

SPSF 2: Individual role (public bodies)

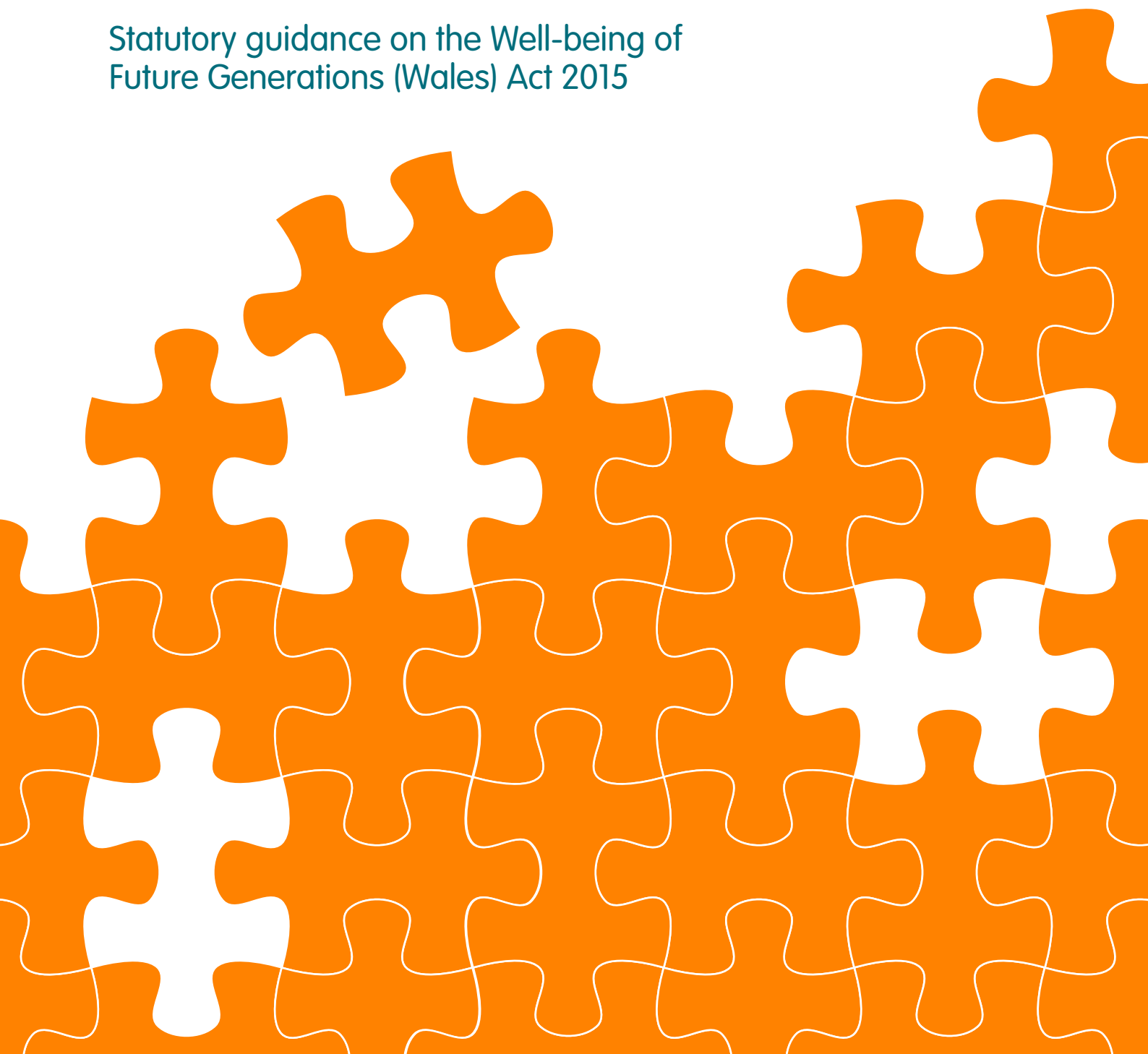


Llywodraeth Cymru
Welsh Government

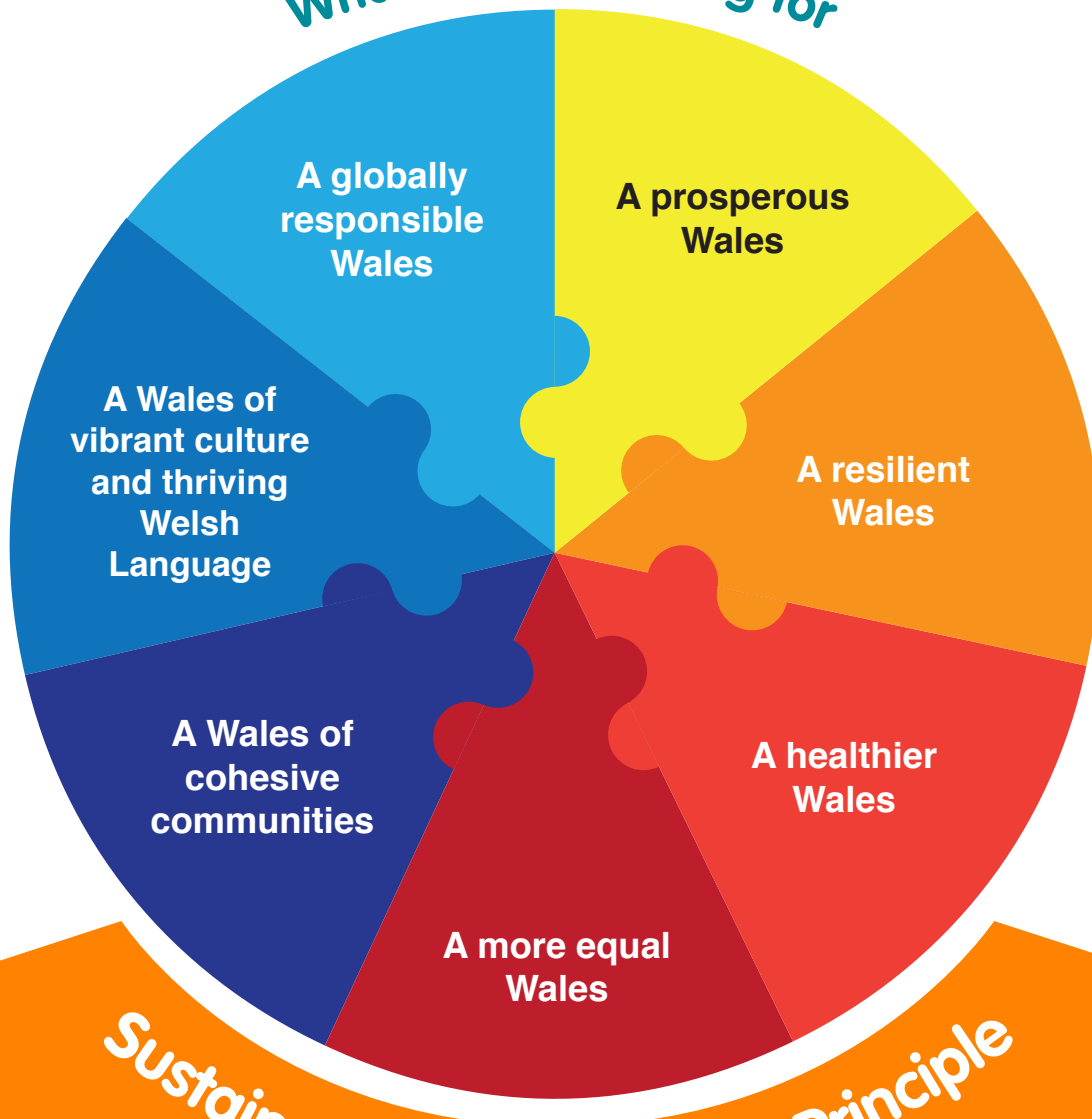
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Shared Purpose: Shared Future

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.

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Introduction

1. The purpose of this guidance is to help organisations comply with the process requirements of the Act as referred to in SPSF 1 Core Guidance. This guidance should be referred to in the first instance.

