
Senedd Cymru | Welsh Parliament

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Ymateb gan: Peter Davies | Evidence from: Peter Davies

Response to the Post Legislative Review of the Wellbeing of Future Generations Act

This is a personal response to the Post Legislative Review of the Wellbeing of Future Generations (Wales) Act, based on my experience as Deputy Chair of the UK Sustainable Development Commission (2006-11) and Wales Commissioner for Sustainable Futures (2011-16). The latter role was as independent appointment by Welsh Government and was supported by Cynnal Cymru, the sustainable development charity.

Over this period, I provided independent advice to Welsh Government based on engagement with a wide range of stakeholders, chaired the Climate Change Commission and undertook annual reviews of progress against the sustainable development duty. I chaired the stakeholder group for the Wellbeing of Future Generations Act and led the “Wales we Want” national conversation that helped to shape the legislation. Since that time, I have not had a direct role in the implementation and you will receive evidence from those much more closely involved, although I am currently a member of the Future Generation Commissioner’s Audit and Risk Committee.

However, I hope my reflections on the origins and purpose of the legislation are helpful in the Committee’s post legislative review. The Committee may wish to consider from the evidence provided in the review the success of the legislation in respect of:

- Effectiveness of delivering the sustainable development duty
- Response to the Wales we Want
- Delivery of the sustainable development goals
- Establishment of the Future Generations Commissioner as a voice for future generations

The Sustainable Development Duty

It is important that the Committee sets this review in the context of the legal duties enshrined in the Government of Wales Acts of 1998 and 2006. This required Welsh Government to promote sustainable development and make it a central operating principle in its operation. This principle has enjoyed strong cross-party support and formed a distinctive dimension of the devolution process.

The Wellbeing of Future Generations Act was designed to strengthen the delivery of this duty. The Act was based on lessons from the experience of delivering the sustainable development duty as set out in independent reviews, Wales Audit Office reports and my own annual reviews as Commissioner, which indicated:

- A lack of clarity and confusion as to what we meant by sustainable development
- Evidence of innovative silos but lack of joined up approaches
- Sustainable development was treated as a cross-cutting theme alongside others not as a central organising principle
- A cut and paste approach where the duty was included in introductions to policy documents but that was far as far as it went
- The Sustainable Development Scheme and reporting process ran parallel to the programme of Government and were not seen to be central policy
- The duty only applied to Welsh Government and had little traction across the public sector
- Our national Sustainable Development Indicators produced each August had little connection to policy or wider awareness.

The Act was designed to address key failings in the delivery of this duty, notably

- extending the legal duty beyond Welsh Government to public bodies
- providing a clear framework for what we mean by sustainable development, framing it in the context of future generations and setting out common goals, milestones and indicators
- setting out common ways of working – prevention, collaboration, integration, involvement and long term – that are the essential requirements for sustainable development
- recognising the need for integrated, joined up delivery through the establishment of Public Service Boards
- putting in place a system for holding public bodies to account and providing a voice for future generations through the establishment of a Future Generations Commissioner

But much more significantly beyond these mechanics it was about building a movement with a common sense of purpose – achieving our seven national goals through a common way of doing things, the five ways of working. A movement that would extend beyond the public sector bodies under the legislation to involve our communities and businesses.

This thinking was reflected in the name change from Sustainable Development Bill to the Wellbeing of Future Generations Act, so making the purpose much clearer and accessible. We also recognised that this involved a mindset and culture change which was going to take time.

Success was not simply going to be measured in the effective bureaucratic implementation of the mechanics of the Act.

The Wales we Want

This was the context for the “Wales we Want” national conversation. An important, if imperfect, process to ensure that the legislation reflected the aspirations of citizens for future generations and build a consensus around our national goals. Critically the national conversation reflected the commitment to ensure the legislation was not just a top-down bureaucratic process that prescribed what should be done but instead enabled people to take ownership and facilitate community led action.

“This is an opportunity for us as a nation to speak our truth, to describe our experiences, to be clear about what is important to us and to lay out our hopes for where we want to be heading, to tell our story”

Michael Sheen speaking at the launch event

Looking back, probably the one of the most significant conclusions from the conversation was that people felt disconnected from the decision-makers that affected their daily lives as decisions felt removed, top-down and with no clear link to outcomes. The conversation highlighted that there was a long way to go in truly engaging and empowering people and communities with a strong sense of disengagement from decision making.

These findings put the principle of “involvement” at the heart of the legislation as one of the ways of working, strengthening the initial drafts reference to “engagement” to reflect the need for much deeper participation. *“Greater engagement in the democratic process, a stronger citizen voice and active participation in decision making is fundamental for the well-being of future generations”* was one of the seven foundations for the wellbeing of future generations set out in the [Wales we Want report of the national conversation](#). These foundations were embedded in the national wellbeing goals and indicators set out in the legislation.

