



# Well-being of Future Generations (Wales) Act 2015

2015 anaw 2

## PART 4

### PUBLIC SERVICES BOARDS

#### CHAPTER 2

##### IMPROVING LOCAL WELL-BEING

VALID FROM 01/04/2016

##### *Well-being duty on public services boards*

#### **36 Well-being duty on public services boards**

- (1) Each public services board must improve the economic, social, environmental and cultural well-being of its area by contributing to the achievement of the well-being goals.
- (2) A public services board's contribution to the achievement of the goals must include—
  - (a) assessing the state of economic, social, environmental and cultural well-being in its area (see sections 37 and 38),
  - (b) setting objectives (“local objectives”) that are designed to maximise its contribution within its area to achieving those goals, and
  - (c) the taking of all reasonable steps by members of the board (in exercising their functions) to meet those objectives (but see section 39(2)(b)).
- (3) Anything a public services board does under this section must be done in accordance with the sustainable development principle.

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- (4) Sections 39 to 45 make provision about local well-being plans including provision requiring public services boards to set out in such plans their local objectives and the steps they propose to take to meet them.

VALID FROM 01/04/2016

### *Local well-being assessments*

#### **37 Assessments of local well-being**

- (1) A public services board must prepare and publish an assessment of the state of economic, social, environmental and cultural well-being in its area.
- (2) Each board must publish the assessment no later than one year before the date on which a local well-being plan is to be published under subsection (6) or (7) of section 39.
- (3) An assessment must—
  - (a) set out which community areas comprise the area of the board;
  - (b) include an analysis of the state of well-being in each community area and in the area as a whole;
  - (c) include an analysis of the state of well-being of the people in the area;
  - (d) include any further analysis that the board carries out by reference to criteria set and applied by it for the purpose of assessing economic, social, environmental and cultural well-being in the area or in any community situated in the area;
  - (e) include predictions of likely future trends in the economic, social, environmental and cultural well-being of the area;
  - (f) include any other related analytical data and information that the board considers appropriate.
- (4) An analysis referred to in subsection (3)—
  - (a) must refer to any national indicators published under section 10;
  - (b) must refer to a future trends reports under section 11 to the extent that it is relevant to the assessment of well-being in the area.
- (5) The community areas that comprise the area of a board are to be determined—
  - (a) in accordance with regulations made by the Welsh Ministers, or
  - (b) if no such regulations have been made, by the board.
- (6) The analysis referred to in subsection (3)(c) may include analyses of particular categories of persons determined by the board by reference to—
  - (a) the fact that persons are vulnerable or otherwise disadvantaged for the same or similar reasons;
  - (b) the persons possessing a common protected characteristic within the meaning of Chapter 1 of Part 2 of the Equality Act 2010 (c.15);
  - (c) the persons being children (persons under the age of 18);

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- (d) the persons being young people entitled to support under sections 105 to 115 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) as described in section 104 of that Act;
  - (e) whether the persons—
    - (i) may have need for care and support (as described in Part 3 of the Social Services and Well-being (Wales) Act 2014) (anaw 4)); or
    - (ii) provide or intend to provide care and support for persons who may need it;
  - (f) any other common factor the Board considers appropriate in describing a category of persons.
- (7) Each board must send a copy of its assessment to—
- (a) the Welsh Ministers;
  - (b) the Commissioner;
  - (c) the Auditor General for Wales;
  - (d) the local authority's overview and scrutiny committee.

### **38 Preparation of assessments**

- (1) Before publishing its assessment under section 37, a public services board must consult—
- (a) the Commissioner;
  - (b) the board's invited participants;
  - (c) its other partners;
  - (d) such of the persons who received but did not accept an invitation from the board under section 30 as the board considers appropriate;
  - (e) the local authority's overview and scrutiny committee;
  - (f) any relevant voluntary organisation as the board considers appropriate;
  - (g) representatives of persons resident in its area;
  - (h) representatives of persons carrying on business in its area;
  - (i) trade unions representing workers in its area;
  - (j) such persons with an interest in the maintenance and enhancement of natural resources in the board's area, as the board considers appropriate;
  - (k) 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.
- (2) As part of the consultation under subsection (1), each board must provide each consultee with a draft of its assessment.
- (3) In preparing its assessment, each board must take each of the following into account—
- (a) the report containing an assessment of the risks for the United Kingdom of the current and predicted impact of climate change most recently sent to the Welsh Ministers under section 56(6) of the Climate Change Act 2008 (c.27);
  - (b) the most recent 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);

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- (c) the most recent 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) the most recent 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 (nawm 1);
- (e) the most recent 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 (anaw 4) (assessment of needs for care and support, support for carers and preventative services);
- (f) the most recent 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) the most recent strategic assessment prepared in accordance with regulations under that section relating to combating substance misuse in the local authority area;
- (h) the most recent strategic assessment prepared in accordance with regulations under that section relating to the reduction of reoffending in the local authority area;
- (i) such other review or assessment in relation to the local authority area as may be prescribed by the Welsh Ministers in regulations (or such other analysis as may be designated in such regulations as a review or assessment for the purposes of this section).

