the state of well-being in its area, setting objectives to maximise its contribution to the achievement of the goals, and taking reasonable steps to meet those objectives. This means they will be entitled to make representations to the board about the assessments of local well-being and local well-being plan, take part in its meetings and provide other advice and assistance. A local well-being plan can only include objectives which are to be met by steps taken by an invited participant (or other partner) if the board has obtained the agreement of that invited participant (or other partner).

18. The Board will also have powers to invite other individuals or bodies to participate in its activity as it deems appropriate, so long as they exercise functions of a public nature. Whether or not a body exercises functions of a public nature is an issue on which boards may need to seek legal advice but the factors taken into account include, in particular, the extent to which in carrying out a function the body is publicly funded, is exercising statutory powers, is taking the place of central government or local authorities or is providing a public service.
19. An invited participant may participate in the activity of a board from the day on which the board receives its acceptance of the invitation.
20. An invitation must be issued as soon as is reasonably practicable following the first meeting of a board and each meeting held after the date of each ordinary local authority election.
21. An invitation can take any form the board decides but has to specify the person to whom a response is to be sent.
22. A board must invite the following to participate in the activity of the board:



23. The board could work with the County Voluntary Council to determine who the most appropriate representative(s) of relevant voluntary organisations would be.

Involving other partners

24. The public services board will be required to engage with key partners in the area who have a material interest in the well-being of the area, or who deliver important public services, in the preparation, implementation and delivery of the work of the board.

25. They are named in the Act as 'other partners' and are:

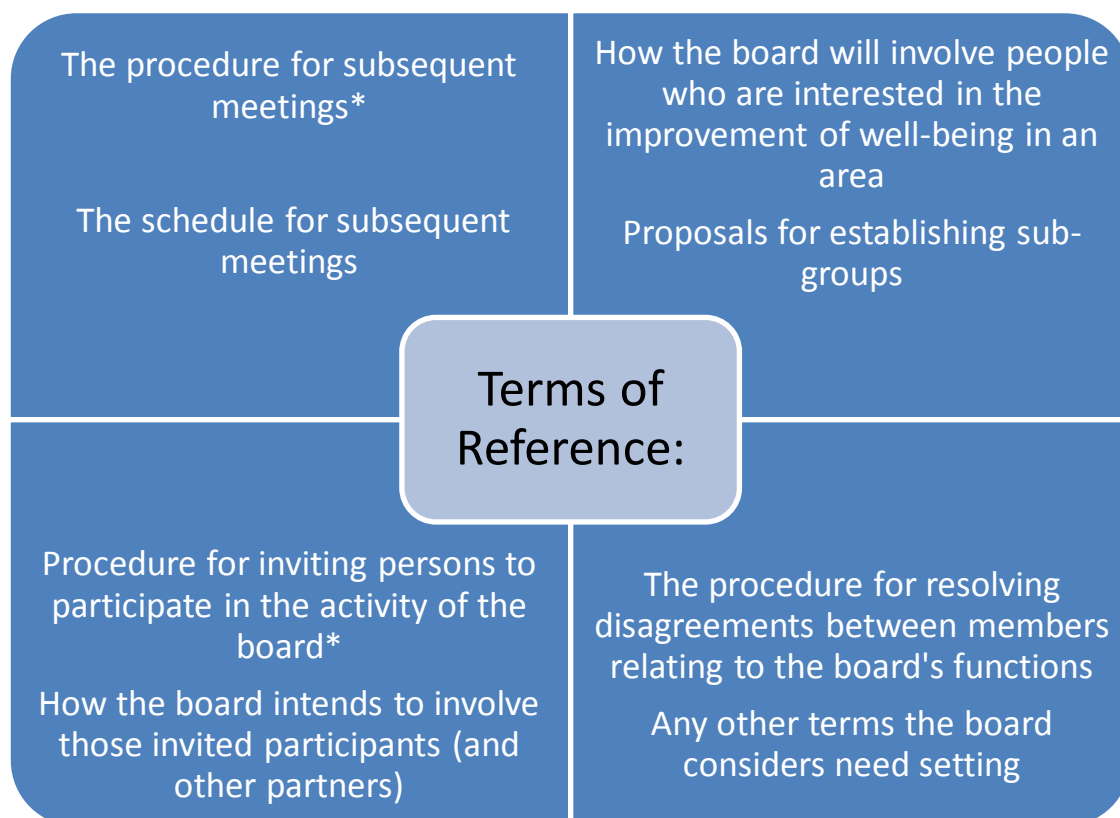


26. The public services board could invite any of these partners to participate more fully in its activity as an invited participant.
27. It is for each board to consider what other bodies, if any, it wishes to invite to participate in its work as invited participants and the manner in which it intends to involve them. The only condition is that invited participants must exercise functions of a public nature.

Establishing the board

28. A public services board must hold a meeting, chaired by the local authority, no later than 60 days after the date on which the board is established. The board must also hold a "mandatory meeting", no later than 60 days after each subsequent ordinary election of councillors. Ordinary elections are where all seats on a council are up for election or re-election.
29. Subsequently the board can determine when and how often it meets.

30. The local authority must chair the first meeting of a public services board but members can then appoint another statutory member or an invited participant to chair.
31. At the first meeting, a board must agree its Terms of Reference, which must include:



** in so far as not specified by the Act*

A public services board must review its terms of reference at each meeting held after the date of each ordinary local government election. However the board may review, and agree to amend it at any time.

Subgroups

32. The board is able to establish sub-groups to support it in undertaking its functions and the board can authorise sub-groups to exercise a limited number of functions.
33. A sub-group of a public services board must include at least one statutory member of the board, who can choose an appropriate representative to attend to contribute to the work of the sub-group. The sub-group can also include any invited participant or other partner.
34. The sub-group's functions will be guided by the board's terms of reference.
35. Those terms of reference **can not** authorise a sub-group—

- (a) to invite persons to participate in the board's activity;
- (b) to set, review or revise the board's local objectives;
- (c) to prepare or publish an assessment of well-being;
- (d) to consult on an assessment of well-being or to prepare a draft of an assessment for the purposes of consulting;
- (e) to prepare or publish a local well-being plan;
- (f) to consult on a local well-being plan or to prepare a draft of a local well-being plan for the purposes of consulting;
- (g) to review or amend a local well-being plan or to publish an amended local well-being plan;
- (h) to consult on an amendment to a local well-being plan;
- (i) to agree that the board merges or collaborates with another public services board.

36. The matters above require all statutory members to act jointly and so must be taken by the public services board itself.

37. Whilst sub-groups cannot themselves be authorised to finalise and approve the assessment of local well-being, or the local well-being plan, it is expected that they will play an important role in researching and developing those products in draft.

Representation

38. The Act specifies the individuals who represent each statutory member of the board:

Member	Representative
Local authority	The directly elected mayor of the authority or the councillor elected as executive leader of the authority, and the head of the authority's paid service designated under section 4 of the Local Government and Housing Act 1989 (c.42).
Local Health Board	Whichever of the following the board Designates: (a) the chair; (b) the chief officer; (c) both.
Welsh fire and rescue authority	Whichever of the following the authority designates; (a) the chair; (b) the chief officer; (c) both.
The Natural Resources Body for Wales	The chief executive

39. However a statutory member, and invited participant of a board is able to designate an individual from their organisation to represent them. The only restriction is that a directly elected mayor or executive leader of a local authority may only designate another member of the authority's executive.
40. The person designated should have the authority to make decisions on behalf of the organisation.
41. The board can also invite any of its "other partners", or anyone else it wishes, to attend a meeting or any part of a meeting.

Resourcing the work of the Public Services Board

42. The local authority must make administrative support available to the public services board. The Welsh Ministers consider administrative support would include ensuring the public services 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.
43. However it is for the board to determine how it will resource the functions it has to undertake, which are a responsibility of all the statutory members equally. It is for the board to determine appropriate and proportionate resourcing of the board's collective functions. There is 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.

Wider Participation

44. The public services board should seek to engage in a purposeful relationship with the people and communities in the area, including children and young people, Welsh-speakers and those with protected characteristics, in all aspects of its work. It is vital that the board takes account of the importance of involving people with an interest in achieving the well-being goals and of ensuring those persons reflect the diversity of the population of the area the board serves.
45. For example it is recognised that activities of major local private sector employers can have a big impact on an area's well-being. There is nothing to stop a board from inviting such employers to attend a board's meetings to raise concerns and make suggestions about what boards should do and what employers and the private sector could contribute to the achievement of the board's objectives. The board would, however, have to be clear about the capacity in which the employer was attending (not to participate in the board's activity as an invited participant but to

make representations and express views). Similarly there is nothing to stop a board from inviting groups representing other interests, such as trade unions or campaign groups active in the board's area, from attending meetings of the board for similar purposes.

