Report of the Street Scene, Regeneration and Safety Scrutiny Committee

Public Services Board Scrutiny Policy Review Group Report
Contents

1. Introduction and Terms of Reference .............................................................................................................. 3
   1.4 Terms of Reference .................................................................................................................................. 5

2. Methodology .................................................................................................................................................. 6
   2.1 Part 1: Scrutiny of the Wellbeing Assessment / Single Integrated Plan Update ........................................ 6
   2.2 Part 2: Establishing a PSB Scrutiny Structure ......................................................................................... 6

3. Main Findings ................................................................................................................................................. 8
   3.1 PSB Scrutiny Framework: Requirements ................................................................................................. 8
   3.2 Developing the Relationship between Scrutiny and the PSB ................................................................. 10
   3.3 Co-option and Expert Witnesses ............................................................................................................ 12

4. Conclusions and Recommendations .............................................................................................................. 13

5. Context / Background Information .............................................................................................................. 17

Appendix 1: Lessons from Local Service Board Scrutiny .............................................................................. 19

Appendix 2: Excerpt from Core Guidance – Architecture ............................................................................. 20

Appendix 3: PSB Partnership Structure (from May 2016) .............................................................................. 21

Appendix 4: Extract from WFGA 2015: PSB Scrutiny .................................................................................... 23

Appendix 5: Extract from Statutory Guidance ............................................................................................... 24

Appendix 6: Potential Terms of Reference for a Partnerships Committee ................................................... 26

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1. Introduction and Terms of Reference

1.1 Newport Public Services Board

1.1.1 The Wellbeing of Future Generations Act 2015 (WFG Act) establishes Public Services Boards (PSB) on a statutory basis, replacing the previous system of (non-statutory) Local Service Boards. It places a duty on specified public bodies to work jointly towards achievement of all wellbeing goals. This must include:

- Assessing the state of wellbeing in the local area (through the Assessment of Wellbeing)
- Setting local objectives designed to maximise contribution to achieving goals (through the Wellbeing Plan)
- Taking reasonable steps to meet objectives (through the Annual Report)

1.1.2 Newport PSB held its inaugural meeting on 3 May 2016, and is currently in the process of agreeing its Assessment of Wellbeing in line with the required timetable.

1.1.3 The PSB must include:

Statutory Members
- The local authority;
- The local health board for the area;
- The Welsh Fire and Rescue Authority for the area; and
- Natural Resources Wales.

1.1.4 In addition each PSB must invite:

Invited participants
- Welsh Ministers;
- Police Chief Constable for the area;
- Police and Crime Commissioner for the area;
- Probation Services; and
- The body representing the voluntary organisations.

1.1.5 The Act also requires that overview and scrutiny arrangements are put in place to assure democratic accountability of PSB activity.

1.2 PSB Scrutiny Requirements

1.2.1 The statutory guidance accompanying the Act, published by Welsh Government in early 2016, states that:

Local integrated planning will only be effective if statutory members of the public services board take joint responsibility themselves for securing improvement, with local democratic processes providing appropriate challenge and support. For this reason, the Act gives the Welsh Ministers relatively few powers and relies predominantly on the role of local government scrutiny to secure continuous improvement.
1.2.2 Below is a summary of the requirements and parameters for PSB Scrutiny:

i. We must designate a single scrutiny committee as having overall responsibility for PSB scrutiny. This does not preclude “subject” committees from scrutinising specific aspects of PSB work – but a single committee must take and overview of the overall effectiveness of the board.

ii. We must put in place a programme of PSB scrutiny which includes:
   a. Formal consultation on the draft assessment of local well-being; and
   b. Formal consultation on the draft local well-being plan.

iii. The designated scrutiny committee must also be provided with copies of the final versions of both the assessment and the plan, as well as the PSB’s annual reports.

iv. The committee will also be able to draw on the published advice provided to the PSB by the Future Generations Commissioner for Wales.

v. The designated committee can require any statutory member to attend committee and give evidence, “but only in respect of the exercise of joint functions conferred on them by the Act”. This also applies to invited participants. In other words, statutory members and invited participants are only required to attend committee and answer questions in relation to the work of the PSB.

vi. Any reports or recommendations made by the Committee in relation to the PSB must be sent to the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

vii. Local well-being plans are locally owned and subject to local scrutiny, but the Welsh Ministers have the power to direct a board to review its plan, or refer a plan to the relevant scrutiny committee if it is not considered sufficient.

viii. While it is for each local authority to determine the appropriate scrutiny arrangements, the guidance suggests that existing powers could be used, for example, to co-opt members onto the committee for the purposes of PSB scrutiny.

1.3 Interim Arrangements

1.3.1 The Chairs of our Scrutiny Committees collectively agreed the following interim arrangements, while a more permanent structure was being discussed:

- To designate the Street Scene, Regeneration and Safety (SSRS) Scrutiny Committee as the Committee with overall responsibility for Scrutiny of the Public Service Board.