Summary of requirements for individual Public Bodies covered in this guidance

You must (in carrying out sustainable development)

- ✓ Set and publish well-being objectives (s.3(2)(a))
- ✓ Take all reasonable steps to meet those objectives (s.3(2)(b))
- ✓ Publish a statement about well-being objectives (s.7(1))
- ✓ Publish an annual report of progress (s.13(1) and Sch.1)
- ✓ Publish your response to a recommendation made by the Future Generations Commissioner for Wales (s.22(4))

Carrying out sustainable development

2. The Act places a duty on each public body¹ to carry out sustainable development². Sustainable Development is defined as a process of improving the economic, social, environmental and cultural well-being of Wales. This needs to be done by taking action in accordance with the sustainable development principle³ so that the well-being goals⁴ are achieved. Further guidance on this can be found in SPSF1 Core Guidance.

Setting well-being objectives

3. Public bodies must, when they are carrying out sustainable development, set and publish their well-being objectives. The well-being objectives must be designed to maximise the contribution of the public body to achieving each of the well-being goals.

Maximising the contribution

Different public bodies will have greater capacity and capability to contribute to achieving some or all of the well-being goals than others. However, the duty relates to the contribution that a public body can make. To comply with the Act, by

¹ Unless otherwise stated, public bodies means the bodies listed in section 6(1) of the Act

² <http://www.legislation.gov.uk/anaw/2015/2/section/3/enacted>

³ <http://www.legislation.gov.uk/anaw/2015/2/section/5/enacted>

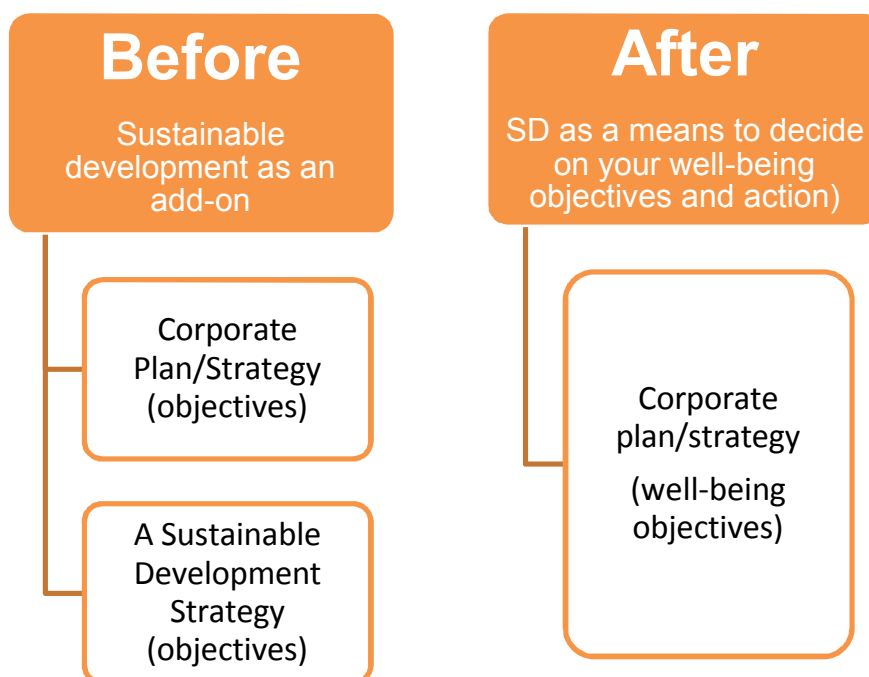
⁴ <http://www.legislation.gov.uk/anaw/2015/2/section/4/enacted>

maximising its contribution, the public body must examine what it can do in working towards achieving the well-being goals and taking all reasonable steps to meet their well-being objectives.

Please refer back to section 5 of SPSF1.