46. Boards should take care to ensure the propriety and impartiality of the board's processes and be alive to the risks of any perception arising that a particular group is being afforded excessive access to, or influence over, a board's deliberations and activities.

Chapter 2 - Assessing the state of well-being in the area

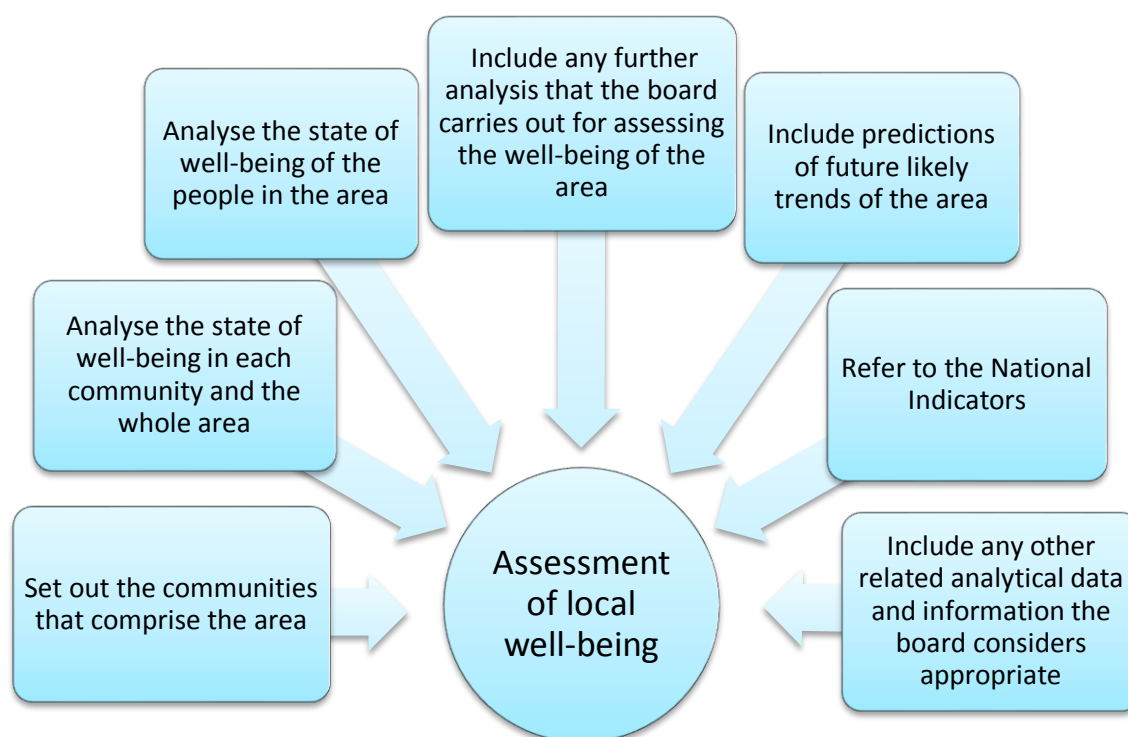
47. A public services board must prepare and publish an assessment of the state of economic, social, environmental and cultural well-being in its area no later than a year before it publishes its local well-being plan (see para 54).
48. It is vital that this assessment provides an accurate analysis of the state of well-being in each community and in the area as a whole. There is significant weight placed on the validity of this assessment due to the impact the findings and analysis will have in choosing the objectives to be set out in the local well-being plan.
49. The board must explain in their local well-being plan how their local objectives and any steps they propose to take have been set with regard to any matters mentioned in the assessment, and should be reassured that those objectives are sufficiently robust to stand up to local scrutiny. Therefore it will be expected that the board uses an extensive range of sources from which to assess the state of well-being, for example census and statistical data; academic research; and qualitative evidence which captures people's opinions and perceptions as well as giving context to quantitative data (the story behind the data). These comparisons could take place at a national, regional or local level.
50. There is a broad spectrum of economic, social, environmental and cultural expertise available for them to draw on, such as youth forums, community groups, older people's forums, Welsh language organisations (such as Mentrau Iaith), environmental bodies and public health experts.
51. In preparing its assessment of local well-being, a board will have the opportunity to capture the strengths and assets of the people and their communities. Boards should recognise and build on these strengths to help improve the social, economic, environmental and cultural well-being of the area.
52. Acting in accordance with the sustainable development principle is integral to the assessment process and doing a deeper examination of the information and data from sources like these will help the board prepare a more rigorous product. They will have to look at the long term, consider what the evidence tells them about how to prevent problems from happening or getting worse, and involve other people with an interest in the well-being of the area.
53. Boards should expect to be scrutinised on the process of how they agreed their priorities. To ensure objectivity and robustness of their decisions, it will be essential to collect and analyse good evidence in the preparation of

assessments to feel satisfied that their priorities accurately reflect the diversity and variety of issues in the area.

54. Each board must publish its assessment no later than a year before it publishes its local well-being plan. Since the Act provides that the local well-being plan must be published no later than one year after an ordinary election, as defined in section 26 of the Local Government Act 1972, in practice this means the assessment of local wellbeing would be published within the 12 months preceding each ordinary local government election.
55. In light of this, it will be important to consider that, in line with the Code of Recommended Practice on Local Authority Publicity in Wales, publicity in the pre-election period should not deal with controversial issues or report views, proposals or recommendations in such a way which identifies them with individual members or groups of members.

What the assessment must cover

56. In preparing and publishing an assessment of the state of economic, social, environmental and cultural well-being in its area, a board must:



57. Provided the assessment complies with the requirements described above, it will be for the board to determine what it includes in its assessment of local well-being and how it is structured.

Community areas

58. The assessment must identify the geographic community areas which comprise the board's entire area. It is intended that these 'communities' are localities within the board's area which are large enough to show differences between them and have a sense of identity but not as small as electoral wards.
59. Since official statistics are generally resolved down to the recognised ONS LSOA (Lower Layer Super Output) areas it would make sense for the community areas identified to correspond with multiple LSOAs rather than cut across them.
60. Assessing the well-being of each community is intended to ensure that the differences between the various communities within a board's area are analysed. The board will have the principles of sustainable development (see SPSF 1) in mind when analysing these differences.
61. Whilst the board may consider aligning these community areas with existing community networks such as a local authority's 'neighbourhoods', primary care clusters or clusters of community councils, the community areas identified for the purpose of the assessment will not necessarily correspond with the community councils within the board's area.

Analysing the state of well-being in each community area and in the area as a whole

62. The board will need to look at the state of well-being both at this community area level and for the area as a whole – drawing together this community level analysis with other evidence and analysis to form a view on the overall well-being of the local authority area.
63. For example, the board may consider the well-being of sustainable communities. In doing so the extent to which a community is in poverty, or the position of the Welsh language in these communities, would need to be a consideration.
64. The extent of health inequalities in the area, including households and communities which are living in poverty would also be a consideration, as would considerations such as flood risk and the resilience of ecosystems.

Analysing the state of well-being of the people in the area

65. In addition to looking at the general economic, social, environmental and cultural well-being of the area the assessment will need to look specifically at the well-being of the *people* in the area.

66. The Act provides that a board may include in its analysis of well-being analysis of the well-being of particular categories of persons, including:

- (a) People who are considered **vulnerable or disadvantaged**, for example those who are regarded as financially excluded or experiencing domestic abuse; or who experience income inequality and environmental problems.
- (b) **People possessing a protected characteristic**. The nine protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- (c) **Children**, meaning people under the age of 18, including those living in poverty and the impact this is having on their lives and overall well-being; children who are homeless, asylum seekers, Gypsies and Travellers or children experiencing or witnessing domestic abuse. Boards might also benefit from taking into account children's rights impact assessments (and consider the extent to which poverty is a barrier to the realisation of children's rights), when assessing needs.¹
- (d) Young people who have been **looked after, accommodated or fostered** and are entitled to support under sections 105 to 115 of the Social Services and Well-being Act.
- (e) People who may have need for **care and support** as described in Part 3 of the Social Services and Well-being (Wales) Act 2014; or people who provide or intend to provide care and support.

67. There may be categories of person **other than those listed above** which the board may wish to analyse in assessing the well-being of the area.

68. Undertaking analyses will assist in understanding better the needs and barriers to participation of these groups referred to in para 66, many of whom will be marginalised.

