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Welsh Parliament

Equality and Social Justice Committee

Inquiry: Well-being of Future Generations (Wales) Act 2015

Evidence from: Building Communities Trust



Submission to Senedd Cymru's Equality and Social Justice Committee's Well-being of Future Generations (Wales) Act 2015: Post-legislative scrutiny.

About Building Communities Trust

Building Communities Trust is a Welsh charity funded by a National Lottery Community Fund endowment to promote asset-based community development in some of Wales's poorest communities, providing both funding and support. We support local people to build on the strengths and talents within their communities and take action to make their areas even better places to live.

We run three separate programmes - funding 13 place-based community development initiatives at a neighbourhood level, 11 community anchor organisations and 5 community networks over a long-term period.

We use learning derived from our programme work, as well as specific research findings to advocate for policy and practices which enhance and support community-led action throughout Wales.

This response

This response has been written by BCT's Policy and Research Advisor, Eleri Williams. It is informed by the experiences of communities involved in our programme work as well as others in our wider networks. It is underpinned by a range of research and evidence available publicly. This response prioritises analysis of how the legislation and its implementation to date impacts community groups and organisations, which of course, remain outside the statutory obligations of the legislation but nonetheless have a role to play in its implementation and delivery.

Overview

BCT believes in supporting people in their own communities to do the things that matter to them, a sentiment echoed in the Well-being of Future Generations Act 'ways of working' and which was championed heavily by the inaugural Future Generations Commissioner for Wales. Most of our programme work takes place in areas experiencing socio-economic deprivation, as well as places with relatively weak provision of social infrastructure.

BCT's major programme, Invest Local, has been running since 2016, which is a similar timeframe to the Act's introduction, through Royal Assent in April 2015 and by coming into force fully in April 2016. Throughout this time, we have witnessed different phases of the Act's implementation, with varying impacts on community groups and organisations, which has largely been driven by pragmatic responses to external crises, such as the Covid-19 pandemic, as opposed to strict implementation of and adherence to the Act.

How far the intended objective of the Act is being achieved

Many of the community groups we work with have little or no awareness of the Act despite almost all of their work contributing to wellbeing in one way or another. In this sense there is a very big divide between national third sector organisations who are among the Act's biggest supporters and local community groups (the vast majority in Wales) who are largely ignorant of it.

Whilst this is unsurprising, it is very notable given the Act's emphasis on the five 'Ways of Working' which are at best erratically seen in their contact with public services; it is certainly hard to argue that community groups have experienced growing levels of collaboration and involvement in work of public bodies in the ten years since the Act came into force.

Overall, the Act is regarded as aspirational and lacking enforceability. It is considered by some as complex and lacking clarity. Progress towards the core objective of the Act, for specified public bodies to work towards the sustainable development principle and improve the social, economic, environmental and cultural well-being of Wales, remains challenging to measure. This is despite an extensive indicator and milestone framework and the duty to develop wellbeing objectives, assessments and plans.

The Act in many ways runs up against core cultural elements of the way public services operate with short term budgeting, "long term" thinking limited to electoral cycles, and silo-based thinking all acting as substantial barriers to more successful implementation. Progress made under the Act is a perfect example of the much-quoted supremacy of organisational culture over strategy ("culture eats strategy for breakfast").

Any action which should be taken to improve the effectiveness of the Act and its implementation, including any specific drafting issues

Public Services Boards

A core aspect limiting the Act's effectiveness and implementation relates to the establishment, composition and resourcing of Public Services Boards (PSBs). Whilst the intention behind their creation is understandable (in terms of integration), we have reservations about how effective and inclusive PSBs are in practice. In practice, PSBs are relatively weak examples of partnership boards, of which there are many operating at similar footprints, adding further complexity and duplication in an already crowded space.

The Statutory Guidance (SPSF 3) outlines the differing roles and participation within PSBs. This includes a statutory distinction between "members" and "invited participants" resulting in a perceived and actual hierarchy of membership, which can exclude valuable insight and expertise, particularly from grassroots groups and organisations. The statutory guidance, if followed to the letter, means that any third sector organisation or community group, typically a County Voluntary Council, requires an invitation to participate in the PSB.