- To adjust the work programme for SSRS Committee to include the formal consultation on the assessment of local well-being, and the local wellbeing plan.
To include training on the Future Generations Act and Public Service Board Scrutiny in the training and seminar programme for Scrutiny.

1.3.2 While the Street Scene, Regeneration and Safety Scrutiny Committee has been designated as the Committee with overall responsibility for Scrutiny of the PSB, this Policy Review Group was set up to investigate and recommend a permanent structure for PSB scrutiny, and was also tasked with reviewing the draft Wellbeing Assessment, fulfilling our immediate scrutiny obligations under the Act.

1.3.3 A report was presented to the PSB on 13 September 2016, setting out the proposed approach and inviting comments on the outline project plan before work commenced.

1.4 Terms of Reference

1.4.1 The Policy Review Group was tasked with the following Terms of Reference:

- To examine the requirements of the Wellbeing of Future Generations (Wales) Act 2015 for Public Services Board Scrutiny.

- To include consideration of:
  - Training and development needs;
  - Joint development work with PSB Members;
  - Co-option; and
  - Work programming requirements / priorities / pressures.

- To design and recommend a framework for PSB Scrutiny in Newport, that will meet the requirements of the Act, and can be realistically delivered from within existing resources.

- To oversee implementation and operation of PSB Scrutiny to ensure it is working effectively.

- To undertake scrutiny of the draft Assessment of Wellbeing and report its conclusions and observations to the Street Scene, Regeneration and Safety Committee before 19 February 2017.

- To undertake scrutiny of the quarter 2 performance updates on the Single Integrated Plan, and report any comments to the Street Scene Regeneration and Safety Committee on 20 April 2017.
2. Methodology

2.1 Part 1: Scrutiny of the Wellbeing Assessment / Single Integrated Plan Update

2.1.1 In addition to its original terms of reference, the Street Scene, Regeneration and Safety Scrutiny Committee asked this Group to undertake scrutiny of the PSB’s draft Assessment of Wellbeing. The draft assessment was reviewed in detail by the Group over three meetings in December 2016 and January 2017, with a scrutiny consultation response reported to, and agreed by, the parent Committee at its meeting on 2 February 2017.

2.1.2 The Committee also tasked the Group with reviewing the quarter 2 update on the Single Integrated Plan themes, and reporting back to the Committee with its final report on 20 April 2017. The Group reviewed the performance dashboards for the three themes over two meetings on 13 March and 5 April 2017. Specific comments to be taken forward are outlined in the Conclusions and Recommendations section of this report.

2.2 Part 2: Establishing a PSB Scrutiny Structure

The following approach was taken to the remaining terms of reference:

2.2.1 Information and Training

Recognising that PSB Scrutiny is part of a new and far-reaching piece of legislation, the group first undertook training on the background to the Wellbeing of Future Generations Act, its policy objectives and its wider implications for the Council. A representative of the Group also attended a meeting of the Newport Public Services Board in December to gain insight into how the Board operates.

2.2.2 PSB Scrutiny Framework: Requirements

Research Questions:
- What does the WFG Act require us to do?
- What is the scrutiny group / committee’s role? What is not within the role?
- What are the main work programme pressures and how can these be accommodated?
- What is realistically achievable within the resources available to us?

2.2.3 Developing the Relationship between Scrutiny and the PSB

Research Questions:
- How can we foster a positive relationship between PSB and Scrutiny Members? E.g. are there opportunities for joint development work?
- What protocols need to be put in place? How will communication work, how will recommendations and comments be responded to?
- What training is required to enable Scrutiny Members to carry out PSB Scrutiny effectively?
- Is training required for PSB on how scrutiny works and what its role is?
2.2.4 Co-option and Expert Witnesses

Research Questions:
- What are the opportunities and considerations regarding co-option?
- What approaches have been taken elsewhere?

2.2.5 Options Appraisal

Research Questions:
- What are the framework options, based on the information received through the review?
- How should the effectiveness of PSB Scrutiny be evaluated and monitored?
3. Main Findings

3.1 PSB Scrutiny Framework: Requirements

What does the WFG Act require us to do?

3.1.1 As a minimum, we must designate a single committee with overall responsibility for PSB Scrutiny, and the programme for this work must include:

- Formal consultation on the draft wellbeing assessment
- Receipt of the final wellbeing assessment
- Formal consultation on the draft local wellbeing plan
- Receipt of the final local wellbeing plan
- Receipt of the PSB’s annual reports

3.1.2 Scrutiny now has the following powers / obligations in the exercise of this function:

- We can require any statutory member or invited participant of the PSB to attend committee and answer questions (but only in relation to the work of the PSB).
- Any reports or recommendations made by the Committee in relation to the PSB must be sent to the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.
- Local wellbeing plans are locally owned and subject to local scrutiny, but the Welsh Ministers have the power to direct a board to review its plan, or refer a plan to the relevant scrutiny committee if it is not considered sufficient.

