

Appendix 1 - Discussion paper for Local Service Boards - the Sustainable Development Duty and Collaborative Working

Introduction

The White Paper on a proposed Sustainable Development Bill was published on 6 December 2012. It contains within it proposals to put integrated planning on a single statutory footing (paragraphs 2.31-2.33, page 10-11), simplifying the framework within which local partners work together to improve well-being and ensuring that such collaboration embodies the principles of sustainable development.

This discussion paper expands on the proposals in that White Paper in order to allow members of local service boards (LSBs) and other stakeholders the opportunity to consider the issues in more detail. Many areas are still working on their first integrated plans and we recognise that it can be difficult to look three to five years ahead. However, the earlier we can set the policy direction which will underpin this section of the legislation, the sooner we can plan for change in the medium term.

The Sustainable Development Bill White Paper consultation closes on 4 March 2013 and we look forward to any contribution you wish to make by that date. However, we welcome your views on the proposals in this discussion paper at any time before the end of March 2013. Please send your comments and any queries relating to this paper to:
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Policy Background

1. The UK and Welsh Government have placed various duties on local authorities and named partners to prepare and publish a range of plans and strategies for improving outcomes for people and communities. These duties were intended to have the effect of bringing focus to areas of priority in national policy and to ensure that they were implemented through effective partnership working. Delivery was supported by detailed guidance from various government Departments and was generally enabled by government grants.
2. Although this approach largely achieved the intended policy effect, there were also unintended impacts. In practice, the plans and strategies produced showed a great deal of overlap and the supporting partnership structures were extensive and not always clearly accountable¹. The complexity made it difficult for citizens or elected members to identify the most important outcomes in their area amongst a host of competing priorities.
3. The separate grants have now been subsumed into the Local Government Revenue Support Grant which has led partners to adopt a more cohesive, holistic and efficient approach to the joint planning of delivering better outcomes for the populations covered by the plans.

Recent policy development

4. In 2011/12, a number of areas proposed to integrate their separate plans. This came about, at least in part, as a result of the adoption of outcomes based approaches which clearly demonstrate the extensive overlap between the different plans². The Welsh

¹ See for instance *Joint Inspection of Local Safeguarding Children Boards*, CSSIW, 2011

² See for example, *Developing integrated partnership working in Cardiff: A Case study*, 2012, Cardiff CC www.cardiffproudcapital.co.uk/ObjView.asp?object_id=1436 and a draft report commissioned by Welsh

Government response was positive. The emerging practice suggested integrated planning would be more efficient at a time of financial constraint, more transparent for citizens and elected members, and more effective at supporting collaborative working.

5. Welsh Government officials engaged widely, both internally and externally, in order to develop an approach based on consensus: a strong evidence base to support priority setting; an outcomes based methodology to understand and evidence partners' contributions; rationalised partnerships to streamline decision making; and strengthened accountability to improve delivery. New Welsh Government guidance on the integration of local plans, *Shared Purpose – Shared Delivery*, was published in June 2012.

6. The new framework is being adopted in all areas and integrated plans will be in place by April 2013. The guidance is clear that these plans should explicitly embody sustainable development principles: aimed at improving the social, economic and environmental well-being of an area, focusing on vulnerable people and disadvantaged communities, and using early intervention and prevention to improve outcomes over the longer term. It is for this reason that legislation to consolidate this approach is proposed to be included within the Sustainable Development Bill.

Policy Intent

7. Parts of the current guidance are statutory in so far as they relate to the discharge of specific duties set out in existing legislation³. However, the overarching architecture of integration is not statutory nor is integration itself underpinned by legislation. These proposals are intended to consolidate the framework for local public service organisations to undertake integrated planning and delivery and to be held accountable for collaborative working, embedding this within the Welsh Government's approach to sustainable development, as set out in the proposals for a Sustainable Development Bill.

8. This will have the effect of broadening the scope of integrated planning beyond the range of specific duties set out in existing legislation, in order to encompass the full social, economic, environmental and long term well-being of an area. It should strengthen the community leadership role of local government – derived from its democratic mandate – while sharing the duty to collaborate towards improving outcomes more equally on the shoulders of the main budget holding public service organisations. The policy intention is to ensure that the organisations which are named in the Sustainable Development Bill have to ensure that those decisions which they take individually are aligned with those taken collectively through integrated planning.

9. The focus of the 'new' integrated plan will be on those decisions and actions which planning partners must take together collectively to improve the well-being of their whole population and area. This provides for a new emphasis on turning collective planning into collaborative delivery. The aim is to provide a flexible statutory framework for partnership working which makes it easier to establish delivery mechanisms and provide a framework for local government to scrutinise improvement.

10. In order to prevent the same complexity arising again, the framework for multi-agency planning needs to be sufficiently flexible to accommodate new requirements. Over time, new joint planning duties will inevitably arise through Welsh and UK government legislation. As they come forward, we propose that they should fit into this partnership framework.

Integrated Well-being Plans

11. This section sets out the main proposals which the Welsh Government believes will achieve the aims set out above, building on the experience of the past two years in moving towards single integrated plans. We welcome your views on any or all of the proposals.

