

NETHERWOOD SUSTAINABLE FUTURES

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Strange bedfellows – or cut from the same cloth?

**Well-being of Future Generations Act 2015
& Social Services & Well-being Act 2014**

**A ‘think piece’ commissioned by
Welsh Local Government Association**

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1. BACKGROUND

- 1.1 This paper constitutes a think piece from Netherwood Sustainable Futures for the Welsh Local Government Association exploring key issues for local authorities to consider in how to approach two pieces of interconnected legislation- the Well Being of Future Generations Act 2015 (FGA) and the Social Services & Well-being Act 2014 (SSA). It begins to explore how the Acts fit together and how a local authority can respond effectively to both.
- 1.2 This ‘think piece’ is part of a wider body of work. NSF has worked with the Welsh Local Government Association on their Early Adopters Programme for the Future Generations Act during 2014/2015, developing materials to support Welsh Local Authorities individually and collectively. NSF has worked via WLGA with 11 local authorities and 3 Welsh National Parks on this agenda in tandem with Price-Waterhouse Coopers. (The material resulting from this work is available on <http://www.wlga.gov.uk/well-being-of-future-generations-act-early-adopter-resources-and-materials>)
- 1.3 NSF has also worked closely with Welsh Government officials, inputting advice via WLGA on lessons from the work to a number of WG Divisions drafting statutory guidance. This has included input into the Act’s guidance technical advice group.
- 1.4 This paper is written as an exploration of the relationship between the Acts to help local authorities navigate this and other pieces of existing or emerging regulation. It is not a guide and should not be treated as such. It should however inform those involved in corporate and

service planning within local authorities and members and partners about key issues they will need to 'manage' to increase efficiency in responding to the legislation.

- 1.5 This paper is not a 'verbatim description of the links between the Acts as set out in the legislation, draft statutory guidance and emerging codes of practice resulting from the Acts. It is more of an aid to help to frame discussions in local authorities in preparation for well-being planning and assessments, needs assessments and collaborative work leading up to specific requirements of both sets of legislation by March/April 2017.
- 1.6 It is assumed that those reading this analysis have an understanding of the broad aims of both pieces of legislation, and are keen to explore the detail of their inter-relationship. Resource constraints (3 days consultancy) have limited the depth of analysis, however the following inputs have been invaluable:
- face to face discussions with Early Adopter Authorities about their approaches to both pieces of legislation, including officers, Local Service Board Executives, members, data managers from Summer 2014 through to November 2015.
 - the work of Tony Garthwaite and Rebecca Cicero for WLGA and the Social Services Improvement Agency on the SSA, and particularly the Population Assessment and questions regarding compatibility with the FGA.
- 1.7 Emerging themes from the early adopter work around this issue include:
- the inevitable lack of linkage between the Acts from the perspective of SSA guidance and codes of practice etc. as the FGA was enacted in mid-2015 – later than the SSA enactment.
 - how the Acts are perceived to inter-relate with one another in terms of hierarchy;
 - how partners develop approaches to needs assessments which meet the requirements of both Acts, particularly in relation to concerns over duplication of effort;
 - how effectively statutory and non-statutory guidance communicates the relationship to ensure an integrated response to the Acts across authorities and local health boards and within Public Service Boards
- 1.8 Emerging themes from work of WLGA and the Social Services Improvement Agency in terms of the Regional Population Assessment required under the SSA:
- the extent to which future iterations of the Code of Guidance under Part 2 of the SSA reflect the FGA requirements
 - timing implications of preparing and publishing two assessments
 - workload implications of preparing and publishing two assessments
 - the requirement of individual local authority area based assessments for the FGA and combined assessments under the SSA
 - co-terminosity of Population Assessment areas under the 8/9 proposed new local authority areas under the Local Government Bill.
- 1.9 While assessments required under each of the Acts are important, this is only part of this analysis. Section 2 provides a basic comparison of what the statute is trying to achieve, who it is targeted at, who is responsible, and what is required of authorities and Public Service Boards. This provides a broader understanding of how local authorities need to actively manage the relationship between the Acts over the next 18 months and beyond. Section 3 provides an analysis of some of the major issues which authorities need to consider in responding to the Acts, within their organisations and across their partnerships. Section 4 summarises the key conclusions of the analysis. The structure is as follows:

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KEY REFERENCES

The following documents and web links have been used to inform this paper and may be of use to readers:

Welsh Government (2015) Social Services and Well Being (Wales) Act 2014

Welsh Government (2015) Ministerial Written Statement - Social Services and Well-being (Wales) Act 2014: An update on legislative, national and regional implementation

Welsh Government (2015) Statutory Guidance on Partnership Arrangements Part 9 of the Social Services and Well-being (Wales) Act 2014

Welsh Government (2015) Well Being of Future Generations Act

Welsh Government (2015) Shared Purpose Shared Future: Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015 SPSF1 – Core guidance

Welsh Government (2015) Shared Purpose Shared Future: Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015 SPSF2 – Individual Role (Public Bodies)

Welsh Government (2015) Shared Purpose Shared Future: Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015 SPSF3 – Collective Role (Public Service Boards) & Annexes

Welsh Government (2015) Shared Purpose Shared Future: Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015 SPSF4. – Collective Role (Town & Community Councils)

KEY WEB RESOURCES

Social Services and Well-Being (Wales) Act Learning Hub <http://www.ccwales.org.uk/the-act/>

Welsh Government Social Services: Performance Management Framework webpages
<http://gov.wales/topics/health/socialcare/well-being/performance/?lang=en>

Social Services Improvement Agency: Population Toolkit http://www.ssiacymru.org.uk/home.php?page_id=8860

Welsh Government Future Generations Act webpages <http://gov.wales/topics/people-and-communities/people/future-generations-bill/?lang=en>

Welsh Local Government Association: Future Generations Act webpages
<http://www.wlga.gov.uk/future-generations-act/>

Welsh Local Government Association: Social Services Act webpages
<http://www.wlga.gov.uk/social-services-and-housing>

2. A BASIC COMPARISON OF THE ACTS

The following table provides a broad overview of each Act relating to their scope, their strategic, corporate and partnership implications, and their accountability frameworks. The table should be read as precursor to the discussion in Section 3. It is hoped that this table in itself will be useful in clarifying the relationship and links between each piece of legislation.

Aspect of the Act	Future Generations Act 2015	Social Services Act 2014
2.1 What is its general scope ?	<ul style="list-style-type: none"> • “to promote the economic, social, environmental and cultural well-being of Wales” through public services • Reframing public services in Wales around 7 well-being goals • Powers and duties of 44 public bodies and public service boards • Using the sustainable development principle* to plan and deliver public services in 44 organisations • Establishing statutory Public Service Boards for local authority areas to co-ordinate delivery of services locally • Assessment of ‘state’ of well-being of local authority areas and communities to determine well-being objectives <p>*long term; integrated; collaborative; involvement; preventative</p>	<ul style="list-style-type: none"> • “to promote the well-being of people who need care and support and carers who need support” • Powers and duties on local authorities and other bodies; regulations and codes of practice • Reframing the way social services are delivered in Wales • Expectations and outcomes for individual well-being (as part of a family or a community) • Governance - local authority functions, ministerial interventions, complaints. • Collaborative and preventative working • New Service Models • Population assessments to assess social services needs
2.2 Who does it aim to involve?	<ul style="list-style-type: none"> • all of those involved in delivering and receiving public services including: <ul style="list-style-type: none"> ○ public sector partners, and partners from other sectors in an area via the PSB ○ corporate and service planners from the 44 ○ communities in the area ○ communities of interest in the area ○ town and community councils 	<ul style="list-style-type: none"> • all of those involved in delivering and receiving social services including: <ul style="list-style-type: none"> ○ individuals and groups who use social services, preventative and early intervention services ○ their carers ○ local authority staff and their partner organisations ○ the courts and the judiciary
2.3 What does it mean for strategy ?	<p>A Well Being Plan needs to be produced by the Public Service Board – this is a coordinated strategy for public service planning in each local authority area by March 2018. (see below)</p> <p>Ongoing strategic alignment of all strategies and plan over time towards</p>	<p>A population assessment report which produced by a local authority and Local Health Board which sets out the range and level of services to meet needs outlined in the Population Assessment (Section 14) and prevent them escalating. This report should then inform plans for services in the area.</p>

