

The Well-being of Future Generations Act 2015 and guidance in relation to Public Services Board Scrutiny Performance Panel

Briefing

The Well-being of Future Generations (Wales) Act 2015 is aimed at improving the social, economic, environmental and cultural well-being of Wales. It is a notable piece of legislation in placing emphasis on organisational behaviour in the context of partnership working as a key driver of longer-term change in localities.

To ensure PSBs are democratically accountable, the Act places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions contained in the Act, overview and scrutiny committees have extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. In addition, overview and scrutiny committees are provided with considerable reporting powers as they are required to share copies of any reports or recommendations made in connection with the board's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

The Well-being Act relies predominantly on local government overview and scrutiny committees to secure continuous improvement in local integrated planning.

What is the purpose of PSB overview and scrutiny? What is it meant to achieve?

1. Provision of a supportive space for reflection and self-analysis:

Local government overview and scrutiny arrangements can provide a supportive space in which attention can be paid to partnership relationships. Impartial, evidence based scrutiny can encourage reflection on the impact of different behaviours upon the PSB's overall performance, encouraging feedback and open discussion at all levels.

2. Enhanced democratic accountability and improved transparency:

The closer accountability gets to citizens, the more credible and valid it becomes in seeking public account from those with power. Partnership scrutiny provides a check and balance to collective decision making by testing assumptions, examining risks and challenging how resources are prioritised.

3. A stronger focus on improving local citizen's lives:

Local challenge can help determine whether PSBs are facilitating whole-system approaches to shared problems or whether partners experience constraints that are counterproductive to working as one Welsh public service. A deeper understanding of these issues can assist the development of more 'networked' forms of accountability at local and national level.

4. Place based transformation through deeper public engagement:

Through their role they are able to invite, authorise and legitimise stakeholder contributions as a horizontal rather than vertical form of accountability. This can help refocus the balance of power between services and the citizens they serve.

'Softer' forms of accountability such as local overview and scrutiny which are grounded in local context and which seek to use exploratory challenge to strengthen partnership working, can help PSBs embed a 'culture of responsibility' in its activities and ways of working.

What are public services boards accountable to overview and scrutiny for?

Public services boards (PSB) are accountable to overview and scrutiny committees in respect of how they work jointly to improve the economic, social, environmental and cultural well-being of their area by contributing to the achievement of the well-being goals in accordance with the sustainable development principle.

In determining what overview and scrutiny committees can hold the PSB to account against, however, important questions are raised regarding who has ownership of 'joint' well-being objectives and who is ultimately responsible for delivery. Partners have multiple responsibilities but these shared responsibilities should not mean diminished accountability.

What are the functions and responsibilities of public services boards

Chapter 2, section 36 of the Act sets out the functions of public services boards which are to;

- Assess the state of economic, social, environmental and cultural well-being in their area
- Set local objectives designed to maximise the board's contribution to the achievement of the well-being goals
- Publish local well-being plans setting out their local objectives and how members of the board (in exercising their collective function) intend to take all reasonable steps to meet local objectives.

From an accountability perspective, the Act is unique in emphasising that the process of partnership working via the sustainable development principle is central to the PSB's progress in working towards well-being goals.

As such, in discharging its accountability functions, committees should not lose sight of the need to explore the contribution of individual PSB members as it relates to the overall performance of the PSB itself. This approach will take into account levels of partnership commitment to working in accordance with the sustainable development principle and necessitate co-ordinating activities with evidence from the Future Generations Commissioner's office.

What are the powers of local government overview and scrutiny committees?

- 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.

Whilst committees can require any statutory member of the board to give evidence, the capacity in which they do so must relate to the exercise of joint functions conferred on them as a statutory member of the board. This does not preclude overview and scrutiny committees interviewing individual partners to assess their contribution to collaborative delivery. This power includes any person that has accepted an invitation to participate in the activity of the PSB.

What are the roles for overview and scrutiny committees?

1. Reviewing the PSBs governance arrangements;
2. Acting as statutory consultees on the well-being assessment and well-being plan;
3. Monitoring progress on the PSBs implementation of the well-being plan and engagement in the PSB planning cycle;

Overview and scrutiny committees have a variety of methods at their disposal in carrying out these roles ranging from consideration of issues at full committee, to undertaking investigation via a subcommittee or task and finish group.