3.1.3 The following guidance is also provided:

- Scrutiny can draw on the published advice provided to the PSB by the Future Generations Commissioner.
- It is for each local authority to determine appropriate scrutiny arrangements, but the guidance suggests that existing powers could be used to co-opt members onto the committee for the purposes of PSB Scrutiny

What is Scrutiny’s role? What is not within the role?

3.1.4 Simply put, scrutiny’s role is to scrutinise the partnership, rather than the individual partners. Scrutiny has new powers to require partners to attend “but only in respect of the exercise of joint functions conferred on them by the Act” – thereby indicating that partner activities outside of the partnership are not within scope.

3.1.5 The Group considered further information on the role of scrutiny in relation to partnerships, which could include:

- Scrutinising governance arrangements
  E.g. budget management, constitutional arrangements, procurement, risk management, performance management, accountability arrangements.
• Scrutinising the local authority’s contribution
  *E.g. to the partnership against its objectives, including the views of partners on the Authority’s performance / contribution to the partnership.*

• Evaluating the overall effectiveness of the partnership
  *E.g. against its defined vision / objectives*

• Ensuring public engagement and citizen-focussed partnerships and strategies
  *E.g. through contributing to / reviewing the appropriateness of visions, aims, objectives and action plans.*

*What are the main work programme pressures?*

3.1.6 As a minimum, we need to do the following:

1. Scrutiny of the draft wellbeing assessment (completed Feb 2017)
2. Receipt of the final wellbeing assessment (after April 2017)
3. Scrutiny of the draft wellbeing plan (Winter 2017/18)
4. Receipt of the final wellbeing plan (after April 2018)
5. Scrutiny of the PSB’s annual report (every May)
6. Quarterly performance reports on PSB themes and objectives (as set out in the PSB’s performance reporting framework – including continuation of SIP theme scrutiny for 2017-18 only)

*What is realistically achievable within the resources available to us? What are the framework options?*

3.1.7 We do not have any additional resources available to carry out PSB Scrutiny work, and the resources we do have are already working at capacity. This is an important area of work, and a statutory requirement, so it must be prioritised, but any framework we design must be realistic and achievable from within existing resources, with other projects being reprioritised accordingly.

3.1.8 The following framework options are therefore available to us:

**Option 1: Use one of the existing committees (SSRS currently designated for this purpose)**

Considerations:

• No need to set up an additional group with the administration that would entail.
• Partnership scrutiny does not fit neatly into the current structure, as there is no natural home for corporate / cross-cutting issues.
• SSRS is a service-specific committee – they are responsible for PSB Scrutiny according to their portfolio but the membership interests are focused on more traditional “Place” issues predominantly.
• Even at the bare minimum, the workload for this is significant and could potentially take up the majority of the committee’s work programme / time.

Option 2:  Establish the Policy Review Group on a permanent basis
Considerations:
• Allows for membership drawn from all three committees / different areas of expertise and knowledge.
• More flexibility than a standard committee structure, but additional administrative pressures for the Scrutiny team.
• All reports would still need to be reported in to the parent committee (currently SSRS) – potential duplication.
• Would not be fully permanent, as the parent committee could disband this at any point.

Option 3: Reconfigure the scrutiny structure to establish a partnerships committee
Considerations:
• Would allow a single group of members to develop knowledge and skills in this specialist and growing area.
• This is an increasingly important area of work, and dedicating a specific committee to this would free up the time and resources to prioritise it properly.
• The national policy direction is for more collaborative arrangements – a dedicated partnerships committee could incorporate other areas of partnership / commissioning work as they emerge (as well other existing arrangements – EAS? Norse? Social Services Commissioning?), as the same scrutiny skills would be required.
• A full restructure of the committees would also allow us to strengthen other areas in need of development, e.g. performance and budget scrutiny / holding the executive to account.
• This is the preferred option for the scrutiny team in terms of work programming and staffing resources. This is also the approach being taken in a number of other authorities.

3.2 Developing the Relationship between Scrutiny and the PSB

How can we foster a positive relationship between PSB and Scrutiny Members?

3.2.1 Although PSB arrangements are new, a lot of work and research has already been done regarding Local Service Board (LSB) scrutiny. Set out in Appendix 1 is a summary of the “Lessons Learned”. It is important that any structure:
- Takes account of, and complements accountability structures in partner organisations
- Allows open dialogue and feedback between participants
- Has a defined scope, with clear and well understood expectations between scrutineers and partners
- Takes into consideration the different geographical boundaries of partners – and the potential need for collaborative scrutiny between local authorities on some issues.

**What training is required to enable Scrutiny Members to carry out PSB Scrutiny effectively?**

3.2.2 One of the key learning points was regarding training and awareness – in order to be effective in scrutinising partnership arrangements, Members must have a good understanding of the role and purpose of partnership bodies.

**Is training required for PSB on how scrutiny works and what its role is? Are there opportunities for joint development work?**

3.2.3 Previous research on LSB scrutiny also found that partnership members benefited from a good understanding of the scrutiny committee’s role and purpose, and arrangements were more effective when the terms of reference were developed and agreed by both sides (partnership and scrutiny committee members). Some joint training and development in the early stages of PSB scrutiny would enable terms of reference and the work programme to be refined and agreed jointly, fostering common understanding and positive relationships from the outset.