Whilst this is understandable, given that the third sector remains outside the statutory obligations of the Act, it reinforces a hierarchy of membership, which in turn appears to

undermine the collaboration, integration and involvement ways of working. It also suggests that the guidance, issued in 2016 and updated in 2024, would benefit from a further revision to better reflect the fact that many third sector and community groups increasingly occupy spaces that were previously the sole responsibility of the public sector. Our research, [Beyond Essentials](#), highlights the varied and wide-ranging ways in which community organisations now occupy vacuums created by reductions to public spending, as a response to the Cost-of-Living crisis.

Overall, there appears to be a relative lack of community representation and voice within the majority of PSBs, undermining the opportunities for collaboration and involvement. However, we are aware of PSBs chaired by third sector representatives, suggesting that an alternative outcome is achievable, should the will to avoid the status quo, be strong enough.

PSBs are however only one of many partnerships operating at local authority level and several people we work with in local authorities have made it clear that they are not seen as anywhere near as important as Regional Partnership Boards for example. Furthermore, although many PSBs have developed priorities that we are interested in (around community resilience, engaging young people and tackling climate change) they are often curiously marginal to the main priorities affecting key public bodies at local level which are more likely to be around education, social care, health and housing. The added value provided by PSBs is not obvious; indeed there is a risk that they reduce the likelihood of the Act being taken seriously by other more important partnerships as it has been placed “in a box marked PSB”, risking siloing off the implementation of the Act.

The Five Ways of Working

A critical part of the legislation is the ‘Five Ways of Working’ namely collaboration, integration, involvement, long-term and prevention. In the years since the legislation has been introduced, we have witnessed some small improvements at collaboration and involvement, although a need remains for these ways of working to be strengthened, to maximise the chances of achieving the Act’s potential. The implementation of the prevention and long-term ways of working have been less successful in our view, partly as they run so hard against the grain of public service culture.

Whilst there is still plenty of work to be done to ensure early, consistent and continued involvement of communities in decision-making and service delivery by public bodies, some good-practice examples can be seen below.

Blaenau Gwent’s [Climate Assembly](#), undertaken virtually in 2021, brought together 50 individuals to identify actions to tackle the climate crisis in a way that is fair and improves living standards for everyone, creating a set of 47 recommendations. It was facilitated by a collaboration which included the public sector and third sector, suggesting strong cross-sectoral partnership working.

The [Swansea Poverty Truth Commission](#) brings together people living at the sharp end of poverty with key decision makers to work together towards tackling and overcoming poverty locally. By creating safe spaces for people with lived experience of poverty are brought together with leaders from the civic and business community to spend some 18 months getting to grips with local challenges associated with poverty, to identify solutions collaboratively. However, the extent to which it has led to changed ways of working by public bodies is currently much more limited.

The Maesgeirchen Support Hub, part of Gwynedd's [community hubs](#) model, was established during the Covid-19 pandemic to provide essential items for residents. The centre now focuses on mental health and offers counselling sessions, group activities and is a core partner in an innovative community-led model which has subsequently expanded across Gwynedd, as a result of annual funding contributions from the local authority. However, the funding for this work has had to come from short term external funds and remains vulnerable to wider changes and there has been little sense that an innovative way of working is likely to be mainstreamed.

Despite these positive examples, too often community groups still feel that their involvement in decision-making and partnership work is an additional 'nice to have' aspect, rather than embedded practice. Some of the best examples of collaboration across sectors seem to have emerged as a response to crisis, rather than through cultural and behaviour change resulting from the legislation. Given that the role out of the Act has also sat alongside further rounds of public service cuts it is very hard to distinguish between the impact of the Act on collaborative working and the absolute needs for new ways of working driven by austerity.

Collaboration during crisis

Cross-sectoral collaboration appeared to reach a peak during the pandemic, when out of necessity, many regulations and procedures guiding cross-sectoral partnership working were relaxed. Third sector organisations and communities were recognised for their person-centred approaches and were trusted by the public sector to do what they do best, without onerous constraints and monitoring requirements. The [TSPC Covid-Recovery Sub-Group report](#), identified opportunities and momentum provided from the approach to partnership working experienced during the response to Covid-19 to ensure that third sector partners were "involved at the very beginning of policy/strategy shaping". Whilst there has been some improvement at involving larger third sector partners, these exercises do not always reach smaller, more grassroots community groups. It also suggests that the collaborative work witnessed as a response to the pandemic, was because of crisis, not from the Act's ways of working being fully embedded into public sector practice.