69. Relevant Welsh Government policy frameworks such as the revised Child Poverty Strategy² and the Tackling Poverty Action Plan³ can help Boards assess the needs of children in poverty. Similarly, the Welsh Language Strategy⁴ may help boards assess the needs of Welsh-speakers and

¹ <http://www.assembly.wales/Laid%20Documents/GEN-LD9732%20-%20Children's%20Rights%20Scheme%202014-22042014-255569/gen-ld9732-e-English.pdf>

² <http://gov.wales/topics/people-and-communities/people/children-and-young-people/child-poverty/?lang=en>

³ <http://gov.wales/topics/people-and-communities/tackling-poverty/taking-forward-tackling-poverty-action-plan/?lang=en>

⁴ <http://gov.wales/docs/dcells/publications/122902wls201217en.pdf>

Welsh-speaking communities, and well-being indicators for older people⁵ can assist the boards in identifying the needs of older people in the community.

Predictions of likely future trends

- 70. The assessment must include predictions of likely future trends in the economic, social, environmental and cultural well-being of the area.
- 71. The analysis must refer to a future trends report published by the Welsh Ministers under section 11 (once one has been published) to the extent that it is relevant to the assessment of well-being in the area.
- 72. This will enable the board to ensure it is taking account of the long term needs of the area as well as the short term.

National Indicators

- 73. The assessment of local well-being must refer to any national indicators published under section 10 of the Act. The national indicators will measure progress towards the achievement of the goals. They will be published by the Welsh Ministers.
- 74. The national indicators are population level measures that will help judge progress against the goals set out in the Act. They are not performance indicators and do not fall to any single public body or public services board.

Further analysis by the board

- 75. The assessment can include any other evidence relating to the well-being of the area that the board considers appropriate.
- 76. The assessment must include any further analysis that the board carries out by reference to criteria set and applied for the purpose of assessing economic, social, environmental and cultural well-being in the area or in any community situated in the area. It is for the board to determine what criteria it wishes to set for this analysis.
- 77. This analysis could include any study or information bearing on the well-being of the area; for example case studies of where organisations have shared data or worked together successfully.

⁵ http://www.olderpeoplewales.com/en/news/news/15-03-19/Wellbeing_Indicators_for_Older_People.aspx#.VYgVr9JFDcs – Published by the Older People's Commissioner for Wales

Use of evidence and analysis

78. To aid the board in the process of producing an assessment of local well-being, and the use of evidence and analysis more generally, non statutory guidance “*Guidance on the use of evidence and analysis*” is provided.⁶
79. The guidance offers advice to boards on how to use evidence and analysis in critical but constructive ways, in order to:
- better understand the outcomes services are working towards and the factors that influence them;
 - set out logically the links between the activities which services perform and the well-being of people in the area;
 - deliver a rounded assessment of well-being by including a wide range of sources and using qualitative evidence to supplement data and develop explanations;
 - ensure more consistent use of data;
 - be clear on the roles citizens will play in the assessment and when and how to engage them effectively.
80. The Guidance also describes how the use of evidence and analysis could usefully be divided into two main components, namely the “situation analysis” – the painting of a broad picture of well-being within the board’s area so that potential priorities for the area can be identified (the assessment of local well-being); and the “response analysis” – the detailed analysis of individual issues and themes to inform the development of the local well-being plan.

Other assessments and reviews which inform the assessment of local well-being

81. The Act specifies a number of statutory reviews and assessments which the board must take into account when preparing their assessment.
82. These are the most recent:
- (a) assessment of the risks for the United Kingdom of the current and predicted impact of climate change sent to the Welsh Ministers under section 56(6) of the Climate Change Act 2008 (c.27);
 - (b) review of the sufficiency of nursery education provision for the local authority area carried out under section 119(5)(a) of the School Standards and Frameworks Act 1998 (c.31);
 - (c) assessment of the sufficiency of the provision of childcare in the local authority area carried out in accordance with regulations made under section 26(1) of the Childcare Act 2006 (c.21);
 - (d) assessment of the sufficiency of play opportunities in the local authority area carried out under section 11(1) of the Children and Families (Wales) Measure 2010;

⁶ <http://gov.wales/topics/improving services/public-services-boards/?lang=en>

- (e) assessment carried out by the local authority in conjunction with a Local Health Board under section 14 of the Social Services and Well-being (Wales) Act 2014 (the “population assessment” of needs for care and support, support for carers and preventative services);
- (f) strategic assessment prepared in accordance with regulations under section 6 of the Crime and Disorder Act 1998 (c.37) relating to reducing crime and disorder in the local authority area;
- (g) strategic assessment prepared in accordance with regulations under that section relating to combating substance misuse in the local authority area;
- (h) each area statement under section 11 of the Environment (Wales) Bill 2016, once enacted, which relates to any part of the local authority’s area;
- (i) strategic assessment prepared in accordance with regulations under that section relating to the reduction of reoffending in the local authority area;

83. Under (a) above, it would be in the board’s interest to refer to the Climate Change Risk Assessment for Wales⁷ which provides a national assessment of potential risks and opportunities from climate change facing Wales. The findings are presented for different possible future scenarios and include an indication of confidence in the results and areas where there are evidence gaps.

84. The Welsh Ministers will be able to update this list of statutory reviews and assessments by regulations but there is nothing to prevent boards taking account of other national, regional or local assessments and reviews if they feel they will contribute to its assessment of local well-being. This could include any assessments of the economic, social, environmental and cultural well-being of the area which exist but do not have a statutory basis.

85. The board must carry out its own assessment of the well-being of its area and the people in it, and can draw on the reviews and assessments listed and also consider a wider body of information.

86. It is recognised that a number of these statutory assessments will be prepared within a similar timescale to the assessment of local well-being. It is expected that work can be undertaken on them in parallel, with evidence gathered, analysed and fed into multiple assessments at the same time (rather than waiting for an assessment to be formally published before taking its findings into account for the assessment of local well-being).

87. There is no reason why there would be any duplication of evidence gathered/analysis done – these specific assessments form part of the wider picture of the area the assessment of local well-being will capture.

⁷ <http://gov.wales/topics/environmentcountryside/climatechange/publications/riskassess/?lang=en>

Chapter 3 - Preparing a Local Well-being Plan

88. Each public services board must prepare and publish a local well-being plan setting out its local objectives and the steps it proposes to take to meet them.
89. A board's first local well-being plan must be published no later than 12 months following the first local government ordinary election following commencement of Part 4 of the Act. The board must then publish a local well-being plan no later than 12 months after each subsequent ordinary election.
90. The local well-being plan will set out how the board intends to improve the economic, social, environmental and cultural well-being of its area by setting local objectives which will maximise the contribution made by the board to achieving the well-being goals in its area.
91. There are two main elements of a local well-being plan:
- (a) the local objectives; and
 - (b) the steps the board proposes to take to meet the objectives

Local objectives

92. In line with the sustainable development principle the local objectives should seek to adopt an integrated approach to delivering against the well-being goals – considering how the objectives may impact on each of the goals (and on the other local objectives). One objective could deliver against multiple goals.
93. The objectives included in the local well-being plan must accord with the sustainable development principle, namely the need to ensure that action taken by public bodies to improve the well-being of people now doesn't detrimentally affect the ability of future generations to meet their own needs. The right balance should be struck between delivering for the short term and doing so in the context of priorities for the long term. It is worth noting that there are different understandings of long term in relation to different issues.
94. In choosing local objectives and any proposed steps the board must have regard to any matters mentioned in the assessment of local well-being. The assessment should provide the robust evidence base for a board to determine (and justify) the local objectives it sets. The local objectives set should reflect where the board has decided that collective action can be taken that will have a positive impact on the state of well-being in the area.
95. The statutory members of the board are also individually subject to the well-being duty on public bodies and are required to set their own well-being objectives. It may be that well-being objectives set out in local well-

being plans are the same objectives that public bodies which are subject to the individual duty have individually decided to adopt – there may be instances where well-being objectives set by these public bodies are also shared priorities for the area.