**What protocols need to be put in place? How will communication work, how will recommendations and comments be responded to?**

3.2.4 Clear lines of communication will be important to encourage open and constructive dialogue between Scrutiny Members and the PSB. The following options were discussed and supported:

**Scrutiny Letters**

3.2.5 The Group looked at examples from Swansea and Monmouthshire Councils, where formal letters are used to provide feedback to partners and request responses to any actions arising.

3.2.6 Scrutiny is also required under the Act to forward reports and recommendations to the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales: formal letters would provide a clear and concise way of fulfilling these obligations.

**Sharing Agendas and Minutes**

3.2.7 Sharing reports and outcomes from meetings would ensure openness and transparency between the two bodies.
3.2.8 Regular Direct Reporting / Attendance at PSB

Just as PSB representatives would be required to attend scrutiny, it was suggested that a regular (e.g. annual) discussion with scrutiny representatives at the PSB would be useful way to review progress and further strengthen links between the two bodies.

3.3 Co-option and Expert Witnesses

What are the opportunities and considerations regarding co-option? What approaches have been taken elsewhere?

Welsh Government Guidance

3.3.1 The benefits of co-option were outlined within the guidance issued by Welsh Government following the Local Government Measure (Wales) 2011. In summary:

- There is evidence that co-optees significantly strengthen scrutiny committee effectiveness and add value to the process
- Co-option can help develop partner relations and improve public connections
- Co-option has been used to good effect in previous LSB Scrutiny arrangements in Wales.

Our Constitution

3.3.2 NCC’s constitution allows for the co-option of non-voting co-optees to Scrutiny Committees. In recognition of the democratic mandate of councillors, Welsh Government Guidance recommends that co-optees should take up no more than a third of the total committee membership. Co-opted members would be required to sign and adhere to the Members’ Code of Conduct. They would not have access to Part 2 documents unless agreed by the Committee.

3.3.3 The Constitution also allows Committees to call individuals or organisations to provide evidence or information to the Committee. This practice of calling “expert witnesses” has traditionally been the preferred option in Newport, and use of co-option has been infrequent.

3.3.4 Some authorities elsewhere have co-opted Members into their PSB Scrutiny arrangements, for example, Caerphilly have co-opted reps from the local Menter Iaith and Youth Forum. Co-option does not appear to be widespread, although it should also be noted that most arrangements are new or still being developed.
4. Conclusions and Recommendations

Part 1a: Scrutiny of the Wellbeing Assessment

4.1 The Group’s report on the Wellbeing Assessment was reported to and agreed by the Committee at its meeting on 2 February 2017.

Part 1b: Scrutiny of the Single Integrated Plan

4.2 The quarter two updates on the Single Integrated Plan were noted, together with the actions planned to address variances. Following its discussions, the Group agreed to forward the following comments to the Committee:

Safe and Cohesive Communities:

4.2.1 In discussing PREVENT (part of the government’s counter-terrorism strategy), the Group suggested that training should be arranged for the new Council, specifically on how the authority and its partners are involved, and what support is available for ward members.

4.2.2 The issue of parking was discussed in relation to the Purple Flag assessment for the city centre. The Group wished to highlight that a long term solution was needed for parking issues, and this should be addressed as a matter of priority by the new Council.

SIP / PSB Monitoring

4.2.3 Future arrangements will need to be determined as part of the work programming for partnership scrutiny, but the way partnership themes are monitored needs to be considered carefully in terms of timing, regularity and the information required to support effective challenge. It was suggested that less frequent, more in-depth consideration of each theme through the year would be more effective than a quarterly, very high level overview of all themes.

Part 2: Establishing a PSB Scrutiny Structure

Scrutiny of the PSB after 4 May 2017 will be a matter for the newly elected Council to determine but, following its investigations, the Group makes the following recommendations on how this should be set up:

Partnerships Committee

4.3 Recommendation 1: A separate committee should be established to deal with partnership scrutiny.

- Partnership scrutiny needs to be a priority, and carries with it a significant workload that could easily occupy a whole committee.
• Different skills are required for partnership scrutiny to other scrutiny business. Dealing with external bodies requires a different approach to dealing with internal witnesses, and the committee will need to establish a positive and constructive dialogue with partners.

• If committees were structured based on functions rather than departments / subject areas, training on skills could be better tailored to those committee roles, e.g. partnership scrutiny, performance / budget scrutiny.

• A single committee could be made up of Members with different expertise, e.g. social services, education, regeneration, but coming together to take an overview of partnership working as a whole, therefore counteracting silo thinking.

• Links could be developed / designed in to ensure information and expertise is shared between committees e.g. sharing work programmes, minutes, link members on multiple committees.