4. The identification of the well-being objectives should flow from having a clear view of the contribution the public body can make to the seven well-being goals, and the vision of the public bodies This vision is often expressed in a corporate document that spells out what the public body wants to achieve, and how it will organise itself to achieve it. These are often corporate plans, strategies or strategic plans that set out the vision and objectives of the public bodies.
5. Public bodies should not treat the requirement to set well-being objectives under this Act as separate from the objectives that guide and steer the actions and decisions of the organisation. In most circumstances organisations communicate their objectives through a corporate plan or other similar corporate document. Given that all public bodies captured by the Act have in place arrangements to express their corporate vision and objectives, public bodies will best demonstrate application of the well-being duty through a single integrated corporate approach. This will help avoid sustainable development being treated as an ‘add-on’ and demonstrate that the public body is carrying out sustainable development.

Figure 1



6. The Act gives flexibility to public bodies when setting well-being objectives to do so in a way that suits their role and functions. For some public bodies, such as the Arts Council of Wales, Natural Resources Wales or Sports Council for Wales (Sport Wales), which have functions that relate to all of Wales, the well-being objectives can be set to apply nationally. However, there may be instances when they choose to set well-being objectives relevant to a particular part of Wales, if, for instance they wish to intervene on an important local issue. The

functions of Local Authorities, Local Health Boards or Fire and Rescue Authorities by contrast relate to particular parts of Wales and so their well-being objectives should be limited to those areas. Like public bodies with Wales-wide roles and functions, they may decide to set objectives that only concern a particular part of the area for which they have powers. The Act enables public bodies to vary their well-being objectives in this way.

7. SPSF1 identifies the opportunities to organisations to bring together existing requirements for plans or well-being objectives as part of the well-being objectives.
8. The application of the sustainable development principle, which provides the five ways of working of sustainable development, clarifies how an organisation must identify its well-being objectives (please see SPSF1 'Core guidance' for further guidance on each of the 5 ways of working). Only when a public body can demonstrate it has taken into account the sustainable development principle in the setting, taking steps and meeting of its well-being objectives will it be compliant with the Act. Public bodies may take other matters into account when making their decisions, but in order to comply with the Act they must take into account the 5 matters listed in Section 5 of the Act.
9. One of the fundamental approaches advocated by the Act is a shift in focus from gains in service output to a stronger link between the actions of public bodies and the outcomes that enhance the quality of life of citizens and communities both now and in the future. The Act is founded on Outcome Based Accountability which encourages a focus on the difference that is made, rather than just the inputs and processes that an organisation has. Success in the context of this Act is seeing positive action drive a positive contribution to the achievement of all the well-being goals through individual or collective action.

Timeline for setting well-being objectives and requirements for reviewing and changing well-being objectives

10. Well-being objectives of public bodies, other than the Welsh Ministers, must be set and published **within** one year after the Act is commenced (See section 9 of the Act⁵). The first set of well-being objectives will be agreed and published no later than 31 March 2017 (and reviewed on an annual basis (See paragraph 18). After this point, public bodies may decide they want to change one or more of their well-being objectives. There is no deadline or fixed point in time where this should happen.
11. Any new well-being objective should be based on the extent to which it maximises its contribution to the well-being goals and is consistent with the five ways of working provided by the sustainable development principle, drawing on the best possible evidence. The evidence can come from different sources identified by the public body. However, as minimum, public bodies are required to take into account the Future Generations Report⁶ published by the Future

⁵ <http://www.legislation.gov.uk/anaw/2015/2/section/9/enacted>

⁶ <http://www.legislation.gov.uk/anaw/2015/2/section/23/enacted>

Generations Commissioner (“the Commissioner”) before setting new well-being objectives.

Responsibility for well-being objectives

12. Although the Act does not prescribe who should set well-being objectives within a public body, to maximise the contribution to the achievement of the well-being goals, those setting objectives should have a clear understanding of the role and functions of the public body as well as its capacity and capability to deliver them.
13. Leadership is an essential part of the change and corporate responsibility by the senior leaders, including the Chief Executive will send a clear message that the Act is helping to shape what they do. It is best practice that public bodies evidence that the well-being objectives have been endorsed by the Chief Executive and/or board, or any relevant strategic authority.
14. Effective well-being objectives are more likely to be set if they are developed and agreed by officers or representatives who play a central role within the public body. We consider that for greatest impact public bodies should ensure that their well-being objectives form part of their central planning arrangements, such as a corporate plan or similar organising tool. It is more likely at this level that active thought is given to how multiple benefits are created because these parts of a public body tend to work across the whole organisation as opposed to particular departments, divisions or teams.

