

# Well-being of Future Generations (Wales) Bill

## Consultation response to the Environment and Sustainability Committee

September 2014

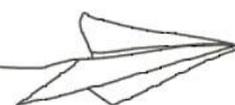
### Action for Children-Gweithredu dros Blant

Action for Children-Gweithredu dros Blant speaks out for the most vulnerable and neglected children and young people in Wales and the UK. Through our community based services we support children and young people to break through injustice, deprivation and inequality, so they can achieve their full potential. Action for Children helps more than 300,000 children, young people and their families through more than 650 projects across the UK. We also promote social justice by lobbying and campaigning for change.

### Summary

#### Key points:

- We would like to see a clear legal duty in this Bill which drives public bodies to take early action on the well-being needs of the population, in particular children, young people and their families who form future generations. Such a duty would reduce the impact of the problems vulnerable children and families are facing on their future life chances.
- As introduced, the Bill is unclear which groups of people are meant by "Future Generations". For clarity, we believe this term should be defined in the Bill to cover both present generations of children, young people and adults who will form future generations, and those yet unborn
- We believe the Bill should clearly state that public bodies exercising their duties under the Bill should have due regards to the United Nations Convention on the Rights of the Child, as was achieved through the Social Services and Well-being (Wales) Act 2014.
- Addressing child neglect should be a fundamental priority of public bodies working together to improve the well-being of Wales. In promoting well-being we would reduce likelihood of neglect occurring, as well stopping neglect as early as possible when it occurs. The success of future generations depends on meeting the needs of neglected children and ensuring they have the support they need for positive development and long-term positive outcomes. We believe these issues require careful examination by the Committee during scrutiny would welcome recommendations which reflect the importance of child development and child neglect within the Well-being goals and subsequent objectives.
- Local Safeguarding Boards have a clear contribution to make to effective public service delivery that safeguards the needs of vulnerable children, young people and adults. We believe they should be included as members who participate in Public Service Boards.
- Clarity is required on how existing goals for children and young people, particularly the 7 core aims, will interact with the new planning process which is population wide.



## **1. How the Welsh Government should legislate to put sustainability and sustainable development at the heart of government and the wider public sector**

**1.1** Action for Children – Gweithredu dros Blant welcomes the Well-being of Future Generations (Wales) Bill, and the Welsh Government’s desire to make sustainability and well-being of the population primary drivers for effective public service delivery.

**1.2** We observe in the proposed Bill a strong desire to take into account the needs of future generations in present-day decision making. It is unclear however how these principles apply to present generations and how decisions will be made to safeguard their future needs. The Bill is unclear which groups of people are meant by “Future Generations”. For clarity, we believe this term should be defined in the Bill to cover both present generations of children, young people and adults who will form future generations, as well as those yet unborn.

**1.3** We would like to see a clear general duty in this Bill which drives public bodies to take early action on the well-being needs of the population, in particular children, young people and their families who form future generations. There is a clear precedent for such a duty in Part 2, Section 15 of the Social Services and Well-being (Wales) Act 2014 which compels local authorities to provide preventative services to reduce need escalating. Such a duty would balance the Bill so that it compels public bodies to offer support as soon as possible to tackle problems emerging for children, young people and their families. It would reduce the likelihood of families reaching a crisis point and so reduce the impact of the problems vulnerable children and families are facing on their future life chances. There is a provision at section 8 (2) (e) which relates to public bodies considering preventing problems getting worse when setting their well-being objectives, however this does not have the strength required to drive the required shift to early action as a unified move across public bodies in Wales.

**1.4** In 2009, Action for Children published *Backing the Future*<sup>i</sup> with the New Economics Foundation. This report argued that Governments were failing to make the best use of public resources to improve key aspects of children’s lives. By shifting to an early intervention approach an estimated saving of £486 billion would be made over 20 years across the UK, compared with the £4 trillion price tag of continuing with business as usual.

**1.5** Public services forced to respond to crisis-situations are unsustainable. A balance between an additional early action duty and the sustainable development principle is required to tackle effectively the drivers of inter-generational poverty and vulnerability. This combination would ensure that public bodies are compelled to take action which promotes the well-being of the current generations and safeguards the needs of future generations. In 2012 Action for Children, The Children’s Society and NSPCC commissioned Landman Economics to research the number of vulnerable children and families in Britain and the impact of reduced public spending on them. This research found the most vulnerable families and their children are being most heavily affected by changes to the tax and benefits system, as well as being hit by spending cuts affecting public services. The number of children living in vulnerable families is also set to rise<sup>ii</sup>. By investing in early help which reaches children and families earlier before their combined needs escalate, we can reduce reliance on high-cost crisis interventions across public services and equip future generations with the support they need for future well-being. This Bill provides a unique opportunity to unite the drive for early action across all public services in Wales, and so secure our future sustainability and prosperity.

**1.6** The Child’s Rights Impact Assessment accompanying the Bill does not give proper consideration to the ways in which the Bill could be strengthened to promote children’s rights. Instead it presents how the ‘common aim’ should/is likely to provide opportunities for better outcomes for children. There is a lack of focus on children and their rights within the Bill which is concerning, and we believe the Bill should clearly state that public bodies exercising their duties under the Bill should have due regards to the United Nations Convention on the Rights of the Child.