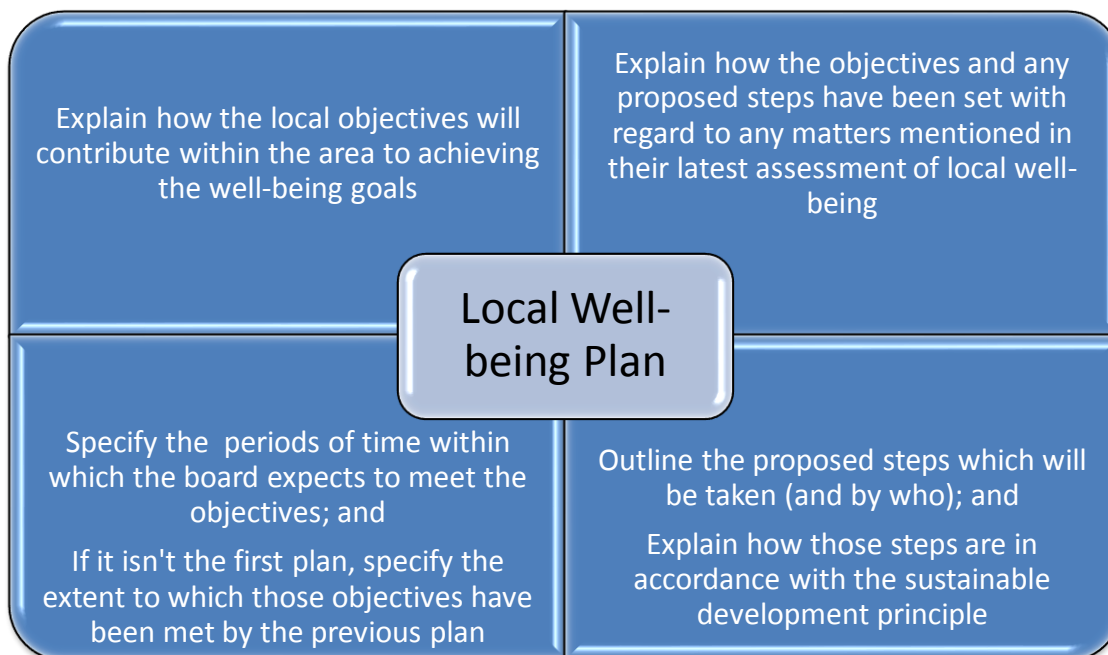
96. Statutory members may choose to include their individual well-being objectives in the local well-being plan, if other statutory members of the board agree.

Steps which the board proposes to take

97. The board must take all **reasonable** steps to meet the local objectives they have set, to deliver on collectively. It is for the board to form its own judgement of what steps it would be reasonable to take, on the basis of its own knowledge and consideration of the circumstances and characteristics of its area.
98. In addition to the objectives to be met by a statutory member or members of the board, the plan can include steps to be taken by invited participants or other partners acting individually or jointly. However a plan can only include such objectives or steps if the board has the agreement of the relevant invited participants or other partners.
99. The steps must be taken in accordance with the sustainable development principle (see SPSF 1). For example steps can be taken by individual statutory members, but can also be taken jointly, in collaboration with other statutory members and partners. Boards should consider whether there are others in the area with an interest in well-being who could contribute to improving it.
100. In preparing its local well-being plan (and before consulting) a board can require any person it has invited to participate in its activities (except the Welsh Ministers) and other partners to provide information about any action they take that may contribute within the board's area to achieving the well-being goals. However they are not required to provide information if:
- (a) they consider it would be incompatible with their duties, or
 - (b) it would have an adverse effect on the exercise of their functions, or
 - (c) they were prohibited from providing it by law.

If a person decides not to provide information the board has requested it must provide the board with written reasons for its decision.

101. The local well-being plan must:



102. The plan should include any other information the board considers appropriate.

Seeking the advice of the Future Generations Commissioner

103. It is recognised that seeking to meet the local objectives contained within the local well-being plan in accordance with the sustainable development principle will not be an easy task. The role of the Commissioner is to provide advice on how to do this, drawing on the understanding of good practice. The Commissioner's role is therefore supportive and constructive.
104. In drafting their local well-being plans, the public services board must seek the advice of the statutory Future Generations Commissioner for Wales, on how to take steps to meet their local objectives in a manner which is consistent with the sustainable development principle.
105. In setting its local objectives a board must also take into account the latest Future Generations Report as prepared by the Commissioner which will provide an assessment of the improvements public bodies should make in order to set and meet well-being objectives in accordance with the sustainable development principle.
106. The Commissioner will have up to 14 weeks in which to provide this advice and boards should factor this into their timescales for preparing the local well-being plan (see para 157 for more detail).

107. The board must publish the Commissioner's advice at the same time as it publishes its local well-being plan.
108. The board may also wish to seek the advice of other Commissioners in choosing local objectives to deepen their understanding of the diverse needs of the area.
109. A public services board must send a copy of its local well-being plan to the Welsh Ministers, the Commissioner, the Auditor General for Wales and the local authority's overview and scrutiny committee.

Assessing the impact

110. A public services board is not under a duty to carry out formal impact assessments. However, they might consider it a useful way of reflecting on matters that statutory members of the board would need to consider, or expect to be considering in any case if they are to meaningfully assess the well-being of their area. The Commissioners for Older People, Children, Welsh Language, and Equalities may also be able to provide support and advice to the boards in this regard.
111. In addition, individual statutory members of the board may be required to carry out Equality Impact Assessments in relation to particular decisions, and it may be helpful to draw on these to consider the impact of decisions on different people within the community from a board level. It is important to remember that some of those people may be impacted in a number of different ways.
112. Areas for consideration include:

Equality and Human Rights

113. The Equality Act 2010 requires all public authorities to have due regard to the need to:
 - a) eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by that Act;
 - b) advance equality of opportunity between people who share a relevant protected characteristic and those who do not; and
 - c) foster good relations between people who share a protected characteristic and those who do not.
114. The Equality Act 2010 lists age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation as the protected characteristics.
115. Most public authorities in Wales are required to set outcome-focused equality objectives, to engage widely on these and other aspects of their work, and to collect and analyse equality data which informs their

equality impact assessment, and objective setting. The Equality Objectives set out in the Welsh Government's Strategic Equality Plan⁸ may help boards to identify actions and objectives that will help them safeguard the rights of those with protected characteristics.

United Nations Convention on the Rights of the Child (UNCRC)

116. The Welsh Government has legislated to adopt the UNCRC as the basis for all its work for children and young people. The Seven Core Aims⁹ are effectively a summary of the UNCRC which should underpin the working practice of any service or organisation working with children and young people in Wales.
117. A great deal of important work has been undertaken over the past decade in ensuring that the rights of children and young people are recognised and respected and their voice is heard and valued, resulting in appropriate and effective services and support. A local well-being plan should build on this work with purpose, maintaining a strong focus on positive outcomes for all children and young people, with the UNCRC and Seven Core Aims as the underpinning statement of principles upon which these outcomes are based.
118. Article 12 of the UNCRC promotes the right of children and young people to participate and have a say in decisions that affect them. This is an enabling right for children and young people to access all the other rights in the UNCRC. Promoting and facilitating children and young people's participation is a duty on local authorities as set out in the Children and Families (Wales) Measure 2010 (see Annex A and Annex B). This duty should be taken forward through the process for producing the local well-being plan.

Poverty

119. Poverty is a major barrier to people achieving better life outcomes.
120. The preparation of a local well-being plan provides boards with an opportunity to strengthen their collaborative approach to tackling poverty. The Welsh Ministers consider that the board should contemplate the different aspects of poverty, such as child poverty, and how these aspects link to the well-being goals when identifying its local objectives. Tackling poverty is not just about income, it relates to a number of different outcomes including health, education, employment, skills and equality of opportunity.
121. Where local objectives and local actions are intended to make a contribution to addressing the needs of children and families living in

⁸ <http://gov.wales/topics/people-and-communities/equality-diversity/?lang=en>

⁹ <http://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/implementation-of-childrens-rights/?lang=en>

low income households, it would be helpful if these could be made explicit.

Welsh Language

122. In preparing and delivering their local well-being plans statutory members must ensure that they act in accordance with any duties placed upon them under the Welsh Language (Wales) Measure 2011 and any subordinate legislation (i.e. Welsh Language Standards) or, until such time as they become liable to comply with such duties, with their Welsh language schemes prepared under the Welsh Language Act 1993. In practice, Standards will be imposed on Local Authorities before the other statutory members.
123. The Welsh language should be given due consideration as part of preparing the local well-being plan reflecting its official status in Wales and the national well-being goal of 'a thriving Welsh language'. Where specific outcomes are identified as priorities e.g. promoting or protecting the language, or ensuring the adequate bilingual provision of services that meet local need, these should be included in the local well-being plan.

Resilience of ecosystems duty (Biodiversity)

124. As part of the Welsh Government's commitment to reversing the decline in biodiversity in Wales and increasing the resilience of our ecosystems so that we achieve the well-being goals for Wales, the Environment (Wales) Bill, once enacted, will introduce a new biodiversity duty.
125. This new duty requires that when exercising their functions, public authorities will be under a new duty to seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems. This highlights that biodiversity is an essential component of ecosystem resilience and the intention is that by doing so a public authority can contribute to the long-term provision of the services received from ecosystems, which contribute to economic, social, environmental and cultural well-being.
126. Public service boards must have regard to area statements in preparing their assessments of well-being and can also draw upon the evidence provided in the State of Natural Resources Report. Area statements provide evidence which public services boards must have regard to in developing local well-being plans and boards can also draw upon the State of Natural Resources Report as part of that process.