Publishing well-being objectives and the well-being statement

15. Public bodies must publish a statement⁷ about their well-being objectives at the same time that they publish their well-being objectives. To avoid duplication, both requirements should be contained in the Corporate Plan (or similar document).
16. The Act requires that the statement, published when the well-being objectives of a public body are published, must explain:
 - Why the public body considers that its well-being objectives will contribute to the achievement of the well-being goals;
 - Why the public body considers that its well-being objectives have been set in accordance with the sustainable development principle. When doing so public bodies must include an explanation of how it will involve people with an interest in achieving the well-being goals. Those people must also reflect the diversity of the population Wales, where the public body has functions that relate to the whole of Wales. When the public body’s functions only relate to a certain part of Wales the diversity of that area is to be reflected (see SPSF 1;
 - The steps to be taken to meet the well-being objectives in accordance with the sustainable development principle;
 - How each public body will govern itself to meet its well-being objectives;

⁷ <http://www.legislation.gov.uk/anaw/2015/2/section/7/enacted>

- How each public body will keep the steps it takes to meet its well-being objectives under review;
- How each public body will ensure that resources, including financial, are allocated annually for the purpose of taking steps to meet its objectives;
- When each public body expects to meet its well-being objectives;
- Any other relevant information about their well-being objectives that they consider relevant.

Meeting well-being objectives

17. Public bodies are required to take all reasonable steps (in the exercise of their functions) to meet the well-being objectives they set. There will always be a limit to the amount of finance, people, time and assets that are available to take the necessary action. But the consideration of these factors needs to be reviewed through the five ways of working provided by the sustainable development principle balanced with the contribution made by the well-being objectives.

Annual review of well-being objectives

18. The Act requires that each year public bodies must review their well-being objectives as part of their arrangements for reporting on them. In doing so, public bodies can assess whether or not their well-being objectives are appropriate or not, to the extent that:
- they will contribute to the achievement of the well-being goals,
 - public bodies consider they are taking all reasonable steps to meet them, and;
 - they remain consistent with the sustainable development principle.
19. Each public body will already be familiar with evaluating their objectives on a regular basis as is best practice for doing so as part of the natural cycle of work. Over time public bodies will be expected to build up evidence and approaches that enable them to make a clear assessment of whether their well-being objectives are fit for purpose, including whether the steps taken have been reasonable, in the context of the Act. This could draw on information from the Future Trends Report, national indicators or the nature of progress against the well-being goals that will emerge through the milestones (when set by Welsh Ministers). The work of the Commissioner and the Auditor General for Wales may draw out examples of good practice of what works in the context of the well-being duty to assist public bodies.
20. Should public bodies find from the review that one or more of their well-being objectives are no longer appropriate, in maximising their contribution to the achievement of the well-being goals, then they must change them; publishing a new well-being objective or objectives as soon as possible. Similarly if a public body finds that its well-being objectives are no longer appropriate, they must be revised as soon as possible. This could happen at any point, so if a public body finds mid year that a well-being objective is not appropriate then it must change it.

21. Any revision to a well-being objective must include an explanation of what has changed and why that change has happened. To inform the revision process and as is identical to the arrangements for the initial setting of well-being objectives, public bodies must take into account the Future Generations Report produced by the Commissioner.
22. We do not expect public bodies to rely solely on the Future Generations Report and until the first one is produced they will need to draw upon other evidence to set effective well-being objectives. For certain objectives this may be necessary in any case as we do not expect the Future Generations Report to reflect every issue on a continual basis. However, the Future Generations Report will be a valuable tool for public bodies to understand how they can best meet the needs of future generations and take account of the long-term. Once it becomes available, drawing upon it is the minimum action expected of public bodies.
23. From time to time the well-being goals may be changed. This could only happen as a result of an amendment to the Act which would therefore be subject to scrutiny within the National Assembly for Wales. At present, it is anticipated that such potential future changes are likely to be rare. However, if this happens, public bodies will be required to review their well-being objectives so that they are consistent and maximise their contribution to the achievement of the well-being goals.