## 2. The general principles of the Well-being of Future Generations (Wales) Bill and the need for legislation in the following areas:

- **The “common aim” and “sustainable development principle” established in the Bill and the “public bodies” specified;**

2.1 We broadly agree with the general principles of the Well-being of Future Generations (Wales) Bill. As described above in our answer to question 1, we do not believe the “sustainable development principle” will deliver the desired change without a complimentary driver for early action for current generations.

2.2 We believe Local Safeguarding Boards should also be included in the list of public bodies at section 5 covered under the act. Local Safeguarding Boards have an important role to play in achieving the well-being goals for vulnerable children and young people, and should be active participants in public services boards. Local Safeguarding Boards must be at the table when public bodies come together to plan and deliver needs based services. Though Local Safeguarding Boards do not commission direct services, joint and integrated needs based planning is vital for sustainable public services that reach need early to prevent escalation. Collaboration between Local safeguarding Boards and the Public Service Boards is essential for an early action approach to neglect and abuse.

- **The approach to improving well-being, including setting of well-being goals, establishment of objectives by public bodies and the duties imposed on public bodies;**

2.3 A common approach to improving well-being by public bodies across Wales is welcome, and the headline goals appear broadly appropriate. It is a notable however that none of the six goals mention specifically the vision for children and young people within society. A clear focus on the well-being of children and young people is required to build the resilient, healthy and prosperous Welsh society envisaged. Without a clear focus on the well-being of children and young people of today, we will not equipping future generations with the resources they require to overcome future challenges.

2.4 It is unclear how these well-being goals relate to the definition of well-being provided in the Social Services and Well-being (Wales) Act. That Act clearly identifies that there are different factors which combine for overall well-being for children and adults. How will population level well-being indicators adequately capture the picture for children’s well-being and drive targeted improvement where it is most required for children and young people’s development? For example, there is no mention or focus on children’s development within the “Healthier Wales” Goal. This goal is drafted to relate to adults whose “choices and behaviours that benefit future health are understood” and acted upon.

2.5 There is no clear focus on the importance of safety in these well-being goals, in particular protection from abuse and neglect. Child neglect is the most common reason for children being put on a child protection register in Wales. However there are many more children who do not reach statutory thresholds for whom neglect has a devastating, corrosive and long term effect on their development and future life chances. Child neglect, put simply, is the failure of parents or carers to meet the basic needs of a child. Neglect is complex. In some cases a child’s parent or carer may parent poorly because they do not have the practical or emotional skills or capacity to provide good care, rather than being unwilling to, and they themselves may have experienced neglect during childhood. In other cases, parents or carers can intentionally allow their child to suffer harm. It is now recognised as one of the most dangerous forms of abuse because of its long term harm and sometimes fatal effects. The Social Services and Well-being (Wales) Act 2014<sup>iii</sup> describes neglect as:

***The failure to meet a person’s basic physical, emotional, social or psychological needs, likely to result in the impairment of their health, wellbeing or development.***

2.6 Addressing child neglect should be a fundamental priority of public bodies working together to improve the well-being of Wales. In promoting well-being we would reduce likelihood of neglect

occurring, as well stopping neglect as early as possible when it occurs. The success of future generations depends on meeting the needs of neglected children and ensuring they have the support they need for positive development and long-term outcomes across well-being criteria. We believe this issue requires careful examination by the Committee during scrutiny and would welcome recommendations which reflect the importance of child development and child neglect within the Well-being goals and subsequent objectives.

**2.7** We are unclear how the 7 core aims for children and young people relate to these new well-being goals. The core aims for children and young people summarise the UN Convention on the Rights of the Child (UNCRC) and form the basis for decisions on priorities and objectives nationally and locally. What is the relationship between the proposed well-being goals and the 7 core aims for children and young people? We are concerned that the focus on children and young people achieved through the 7 core aims will be weakened by the collective focus on these well-being goals that do not share the same focus on children and young people's needs. Clarity on this issue and the implications of removing existing strategic plans, such as Children and Young People Plans, is required. The intention to repeal the requirement on local authorities to produce Children and Young People Plans risks a significant loss of a clear focus on planning directly linked to a child right's framework under the UNCRC. This can be averted by clear expectations on the face of the Bill in relation to Well-being Plans and Well-being Goals, and ensure children's rights are a core consideration in local planning processes.

**2.8** The approach to setting well-being objectives by Welsh Ministers and public bodies seems broadly reasonable. However we would welcome a clearer requirement in the Bill to work co-productively with the local population to set well-being priority areas and subsequent objectives. We also believe there should be a clearer focus on children's well-being within the current goals. We would welcome the Committee seeking clarity on the relationship between these well-being objectives and the National Outcomes Framework being developed under the Social Services and Well-being (Wales) Act.

– **The approach to measuring progress towards achieving well-being goals and reporting on progress;**

**2.9** The intention to regularly measure progress towards achieving well-being objectives is welcome, and yearly reports seem reasonable. We are however concerned that the potential to amend objectives on a yearly basis, whilst reasonable in itself, may have a knock on impact on the delivery of a consistent and effective response to need.