Reviewing a local well-being plan

127. A public services board may review and revise its local objectives and/or its local well-being plan (e.g. the steps it proposes to take to meet the objectives) at any point it wishes.
128. It must also review its local objectives or local well-being plan if directed to do so by the Welsh Ministers. Before giving such a direction, the Welsh Ministers must publish a statement containing their reasons for doing so.
129. Before making an amendment to either the local objectives or the wider local well-being plan the board must consult the same people as it has to when preparing a new local well-being plan.
130. An amended plan must be published as soon as is reasonably practicable.
131. The board must send a copy of any amended plan to Welsh Ministers; the Commissioner; the Auditor General for Wales; and the relevant local authority overview and scrutiny committee.

Meeting other statutory duties

132. Integrated community planning will cover the full scope of economic, social, environmental and cultural well-being. As such, local well-being plans are one of the main ways for the bodies involved to evidence that they have secured long-term improvements to the well-being in their area, and to evidence how they have met their sustainable development duty (see SPSF 1).
133. Local well-being plans are intended to provide a more holistic, citizen focused approach to the planning and delivery of public services in Wales.
134. As part of simplifying partnership and planning arrangements the Well-being of Future Generations (Wales) Act has repealed a number of previous statutory duties to produce separate plans and strategies:
 - (a) The requirement for local authorities to produce a Community Strategy under the Local Government (Wales) Measure 2009;
 - (b) The requirement for local authorities to produce a Children and Young People's Plan under the Children Act 2004;
 - (c) The requirement for local authorities and local health boards to produce a health and social care strategy under the National Health Service (Wales) Act 2006;

135. The Act does not remove the substantive duties on public bodies to take into account the needs of groups which these plans covered; it merely simplifies how these functions are discharged.
136. The local well-being plan can be used as a vehicle to fulfil other statutory duties or requirements which can now be discharged on the publication of a local well-being plan:
- The community planning process envisaged by the Local Government (Wales) Measure 2009 is now delivered through the public service boards;
 - Local authorities are still required to make arrangements to promote co-operation with a view to improving the well-being of children but now information about these arrangements can be included in the local well-being plan rather than through separate plans;
 - Local authorities and other 'Welsh authorities' are still required to prepare strategies that meet the requirements set out in the Children and Families (Wales) Measure 2010 for contributing to the eradication of child poverty, but they can now discharge them through the local well-being plan;
 - Similarly the scheme for the provision of local primary mental health support can be recorded by including it in the local well-being plan;
 - The local well-being plan can be used to publish the new plans which will be produced in response to the assessment of needs under the Social Services and Well-being Act (2014);
 - Similarly, a local strategy or revised strategy as required under Section 5 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 can be published by including it within a local well-being plan;
137. Local authorities will also be subject to a duty, under the Welsh Language Standards (No.1) Regulations 2015, to prepare strategies to promote the Welsh language and facilitate the use of the Welsh language.
138. Bodies captured by these duties will be considered to have fulfilled their statutory duties in relation to making those plans and strategies as long as inclusion of those plans and strategies in the local well-being plan meets the requirements set out in the respective pieces of legislation.
139. **If the inclusion of a plan or strategy in the local well-being plan does not fully meet the statutory duty to make that plan or strategy, then that duty will need to be discharged separately.**

140. Annex A sets out in more detail the statutory duties and planning requirements which can be delivered through a local well-being plan.
141. In addition to the statutory duties for which there is explicit provision to discharge via the local well-being plan, boards will be able to include community safety strategies in their well-being plan. As with the other statutory duties, boards will need to satisfy themselves that they have fully met the requirements, which are detailed at Annex A. Although not required by the Act, boards are encouraged to consider how local objectives align with the priorities in Police and Crime Commissioners' Crime Reduction Plans and other plans such as the youth justice plans in the area.
142. In preparing a Local Development Plan the Local Planning Authority must have regard to the local well-being plan; for example by addressing how local objectives that relate to land-use and development will be delivered in the area.

Role of Community and town councils in meeting the local objectives

143. Those community and town councils which meet the criteria set out in the Act will be required to take all reasonable steps towards meeting the local objectives in the local objectives included in the local well-being plan which has effect in its area. All community councils would be able, and are encouraged to consider how they can contribute to meeting the local objectives, regardless of whether they are under a duty to do so.
144. In light of this a public services board would be expected to be aware of the community councils which will be captured by the duty and ensure that these councils are fully engaged in the process of identifying the local objectives.
145. Steps taken by a community council could be included in the local well-being plan itself as a step taken by a partner.
146. The community councils which are under the duty will be required to publish an annual report of the progress it has made.

Chapter 4 - Involvement (engagement and consultation)

147. In preparing both its assessment of local well-being and its local well-being plan, each public services board is required to consult fully with:

Statutory Consultees

The Commissioner;
The Board's invited participants;
its other partners;
such of the persons who received but did not accept an invitation from the board under Section 30 as the board considers appropriate;

the local authority's overview and scrutiny committee;
relevant voluntary organisations as the board considers appropriate;
representatives of persons resident in the area;
representatives of persons carrying on business in the area;
trade unions representing workers in the area;

such persons with an interest in the maintenance and enhancement of natural resources in the board's area, as the board considers appropriate;
any other persons who in the opinion of the board, are interested in the improvement of the area's economic, social, environmental and cultural well-being.

Consultation on the assessment

148. Prior to publishing their assessment of local well-being, a public services board must consult with the persons outlined above. The board must provide each of the people listed with a copy of their draft assessment.
149. Unlike the consultation for the draft local well-being plan, there is no timescale specified for this, however it is a legal requirement that sufficient time is allowed for meaningful consideration of the draft assessment by the people listed above so that they can give informed feedback on it.
150. The board must send a copy of its published assessment to the Welsh Ministers, the Commissioner, the Auditor General for Wales and the local authority's overview and scrutiny committee.

151. There is further non-statutory guidance on the role of citizens in assessments in “*Guidance on the use of evidence and analysis.*”

Consultation and approval of the Local Well-being Plan

152. Before consulting on the plan, the board may require any person invited to participate in the board’s activity (other than the Welsh Ministers) or its other partners to provide information about any of their activities that may contribute within the board’s area to achieving the well-being goals.
153. The board must also seek the advice of the Commissioner. This advice will relate to how the public services board can meet their proposed objectives in a manner that is consistent with the sustainable development principle.
154. Prior to publishing their local well-being plan the board must consult, for a minimum of 12 weeks, with those people listed in the table above. The board must provide each of the people listed with a copy of their draft local well-being plan as part of the consultation.
155. Before the plan can be published it has to be approved by the statutory members of the board. If the local authority is operating executive arrangements the local well-being plan must be approved by the full Council. In respect of a Local Health Board, Welsh fire and rescue authority and the National Resources Body for Wales, the local well-being plan may only be approved for publication at a meeting of the body in question.
156. The process of preparing and publishing a local well-being plan is likely to take approximately 41 weeks (as set out in the estimated projections at para 157). However, that estimate does not allow for slippage and the process may in fact take longer.

157. Estimated well-being plan stages:



Engaging others

158. A board's terms of reference must include, among other things, proposals for involving people who the board think are interested in the area's economic, social, environmental and cultural well-being. In addition to this, the sustainable development principle obliges public bodies subject to it to have regard to the importance of engagement and ensuring those persons reflect the diversity of the people of Wales, and specific areas of Wales where the body is functioning.
159. Citizen engagement should go beyond participation in community planning. Citizen voice can be a powerful tool for understanding where system failings are occurring, where lack of coordination between service providers is wasting resources without improving outcomes, for redesigning services around people, and for scrutinizing service effectiveness.
160. It is important to note that a large number of the population, particularly those who are under-represented and hard to reach, do not naturally belong to groups and feel their voices are not heard.
161. Great care should be taken to ensure that no perception could reasonably be formed that a board gave a disproportionate amount of weight in considering the responses of any one of the consultees, or that a community of interest's views were given too much emphasis. Any perception that the board's impartiality had been compromised

would undermine public confidence in the board and may result in the consultation process being challenged in the courts. If a court challenge were successful that could mean a board's assessment of local well-being or local well-being plan would have to be set aside.