Annual reporting – taking an integrated approach

24. Transparency is crucial for improving how public bodies do their business and how they are performing. It is vital that the public, those with responsibility for providing accountability for the Act, and those working in public services can easily access timely and relevant information to support continual improvement.
25. Each public body is required to report on the progress⁸ it has made in meeting its well-being objectives for the preceding financial year. Annual Reports must be published as soon as possible, but no later than 31 March. In preparing the report public bodies must review their well-being objectives. The process for this is set out earlier as well as the arrangements for revising them which must be contained within the Annual Report.
26. The Act does not state the structure and content for annual reports, but similar to the reviewing of well-being objectives, public bodies will need to demonstrate that:
 - their well-being objectives are contributing to the achievement of the well-being goals;
 - they are taking all reasonable steps to meet their well-being objectives; and
 - their well-being objectives are consistent with the sustainable development principle.
27. To reflect the well-being objective setting process, the reporting arrangements should be central to the main activities of the public body. We do not expect the report to be an additional document or piece of work, such as a record of the

⁸ <http://www.legislation.gov.uk/anaw/2015/2/section/13/enacted>

performance of its estate, but the principal method by which it communicates performance. Reporting of this type is more likely to lend itself to the integration of different types of reporting and assessment. It may also make it easier to produce more 'live' updates of progress throughout the year to maximise the impact and use of that information.

28. Reporting should seek to address the material benefit that public bodies make to the achievement of the well-being goals. This will need to make a more comprehensive and qualitative assessment to reflect the descriptions provided under the well-being goals.
29. Public bodies are encouraged to look for opportunities to bring together existing reporting arrangements in a more integrated way as part of the Act.

Working with the Future Generations Commissioner for Wales (public bodies)

30. The general duty of the Future Generations Commissioner for Wales is to promote the sustainable development principle (the five ways of working), in particular to act as a guardian of the ability of future generations to meet their needs, and encourage public bodies to take greater account of the long-term impact of the things that they do. To do this the Commissioner can monitor and assess the extent to which well-being objectives set by public bodies are being met. Details of how the Commissioner will work with Public Service Boards can be found in SPSF3.
31. The Commissioner may also provide advice or assistance to a public body, encourage best practice, promote awareness and encourage public bodies to work with each other and other persons if this could assist them to meet their well-being objectives.

Reviews by the Commissioner

32. The Commissioner has the power to conduct a review into the extent to which a public body is safeguarding the ability of future generations to meet their needs by taking into account of the long term impact of carrying out sustainable development. The Commissioner may review:-
 - The steps the public body has taken or proposes to take to meet their well-being objectives;
 - The extent to which a public body is meeting its well-being objectives;
 - Whether a body has set and taken steps to achieve their well-being objectives in accordance with the sustainable development principle.
33. Public bodies will need to be aware of the ability of the Commissioner to undertake reviews. The Commissioner will also have regard to any examination carried out by the Auditor General for Wales under their specific duty, as it relates to the work of the public body or bodies under review.
34. The Commissioner may require a public body to provide such information as the Commissioner considers relevant to the review. A public body is not required to provide information to the Commissioner if the body is prohibited from providing it by virtue of an enactment or any other rule of law.

35. The Commissioner also has the power to carry out reviews of two or more public bodies. In these cases public bodies will be able to evidence collaborative ways of working and in particular what arrangements have been put into place to show work undertaken to find shared sustainable solutions in the areas covered by your organisations.
36. These reviews are intended to provide insight to the Commissioner and to help the public body improve the way in which they look at the long term impact and contribute to the well-being goals. To this end, they should help public bodies identify areas of improvement to enable them to better maximise their contribution to achieving the well-being goals.
37. The Commissioner is required to publish a report of a review and send a copy of it to the Welsh Ministers.