	the Well Being Plan in the local area, and the 7 National Well Being Goals.	Note that the FGA repeals duties on Community Strategies, Children & Young Peoples Plans and Health and Social Care Strategy
2.4 What evidence base is required?	An Assessment of Well Being of the economic, social, environmental and cultural well-being of an area that focuses on the 'state of well-being'. By March 2017. This should focus on the 'state' not solely need; provide qualitative explanation of causes, objectives and outcomes; have a future focus ; focus on areas larger than wards; and includes other assessments including SSA Population Assessments and ; Climate Risk Assessments. It has been described in draft guidance as "one version of the truth" to frame public service	Authority wide assessments and a Regional Population Assessment by April 2017 to ensure that local authorities and Local Health Boards jointly produce a clear and specific evidence base in relation to care and support needs. This will be in 2 sections –one to focus on the population's and user group's needs for social services, and the second to focus on the services required to meet that need. This Assessment process will engage widely among user groups and focus on preventative approaches and new service models. Combined population assessment reports under the SSA will be produced on the regional level but will need to inform well-being assessments under the WFG Act on the local authority level.
2.5 What does it mean for the corporate bodies involved?	A requirement for the corporate body (local authorities and others in the 44) to publish: <ul style="list-style-type: none"> a well-being statement including their well-being objectives based on the 7 goals by March 2017 from there on in an annual report on progress in achieving the well-being objectives <p>A clear link between corporate planning and wellbeing planning by the PSB is also likely to be required</p> <p><i>N.B. These requirements are likely to be achieved via Corporate Planning and Corporate Performance Management processes.</i></p>	A requirement to develop and implement a performance management system based on a Code of Practice resulting from the Act and the national outcomes framework. This is based on outcomes for individuals, quality standards and measures http://gov.wales/docs/dhss/publications/151005code-of-practiceen.pdf
2.6 What does it mean for the Public Service Board and partnership working ?	A statutory requirement for each PSB to publish: A Well-being Assessment by March 2017 (see above) and based upon this :	Public services boards must take account of the most recent Population Assessment carried out under section 14 of the Act in preparing its assessment of local well-being.

	<p>A Well-being Plan by March 2018 setting out the PSB's local objectives, the steps it proposes to take to meet them and timescales for meeting them. Explaining how any proposed steps are to be taken in accordance with the sustainable development principle</p> <p>And from there on in, an Annual Report to review progress in meeting well-being objectives</p>	<p>A relevant body's Plan [for social services provision] 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>(Statutory Guidance for the Well-being of Future Generations (Wales) Act 2015SPSF3 – Collective role (Annex A)</p> <p>Regulations under the SSA provide for new Regional Partnership Boards to take forward the integration of health and social services. These are in addition to Public Service Boards under the WFG Act.</p> <p>Local authorities and local health boards must form joint committees as part of the wider partnership board, to take responsibility for the management of the partnership arrangement and population assessment</p> <p>(Code of Practice on Part 2 of SSA)</p>
2.7 What will the Accountability Framework involve?	<p>Accountability for meeting the requirements of the Act will be:</p> <p>For Corporate 'bodies' via Well-being statements Well-being objectives Annual reports</p> <p>For Public Service Boards via Well-being assessments Well Being plans Annual Report Council Scrutiny Committees</p> <p>These published documents will be sent to the Commissioner for Future Generations and WAO.</p> <p>WAO will also review progress in implementing the Act over a 5 year period (audit framework is tbc)</p>	<p>A code of practice in relation to measuring social services performance has been issued. The performance measures set out in the code of practice will replace all current statutory performance measures for local authority social services on the commencement of the Act in 2016 http://gov.wales/topics/health/socialcare/well-being/performance/?lang=en</p> <p>Data on performance will be published on Stats Wales.</p> <p>Welsh Government will publish an Annual Report on performance.</p> <p>N.B There is reference in the code of practice for Directors of Social Services currently out to consultation, which continues the current requirement that the director of social services must prepare and publish an annual report about the exercise of the local authority's social services functions. This has to include an evaluation of the LA's performance during the year, and</p>