162. The National Principles for Public Engagement in Wales, the Principles for Working with Communities and the Practitioners' Manual for Public Engagement have also been endorsed by the Welsh Government and joint public and third sector groups such as the new National Partnership for Participation and Engagement in Wales.
163. The National Standards for Children and Young People's Participation¹⁰ have also been endorsed by the Welsh Government. These standards should be adopted as part of the engagement process that the boards undertake when consulting with children and young people on the assessment, plan and outcomes. Promoting and facilitating children and young people's participation is a duty on local authorities as set out in the Children and Families (Wales) Measure 2010 (see Annex A and Annex B).

¹⁰ <http://www.participationworkerswales.org.uk/wp-content/uploads/2014/07/National-Participation-Standards.pdf>

Chapter 5 - Reporting on progress

164. A public services board must prepare and publish a report no later than 14 months after the publication of its first local well-being plan. This is intended to enable the board to report on the full year's activity.
165. Subsequently, an annual report must be published no later than one year after the publication of each previous report.
166. In the year following an ordinary local government election, when a new local well-being plan is being prepared and published, there is no requirement to also produce an annual report. If the local well-being plan is not the first plan published by the board, the plan itself must specify the steps taken to meet the objectives set out in the board's previous plan and the extent to which those objectives have been met.
167. This report must set out the steps taken since the publication of the board's most recent local well-being plan to meet the objectives set out in the plan.
168. The report can also include any other information the board thinks would be appropriate.
169. For example it would be expected that progress will be measured with reference to the national indicators and, where they have been set, the performance indicators and standards for public services boards. The national indicators will show change in population outcomes, for example, more young people of a given age have reached a standard of literacy. Any performance indicators or standards adopted by the boards or set by the Welsh Ministers would show how well the public services board have implemented their plan, for example, to provide additional support to young people with poor literacy rates.
170. A board must send a copy of each annual progress report published by the public services board to the Welsh Ministers, the Commissioner, the Auditor General for Wales and the local authority's overview and scrutiny committee.

Performance Indicators and Standards

171. Section 50 of the Act enables the Welsh Ministers to set, in regulations, indicators and standards by which the performance of each public services board can be measured.
172. Prior to making these regulations, the Welsh Ministers must consult the statutory members of the public services board(s), or persons the Welsh Ministers consider represent those members, and any other people the Welsh Ministers consider appropriate.

Chapter 6 - Local accountability

173. Local integrated planning will only be effective if statutory members of the public services board take joint-responsibility themselves for securing improvement, with local democratic processes providing appropriate challenge and support. For this reason, the Act gives the Welsh Ministers relatively few powers and relies predominantly on the role of local government scrutiny to secure continuous improvement.
174. In order to assure democratic accountability there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board. It will be for each local authority to determine its own scrutiny arrangements for the public services board of which it is a member. 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.
175. While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people's scrutiny committee) to scrutinise the public services board's work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.

176. Overview and scrutiny functions:

**Overview
and
Scrutiny
Functions**

Each Local Authority must ensure its overview and scrutiny committee has the power to;

- a) review or scrutinise the decisions made or actions taken by the public services board;
- b) review or scrutinise the board's governance arrangements;
- c) make reports or recommendations to the board regarding its functions or governance arrangements;

d) consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

e) carry out other functions in relation to the board that are imposed on it by the Act.

177. The local authority will do the above through the 'executive arrangements' it is required to make under Part 2 of the Local Government Act 2000. Executive arrangements are arrangements for the setting up and operation by a local authority of an executive, which has responsibility for certain functions of the authority.
178. The designated committee will be provided with evidence in the form of the draft assessment of local well-being and, the draft local well-being plan (both of which they will be formally consulted on) and copies of the final versions of both. It will also be provided with annual reports.
179. In addition, the committee will be able to draw on the published advice provided to the public services board by the Future Generations Commissioner for Wales.
180. 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 of the board under this Act. This includes any person that has accepted an invitation to participate in the activity of the board.

181. The committee must send a copy of any report or recommendation it makes to the Welsh Ministers, the Commissioner and the Auditor General for Wales.
182. The public services board must send copies of its published assessments of local well-being, local well-being plans (including when it is revised) and each of its annual reports to the Welsh Ministers, Future Generations Commissioner for Wales and Auditor General for Wales in addition to the designated local authority scrutiny committee.
183. Neither the Welsh Ministers nor the Commissioner have any role in approving assessments of local well-being or local well-being plans. Local well-being plans are the plans of the public services board's statutory members, locally owned and subject to local scrutiny. The Welsh Ministers instead have a 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 report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.
184. The Commissioner's advice must be sought on the preparation of the local well-being plan, and they will be formally consulted on the assessment of local well-being and well-being plan. They are also able to provide advice and support to public bodies in promoting the sustainable development principle. It will be for the Commissioner and the boards to determine how they work together; recognising that while the Commissioner will not be undertaking reviews of public services boards the statutory members and invited participants of the board will be engaging with the Commissioner as individual bodies carrying out the well-being duty.
185. Similarly the Auditor General for Wales has no role in examining public services boards, 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. It therefore makes sense for a copy of local well-being plans, annual reports and any scrutiny committee reports to be provided, to enable them to pursue or raise concerns over issues raised in those reports if they feel it would be justified as part of their wider responsibilities.

Chapter 7 - Merging and collaboration

186. The Act provides for two or more public services boards to be able to merge and to collaborate if it would assist them in contributing to the achievement of the well-being goals.
187. But boards may merge only if—
 - (a) the same Local Health Board is a member of each board seeking or being directed to merge, and
 - (b) no other Local Health Board is a member of any of those boards.
188. If two or more boards merge, then references in Part 4 of the Act to a public services board must be construed as references to the merged board, and references in Part 4 to a local authority area must be construed as references to the combined areas of the local authorities that are statutory members of the merged board.
189. A board collaborates if it—
 - (c) co-operates with another board,
 - (d) facilitates the activities of another board,
 - (e) co-ordinates its activities with another board,
 - (f) exercises another board's functions on its behalf, or
 - (g) provides staff, goods, services or accommodation to another board.
190. Where boards have decided to merge or collaborate, a clear rationale for reaching that determination should be formally documented and considered and any such decision should be formally recorded in the minutes along with the board's determination that they consider the merger or collaboration would assist them in contributing to the achievement of the well-being goals.
191. The Welsh Ministers have the power to direct two or more public services boards to merge; and the power to direct two or more public services to collaborate, if the Welsh Ministers consider it would assist the boards in contributing to the achievement of the well-being goals.
192. Before directing two or more boards to merge, or to collaborate the Welsh Ministers must consult each statutory member of the boards they intend to direct and publish a statement containing their reasons for giving it.

SPSF 3 – ANNEX A

WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015 LEGISLATIVE SUMMARY: STATUTORY DUTIES WHICH CAN BE DISCHARGED VIA A LOCAL WELL-BEING PLAN:

LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
Crime and Disorder, Reduction of Offending and Substance Misuse Partnership Plan			
Crime and Disorder Act 1998	<p>Section 6 of the Act places a duty on specified responsible authorities to formulate and implement:</p> <ul style="list-style-type: none"> • A strategy for the reduction of crime and disorder; • A strategy for combating the misuse of drugs, alcohol and other substances; and • A strategy for the reduction of reoffending 	<p>The strategic assessments must be prepared annually, and these must be considered when revising the partnership plan.</p> <p>The partnership plan should be revised before the start of each year.</p> <p>A partnership plan must set out:</p> <p>a) a strategy for the reduction of crime and disorder in the area; for the reduction of re-offending in the area and for the combating of substance misuse in the area;</p> <p>b) The priorities identified in the strategic assessments;</p> <p>c) The steps the strategy group considers necessary for the responsible officers to take to implement that strategy and meet those priorities;</p> <p>d) How the strategy group</p>	<p>The statutory groups shall consist of two or more persons appointed by one or more of the responsible authorities.</p> <p>The specified responsible authorities are:</p> <p>a) The local authority for the area;</p> <p>b) providers of probation services operating in the area (who are identified under section 3 Offender Management Act 2007 as responsible authorities);</p> <p>c) the chief officer of police, any part of whose police area lies in the area;</p> <p>d) Fire and rescue authorities; any part of whose area lies in the area;</p> <p>e) Local Health Boards, the whole or any part of whose area lies within the area.</p>
Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007	<p>The 2007 regulations make further provision as to the formulation and implementation of these strategies.</p>		
Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007	<p>The regulations require a strategy group to be established who must:</p> <ul style="list-style-type: none"> • Prepare strategic assessments; and • Prepare and implement a partnership plan. <p>for the area on behalf of the responsible authorities.</p> <p>The regulations also require</p>		

Shared Purpose: Shared Future 3 - Collective role (public services boards)

LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	arrangements to be made to enable information sharing between the responsible authorities.	<p>considers the responsible authorities should allocate and deploy their resources to implement that strategy and meet those priorities;</p> <p>e) The steps each responsible authority shall take to measure its success in implementing the strategy and meeting those priorities; and</p> <p>f) The steps the strategy group proposes to take during the year to comply with its obligations</p>	<p>The Police and Crime Commissioners are not a responsible authority.</p> <p>When formulating and implementing their partnership plans the responsible authorities must act in co-operation with:</p> <p>a) The local probation board, any part of whose area lies within the local government area;</p> <p>b) The providers of probation services operating within the area (who are identified under section 3 Offender Management Act as co-operating bodies);</p> <p>c) Any other persons prescribed by the Secretary of State and Welsh Ministers</p> <p>The 2007 Regulations require the strategy groups to make arrangements to seek the views of the persons and bodies who live and work in the area when preparing the strategic assessments and preparing and implementing the partnership plans.</p>
Children and Young People			
Children Act 2004	Section 25 of the Act requires each local	Information about the arrangements	For the purposes of this section the

Shared Purpose: Shared Future 3 - Collective role (public services boards)

LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	<p>authority in Wales to make arrangements to promote co-operation between:</p> <ul style="list-style-type: none"> a) The authority b) Each of the authority's relevant partners c) Such other persons or bodies as the authority consider appropriate with a view to improving the well-being of children in the authority's area. <p>The relevant partners in turn have a duty to co-operate with the local authority.</p> <p>Section 27 of the Act requires local authorities to appoint a lead director and lead member for children and young people's services. The LHB must also appoint a lead officer and Board member for children and young person's services and the NHS Trust must appoint a lead executive director and a lead non-executive director for children and young people's services. It is the responsibility of these persons to oversee their bodies' functions in relation to the planning and making arrangements for improving the well-being of children in their area.</p>	<p>a local authority makes under this section may be included in the local well-being plan of the public services board of which the local authority is a member.</p>	<p>relevant partners are:</p> <ul style="list-style-type: none"> a) The local policing body and the chief officer of police for a police area, any part of which falls within the area of the authority; b) The probation services operating in the area of the authority; c) The youth offending teams for an area, any part of which falls within the area of the authority; d) The Local Health Board for an area, any part of which falls within the area of the authority; e) The NHS Trusts providing services in the area of the authority; f) The Welsh Ministers in relation to further and sixth form education in Wales.
Children and Families (Wales) Measure 2010	Section 2 of the Measure requires a "Welsh authority" to prepare and publish	The duty to publish a strategy under section 2 of the Measure is	For the purposes of the Measure each of the following is a Welsh

Shared Purpose: Shared Future 3 - Collective role (public services boards)

LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	<p>a strategy for contributing to the eradication of child poverty in Wales.</p> <p>The strategy must contain objectives which relate to one or more of the broad aims set out in the Measure contributing to the eradication of child poverty and which may be pursued in the exercise of its functions; and the actions to be performed and functions to be exercised by the authority for the purpose of achieving the objectives. A Welsh authority must take all reasonable steps to perform these actions and exercise these functions.</p>	<p>discharged on publication by the authority of a local well-being plan by the public services board of which the local authority is a member, but only if the local authority's Child Poverty Strategy is an integral part of that plan.</p> <p>The duty of other "Welsh authorities" to publish a strategy is discharged if the strategy is an integral part of a local well-being plan by each public services board for a local authority area in which the Welsh authority exercises functions.</p>	<p>authority:</p> <ul style="list-style-type: none"> a) The Welsh Ministers b) A local authority c) A Local Health Board d) A Fire and Rescue authority e) A National Park authority in Wales f) The Natural Resources Body for Wales g) The Higher Education Funding Council for Wales h) The Public Health Wales NHS Trust i) The National Museum of Wales j) The Arts Council for Wales k) The National Library of Wales l) The Sports Council for Wales
Health, Social Care and Well-being			
Social Services and Well-being (Wales) Act 2014	<p>Section 14 of the Act requires a local authority and each Local Health Board any part of whose area lies within the area of the local authority to jointly assess:</p> <ul style="list-style-type: none"> a) The extent to which there are people in the local authority's area who need care and support; b) The extent to which there are carers in the local authority's area who need support; 	<p>Under Section 14A of the Act the 'relevant body' (a local authority or Local Health Board which has carried out a joint assessment under section 14(1)) must each prepare and publish a plan setting out:</p> <ul style="list-style-type: none"> a) The range and level of services the body proposes to provide, or arrange to be provided, in response to the assessment of needs; 	The local authority and the Local Health Board.

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LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	<ul style="list-style-type: none"> c) The extent to which there are people in the local authority's area whose needs for care and support (or in the case of carers, support) are not being met; d) The range and level of services required to meet the care and support needs of people in the local authority's area (including the support needs of carers) e) The range and level of services required to achieve the purposes in section 15(2) of the Act (preventative services) in the local authority's area; f) The actions required to provide the range and level of services identified through the medium of Welsh. 	<ul style="list-style-type: none"> b) In the case of the local authority, the range and level of services the authority proposes to provide, or arrange to be provided, in seeking to achieve the purposes in section 15(2) (preventative services); c) In the case of the Local Health Board, anything the Board proposes to do in connection with its duty under section 15(5) (Local Health Boards to have regard to the importance of preventative action when exercising its functions); d) How the services set out in the plan are to be provided, including the actions the body proposes to take to provide, or arrange to provide, the services through the medium of Welsh; e) Any other action the body proposes to take in response to the assessment; f) The details of anything the body proposes to do in response to the assessment jointly with another relevant body; g) The resources to be deployed in 	

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LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
		<p>doing the things set out in the plan.</p> <p>A relevant body's plan may be published by including it within a local well-being plan by a public services board of which the body is a member.</p> <p>A local authority and Local Health Board who have carried out a joint assessment may jointly prepare and publish a plan.</p> <p>Two or more local authorities may jointly prepare and publish a plan, but such a joint plan may only be published by including it in a local well-being plan if each local authority is a member of the public services board.</p> <p>A relevant body must submit to the Welsh Ministers any part of the plan which relates to the health and well-being of carers.</p> <p>Public services boards must take account of the most recent</p>	

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LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
		assessment carried out under section 14 in preparing its assessment of local well-being.	
Mental Health (Wales) Measure 2010	<p>Section 2 of the Measure requires the local mental health partners for a local authority area must take all reasonable steps to agree a scheme:</p> <ul style="list-style-type: none"> • Which identifies the treatment which is to be made available for that area for the purposes of local primary mental health treatment; and • For securing the provision for that area of the services, including local primary mental health treatment, described in section 5 of the Measure (local primary mental health support services). <p>A scheme must identify the extent to which each of the partners is to be responsible for providing local primary mental health support services.</p> <p>Subject to limited exceptions, the local mental health partners for a local authority area must provide local primary mental health support services in accordance with—</p> <p>(a)a scheme for their area agreed under</p>	<p>If a scheme is agreed the partners must ensure it is recorded in writing.</p> <p>A scheme may be recorded by including it within a local well-being plan by a public services board of which each of the partners is a member.</p>	<p>For the purposes of this Measure, the local mental health partners for a local authority area are—</p> <p>(a)the Local Health Board for an area which includes the local authority area; and</p> <p>(b)the local authority for that area.</p>

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LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	section 2; or (b)a scheme for their area determined by the Welsh Ministers under section 4 (If the local mental health partners for an area cannot agree a scheme)		
Violence against Women, Domestic Abuse and Sexual Violence			
Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015	<p>A local authority and a Local Health Board any part of whose area lies within the area of the local authority must jointly prepare a strategy (“a local strategy”) for the local authority’s area.</p> <p>A local strategy must—</p> <p>(a) specify objectives which the local authority and the Local Health Board consider will, if achieved, contribute to the pursuit of the purpose of this Act;</p> <p>(b) specify the periods of time within which the local authority and the Local Health Board propose to achieve the specified objectives;</p> <p>(c) identify the actions the local authority and the Local Health Board propose to take to achieve the specified objectives.</p> <p>(3) A local authority and a Local Health Board may specify objectives relating to the whole of the authority’s area or any part of it.</p> <p>(4) A local strategy may also include</p>	<p>A local authority and a Local Health Board’s first local strategy must be published no later than one year after the date on which the first ordinary election is held following the date on which section 5(1) is commenced.</p> <p>No later than one year after the date of each subsequent ordinary election, a local authority and Local Health Board must review their local strategy.</p> <p>A local strategy or revised strategy may be published within a local well-being plan published by a public services board of which both the local authority and the Local Health Board is a member.</p>	<p>A local authority and Local Health Board must consult such persons as they consider appropriate before—</p> <p>(a) publishing their first local strategy;</p> <p>(b) revising their local strategy.</p>

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LEGISLATION	DUTY	PLANNING REQUIREMENTS	PARTNERS
	<p>provision relating to specific action which the local authority and the Local Health Board expect to be taken in relation to the local authority's area by—</p> <p>(a) any public authority with functions which are capable of contributing to the pursuit of the purpose of this Act, or</p> <p>(b) any voluntary organisation or other person whose activities are capable of contributing to the pursuit of that purpose.</p> <p>(5) But the inclusion in a local strategy of any provision relating to action mentioned in subsection (4) requires the approval of the body or person concerned.</p> <p>A local authority must, in exercising its functions, take all reasonable steps to achieve the objectives specified in the most recently published local strategy for its area.</p> <p>The Local Health Board with which the authority prepared that strategy must, in exercising its functions, take all reasonable steps to achieve the objectives specified in the strategy.</p>		

SPSF 3 - ANNEX B

STATUTORY GUIDANCE ON CHILDREN AND YOUNG PEOPLE'S PARTICIPATION

This statutory guidance is issued in accordance with Section 17(3) of the Children and Families (Wales) Measure 2010¹¹ and applies to local authorities both in respect of local well-being plans, and whenever they take decisions which might affect children and young people.