Community leadership role of local government

12. The Sustainable Development Bill White Paper proposes that organisations delivering public services, including local authorities will be required to take into account the social, economic, environmental and long-term well-being of their area in their strategic decision making. Given the increasing importance of partnership working in delivering improved outcomes and in order to ensure the Sustainable Development duty applies to partnership working, we are considering proposals to give local authorities a specific duty to convene a statutory partnership (see 14) whose function is to prepare and deliver an integrated plan (see 13). This would provide a statutory framework for existing practice.

The Requirement to Prepare an Integrated Plan

13. We propose that local public service organisations (see para 14 below for those we propose be designated as part of a statutory partnership) will be required to jointly prepare and adopt a single integrated plan for the area. We refer to the single integrated plan in this discussion paper as the “Well-being Plan”, given that this seems to describe its key features. We welcome your views on this. We are considering whether this would replace the community planning duties and the other planning duties outlined in the Annex to *Shared Purpose – Shared Delivery*.

The Local Service Board – membership, area covered, operation and broad functions

14. We are currently considering proposals that the local authority must convene a statutory partnership called a “local service board” (“LSB”. Again, the term is used for convenience and we welcome your views.) This would consolidate the main purpose of LSBs at present, to prepare and deliver an integrated Well-being Plan for an area. Given its strategic nature, we propose that the ‘core’ membership of the LSB should be defined as the principal budget holding public service organisations: for example, the local authority, the local health board(s) and the police whose geographic boundaries encompass the local authority area. As the police are currently non-devolved, we will need to enter into appropriate discussions with the UK Government.

15. These proposals do not include two current ‘core’ members of LSBs: the third sector (through CVCs) and the Welsh Government. While there is obvious merit in the third sector and the Welsh Government being represented on LSBs, their status is somewhat different from the core local public service organisations detailed above. We welcome your views on whether the third sector and the Welsh Government should be statutory members of LSBs or whether there should be a looser relationship, such as through invitation.

16. Over and above the core membership of an LSB, and on the basis of existing diversity in local practice, it makes sense that there is as much local flexibility as possible with regards to wider membership. We are considering proposals that an LSB, by agreement of its members, should be able to invite other organisations to be members of the LSB.

17. On the same principle of local flexibility, we propose that there should be no barrier to two or more local authorities agreeing to undertake integrated planning jointly. This reflects the existing position in some areas of Wales.

18. However, the Welsh Government needs to have regard to the wider coherence of collaboration arrangements, and in particular, their impact on organisations which operate at

a greater than local scale such as health and the police. We are therefore considering proposals that the Welsh Ministers would have powers to direct two or more local authorities to undertake integrated planning or form joint 'delivery groups' (see next).

19. Where there are opportunities to undertake joint commissioning, we think it would be helpful for LSBs to have the ability to form joint LSB sub-groups, which for convenience we are referring to here as 'delivery groups', with a sufficient statutory basis for budgets to be delegated to them. This could have facilitated the transition to new arrangements for Supporting People, for instance, and could also facilitate new collaborative arrangements under, for example, Invest to Save or the Regional Collaboration Fund.

20. While we are considering proposals that a local authority would have a statutory duty to convene and provide secretariat support for an LSB, arising from its community leadership role and resourced from funding streams to support partnership working that have previously been incorporated into Revenue Support Grant, we take the view that the preparation and delivery of the Well-being Plan should fall more equally on all LSB members than is the case in practice under existing community planning legislation.

The LSB

21. The proposed main functions of the LSB are to:

- undertake and maintain a strategic needs assessment;
- agree the priorities in the Well-being Plan;
- consult and engage;
- adopt the Well-being Plan;
- manage the delivery of the Well-being Plan using an outcomes based performance framework;
- establish delivery groups to undertake joint commissioning;
- make and publish an annual report;
- make itself accountable through local government scrutiny processes;
- review the Well-being Plan at a set time.

The Strategic Needs Assessment

22. The foundation and most important element of the Well-being Plan is the strategic needs assessment. The Welsh Government believes that public money can not be spent effectively or efficiently without the capacity to make strategic decisions based on the best possible analysis of the evidence. Building on existing practice, LSB members should be required to jointly undertake and maintain a strategic needs assessment which identifies those outcomes which will most improve the well-being of people, communities and the area. The intention here is to build capacity across organisations, recognising the different perspectives, capabilities and information assets held by LSB member organisations. In particular, the strategic needs assessment should include evidence and research for 'what works best' in designing actions to address specific needs and improve outcomes – this seems to be the most obvious shortcoming in the existing evidence base.

23. Rather than duplicating existing work, we propose that the strategic needs assessment should incorporate and integrate needs assessments or analyses which have been undertaken to support specific policy areas or statutory duties – such as public health strategic frameworks, the analysis underpinning police and crime plans or the proposed assessments of need set out in the Social Services and Well-being Bill. There would seem to be an obvious role for the new Sustainable Development Body to support the development of strategic needs assessments and in particular, to provide the long term dimension which is often weakly evidenced at present.