• Ensuring proper focus on partnership scrutiny, and making sure members have the right skills to carry it out, will strengthen accountability of the partners / partnerships and ensure the right level and type of challenge.

**Training for Councillors**


**4.5** Recommendation 3: Training on the Wellbeing of Future Generations Act and Public Services Board Scrutiny should be included in the training and seminar programme for Scrutiny Members.

• Training is critical, for new and returning members. Members undertaking any scrutiny activity need to be clear on what their role is, and supported to develop the right skills. In addition, all Members need to have a good understanding of the new statutory requirements placed upon the Council in terms of Future Generations, and how this impacts on policy and decision making.

• The Group discussed whether training should be mandatory, as it is for governors / Planning Committee etc, and agreed that this should be explored.

• NB. The group also discussed how committee members are selected, and how new members are informed about what each body does. Recognising that committee nominations are a matter for political groups, it was suggested that:
  - The right people with the right interests and skills / potential need to be matched to the right committees.
  - That having the right challenge skills or policy interest may be as important, if not more important, than having detailed professional knowledge of a subject area.
  - More detailed guidance could be provided, especially for new members, on what each committee / body does and what skills and interests each one might suit.
  - Role descriptions could be incorporated into this, at selection level and/or part of induction.
4.6 Recommendation 4: Joint training and work programming should take place between PSB partners and Members undertaking partnership scrutiny.

- If a new Committee is formulated, it would likely be undertaking training and work programming activity over June / July.
- Involving partners in this process would be an opportunity to learn together about each other’s responsibilities, and construct a work programme together based on a collective understanding of their respective roles.
- This would hopefully provide a strong basis for partnership scrutiny from the outset.

4.7 Recommendation 5: A system of “Scrutiny Letters” should be put in place, to communicate feedback and actions arising between scrutiny and stakeholders.

- Following the model used in Swansea and Monmouthshire, this would provide a formal mechanism for providing feedback to partners, and requesting a response to any actions arising.
- Letters could also be used to forward reports and recommendations of the Committee to the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales, as required by the Act.
- Time-saving – one mechanism for multiple audiences / purposes**
- This mechanism could be used across the Scrutiny Committees, to provide feedback and track actions / responses.

4.8 Recommendation 6: Some joint work should be undertaken on the respective terms of reference for scrutiny and the PSB, to ensure these are aligned.

- If a new Committee is formulated, terms of reference would likely be agreed at the Council AGM in May or soon thereafter.
- The PSB are required to review their terms of reference after every Council election.
- The June meeting of the PSB, when terms of reference are due to be reviewed, would be an opportunity to share terms of reference, and make any necessary amendments to align them.

4.9 Recommendation 7: Minutes and agendas should be reported between the PSB and the Scrutiny Committee.

- This is a simple mechanism that should encourage openness, transparency and awareness between the two bodies.

4.10 Recommendation 8: There should be a regular scheduled opportunity for scrutiny representatives to attend PSB meetings and report feedback directly to the PSB members.

- The timing and arrangements for this will need to be discussed and agreed between scrutiny and PSB members when setting the forward work programme for partnership scrutiny. An annual agenda item at PSB is suggested as a minimum.
Co-option and Expert Witnesses

4.11 Recommendation 9: Co-option will be a matter for the new Council in May, but use of expert witnesses over co-option is recommended while arrangements are being established.

- The benefits of co-option were recognised, but use of expert witnesses would allow for greater flexibility, and for a wider range of stakeholders to be involved in the process.
- ‘Expert’ may not mean a detailed technical knowledge of an area – but the right interests / challenge skills
- This would be a matter for the new Council to agree, and this question should also be kept under review as the new system is developed.

Evaluation and Review

4.12 Recommendation 10: Arrangements should be kept under regular review to ensure they are fit for purpose and delivering constructive outcomes. This should include feedback from and discussion with partners and other stakeholders.

- This is a new area of work for all involved. Relationships and arrangements will need to be kept under review and refined as they develop.
- If a new committee is established, a review mechanism will need to be built into the work programme.
5. Context / Background Information

Wellbeing of Future Generations Act 2015

The Wellbeing of Future Generations (Wales) Act is about improving the social, economic, environmental and cultural wellbeing of Wales. It will make the public bodies listed in the Act think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined up approach.

The Act:

- Places a Wellbeing duty on public bodies
- Requires public bodies to report on action to achieve each of the 7 national wellbeing goals
- Makes sustainable development the central organising principle in Welsh public life
- Introduces national indicators to measure progress
- Establishes a Future Generations Commissioner
- Establishes a Public Services Board in each local authority area

The Sustainable Development Principle: New Ways of Working

The sustainable development principle requires public bodies to ensure that, when making decisions, they take into account the impact they could have on people living their lives in Wales in the future. There are five new ways of working we need to follow in order to demonstrate we are applying the sustainable development principle:

- **Long Term**
  The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs

- **Prevention**
  How acting to prevent problems occurring or getting worse may help public bodies meet their objectives

- **Integration**
  Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies

- **Collaboration**
  Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
**Involvement**