Local Authorities have a duty to promote and facilitate participation by children and young people in decisions which might affect them. The legal basis for this duty is Section 12 of the Children and Families (Wales) Measure 2010. It requires local authorities to *make such arrangements as they consider suitable to promote and facilitate participation by children in decisions of the authority which might affect them, and to publish and keep up to date information about its arrangements*. These duties can be discharged via the local well-being plan.

The United Nations Convention on the Rights of the Child (UNCRC)¹² is an international convention which sets out the civil, political, economic, social and cultural rights of children up to the age of 18. It recognises not only their basic human rights but gives them additional rights to protect them from harm as one of the most vulnerable groups in society. The UNCRC has 54 articles. Articles 1-41 set out how children and young people should be treated. The other 13 articles set out how governments and adults should work together to make sure children and young people can access their rights.

In Wales, the commitment to the UNCRC is enshrined in legislation with the Rights of Children and Young Persons (Wales) Measure 2011¹³. Section 1 of the Measure places a duty on the Welsh Ministers to have due regard to the UNCRC when exercising their functions. This means the Welsh Ministers must consider how what they are doing relates to the rights and obligations in the UNCRC and every opportunity has been taken to identify ways of realising the relevant rights before making decisions. Consequently, this filters down to the local level through legislation, regulation and statutory guidance.

This guidance relates to children and young people's right to participate which is a fundamental and enabling right as set out in Article 12 of the UNCRC:

Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 12 (Respect for the view of the child)

¹¹ <http://www.legislation.gov.uk/mwa/2010/1/contents>

¹² <http://www.childrensrights.wales/images/PDF/UNCRCPosterProfessional.pdf>

¹³ <http://www.legislation.gov.uk/mwa/2011/2/contents>

The articles of the UNCRC have been summarised into Seven Core Aims¹⁴ which should underpin the working practice of any service provision working with children and young people nationally and locally. Core Aim 5 in particular relates to children and young people's participation with the aim that:

All children and young people are listened to, treated with respect, and have their race and cultural identity recognised.

Core Aim 5

Requirements

In order to meet the requirements of the legislation, local authorities are expected to work with relevant partners to:

- promote and facilitate children and young people's participation within the broad context of the UNCRC, as part of their policies, services and wider citizen engagement. Local authorities are expected to make sure as many children and young people as possible are aware of their rights as set out in the UNCRC, including their right to participate and for their opinion to be heard, and to be involved in decision-making about policies and services which affect their lives.
- embed children and young people's participation into all aspects of planning, delivering and reviewing services. This should include the assessment of local well-being, the local well-being plan and relevant sub plans;
- adopt the National Participation Standards¹⁵. Support for the National Participation Standards reinforces the commitment to children's rights in Wales and there are many examples of good practice of organisations which have adopted the standards as a means of ensuring participation happens meaningfully and effectively. The expectation is all local authorities adopt the Standards when meeting their statutory duty regarding participation of children and young people.
- publish information about the benefits of and arrangements for promoting and facilitating participation in the authority, and disseminating examples of good practice, for instance through websites and newsletters as well as social media and linking

¹⁴ <http://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/implementation-of-childrens-rights/?lang=en>

¹⁵ <http://www.participationworkerswales.org.uk/wp-content/uploads/2014/07/National-Participation-Standards.pdf>

in/working with 'Young Wales'¹⁶. Children and young people themselves can be actively involved in raising awareness of the importance of participation. The Welsh Government has many resources which could support this and could be adapted to suit local needs. As well as using resources and media which is accessible to children and young people information can be included in the public services board's annual progress report;

- ensure information and materials aimed at children and young people are clear and easy to understand, answer their questions and identified needs as well as being accurate, up-to-date, relevant and accessible in terms of language and format;
- ensure a range of opportunities and the appropriate required support are provided for effective participation. The opportunities for children and young people as individuals to participate should be integrated into day to day services as well as specific participation structures such as forums for children, forums for young people, or groups/forums which represent children and young people who are marginalised, vulnerable or have a special interest in a particular issue. These forums and groups have a key role to play in supporting children and young people to have a voice and to access their rights as set out in the UNCRC;
- support a County Youth Forum/Council as a representative body of young people to act as a channel for young people's views across their local authority and represent those views to local and national decision-making bodies. They should aim to be as inclusive as possible in terms of geographical spread, age, gender and to represent specialist needs and more marginalised young people. For County Youth Forums/Councils to operate effectively, they will need to be adequately supported by local authorities who should consider what support is required to do this. They should be informed and linked to their local democratic structures. They will also need to be effectively linked into national participation structures such as Young Wales, the Children's Commissioner for Wales and the National Assembly for Wales.
- give due consideration to the Welsh language in the promotion and facilitation of participation and as part of preparing the local well-being plan, reflecting its official status in Wales and the national well-being goal of 'a thriving Welsh language'.

¹⁶ <http://www.youngwales.wales/>

Working with partners

Whilst this statutory guidance, issued under the Children and Families (Wales) Measure 2010¹⁷, relates only to local authorities, we would encourage them to work closely with each of their relevant partners. Working in a multi-agency way is good practice and Section 25 of the Children Act 2004¹⁸ places a legal duty on local authorities to promote cooperation with a view to improving the wellbeing of children in the area. Furthermore, Section 38 of the Well-being of Future Generations (Wales) Act 2015¹⁹ also places a requirement for public services boards to consult in assessing the state of economic, social, environmental and cultural well-being in its area.

There are many examples of partners contributing to children and young people's participation and mainstreaming it into their areas of work and their arrangements for citizen engagement. Some of these can be found on www.youngwales.wales and www.pupilvoicewales.org.uk.

What happens now?

The scope of the duty to promote and facilitate children and young people's participation is wider than involvement in the local well-being plan. It is important participation becomes part of policy and practice of all local partners. Local authorities should work with local partners, including children and young people, to ensure participation is promoted and facilitated.

However, the well-being plan could set out how children and young people's participation and engagement is embedded into all aspects of planning, delivering and reviewing services and their "arrangements for promoting and facilitating participation". The public services board's annual progress report could include a summary as to how these statutory duties have been met, and how they can be improved upon. The public services boards annual progress report could consider the protected characteristics in particular with reference to age, specifically reporting on outcomes for children and young people,

The Welsh Government will monitor local arrangements for children and young people's participation. In addition well-being plans provide evidence to Inspectorates and the Welsh Audit Office (WAO) when undertaking reviews of efficiency and effectiveness of local services. Inspectorates and the WAO may also review the outcomes achieved and procedures involved to demonstrate how effectively children and young people are being listened to, involved and engaged. Children and young people have a right to be listened to, have a voice and be able to access opportunities to play an active role in decision-making wherever they are – in school, out and about in the community or as users of services.

¹⁷ <http://www.legislation.gov.uk/mwa/2010/1/contents>

¹⁸ http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf

¹⁹ <http://www.legislation.gov.uk/anaw/2015/2/section/38/enacted>

Our ambition is for every child and young person in Wales to realise their rights as set out in the UNCRC. There may sometimes be barriers to achieving this, however, working in a collaborative way, we all have a responsibility and a role in considering ways in which these barriers can be removed or overcome. Wales has been leading the way in children and young people's participation and momentum must be maintained.

Further information on good practice in relation to children and young people's participation can be found on www.childrensrights.wales or http://www.childrensrights.wales/images/PDF/Participation_En2.pdf.

Information, resources, materials and good practice which support participation in Wales are also available at www.youngwales.wales.