Recommendations by the Commissioner, and the response by the Public Body

38. In conducting reviews the Commissioner can also make recommendations under section 20(4) of the Act⁹ to specified public bodies, on two key areas. They are:-
 - a. How to set well-being objectives and take steps to meet them in accordance with the sustainable development principle.
 - b. The steps the body has taken or proposes to take to meet its well-being objectives.
39. It will be a matter for the Commissioner to determine the nature of the recommendations they make to public bodies, based on the results of their review.
40. Public bodies have a duty to take all reasonable steps to follow the course of action set out in the recommendation by the Commissioner. Their response to the recommendation should include the steps it intends to take, or the steps it will take jointly with others if the review covers two or more bodies.
41. Public bodies can consider how the actions would fit within any ongoing or proposed reviews of corporate processes or policy areas if the recommendations focus on these issues. This would help to embed action, rather than see action as an 'add-on'. Liaison with the Commissioner on how recommendations could be implemented to best effect is encouraged.¹⁰
42. Public bodies may:
 - reject the recommendation(s), or part of it, on the basis of that there is a 'good reason' for not doing so; or
 - reject the recommendation(s) because it decides on an alternative course of action.

⁹ <http://www.legislation.gov.uk/anaw/2015/2/section/20/enacted>

¹⁰ <http://www.legislation.gov.uk/anaw/2015/2/section/22/enacted>

43. It will be the responsibility of public bodies to determine the good reason for not following a recommendation. Explaining why this is the case to the Commissioner by publishing your response.
44. Where an alternative course of action is decided on, public bodies should be able to demonstrate that they have applied the sustainable development principle in making that decision.
45. Public bodies must publish their response to recommendations made by the Commissioner under the Act.
46. How public bodies publish their response will be at the discretion of the public body. However, in the spirit of transparency and accessibility public bodies are encouraged to make this prominent on their website or equivalent communications channel. Arrangements should also be put in place for individuals who do not have access to online services to view the response.
47. We would encourage any response from a public body to set out:
 - what steps will be taken consistent with the Commissioner's recommendation;
 - who will take those steps;
 - why it is taking those steps;
 - when those steps will be taken;
 - how will we know when the steps have been taken;
 - who will be affected by those steps.
48. In accordance with section 5(2)(c) of the Act, specified public bodies will be expected to work out how they intend to involve those with an interest, or may be affected by the well-being objective(s) in any action that follows.

Timeline for responding to the recommendation

49. We would encourage the body to publish its response within 25 working days from the date of the Commissioner's recommendation. This may be a holding reply if the public body needs time to consider the recommendation, but a full response should be provided of what action, if any will be taken by the public body, within three months of the date it first receives the recommendation.
50. If the public body needs to undertake further activity such as developing evidence or obtaining additional funding in order to help it make a considered response we would encourage it through written agreement with the Commissioner, to vary the deadline for the full response.

Annex A - Taking an integrated approach to other duties

51. The Act provides opportunities for public bodies to consider how other supporting duties can be discharged in a more integrated way. This guidance is provided only to help organisations consider these opportunities; however public bodies will still need to be confident that their respective statutory duties have been fully met.
52. The Welsh Government may issue supporting information on the relationship between certain statutory duties and the Act.

Equality Act 2010

53. The Equality Act 2010 has a ‘public sector equality duty’ that 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.
54. In Wales, public sector bodies listed in the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011¹¹ are required to take certain steps in order to demonstrate that they have due regard to the public sector equality duty. These Welsh specific equality duties include assessing the impact of policies and procedures on equality (often called Equality Impact Assessment)
55. Listed public bodies carry out an Equality Impact Assessment (EIA) when deciding on proposed policies and practices. This will be particularly important for bodies when setting and taking steps to meet their well-being objectives and in understanding how equality supports the achievement of all of the well-being goals. It can also help demonstrate further how a public body is contributing to ‘A more equal Wales’.
56. As part of the Welsh specific equality duties, listed public authorities in Wales are also 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. In order to embed equality and take a more integrated approach, it would be helpful if public bodies consider how their equality objectives support achievement of their well-being objectives, and integrate with them, and the EIA will help to inform this work.
57. A public body may also wish to bring together the reporting arrangements under the Equality Act 2010 with their reporting requirements under section 13 of the Act.