The Sustainable Development Goals

These aspirations of the “Wales we Want” and the relationship to “World we Want” process that established the UN Sustainable Development Goals led to the formation of our national well-being goals, underpinned by milestones and indicators. This framework was intended to:

- provide a common vision and purpose across public bodies, aligning their objectives to the achievement of common national goals

- give a long-term perspective beyond electoral cycles
- establish common measures of progress, with annual reports
- go beyond public bodies, involving all sectors and communities
- directly link our national contribution to the UN SDGs

The effectiveness of the Act in focusing and mobilising action to achieve our goals as measured through the national indicators must be a key measure of success for the legislation.

The Future Generations Commissioner

The establishment of a new statutory, independent body was one of most visible elements of the legislation. It was designed to replace the existing non statutory support and advisory functions to provide a voice for future generations that could both support and challenge public bodies in delivering the intent of the legislation.

In developing the proposal for the new body, over 40, mainly non statutory, national institutions for sustainable developments were identified, providing decision makers with policy advice; undertaking stakeholder engagement and capacity building; and convening cross sector action. The decision to align this new role with the existing Commissioner structure created a world first with the establishment of the Future Generations Commissioner. A model which is now being adopted in other countries.

The Commissioner has a key role in overseeing implementation of the Act. In submitting evidence to the Bill Scrutiny Committee in 2014, I stressed that “the Commissioner’s role needs to be solutions focused, providing a capacity to convene competing interest groups and undertake independent reviews to support decision making. There is a danger that the office becomes overwhelmed with the processes associated with overseeing compliance across the public sector”

The requirement for the Commissioner to produce a progress report on behalf of future generations a year before the Senedd election was an important element of the legislation designed to link to the democratic process through informing political manifestos and the wider electorate.

Reflections on 10 years

The Committee will be reviewing the evidence from the range of reports undertaken over the last 10 years as well as receiving input from stakeholders who have been directly involved in the implementation. These will provide the Committee with feedback from the practical

experience of implementation as to the degree to which these original objectives have been achieved.

I would very much endorse the submission of the Future Generations Commissioner, which sets out in some detail the lessons from the last 10 years and recommendations for the Committee to consider. Reflecting on this submission and reports from over the last 10 years, I would emphasise key points related to the original intent of the legislation :

1. The Act has succeeded in translating the sustainable development duty into a practical framework based on common principles and outcomes. The degree to which that framework has been effectively implemented has been dependent on the leadership required to embed within the culture of public bodies, as opposed to it being merely a compliance exercise. There are still cases where the requirements of the Act are complied with through a separate process, as opposed to being the basis of operational planning and reporting.
2. There is need for a greater focus on outcomes as reflected in progress against our national goals and indicators. They should form a golden thread through the programme of Government and the wellbeing plans of public bodies/service boards, but there has been a lack of alignment between the wellbeing goals being set by public bodies and our national goals.
3. There also remains a challenge to establish the indicators and associated milestones that underpin the national wellbeing goals as our measures of genuine progress beyond GDP. This is the basis for reporting on our progress as nation. The milestones should be markers of progress against our long term goals.
4. After 10 years it is important to revisit the common vision and purpose represented by the national goals, milestones and indicators. This should be part of a wider process to introduce more on going deliberative democratic models. Failure to deliver on the involvement principle will significantly undermine the intent of the legislation, as progress is dependent on achieving a common purpose across public, private and community sectors.
5. The link between sustainable development and the democratic process is critical as highlighted in the [Audit Wales report](#) . The legislation set out the requirements for the Future Generations report one year before the election. The aim was to inform political manifestos that would then translate into to how a future programme of government would contribute to achieving our national goals. This was not achieved in the last election.
6. Public Service Boards were designed to deliver on this common purpose at a local level, breaking down silos and enabling integrated solutions. Their role seems to have had

limited impact being to process driven and suffering due to increasingly complex partnership structures. Nevertheless, the principle underpinning their role still stands. Consideration should be given to enabling greater community led action and involving the private sector.

7. The Future Generations Commissioner's office has become globally recognised as an effective means of embedding a voice for future generations within a governance structure. The intent of the legislation was to establish an enabling role that could convene, support and challenge working alongside the Wales Audit Office function in overseeing implementation of the Act. It is important that the role continues to be solutions focused as opposed to merely being the monitor and enforcer of the mechanics of the legislation.

Our approach to delivering on the sustainable development duty has developed through a continual learning process since devolution. The Wellbeing of Future Generations Act was not the final answer. It was always a worry that the legislation became a static process and seen as too difficult or not a priority to review and revise, so becoming outdated and increasingly irrelevant. The Committee's review is timely and will hopefully lead to continual improvement and reaffirmation of the central role of the legislation in delivering the Wales we Want for future generations.

Finally, it is worth repeating my concluding statement to the 2014 Bill Scrutiny Committee. *"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."*

Peter Davies



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