A more recent example of cross-sectoral collaboration in response to a crisis has been the Development of the Ely and Caerau [Community Plan](#). Funded by a partnership of public sector organisations including the Welsh Government, Cardiff Council and South Wales Police and Crime Commissioner's Office, and facilitated by local community anchor organisation, Action in Caerau and Ely (ACE), the year-long work culminated in

the development of a community plan, built on co-productive principles. As we understand it, this collaboration, which was a response to the riots of 2023, has ‘changed the way that work happens in Ely’ which is now far more collaborative in nature.

Long-term and prevention

Whilst there has been limited progress towards embedding the collaboration and involvement ways of working in the ten years since the Act came into force, it is a very different story when it comes to long-term and prevention.

Arguably, most activities undertaken by community groups and third sector organisations can be preventative in nature. However, resource levels and investment in the sector, and its largely preventative work, are subject to tightening budgets and a wider lack of willingness or ability to invest in preventative work which often span public sector silos.

Similarly, the Welsh Government itself does not always appear to be fully embedding the long-term way of working. A much-quoted example within community groups is the workings of the £1.5m funding for [Warm Hubs](#) in the winter of 2024. The funding which was announced in October, needed to be spent by the end of March 2025, a process which has continued for several years. Unfortunately, this is only one example of short-term thinking and funding for the sector. Short-term grants continue to be made available to third sector organisations and community groups, when there are underspends within the public sector. Not only does this impede the opportunity to meaningfully deliver activity, but this short-term approach is also contrary to the ways of working, and overall ethos of the legislation.

The effectiveness and implementation of the Act’s ways of working is limited at present, despite the ten years since its coming into force. There have been some examples of good collaboration and involvement, however this was as part of the response to the pandemic, not due to the Act’s ways of working being fully embedded and implemented. Some of our partners have also argued that the requirement for cross sectoral working built into the Social Services and Wellbeing Act of 2014 has actually been a more powerful driver for collaboration than the Future Generations Act.

Recommendations:

- **Use all mechanisms and levers available to ensure that funding for public bodies actively requires ‘cross silo’ partnership working, to implement the five ways of working more effectively.**
- **Review and update the Statutory Guidance on PSBs (SPSF3) to remove the hierarchy of membership**
- **Encourage public bodies to work towards provision of longer-term, more flexible service planning, including funding relationships with third sector bodies, ending short term grant cycles with little chance of sustainable impact and onerous monitoring requirements.**

Whether the review and reporting requirements under the Act are being met

We have no direct experience in relation to the review and reporting requirements under the Act, and the degree to which they are being met. The most recent reports from the [Auditor General](#) and the [Future Generations Commissioner for Wales](#) suggest that many public bodies are still operating from a compliance mindset, meeting their obligations but refraining from taking bold and progressive actions, partly due to resource constraints.

The effectiveness of guidance made under the Act;

We are aware of the statutory guidance made under the Act, as well as a range of explanatory resources created by the Office of the Future Generations Commissioner for Wales with differing audiences in mind.

The statutory guidance, which is aimed at public sector bodies with obligations under the act, is often concerned with process rather than impact. As you might expect for statutory guidance, its tone is legalistic and complex to understand, which may limit its effectiveness.

Whilst in a different category to statutory guidance, the resources aimed at the public such as short explanatory videos are far more accessible and are likely to be more effective in making sense of a complex piece of legislation. The ‘journey checker’ resources from the Office of the Future Generations Commissioner for Wales, were particularly useful in breaking down possible actions for organisations to take towards each wellbeing goal. The actions identified were also possible for smaller voluntary groups to undertake, without having to factor in their applicability to the Act’s legal obligations – however this does seem to be somewhat marginal to the main purpose of the Act as it is intended to be steering the work of public bodies not smaller voluntary groups.