The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

**What do we need to do differently?**

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate planning</td>
<td>set wellbeing objectives, action plan and annual reporting</td>
</tr>
<tr>
<td>Financial planning</td>
<td>statement published detailing how resources allocated to meet wellbeing objectives; apply five ways of working to planning</td>
</tr>
<tr>
<td>Workforce planning</td>
<td>engage workforce; apply five ways of working to leadership, learning &amp; development; ensure workforce are aware of wellbeing goals so it becomes part of how they deliver their work</td>
</tr>
<tr>
<td>Procurement</td>
<td>how organisation allocates resources; comply with existing procurement practices and legal obligations; contribution to wellbeing goals</td>
</tr>
<tr>
<td>Assets</td>
<td>strengthen arrangements for management of assets; community focused; develop skills and experience of people</td>
</tr>
<tr>
<td>Risk management</td>
<td>use wellbeing goals and five ways of working to frame risks in short, medium and long term; steps you will take to manage them</td>
</tr>
<tr>
<td>Performance management</td>
<td>Wellbeing objectives to frame way the organisation contributes to wellbeing goals; national indicators; adapt tools and frameworks</td>
</tr>
</tbody>
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Appendix 1: Lessons from Local Service Board Scrutiny

Taken from “Scrutiny of Multi-Agency Partnerships” – published by Welsh Local Government Association / Centre for Public Scrutiny, July 2010:

Lessons from Local Service Board Scrutiny

Arrangements for the scrutiny of Local Service Boards have developed in recent years as Local Service Boards themselves have become embedded in local partnership and governance arrangements. The following are some of the lessons learned from the development of scrutiny arrangements in relation to Local Service Boards that may also be useful points to consider when developing scrutiny arrangements in relation to other multi-agency partnerships:

- It is important to take account of existing ‘scrutiny’ or accountability mechanisms that other partners may already have in place: overview and scrutiny should complement rather than duplicate existing accountability mechanisms – ‘mapping’ existing scrutiny arrangements and existing partnerships that the local authority is involved in can help with this.

- It is important to clarify the scope of scrutiny activity – that the scrutiny will focus on the partnership as opposed to on the individual organisations that are in partnership; that it is strategic and not operational; and that it is outcome focussed.

- It is important to manage the expectations of those carrying out the scrutiny and of those being scrutinised.

- Ask for feedback from partners and be seen to act on it – this demonstrates that the scrutiny process is prepared to be flexible and to work with partners to ensure they remain committed to engaging productively with scrutiny.

- It is important to be aware of the context in which scrutiny is operating – scrutineers need to be sensitive to changes in partnership dynamics and how scrutiny can assist or exacerbate these. There may be risks in undertaking challenging scrutiny exercises too soon, before relationships are established and without the full buy-in of those participating in scrutiny.

- It is important to build relationships with partners that may be subject to scrutiny. Taking time to explain the role of scrutiny to partners and how the process works can help with this.

- The geographical coverage of partners who sit on multi-agency partnerships are not always coterminous with local authority boundaries – therefore it is important to consider the implications of this and whether a joined-up approach to scrutiny with neighbouring local authorities may be more effective in relation to some issues / partnerships.

- There are a number of different approaches that can be taken to scrutinising multi-agency partnerships – for example this role could be performed by the local authority’s existing overview and scrutiny committee(s), or through co-opting representatives of other partners onto an overview and scrutiny committee / panel.

- Building and maintaining trust between scrutineers and partner organisations is essential for the success of partnership scrutiny and is the culmination of the many lessons listed above.
Appendix 2: Excerpt from Core Guidance – Architecture

Duty: Each public body must carry out sustainable development
This must include setting well being objectives – 31-03-17

WHO
Public Service Organisations:
- Welsh Government
- National Museum
- Arts Council
- Sports Wales
- National Library
- HPCW
- Valunre NHS Trust
- Public Health Wales
- National Park Authorities
- Natural Resources Wales
- Fire & Rescue Authority
- Local Authorities
- Local Health Boards
- Community Councils

Local well-being plan
Assessment of Local Well-being
Public Services Boards

Other partners

HOW
Sustainable Development Principle
- Long-term
- Integration
- Collaboration
- Involvement
- Prevention

TRENDS
Future Trends Report

TRANSPARENCY
Better information
- Statement
- Annual reporting
- Responding to the Commissioner

EXAMINATIONS
Auditor General for Wales
- Examinations

SUPPORTING THE CHANGE
Future Generations Commissioner for Wales
- Long term
- Advice
- Review powers
- Recommendations
- Monitor
- Future Generations Report
- Advisory Panel
Appendix 3: PSB Partnership Structure (from May 2016)

Partner organisation governance arrangements

Strategy
One Newport PSB *
Chair: Cllr Ray Truman

Coordination
Single Integrated Plan (SIP) Board
Chair: Will Godfrey

Themes
Tackling Poverty
Vulnerable Groups

Economy & Skills
Lead: Beverly Owen
Coordinator: Huw Williams

Health & Wellbeing
Lead: Will Beer
Coordinator: Emma Wakeham

Safe & Cohesive Communities
Lead: Supt Glyn Fernquest
Coordinator: Caroline James

