

National Assembly for Wales
Environment and Sustainability Committee
WFG 60
Well-being of Future Generations (Wales) Bill
Response from Commissioner for Sustainable Futures

Peter Davies
Comisiynydd Dyfodol Cynaliadwy
Commissioner for Sustainable Futures

5th September 2014

Environment & Sustainability Committee
National Assembly for Wales
Cardiff Bay
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Dear Chair,

Consultation on the Well-being of Future Generations (Wales) Bill

I welcome the opportunity to respond to the Committee's inquiry on this Bill and set out below my comments and views on the proposed Bill in providing an adequate framework by which Wales can be a sustainable nation.

These comments are a summary of the views gathered over several years as the independent Commissioner for Sustainable Futures which included chairing an FG Bill Reference Group between September 2012 and July 2014, and from discussions with community groups, organisations, businesses and individuals gathered from the national conversation on The Wales We Want, which I have been leading on behalf of the Minister for Communities and Tackling Poverty.

The first point I would want to stress is that the Bill is an important step forward in our commitment to sustainable development which has been a distinctive dimension of devolution. However experience has demonstrated weaknesses in the procedures required under the existing duty, highlighted in the successive independent reviews undertaken by each new administration and in the Commissioner's independent commentary on the Annual Sustainable Development Report including:

- Sustainable development is treated as a cross cutting theme alongside others not as a central organising principle
- The Scheme and reporting process run parallel to the programme of Government and are not seen to be central policy
- The duty only applies to Welsh Government and has no traction across the public sector

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- The Sustainable Development Indicators produced each August have little connection to policy and performance
- The remaking of the scheme by an incoming Government can mean it is up to 2 years before a new scheme comes into being

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The Bill must also be seen in the global context of the UN process of establishing global Sustainable Development Goals and has been recognised by the UN as an important legislative development that can align national and global actions.

The process of developing the Bill has been supported by the Future Generations Bill Reference Group involving key stakeholders and chaired by the Commissioner. It has also drawn from shared learning with countries / regions who are following a similar path (e.g. Finland, Germany, Hungary and Catalonia), key reports such as the Oxford Martin Commission on the Future “Now for the Long Term” http://www.oxfordmartin.ox.ac.uk/downloads/commission/Oxford_Martin_Now_for_the_Long_Term.pdf and expert groups including The World Futures Council, The Stakeholder Forum and the Foundation for Democracy and Sustainable Development.

The Bill introduces a number of important mechanisms that can improve our governance for the long term and establish a common framework for how the public sector does business in Wales. However the big challenge for the Bill is the gap between the statement that the Bill provides a “framework for how the public service does business in Wales” and its connection with other legislation, and the current understanding of its purpose across the public service in Wales.

Goals and Measures

The Goals are understandably high level but they do play a key role in bring greater clarity to the concept of sustainable development. However they need to be widely understood owned and translated into practical measures if they are to be effective. It is important that they are seen to be integrated and interconnected and not treated as separate silos. There will need to be further amendment to the goals, for example strengthening the international dimension, which is particularly significant around the issue of environmental limits and planetary boundaries, which are important concepts but often difficult to translate meaningfully into practice.

The Bill requires Government to set the indicators or measures of progress that will underpin the national Goals. These measures will be critical, providing a “national scorecard”, and allowing us to monitor progress in achieving the Goals. They can also provide the basis for a performance framework across the public sector.

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The recommendations on the “measures that matter” will be the core focus for the Future Generations Report generated from the next stage of the national conversation and will draw on international practice in “Beyond GDP” measures.

I do not think that the Bill should set targets against these measures as I would see this as being part of the local and national democratic process as potential programmes of Government should clearly set out how they are intending to improve performance across the measures. Indeed successive Governments will need to review measures to ensure they remain fit for purpose. However I think there is a strong case for a specific set of requirements in respect of climate change. Page 2 of 5

The national conversation has highlighted that climate change is seen as the single most critical issue that people across Wales felt would affect future generations and there is a strong case that it must be given greater reference in the Bill. I have previously written to Ministers on this point in my role as Chair of the Climate Change Commission for Wales (CCCW). We will be considering specific recommendations at the Climate Change Commission meeting on September 24th, which I will then be able to submit in evidence to the Committee. In the meantime, a separate letter is also being submitted as evidence on behalf of the Commission to re-emphasise the points that were highlighted in my letter to the Ministers.