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

58. The UNCRC¹² is an international convention which sets out the civil, political, economic, social and cultural rights of children. Their rights should be acknowledged by us all and they have a valuable contribution to make to our

¹¹ <http://www.legislation.gov.uk/wsi/2011/1064/made>

¹² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

communities. In Wales, the commitment to the UNCRC is enshrined in legislation with the Rights of Children and Young Persons (Wales) Measure 2011¹³ which places a duty on the Welsh Ministers to have due regard to the UNCRC when making decisions. The Welsh Government has summarised the UNCRC into Seven Core Aims¹⁴ which should underpin the working practice of any service or organisation working with children and young people, nationally and locally.

59. Core aim 5 (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. There is a duty on Local Authorities to promote and facilitate participation by children and young people in decisions which might affect them and to publish and keep up to date information about its arrangements. The legal basis for this duty is Section 12 of the Children and Families (Wales) Measure 2010¹⁵. The Local Well-being Plan is one of the ways in which that duty may be discharged.
60. You are strongly encouraged to consider how you can support children and young people to realise their rights, and how they can be involved and participate, when setting your well-being objectives and how these aspects link to the well-being goals.

Poverty

61. Poverty is a major barrier people achieving better life outcomes and improving their levels of well-being,
62. The setting of well-being objectives by a public body provides an opportunity to strengthen their approach to tackling poverty. The Welsh Ministers consider that public bodies should contemplate the different aspects of poverty, such as child poverty, and how these aspects link to the well-being goals when identifying its well-being objectives.
63. Where there are links between well-being objectives and the actions which public bodies will take to address the needs of children and families living in low income households, it would be helpful if these could be made explicit.

Welsh Language

64. In setting and delivering their well-being objectives public bodies must ensure that they act in accordance with any duties placed upon them under the Welsh Language (Wales) Measure 2011¹⁶ and any subordinate legislation (i.e. Welsh Language Standards) or, until such time as they are required to comply with such duties, with their Welsh language schemes prepared under the Welsh Language Act 1993. In practice, Standards are likely to be imposed on Local Authorities, National Park Authorities and Welsh Ministers before other bodies.
65. The Welsh language should be given due consideration as part of setting and delivering well-being objectives 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

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

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

¹⁵ <http://www.legislation.gov.uk/mwa/2010/1/contents>

¹⁶ <http://www.legislation.gov.uk/mwa/2011/1/contents/enacted>

the adequate bilingual provision of services that meets local need, these should be considered in the setting of well-being objectives.

66. The policy-making standards specified by the Welsh Language Standards (No 1) Regulations 2015¹⁷, will require the body (if the Welsh Language Commissioner requires it to comply with them) to consider the language from the outset when drafting new policies or revisiting existing policies. In the case of local authorities, promotion standards will place a duty on authorities (if the Commissioner requires it to comply with them) to plan strategically to promote the use of Welsh and to increase, or at least maintain, the number of speakers in the area. These duties will place an onus on bodies to consider their contribution to ensuring that the Welsh language can thrive in future.

Biodiversity and resilience of ecosystems duty

67. As part of the Welsh Government's commitment to reversing the decline in biodiversity and increasing the resilience of our ecosystems so that we maximise our contribution to achieving the well-being goals for Wales, the Environment (Wales) Bill, once enacted, will introduce a new biodiversity duty. This new duty requires that when exercising their functions, public authorities will be under a duty to seek to maintain and enhance biodiversity and in doing so 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 social, economic, cultural and environmental well-being.
68. Public bodies can draw upon the evidence provided in both the State of Natural Resources Report and on areas statements both published by Natural Resources Wales. These documents will provide evidence upon which public bodies can use to assist in setting their well-being objectives.

¹⁷ <http://www.legislation.gov.uk/wsi/2015/996/contents/made>