		<p>objectives for the forthcoming year. See chapter 6 at the link: http://gov.wales/docs/dhss/consultation/151023codeen.pdf</p> <p>Inspection regimes from WAO, Estyn, CSSIW, HIW are likely to cover aspects of the Act through individual inspection of social services and leadership and governance in authorities. The Regulation & Inspection Bill will seek to formalise and clarify arrangements for inspectorates but this remains unclear at this time.</p>
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3. ANALYSIS – UNDERSTANDING THE RELATIONSHIP

The following section provides some analysis to develop discussion in authorities and partnerships about meeting the aims of each Act – and ultimately focusing on a coordinated approach to assessments and reporting. They do not provide definitive recommendations but will hopefully help decision makers ‘manage’ potential opportunities/disconnect in each authorities approach to the legislation.

3.1 COMMON STATUTORY LANGUAGE - REFRAMING PUBLIC SERVICES

It is clear from the guidance and discourse around these Acts that they are ‘cut from the same cloth’. As 2.1 shows, both: aim to develop a common understanding of what public services are required in an area; aim to develop joint working between public bodies; aim to align local activity to national goals. The differences are in:

- **the breadth of the focus.** The FGA is concerned with all public sector activity in a local authority area. The SSA is focused on social care and services, which forms a part of this wider public service delivery.
- **what the statute seeks to improve.** The FGA is focused on the economic, social, environmental and cultural well-being of communities in an area. The SSA is focused on part of this – well-being of people in need of care and support and their carers i.e. individuals, families and carers within communities.
- **who is involved.** The FGA involves the public sector as a whole and communities as a whole. The SSA involves those bodies and individuals involved in the provision and receipt of social services and those who may need care and support. This includes local authorities and Local Health Boards.

On the face of it – the relationship is simple –

- the Well Being Plan in the FGA is **the** overarching strategy for public service activity within an area
- activity around the SSA needs to form part of this wider context but is also a discreet entity in its own right as it relates to an important part of the population
- the duties in the FGA cannot be met by solely responding to the SSA

However this belies some practical and cultural issues which need to be acknowledged and ‘managed’ by local authorities.

3.2 HIERARCHIES AND A CORPORATE APPROACH

The early adopter work has shown that the SSA has a relatively high profile in local authority and partnership discourse in comparison to the FGA. This is due partially to the fact the SSA came first, and

also due to a cultural issue within local authorities. The SSA is being worked through established hierarchies and partnerships often from a specific directorate whose work has high political profile. Social services provision, governance and accountability systems and finance form a major part of the delivery of most local authorities. They have a high political/executive profile, and the social services budget forms a major part of the local authorities' financial responsibilities. Social care is also an inevitably increasing priority as the nation's demographic changes. No wonder the SSA has high profile and activity continues apace. Put simply, the 'noise' around the SSA in local government is 'louder' than the FGA.

Authorities and the Local Health Boards need to ensure that given this culture in their work that the SSA is seen both as a discreet statutory requirement and as an integral *part* of a wider agenda of well-being planning with partners through the FGA.

Both Acts require cultural change and approaches to meeting the needs of the population but in comparison to the SSA the FGA will require significantly greater approaches to governance, accountability, corporate and service planning, and will need to be driven corporately. There are few established hierarchies for dealing with the corporate change and partnership change required by the FGA – particularly working with the sustainable development principle as a frame for their activity, and reporting on well-being.

Responsibility for responding to the FGA needs to be taken on by the Executive, a Board or by a newly established mechanism to achieve the change management required – and to establish and communicate the hierarchy and relationship between the two Acts. This also needs to be communicated at the PSB level.

3.3 WELL-BEING PLANNING

There is a clear 'line in the sand' for the production of well-being plans by Public Service Boards– March 2018. Draft Statutory Guidance from the FGA is clear that the evidence and plans developed for the SSA should feed into the wider 'county-wide' prioritisation of well-being objectives. The social services agenda should be part of this process – as well as being understood as a discreet issue. The Well-Being Plan needs to:

- set out its local objectives, the steps it proposes to meet them and timescales for meeting them
- pay regard to the Commissioner's report on behalf of Future Generations.
- explain why meeting the local objectives contribute to achieving the well-being goals -using the assessment of well-being to explain
- explain how any proposed steps are to be taken in accordance with the sustainable development principle;
- be reviewed by Council scrutiny committee and then sent to AGW and Commissioner.