**2.10** Nationally, the short term bias in the funding and commissioning system needs to be removed for us to collectively realise the ambition of delivering early help locally and moving towards a more sustainable Wales. Yearly reporting and reviews of well-being objectives should be underpinned by long-term spending plans that coincide with the length of an Assembly term and set out the funding available for public bodies, in particular children and families services.

– **The establishment of a Future Generations Commissioner for Wales, the Commissioner's role, powers, responsibility, governance and accountability;**

**2.11** We welcome the establishment of a Future Generations Commissioner for Wales, and consider they will perform an important role scrutinising public bodies and sharing best practice of early intervention and sustainable decision making. We particularly welcome the collaborative approach taken by requiring the Children's Commissioner for Wales and other Commissioners to sit on the advisory panel for this office. This is a positive means of ensuring the various Commissioners work collaboratively to support movement to a more sustainable and prosperous Wales.

**2.12** We note that within the general duty of the Future Generations Commissioner for Wales, part (a) (i) "seek to safeguard the ability of future generations to meet their needs", will necessarily have a close overlap with the principal aim of the Children's Commissioner for Wales, as given by the Children's

Commissioner for Wales Act 2001: (2) The principal aim of the Commissioner in exercising his functions is to safeguard and promote the rights and welfare of children to whom this Part applies.

**2.13** There is a clear link between the Children’s Commissioner for Wales’ responsibility to promote the rights and welfare of children and the Future Generations Commissioner for Wales’ responsibility to the ability of future generations to meet their needs. Many of the most vulnerable children and young people will require additional support to realise their rights, which allows them a fair opportunity to reach their potential. This is an area of potential overlap that will require clear, consistent guidance that applies to all Commissioners and allows them to work most effectively without duplication.

- **The establishment of statutory Public Services Boards, assessments of local Well-being and development / implementation of local well-being plans.**

**2.14** There are clear advantages to Public Service Boards, currently Local Service Boards, statutory with a clear overarching function to improve the economic, social and environmental well-being of their area. We welcome the list of core members and those invited to participate, but feel this should also include representation from Local Safeguarding Boards to ensure planning and delivery takes account of the current safeguarding needs of the population.

**2.15** We welcome (35) (3) (c) which requires the public service board to “include an analysis of the state of well-being of any category of persons in the area whom the board considers to be vulnerable or otherwise disadvantaged”. We welcome the Welsh Government’s intention to specify what is meant by “vulnerable or disadvantaged”, as explained in the Explanatory Memorandum (page 136). It will be important that regulations and guidance make clear the importance of early action and intervention so that those children, young people and families with emerging vulnerabilities have their needs met as soon as possible to avoid an escalation to crisis.

#### **4. Any potential barriers to the implementation of these provisions and whether the Bill takes account of them**

**4.1** The current review of the legislation underpinning the role and remit of the Children’s Commissioner for Wales will need to take account of this proposed Bill. This will include clarifying the relationship between Commissioners where appropriate, to prevent barriers to effective implementation arising.

#### **5. Whether there are any unintended consequences arising from the Bill.**

**5.1** The primary risk we observe in this draft Bill is a lack of clarity about how these new statutory processes and functions will interact with existing planning and delivery processes. There are a number of examples pertinent to children and young people:

- Children and Young People Plans (CYPP) assessed the needs of children and families in local areas, and planned appropriate and focused service responses. How can the Bill ensure children and young people’s well-being is not compromised by widening the focus to the whole population?
- Local authorities are obliged to prepare Child Poverty Strategies under the Children and Families (Wales) Measure. The Explanatory Memorandum states that “We consider reducing child poverty to be intrinsic in the goal of creating a more equal nation” (p131) but there is no information about the relationship between these separate statutory plans, and how it is envisaged these plans will work together in practice.

**5.2** In our answer to question 2 we have also discussed the potential cross-over between remits of the proposed Future Generations Commissioner for Wales and the Children’s Commissioner for Wales which requires clarification through guidance.

If you would like to discuss this or any aspect of this response further, please contact Rhea Stevens, Campaigns and Public Affairs Advisor on [rhea.stevens@actionforchildren.org.uk](mailto:rhea.stevens@actionforchildren.org.uk) or 07889 603962.

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<sup>i</sup> Action for Children, New Economics Foundation, *Backing the Future*, September 2009. Available at [http://www.actionforchildren.org.uk/media/143372/backing\\_the\\_future.pdf](http://www.actionforchildren.org.uk/media/143372/backing_the_future.pdf) accessed September 2014.

<sup>ii</sup> Landman Economics, *In the eye of the storm: Britain's forgotten children and families*, June 2012. Available at [http://www.actionforchildren.org.uk/media/4012135/in\\_the\\_eye\\_of\\_the\\_storm.pdf](http://www.actionforchildren.org.uk/media/4012135/in_the_eye_of_the_storm.pdf) accessed September 2014

<sup>iii</sup> <http://www.legislation.gov.uk/anaw/2014/4/enacted> accessed 31 May 2014