### *Local well-being plans*

VALID FROM 01/04/2016

#### **39 Local well-being plans**

- (1) A public services board must prepare and publish a plan (a “local well-being plan”) setting out its local objectives and the steps it proposes to take to meet them.
- (2) The plan may include objectives—
  - (a) that are also well-being objectives published under Part 2 by a member of the board;
  - (b) that are to be met by the taking of steps—
    - (i) by one or more members of the board, invited participants or other partners acting individually, or
    - (ii) any combination of members, invited participants or other partners acting jointly.
- (3) But a plan may include an objective which is to be met by steps which are to be taken by an invited participant or other partner (whether individually or jointly in any combination of members, invited participants or other partners) only if the board has obtained the agreement of that invited participant or other partner, as the case may be.
- (4) In setting its well-being objectives a board must take into account the Commissioner's report under section 23.

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- (5) A local well-being plan must include a statement—
- (a) explaining why the board considers that meeting the local objectives will contribute within the area to achieving the well-being goals;
  - (b) explaining how the objectives and any proposed steps have been set with regard to any matters mentioned in the most recent assessment of well-being published under section 37;
  - (c) specifying the periods of time within which the board expects to meet the objectives;
  - (d) explaining how any proposed steps are to be taken in accordance with the sustainable development principle;
  - (e) if the plan includes objectives referred to in subsection (2)(b), specifying the proposed steps to be taken to meet those objectives and, in the case of steps to be taken by a combination of members of the board, invited participants or other partners, the persons making up the combination;
  - (f) if the plan is not the first plan published by the board, specifying the steps taken to meet the objectives set out in the board's previous plan and specifying the extent to which those objectives have been met;
  - (g) providing such other information as the board considers appropriate.
- (6) Each board must publish its first local well-being plan no later than one year after the date on which the next ordinary election under section 26 of the Local Government Act 1972 (c. 70) following the commencement of this section is held.
- (7) Subsequently, each board must publish a local well-being plan no later than one year after the date on which each subsequent ordinary election under that section is held.
- (8) Each board must send a copy of its plan to—
- (a) the Welsh Ministers;
  - (b) the Commissioner;
  - (c) the Auditor General for Wales;
  - (d) the local authority's overview and scrutiny committee.

#### **40 Local well-being plans: role of community councils**

- (1) A community council must take all reasonable steps in its area towards meeting the local objectives included in the local well-being plan that has effect in its area.
- (2) But a community council is subject to the duty under subsection (1) only if, for each of the preceding three financial years prior to the local well-being plan for its area being published, either its gross income or its gross expenditure was at least £200,000.
- (3) The Welsh Ministers may, by regulations, amend the criteria specified in subsection (2) for determining whether a community council is subject to the duty under subsection (1); and the regulations may reflect provision made about community councils in regulations under section 39 of the Public Audit (Wales) Act 2004 (c.23).
- (4) Before making regulations under subsection (3), the Welsh Ministers must consult—
  - (a) the Commissioner;
  - (b) the community councils that would become subject to the duty under subsection (1) if the regulations were made;
  - (c) such other persons as the Welsh Ministers consider appropriate.

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- (5) A community council must publish, in respect of each financial year in which it was subject to the duty under subsection (1), a report of the progress it has made in its area in meeting the local objectives included in the local well-being plan that has effect in its area.
- (6) A report under subsection (5) must be published as soon as reasonably practicable following the end of the financial year to which the report relates.
- (7) The Welsh Ministers must issue guidance to community councils that are subject to the duty under subsection (1) about the exercise of the duty.
- (8) In carrying out the duty under subsection (1), a community council must take such guidance into account.