There is also a clear expectation that the sustainable development principle should be applied to the authorities and the partnership's thinking across their activity. This includes its approach to social services provision, and any other local objectives which are included in the well-being plan

Therefore, applying the sustainable development principle to the SSA process (See 2.7 above) and describing how this has been done would be a useful approach for authorities to adopt .i.e. *"we have used the sustainable development principle to guide our approach to social services delivery by....."*

The FGA Statutory Guidance (Annex A) highlights a major opportunity to integrate activity on social services provision with well-being plan – suggesting that bodies can include or subsume 'a Plan' for Social Services within the Well-Being Plan:

"a relevant body's Plan [for social services provision] may be published by including it within a local well-being plan by a public services board of which the body is a member."

This provides an opportunity to place social services provision within a wider strategic and partnership context, alongside other objectives social, economic and environmental well-being within an authority area. Arguably, at a strategic level, taking social services outside its (real or perceived) silo should present opportunities for strategic work across the partnership for example, economic or education partners helping to develop community and social enterprise which help to deliver social services in communities, or in the home. It will also reinforce the need for social care to be seen as a whole authority and partnership responsibility, not solely within the domain of social services departments.

Authorities should seriously consider this approach of including any plans included in, or arising out of, the SSA population assessment report as an integral part of the Well-being Plan. It would:

- reduce the number of plans required
- reduce confusion about hierarchies
- provide a clear indication to regulators of integration
- potentially 'ease the burden' of reporting
- link assessments required within the FGA & SSA (see 3.4 below)

3.4 ASSESSMENT OF WELL-BEING

In terms of the statutory requirements, the relationship between the Assessment of Well-Being within the FGA and the Regional Population Assessment within the SSA is clear:

“public services boards must take account of the most recent Population Assessment carried out under section 14 of the [Social Services & Well-Being] Act in preparing its assessment of local well-being”

Each assessment is required over a similar period by March/April 2017. This provides potential opportunities for efficiency in collecting, analysing and publishing assessments – *if* these processes are managed coherently. However, there are some practical issues that authorities and partners need to consider in linking the two assessments:

- a) the Assessment of Well-being is focused on the ‘*state*’ of well-being in the area and the Population Assessment is focused on the *needs* of people who are, or might be, in need of care and support. Draft statutory guidance for the FGA indicates the importance of qualitative analysis and interpretation of data to describe well-being for communities within the local authority area. Given this, the use of Population Assessment data needs to be framed to enable analysis of:
 - how prevailing and future conditions in the area might impact on social services provision and the extent and diversity of needs for social services over a 10 -25 year period
 - conversely, how the current and projected need for social services might impact on the wider social, environmental, cultural and economic well-being of an area over a similar period.

This is not just about an increasingly elderly population needing more social services, but a more nuanced analysis of the effect of this and potential opportunities to address this long term trend, and how other long term trends (e.g. food, fuel, water poverty, climate change) might impact on the need for social services. There is also the need to identify that the needs of social services may be met through other departments within the local authority

(It is noted that work is already underway on Population Assessments with a tool-kit being prepared by the Social Services Improvement Agency and WLGA. This toolkit, which is being informed by piloting work in the Cwm Taf Health Board area, needs to consider this approach to assessment of well-being)

- b) given this focus there are a number of practical issues to consider:
 - what **data** might be needed from partners to support this long term analysis?