24. From time to time new policy areas receive particular attention, often due to external events e.g. focus on safeguarding following organisational failure, focus on poverty and economic development during times of recession. In order to accelerate the public service response in such circumstances, we are considering proposals that the Welsh Ministers should have powers to direct LSBs to undertake specific analyses of policy issues or the needs of specific groups in their area, so that appropriate national and local responses can be developed. This would ensure evidence gathered in local areas would be able to inform a national response.

25. Experience has also shown that analysis of need at a local authority level is insufficient to establish the distribution of disadvantage, need or vulnerability at the community or even street level. Currently, within the framework of a single integrated plan, a number of existing LSBs are taking neighbourhood or area approaches, enabling front line teams to be proactive in managing resources to address community need based on good business intelligence and robust information sharing protocols. The Welsh Government believes this represents good practice at this time and should be adopted more widely. At the very least, we are considering proposals that the strategic needs assessment should give LSB members this level of analysis in order to allow them to decide whether this is the right way forward for them.

The Making of the Plan

26. A Well-being Plan should demonstrate how different public services will work together to deliver improvements to local well-being, informing and standing alongside the Local Development Plan. These two plans together should form the framework for the development of both services and infrastructure in an area. An outcomes based methodology is a recognised and established way of doing this and provides a means for framing action to address local need within a national framework of priorities. We propose that such a methodology must be employed.

27. One of the weaknesses of the current and emerging single integrated plans is a lack of detail around resources. While these will mostly be accounted for in the related corporate plans, there are clear opportunities in difficult financial times to work closely together across organisational boundaries. Areas to focus on might include workforce planning, pooled budgets and front line teams from different organisations sharing accommodation, for instance.

Consultation, engagement and participation

28. People and communities must be engaged in the production of and consulted on the draft strategic needs assessment and the Well-being Plan. This must include participation by children and young people under the UNCRC / Rights of Children and Young People (Wales) Measure 2011. As at present, interested organisations must be consulted on the draft strategic needs assessment and Well-being Plan and we seek your views on the following proposed list:

- fire & rescue authorities;
- national parks authorities;
- higher education institutions;
- further education corporations;
- community councils;
- registered social landlords;
- Welsh Government (if not a member of the LSB);
- Police & Crime Commissioners / chief constables (if not members of the LSB);
- the Probation Service; and
- the Department for Work and Pensions.

Adoption and management of the Well-being Plan

29. Ownership of the Well-being Plan by LSB member organisations and a clear line of sight between corporate plans and the Well-being Plan are essential for effective delivery. It makes sense that the strategic needs assessment and the Well-being Plan should be considered and formally adopted by the governing bodies of the LSB members, and that there should be a duty on LSB members to ensure the agreed priorities and actions in the Well-being Plan are included in and resourced by their corporate plans.

30. An outcomes based methodology should provide a solid framework for performance management of the Well-being Plan.

31. Under exceptional circumstances where the Welsh Ministers did not believe a strategic needs assessment or Well-being Plan was sufficiently well made to satisfy the expectations of local people and communities, we propose the Welsh Ministers should have powers to require that in the first instance it should be referred for further scrutiny by a local government scrutiny committee. Where, in the view of either the Welsh Ministers or the Auditor General Wales (see 35), this fails to bring about sufficient improvement, we believe that the Welsh Ministers should have powers to require that the Well-being Plan be remade.

Reporting

32. At their best, annual reports can be an effective means for stimulating reflection by planning partners, providing evidence for scrutiny and for informing the public of progress. When done out of compliance rather than commitment, they can also be bureaucratic exercises which add little value. On balance, we believe the need to inform scrutiny, elected members and the public of progress is paramount and so propose that LSBs should issue an annual report each year which shows how progress has been made towards the outcomes in the Well-being Plan and whether changes are to be made for the following year.

Accountability

33. In accordance with the increasing emphasis the Welsh Government places on the role of scrutiny in raising standards and improving performance, we believe that, prior to adoption, the Well-being Plan and annual reports (see para 31) must be subject to scrutiny by a local government scrutiny committee who must issue a report or recommendations as set out in the 2011 Local Government (Wales) Measure. We have heard other views that LSBs should take responsibility for their own scrutiny. We welcome your views on this important issue.

Timing and Review

34. Aligning the making of the Well-being Plan to the local government electoral cycle would help to maintain continuity of focus on important issues over the longer term while allowing fully for the exercise of political choice and responsiveness to a dynamic political, economic, social and technological environment. To achieve this, we propose that a full revision of the strategic needs assessment should be undertaken in the year prior to local authority elections and that the Well-being Plan must be considered and adopted by LSB members by the April following local authority elections.

Role of Auditor General Wales

35. The Sustainable Development Bill White Paper sets out a role for the Auditor General for Wales. We propose that this function should also apply to the LSB and the making of the Well-being Plan, paying attention to the process of decision making, the relationship between Well-being Plans and the corporate plans of LSB members, and with any 'outcome agreements' made between Welsh Government and local authorities.

Simplification

36. One of the Welsh Government's aims is to simplify the framework for local authorities and their partners to plan for improving well-being in their area. We will seek opportunities to amend or repeal existing legislation where this is no longer required or where it hinders progress, and we welcome your views on specific examples which we should consider.