Sustainable Governance Approaches

The focus on goals and measures of progress (outcomes) will only be effective if the governance approaches set out in 8.2 of the Bill are applied.

This section sets out key decision making principles that need to be taken into account by public bodies - preventative action, integrated approach, long-term thinking, collaboration and engaging communities and interested parties. There is a danger that they are lost in the focus on the goals, but these are the key principles that need to be applied transparently in the decision making process. There is a strong case for strengthening this element to more clearly incorporate the principles of co-production through citizen engagement.

It is also worth highlighting that the “evidence” principle has been lost from the White Paper, which would have incorporated the key Sustainable Development principle of applying “sound science” in decision making.

Public Service Boards

The proposals for Public Service Boards represent an important part of the structure that can ensure a coherent delivery and reporting framework to enable progress against the goals and measures. The Bill will need to ensure an alignment between national and local delivery through applying the same principles of decision making and focus on achieving long term goals and measures to national, local government and other public bodies.

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As Commissioner I have been conscious of the variable approaches of the current structure of Local Service Boards and welcome this section of the Bill. I particularly welcome the presence of Natural Resources Wales as a core member of the Service Board, the requirement to invite representation from the voluntary sector and the strengthening of democratic accountability through the role of Local Authority Scrutiny Committees.

The proposed new Commissioner has a key role in supporting and providing a critical analysis of Wellbeing Plans and the reporting by Public Service Boards, to ensure that the framework of the Bill is being Page 3 of 5 effectively.

However while I support the importance of a national framework, it must reflect the needs and aspirations of local communities. There is a critical role for community or neighbourhood based plans that can build from local needs but can relate to national goals. This must be fully recognised and supported in the approach to creating the wellbeing plans of the Public Service Boards, particularly as it is envisaged that these will increasingly cover larger geographic areas.

Commissioner's function

Finally I want to focus on the role and function of the independent statutory Commissioner for Future Generations.

The proposals represent a significant strengthening of my current function, which has been part time, with no legal powers and no direct office function. There has also been a significant strengthening of the role from that envisaged in the initial White Paper. There is significant international practice in respect to similar functions, which I know has been considered in the design of the role. However I would still make the following points:

- There is a strong case that the appointment and scrutiny of this role is undertaken through the National Assembly as this will exemplify the independent nature of the Commissioner.
- The Bill also needs to provide greater clarity on the process by which the Commissioner can instigate investigations and response required.
- The Advisory Panel for Commissioner needs to be a strong multi stakeholder forum to provide advice and support, adding weight to the Commissioner's reports.
- The relationship of Commissioner and Wales Audit Office will need to be strengthened as is central to the concept of a strong Commissioner.
- Together, both the advisory panel and a close link with WAO will provide a 'check and balance' of the Commissioner's function to ensure a strong respected Commissioner function and obviating the danger of a Commissioner either being ignored, subject to influence of individual lobby groups or being perceived as having specific personal agendas. This is particularly

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important as unlike other Commissioners, a Commissioner for Future Generations does not have an identifiable constituency to whom they will be currently accountable.

- Critically the Commissioner's role needs to be solutions focused, providing a capacity to manage competing interest groups, undertake independent reviews to support decision making. There is a danger that the office becomes overwhelmed with the processes associated with overseeing compliance across Public Service Boards

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The Bill will not be a silver bullet that will address all our problems or make difficult decisions easy. It will though introduce mechanisms that improve our governance and decision making for the long term, so providing a better chance of meeting the intergenerational challenges that are beyond one term of Government and need the engagement of wider society. There will need to be clear connectivity with other legislation and alignment with decision making across the public sector.

I am very happy to provide more details on the points raised above, and look forward to meeting the Committee on September 25th.

Yours sincerely



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