- the **capacity** of partner organisations to analyse the data across policy silos and over the long term (much of the capacity for policy analysis has been eroded recently due to staff changes, and capacity and the culture for long term thinking is limited in many authorities)
 - **data management** – how is the data collected and analysed and shared
 - the **PSB** sharing data and the ‘burden’ of the assessment
 - how **regional bodies** contribute local information for both assessments
 - the **data granularity** to enable assessment at a local level
 - **acknowledging data gaps** to work on over the period of the Well-being Plan
 - how **users of services and carers, and service providers** can be effectively engaged
 - how **research and the skills of others**, such as academic institutions, can be engaged in the process
 - part of the challenge will be in **designing engagement** on each Act to ensure views on both social care and wellbeing and wider wellbeing are captured, but not confused.
- c) the **scale of the Assessment of Well-Being** is a major task for PSBs. This is not just a collection of readily available data, but a considered analysis of well-being of communities in the area. This is going to need adequate resources and co-ordination across the authority and partnership, avoiding the local authority being used as a ‘data dump’. It will also need regional co-ordination. (It is noted that early work on the SSA Population Assessment is being coordinated in all areas across Wales. This regional approach could be replicated for the Assessment of Well-Being – taking into account if necessary, the potential mergers of authorities in who works with whom).
- d) A coordinated approach to the Assessments needs to be developed within authorities, across the organisation, across the PSB and across the region in order to develop efficiencies and ‘economies of effort’. This cannot be the responsibility of current data teams, LSB coordinator, or social services teams. The data for the assessments needs analysing and there needs to be interface with policy specialists to interpret the data for each authority. This may require a different structure or strengthening of central policy functions in the authority – or sharing policy analysis across authorities.

3.4 MANAGING PRIORITIES AND TIMESCALES TO 2018

WLGA have provided an excellent analysis of timelines for assessments and reporting cycles for a number of Acts (see the figure in Appendix 1 below). These show the ‘pinch points’ for assessment and reporting for local authorities up to 2023. This includes the FGA (in red) and the SSA (in yellow) the Planning Wales Act (Blue) and the pending duties under the Environment Bill (Green) This suggests that joining approaches to reporting and assessment for a raft of legislation is not a ‘nice to do’ – but a necessity for both corporate bodies subject to the Act and for Public Service Boards.

Executives, PSBs and Corporate Management Teams will need to consider how they can integrate their approach to these requirements. What reporting can be integrated into?

- the Well Being Plan annual reports for the PSB
- and Annual Reports on Well-Being Objectives for the authority
- Corporate Planning and Corporate Performance Frameworks

What might this look like to avoid duplication of effort, minimise reporting as ‘an industry unto itself’ and to maximise the use of resources across the organisation and across the PSB?

3.5 CONCLUSIONS

This short think piece is limited in its scope, but examines each Act, its requirements and how each Act relates to the other. It also highlights key issues for local authorities to manage this relationship corporately and across the evolving PSB. The key issues are:

- a) the Well Being Plan in the FGA is **the** overarching strategy for public service activity an area – the SSA needs to fit in with this broader context for both corporate planning and work across the PSB as well as being a discreet activity.
- b) both Acts aim to develop a common understanding of what public services are required in an area; aim to develop joint working between public bodies; aim to align local activity to national goals.
- c) they are different in the breadth of their focus. The FGA is concerned with all public sector activity in a local authority area. The SSA is focused on the delivery of social services, which forms a part of this wider public service delivery.
- d) they differ in what the statute seeks to improve. The FGA is focused on the economic, social, environmental and cultural well-being of communities in an area. The SSA is focused on part of this - people in need of care and support and social service provision to individuals, families and carers within communities.
- e) they differ in who is involved. The FGA involves the public sector as a whole and communities as a whole. The SSA involves those bodies and individuals involved in the provision and receipt of social services and those who may need care and support.
- f) there is a need to ensure that the SSA is seen as an integral part of a wider agenda of well-being planning across the organisation and with partners through the FGA as well as a discreet statutory responsibility
- g) the FGA needs to be given greater corporate priority to achieve the change management required – and to establish and communicate the hierarchy and relationship between the two Acts. This also needs to be communicated at the PSB level.
- h) authorities should consider including social services plans as an integral part of the Well-being Plan
- i) Public Service Boards must take account of the most recent SSA Population Assessment in preparing its assessment of local well-being
- j) a coordinated approach to the Assessment of Well-being and the Regional Population Assessment needs to be developed within authorities, across the organisation, across the PSB and across the region in order to develop efficiencies and ‘economies of effort’.
- k) the scale of the Assessment of Well-Being is a major task for PSBs. This is going to need adequate resources and co-ordination across the authority and partnership. Time is short with deadlines for Assessments under each Act in March/April 2017.
- l) joining approaches for reporting and assessment for a raft of legislation is not a ‘nice to do’ – but a necessity for both corporate bodies subject to the Act and for Public Service Boards.

Figure 1 – WLGA Analysis of Regulatory Framework to 2023