Engagement
Community Insight

SE Wales Safeguarding Boards
(Adults & Children)

* Statutory Responsibility
Priorities

Tackling Poverty

Economy & Skills
- Connectivity  
  Lead: Beverley Owen, NCC
- Economic Growth  
  Lead: Beverley Owen, NCC
- Physical Regeneration  
  Lead: Beverley Owen, NCC
- Youth Opportunity  
  Lead: James Harris, NCC
- Learning Pathways (whole life)  
  Lead: James Harris, NCC
- Access to Employment  
  Lead: James Harris, NCC

Health & Wellbeing
- Food & Nutrition  
  Lead: Emma Wakeham, NCC
- Mental Wellbeing & Resilience  
  Lead: Leah Macdonald, ABUHB
- Smoking & Tobacco Control  
  Lead: Jackie Williams, PHW
- Physical Activity / Active Travel  
  Lead: Anna Pennington, NERS, ABUHB
- Integrated Service Delivery for Health & Social Care  
  Lead: Leah Macdonald, ABUHB
- Alcohol & Drugs  
  Lead: Julia Osmond, PHW

Safe & Cohesive Communities
- Cohesive Communities  
  Lead: Shereen Williams, NCC
- Anti Social Behaviour  
  Lead: Sue Colnon, NCC
- Youth Justice  
  Lead: Vicky Self, NCC
- Safer City Centre  
  Lead: Insp Mark Thomas, Gwent Police
- Domestic Abuse  
  Lead: TBC
Appendix 4: Extract from WFGA 2015: PSB Scrutiny

Wellbeing of Future Generations (Wales) Act 2015

Part 4: Public Services Boards

Chapter 1: Establishment, Participation and Scrutiny

35 Overview and scrutiny committee of local authority

(1) Executive arrangements by a local authority under Part 2 of the Local Government Act 2000 (c.22) must ensure that its overview and scrutiny committee has power-

(a) to review or scrutinise decisions made, or other action taken, by the public services board for the local authority area in the exercise of its functions;

(b) to review or scrutinise the board’s governance arrangements;

(c) to make reports or recommendations to the board with respect to the board’s functions or governance arrangements;

(d) to consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;

(e) to carry out such other functions in relation to the board as are imposed on it by this Act.

(2) An overview and scrutiny committee must send a copy of any report or recommendation made under subsection (1)(c) to-

(a) the Welsh Ministers;

(b) the Commissioner;

(c) the Auditor General for Wales.

(3) An overview and scrutiny committee may, for the purpose of exercising a power mentioned in subsection (1), require one or more of the persons who may attend a meeting of the public services board (see paragraph 7 of Schedule 3), or anyone designated by such a person, to attend a meeting of the committee and provide it with explanations of such matters as it may specify.

(4) Where a local authority has more than one overview and scrutiny committee, the references in this Part to its overview and scrutiny committee are to the committee that the local authority designates for the purposes of this section.
Appendix 5: Extract from Statutory Guidance

From the Statutory Guidance (Shared Purpose: Shared Future):

Chapter 6 - Local accountability

173. Local integrated planning will only be effective if statutory members of the public services board take joint-responsibility themselves for securing improvement, with local democratic processes providing appropriate challenge and support. For this reason, the Act gives the Welsh Ministers relatively few powers and relies predominantly on the role of local government scrutiny to secure continuous improvement.

174. In order to assure democratic accountability there is a requirement for a designated local government scrutiny committee of the relevant local authority to scrutinise the work of the public services board. It will be for each local authority to determine its own scrutiny arrangements for the public services board of which it is a member. For example, existing legislative powers can be used to put in place joint arrangements, such as ‘co-opting’ persons who are not members of the authority to sit on the committee, and where appropriate to appoint joint committees across more than one local authority area.

175. While it will continue to be entirely legitimate for a subject scrutiny committee (such as a children and young people’s scrutiny committee) to scrutinise the public services board’s work in relation to a specific issue, it is important that one committee takes an overview of the overall effectiveness of the board. This is the reason one committee must be designated to undertake this work.

176. Overview and scrutiny functions:

Each Local Authority must ensure its overview and scrutiny committee has the power to;

a. review or scrutinise the decisions made or actions taken by the public services board;
b. review or scrutinise the board’s governance arrangements;
c. make reports or recommendations to the board regarding its functions or governance arrangements;
d. consider matters relating to the board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
e. carry out other functions in relation to the board that are imposed on it by the Act.

177. The local authority will do the above through the ‘executive arrangements’ it is required to make under Part 2 of the Local Government Act 2000. Executive arrangements are arrangements for the setting up and operation by a local authority of an executive, which has responsibility for certain functions of the authority.
178. The designated committee will be provided with evidence in the form of the draft assessment of local well-being and, the draft local well-being plan (both of which they will be formally consulted on) and copies of the final versions of both. It will also be provided with annual reports.