#### Commencement Information

- I1** S. 40 partly in force; s. 40 in force for specified purposes at 30.4.2015, see s. 56(1)(b)
- I2** S. 40(7) in force at 16.10.2015 by S.I. 2015/1785, art. 2(k)
- I3** S. 40(8) in force at 16.10.2015 by S.I. 2015/1785, art. 2(l)

VALID FROM 01/04/2016

#### 41 Preparation of local well-being plans: information about activities of others

- (1) In preparing its local well-being plan (and before consulting under section 43), a public services board may require any person mentioned in subsection (2) to provide the board with information about any action it takes that may contribute within the board's area to achieving the well-being goals.
- (2) The persons are—
  - (a) the persons invited to participate in the activities of the board, except the Welsh Ministers (see section 30);
  - (b) the board's other partners (see section 32).
- (3) But a person mentioned in subsection (2) is not required to provide information to a public services board—
  - (a) if the person considers that doing so would—
    - (i) be incompatible with the person's duties, or
    - (ii) otherwise have an adverse effect on the exercise of the person's functions, or
  - (b) if the person is prohibited from providing it by virtue of an enactment or any other rule of law.
- (4) Where a person mentioned in subsection (2) decides, in reliance on subsection (3) (a), that it is not required to provide information to a public services board, it must provide the board with written reasons for its decision.

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#### **42 Preparation of local well-being plans: Commissioner's advice**

- (1) In preparing its local well-being plan (and before consulting under section 43), a public services board must seek the advice of the Commissioner on how to take steps to meet the local objectives to be included in the plan in accordance with the sustainable development principle.
- (2) The Commissioner must give the advice—
  - (a) in writing, and
  - (b) no later than 14 weeks after it is sought.
- (3) Each board must publish the Commissioner's advice at the same time as it publishes the local well-being plan.

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#### **43 Preparation of local well-being plans: further consultation and approval**

- (1) Before publishing its local well-being plan, a public services board must consult—
  - (a) the Commissioner (having received advice from the Commissioner under section 42(2));
  - (b) its invited participants;
  - (c) its other partners;
  - (d) such of the persons who received but did not accept an invitation from the board under section 30 as the board considers appropriate;
  - (e) the local authority's overview and scrutiny committee;
  - (f) any relevant voluntary organisation as the board considers appropriate;
  - (g) representatives of persons resident in its area;
  - (h) representatives of persons carrying on business in its area;
  - (i) trade unions representing workers in its area;
  - (j) such persons with an interest in the maintenance and enhancement of natural resources in the board's area, as the board considers appropriate;
  - (k) 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.
- (2) As part of the consultation under subsection (1), each board must provide each consultee with a draft local well-being plan.
- (3) The consultation under subsection (1) must not end until at least 12 weeks have passed since the day on which it began.
- (4) Before publishing its local well-being plan, a public services board must hold a meeting at which each member confirms its approval of the plan for publication.
- (5) If the local authority is operating executive arrangements under Part 2 of the Local Government Act 2000 (c.22), the function of approving the local well-being plan for publication may not be exercised by an executive of the authority under those

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arrangements; nor does section 101 of the Local Government Act 1972 (c. 70) (discharge of functions by committees etc.) apply to that function.

- (6) In the case of each Local Health Board, each Welsh fire and rescue authority and the Natural Resources Body for Wales, the function of approving the local well-being plan for publication may only be exercised at a meeting of the body in question.

VALID FROM 01/04/2016

#### 44 Review of local well-being plans

- (1) A public services board may—
- (a) review and revise its local objectives;
  - (b) review and amend its local well-being plan (and must amend its plan if it has revised its local objectives).
- (2) Each board—
- (a) must review its local objectives or local well-being plan if directed to do so by the Welsh Ministers, and
  - (b) may revise its objectives or amend its plan in consequence of such a review.
- (3) When giving a direction under subsection (2)(a) the Welsh Ministers must publish a statement containing their reasons for giving it.
- (4) Before making an amendment to its plan, each board must consult—
- (a) the Commissioner;
  - (b) the persons mentioned in section 43(1).
- (5) An amended plan must be published as soon as reasonably practicable.
- (6) A board must send a copy of its amended plan to—
- (a) the Welsh Ministers;
  - (b) the Commissioner;
  - (c) the Auditor General for Wales;
  - (d) the local authority's overview and scrutiny committee.

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#### 45 Annual progress reports

- (1) A public services board must prepare and publish a report—
- (a) no later than 14 months after the publication of its local well-being plan, and
  - (b) subsequently no later than one year after the publication of each previous report under this section.
- (2) But no report is required under subsection (1)(b) if a local well-being plan is to be published by virtue of section 39(7) (publication of new local well-being plan following election) no later than one year after the publication of the previous report under this section.



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- (3) A report under this section must specify 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.
- (4) A report under this section may contain such other information as the board considers appropriate.
- (5) A board must send a copy of each report published under this section to—
  - (a) the Welsh Ministers;
  - (b) the Commissioner;
  - (c) the Auditor General for Wales;
  - (d) the local authority's overview and scrutiny committee.

VALID FROM 01/04/2016

### *Consequential modifications*

#### **46 Modifications of enactments**

Schedule 4 contains amendments and repeals in consequence of the provisions of this Part requiring the publication of local well-being assessments (under section 37) and local well-being plans (under section 39).

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