

Barriers to the successful implementation of the Well-being of Future Generations Act

1. [Afallen LLP](#) is a values-based company that helps organisations to implement the Well-being of Future Generations Act (WFGA) in ways that have meaning and value for them. We have helped increase the adoption of the Well-being Goals (WBG) and Ways of Working, which we collectively refer to as the Well-being Outcomes (WBOs). We aim to maximise the amount of money and expertise retained within Wales, and to enable small companies and consultants to work and live in their communities across Wales.

Awareness and understanding of the Act and its implications

2. We use the WFGA and the WBOs as the framework for all of our project delivery. We have worked with public, third and private sector organisations, and within each of those sectors, understanding about the Act and its implications is varied. In other words, the sector does not necessarily determine whether or not understanding and implementation of the WFGA is consistently happening and widespread.
3. Since the Act was enabled, Welsh Government, the Future Generations Office and actors within the third and private sectors have carried out engagement and public communication on the Act. This has undoubtedly led to an increase in awareness and understanding of the Act and the WBOs generally. However, in our experience, that awareness and understanding is typically confined to experts within the subject matter of sustainability, or individuals who are tasked with implementing the Act within an organisation.
4. This points to a failure to engage the public more widely. However we note that WFGA does not specifically define public engagement as a duty for the Commissioner; it can only be inferred from

“The general duty of the Commissioner is— (a) to promote the sustainable development principle...”

We also note that fully educating and informing the citizens of Wales about the WFGA is probably impossible within the budget and scope of the Act. It is likely that the only way to properly inculcate this understanding at a nationwide level is to embed the Act within the National Curriculum and empower young people to propagate understanding through the familial, social and (eventually) employment networks.

5. A high profile case which helped raise the profile of the Act was the intervention of the Office of the Future Generations Commissioner (FGC) in the decision around the M4 expansion around Newport. This is not to suggest that such cases are necessary for the success of the Act.

The resources available to public bodies to implement the Act and how effectively they have been deployed

6. Our insight into this question is necessarily limited by our organisational status, but we consider that the online guidance is insufficient on its own to enable significant and meaningful change. For example, in the [Art of the Possible](#) guidance - itself a useful initiative - the suggested interventions vary in significance, but rarely make recommendations which would point towards truly sustainable organisations. Although there is commendable urgency in general communications about the dangers of climate change, this urgency is far less evident in the tools provided to public sector organisations which we think need to be truly radical.
7. We believe that independent research should be commissioned to examine the efficacy of resources provided to the public bodies and that good practice in culture change from public sector organisations elsewhere be considered in supporting public bodies to adopt the WFGA.

Support provided to public bodies by the Future Generations Commissioner

8. We have insufficient insight to be able to comment

The leadership role of the Welsh Government

9. Welsh Government has demonstrated strong top-down commitment to the act, but (unsurprisingly given the nature of organisational evolution and culture change) implementation is filtering extremely slowly through the organisation and arms-length bodies.
10. Some departments within Welsh Government understand and take seriously their commitments. In our experience these are departments with direct exposure to issues of sustainability. However this enthusiasm is not (in our experience) sufficiently widespread or consistent, and we have experienced reluctance from and scepticism from some individuals.
11. On a strategic level, we think that Welsh Government and the Public Bodies covered by the Act are insufficiently imaginative in their interpretation and exercise of the Act. For example, embedding the 'working from home' culture by default and as policy for desk-based jobs would reduce transport emissions, increase spend in local economies, and in particular outside the largest towns and cities; improve organisational performance by ensuring that the most talented people from across Wales were able to work within the largest public sector organisations without having to move to a relevant site; reduce costs (such as office overheads) and improve the work-life balance for tens of thousands.
12. We also consider that Welsh Government could undertake a useful exercise to analyse and adopt good practice from national and regional governments globally; for example, understanding the benefits of [Estonia's move to a digital society](#), and the potential impacts on the WBOs if replicated in Wales.

Any other barriers to successful implementation of the Act (e.g. Brexit, Covid etc)

13. We think that this section is framed too negatively. The 'barriers' could also be considered as opportunities (subject to 14 below).
14. As the UK's biggest recipient of EU funding, and the part of the UK which exports proportionally most to the EU, Wales' exposure to the multifarious downsides of Brexit is particularly acute. We must therefore accept a new baseline for Wales from 2021 which negatively impacts all of the Well-being Goals, although not the Ways of Working.
15. Within this new baseline we consider that existing powers, and those retained following the decisions of the UK Government about the competencies of devolved administrations, need to be used to their full potential. We call for the 'reset opportunity' of Brexit and Covid to allow conventional thinking on all aspects of economy and society to be cast out, and space provided for imagination on new ways of working, and new policy interventions.
16. We consider that the greatest risks on implementing the WFGA arising from the end of the Brexit transition period will fall upon the agricultural sector, which plays a crucial role in the foundational economy, in (potentially) environmental custodianship, and in the socio-linguistic fabric of society in huge swathes of rural Wales.

How to ensure that the Act is implemented successfully in the future

17. We endorse the suggestion by [David Thorpe](#) of holding PSBs accountable to - or at least reporting to in some mechanism - Citizens Assemblies in each of the PSB areas. This would increase the understanding of the WFGA for 'normal' citizens (rather than those engaged for other reasons). It would also broaden the range of people engaged within civil society more generally, and potentially improve the diversity of experience brought to bear on discussions and decisions taken within these forums.

18. We consider that the well-being indicators need revision. Some of them have fulfilled their function and can now be 'retired' (such as the amount of renewable energy installed). Some appear valid, but are not regularly updated, which suggests that there needs to be a stronger link between existing or attainable data, and the indicators
19. The WFGA has yet to be tested in court against a Welsh Government decision; but the signals are not promising. Notwithstanding the view of the Judge about the decision of Neath Port Talbot Council to close a primary school, [the High Court decided that](#):

"I do not find it arguable that the 2015 act does more than prescribe a high-level target duty which is deliberately vague, general and aspirational and which applies to a class rather than individuals. As such, judicial review is not the appropriate means of enforcing such duties."

20. The High Court judgement appears to reduce the likelihood that a Supreme Court challenge to the implementation of the WFGA would be successful. We therefore suggest that the Committee gives due consideration to amending the WFGA in order to allow legal challenge to decisions by Public Bodies on the basis of not complying with the Act
21. This had seemed possible with the M4 expansion case, but the decision not to support funding obviated a decision made predominantly on environmental grounds. We note that the First Minister stated a [difference of opinion](#) (with regard to the Inspector's report) on the environment, saying:

"I attach greater weight than the Inspector did to the adverse impacts that the Project would have on the environment. In particular, I attach very significant weight to the fact that the Project would have a substantial adverse impact on the Gwent Levels SSSIs and their reed network and wildlife, and on other species, and a permanent adverse impact on the historic landscape of the Gwent Levels."