Statutory guidance such as SPSF3, remains important, which is why a review and update is required. However, guidance in itself can only ever be so effective. A helpful complement to statutory guidance is a bank of case-studies and good-practice examples, such as those provided throughout the Future Generations Report.

How far the Act has been legally binding and enforceable

The degree to which the Act is legally binding and enforceable is not a particular area of expertise for Building Communities Trust. We are aware that the strongest power the Commissioner has at their disposal is a Section 20 review, which can then result in recommendations being made.

Overall, the enforceability of the Act remains weak. Many critiques of the Act are built on its lack of ‘teeth,’ being largely aspirational and focused on culture change. One legal scholar argues the act represents “an admirable attempt to enshrine sustainable development as a legal duty on public bodies, albeit not one that creates any individual rights.” According to the same author, the Act’s success “depends heavily on political

will at all levels of Welsh public governance,” and on the willingness of the Future Generations Commissioner to exercise the full extent of their powers in holding public bodies to account under the Act.¹ Further critiques of the Act, include analysis by legal professionals who describe it as “[virtually useless](#),” in its ability to challenge decisions by public bodies.

Attempts to avoid this core weakness, have been pre-empted by the campaign for a UK Future Generations Bill. The campaign for the UK bill provided “an express legal right, exercisable by ‘a person’, to bring proceedings against a public body on the grounds that it has acted (or proposes to act) in a way which breaches its ‘future generations’ obligations, in the High Court, [with] no particular standing requirements prescribed in the Bill, restricting who could bring such proceedings. As drafted, the Bill would afford a one year limitation period (which would be considerably longer than the 3 month judicial review longstop).”²

The monitoring and accountability framework of the Act-the 50 national indicators and milestones is wide-ranging, but serves to measure progress, or lack thereof. It does not measure impact, which is obviously a more fundamental test of the change brought about by the Act.

How far the Act has represented, and will continue to represent, value for money

We believe that measuring the Act in terms of value for money, fundamentally misses the point of the legislation. Central to the Act is the promotion of sustainability through the five ways of working, areas where the benefits often take time to emerge, and are not easily captured by short-term financial metrics. Involvement and collaboration, for example, rely on trust and social capital which takes time and investment to build, but once fostered has the potential to result in shared costs (potentially a reduction to the public purse) and greater impact.

Conclusion

The Well-being of Future Generations (Wales) Act 2015 remains a significant piece of legislation. However, without change, its implementation, accountability, and potentially transformative impact, is at risk. Our evidence reflects the experiences of community groups, which although outside the legal obligations of the Act, still have a significant role to play in its implementation.

We still see potential transformative impact from this legislation. However, unless the Act is fully reviewed, and given adequate enforcement mechanisms, the potential transformational impact is unlikely to be achieved, given the progress to date. To date, the effectiveness of Act, is limited, due to its heavy reliance on the political will of public bodies, in achieving culture and behaviour change. The Act’s objectives appear

¹ Davies H., (2017), ‘The Well-being of Future Generations (Wales) Act 2015–A Step Change in the Legal Protection of the Interests of Future Generations?’ Environmental Law Journal 29.

² Thomas, G., (2020), Back to the Wellbeing of Future Generations Bill, UK Constitutional Law Blog, online: <https://ukconstitutionallaw.org/2020/04/07/gethin-thomas-back-to-thewellbeing-of-future-generations-bill/>

to come in second place to the pressing issues arising from perma-crises affecting public bodies and the Welsh Government.

We would like to see the Act's emphasis on PSBs removed, as in practice they tend to further silo the delivery of this Act into a relatively minor place. Instead of PSBs, which in the ten years since the Act's implementation, have had questionable impact, the Act's principles and obligations should apply to all major partnerships. Currently, the public sector appears to consider the duties of this act with a compliance mindset. To go beyond this compliance approach, mechanisms for enforcing the Act, or penalising the public bodies not implementing it with sufficient speed, need to be developed. We would also like to see fundamental reform of the legislation which equips communities and individuals with a right of redress when public bodies make decisions or act in a way contrary to the Act's principles.

We would welcome the opportunity to provide oral evidence to further explore how the Act's effectiveness and implementation to date, affect and involve community groups and organisations. For any further detail, please contact our Policy and Research Advisor, Eleri Williams at [REDACTED]