179. In addition, the committee will be able to draw on the published advice provided to the public services board by the Future Generations Commissioner for Wales.

180. The committee can require any statutory member of the board to give evidence, but only in respect of the exercise of joint functions conferred on them as a statutory member of the board under this Act. This includes any person that has accepted an invitation to participate in the activity of the board.

181. The committee must send a copy of any report or recommendation it makes to the Welsh Ministers, the Commissioner and the Auditor General for Wales.

182. The public services board must send copies of its published assessments of local well-being, local well-being plans (including when it is revised) and each of its annual reports to the Welsh Ministers, Future Generations Commissioner for Wales and Auditor General for Wales in addition to the designated local authority scrutiny committee.

183. Neither the Welsh Ministers nor the Commissioner have any role in approving assessments of local well-being or local well-being plans. Local well-being plans are the plans of the public services board’s statutory members, locally owned and subject to local scrutiny. The Welsh Ministers instead have a power to direct a board to review its local well-being plan; or to refer a plan to the relevant local authority scrutiny committee if it is not considered sufficient; for example, due to an adverse report by the Future Generations Commissioner for Wales or a Ministerial concern that statutory duties are not being met.

184. The Commissioner’s advice must be sought on the preparation of the local well-being plan, and they will be formally consulted on the assessment of local well-being and well-being plan. They are also able to provide advice and support to public bodies in promoting the sustainable development principle. It will be for the Commissioner and the boards to determine how they work together; recognising that while the Commissioner will not be undertaking reviews of public services boards the statutory members and invited participants of the board will be engaging with the Commissioner as individual bodies carrying out the well-being duty.

185. Similarly the Auditor General for Wales has no role in examining public services boards, but may carry out examinations of public bodies to assess the extent to which a body has acted in accordance with the sustainable development principle when setting objectives and taking steps to meet them. It therefore makes sense for a copy of local well-being plans, annual reports and any scrutiny committee reports to be provided, to enable them to pursue or raise concerns over issues raised in those reports if they feel it would be justified as part of their wider responsibilities.
## Draft Terms of Reference: Dedicated Partnership Scrutiny Committee / Panel / Group

### Holding the Public Services Board to account for their performance.

- As the designated Scrutiny Committee for the PSB:
  - a) review or scrutinise the decisions made or actions taken by the Board;
  - b) review or scrutinise the Board’s governance arrangements;
  - c) make reports or recommendations to the Board regarding its functions or governance arrangements;
  - d) consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly;
  - e) carry out other functions in relation to the Board that are imposed on it by the Act.

- Maintain a proactive and positive relationship with the PSB;
- Monitor the performance of the PSB against partnership plans and priorities as part of the performance cycle;
- To ensure democratic accountability and scrutinise the work of the Board;
- Use existing legislative powers as necessary to put in place joint arrangements, including ‘co-opting’ persons who are not members of the authority to sit on the committee as required.

### Key considerations:

- Performance of the PSB against agreed objectives;
- Effectiveness of governance structures;
- Undertake formal consultation on key documents as required.

### Key Questions:

- Are partnership structures working effectively?
- Are partnership arrangements making progress in delivering set objectives?
- Are governance / contracting arrangements strong?

Monitor the implementation of any recommendations made to the PSB in relation to the performance of the service area.

Forward any recommendations made to the PSB to the Minister.
### Draft Terms of Reference: Dedicated Partnership Scrutiny Committee / Panel / Group

**Holding the partnerships to account for their performance.**

To include e.g. EAS, Newport Live, Norse, and commissioning arrangements

- Performance of the partners against agreed objectives;
- Effectiveness of governance structures;
- “Value for Money” reporting;
- Undertake formal consultation on key documents as required.

**Key Questions:**

- Are we getting value for money out of commissioned services?
- Are partnership structures working effectively?
- Are partnership arrangements making progress in delivering set objectives?
- Are governance / contracting arrangements strong?

### Scrutiny of community safety issues and associated partnerships: Designated Committee for Crime and Disorder

- To consider Councillor Calls for Action (CCfA) that arise through the council’s agreed CCfA process;
- To consider actions undertaken by the responsible authorities on the CSP;
- A local crime and disorder matter is a matter concerning crime and disorder or the misuse of drugs, alcohol and other substances affecting all or part of the electoral area;
- Crime and Disorder (Overview and Scrutiny) Regulations 2009 (“the Regulations”) enable the crime and disorder committee of a local authority to co-opt members to the crime and disorder scrutiny committee and the committee may grant them voting rights. The committee may decide to limit the co-optees’ participation to defined subject areas. The co-optees must be officers or members of community safety partner bodies. Their membership can be withdrawn by the committee at any time;
- The committee should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the CSP and reflect local community need;
- The Regulations stipulate that the committee must meet at least once a year.

Monitor the implementation of any recommendations made to the partnerships in relation to the performance of the service area.