

The legal obligation to improve our social, cultural environmental and economic well-being under the Well-being of Future Generations Act 2015, and the equality implications

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The Act

Definition of Sustainable Development in the Act

In section 2

*“In this Act, “sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, **in accordance with the sustainable development principle** (see section 5), **aimed at achieving the wellbeing goals** (see section 4).”*

Acting in accordance with the Sustainable Development Principle

In section 5

*“(1) In this Act, any reference to a public body doing something “in accordance with the sustainable development principle” means that the body must **act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.**”*

5 ways of working

Section 5(2) goes onto list 5 things that public bodies must take into account in order to have applied the sustainable development principle:

- **Long term** - Looking to the long term so that we do not compromise the ability of future generations to meet their own needs;
- **Integrated approach** - Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives;
- **Involving** - Involving a diversity of the population in the decisions that affect them;
- **Collaboration** - Working with others in a collaborative way to find shared sustainable solutions;
- **Prevention** - Understanding the root causes of issues to prevent them from occurring.

E.G. “understanding the root causes of issues to prevent them from occurring” – this could require public bodies to carry investigations, studies etc

The Well- Being Goals

These are in section 4:

A prosperous Wales.

An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work

A resilient Wales

A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

A healthier Wales

A society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

A more equal Wales.

A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).

A Wales of cohesive communities

Attractive, viable, safe and well-connected communities.

A Wales of vibrant culture and thriving Welsh language.

A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation

A globally responsible Wales

A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

The statutory guidance to the Act states that these goals should be indivisible from each other. Public bodies are expected to take an integrated approach to achieving these goals.

Well-being Duty

Section 3:

“(1) Each public body must carry out sustainable development.

(2) The action a public body takes in carrying out sustainable development must include—

(a) setting and publishing objectives (“well-being objectives”) that are designed to maximise its contribution to achieving each of the well-being goals, and

*(b) **taking all reasonable steps** (in exercising its functions) to meet those objectives.”*

The Guidance provides that public bodies must have considered three distinct parts in taking an integrated approach to setting the objectives:

- Consider how the objectives impact on each of the well-being goals.
- Are the objectives coherent as an overall package. Are there any conflicts?
- How may the objectives impact on the objectives of another organisation?

What is the Duty when all this is brought together.

The duty is that each public body must **carry out the process of improving** the economic, social, environmental and cultural well-being of Wales by taking action **in a manner which seeks to ensure** that the needs of the present are met without compromising the ability of future generations to meet their own needs and is **aimed at achieving the wellbeing goals**.

In order to act in that manner, public bodies **must take account of the things contained in section 5(2)**. The action that a public body takes in carrying out Sustainable Development **must include setting and publishing well-being objectives designed to maximise** its contribution to achieving the well-being goals and **taking all reasonable steps** in exercising its functions to meet those objectives

According to the statutory guidance (the Guidance), sustainable development is intended to be a **core principle** that guides how public bodies operate, not just an add-on. This has also been described by the Government as a central guiding principle.

The Guidance states that Sustainable development must now be used to shape what public bodies are already doing and how they do it, and also shape their future plans of what they chose to do and how they do that. This should not be applied as an additional layer to existing activity, but sustainable development needs to be embedded into public bodies and the way that they work.

The Guidance provides this example:

“In order for public bodies to effectively carry out sustainable development the requirements of the Act should be embedded within existing corporate processes – for example:

- *The setting of well-being objectives should take place through a corporate planning process, and be reflected in a corporate plan (or equivalent);*
- *Reporting on progress toward meeting well-being objectives should take place through a corporate reporting process, and be reflected in an annual report (or equivalent).”*

It is up to the public bodies themselves to decide how they set and publish objectives, it could be part of something else that they are already doing.

The Guidance also highlights the importance of involving a diverse section of the population and to take account of the importance of involving persons with an interest in achieving well-being goals.

National Indicators

Section 10 provides that Welsh Ministers must publish *“national indicators that **must be applied for the purpose of measuring progress towards the achievement of the well-being goals**. They must be expressed as a value or characteristic that can be measured quantitatively or qualitatively against a particular outcome.”*

Government must also set milestones *“in relation to the national indicators which the Welsh Ministers consider would assist in measuring whether progress is being made towards the achievement of the well-being goals.”*

Section 10 (4) states:

“In setting a milestone the Welsh Ministers must specify—

(a) the criteria for determining whether the milestone has been achieved (by reference to the value or characteristic by which the indicator is measured), and

(b) the time by which the milestone is to be achieved.”

The Act states that it needs to be specified when a **“milestone is to be achieved”**. This language is rather definitive and sounds like it is a target.

However, they may apply differently to public bodies that are responsible for only contributing towards the achievement of the national milestones than they do to the Government who have a greater responsibility for the entire area of Wales.

Some of the duties on public bodies

1. Section 3(2)
 - a. Set well-being objectives that are designed to **"maximise"** their contribution to achieving the well-being goals.
 - b. Take **"all reasonable steps"** in exercising their functions to meet those objectives.
2. Section 3(1) duty to carry out sustainable development.
3. Publish a well-being statement in accordance with section 7 , including
 - a. explaining why it considers that meeting the objectives will contribute to the achievement of the well-being goals
 - b. explaining why the public body considers it has set well-being objectives in accordance with the sustainable development principle including how it proposes to involve those with an interest
 - a. steps it proposes to take to meet those objectives (including on governance and review) ((what if it can be shown that those steps will not meet the objectives?)
 - c. the periods of time within which the body expects to meet the objectives
 - d. providing such other information as the body considers appropriate about taking the steps and meeting the objectives.
4. Publish annual reports on progress and review its objectives and revise any objectives that they determine to be no longer appropriate

Duties of Public Services Boards

That Act creates public services boards. They consist of Natural Resources Wales, Fire and Rescue Authority, Local Authorities, Local Health Boards:

1. Section 36 outlines some of the duties of the Boards:
 - b. Improve the economic, social, environmental, and cultural well-being of its area by contributing to the achievement of the well-being goals.
 - c. Assessing the state of the economic, social, environmental and cultural well-being in its area
 - d. Set “local objectives” designed to maximise its contribution within its area to achieving the WB goals, and
 - e. the **taking of all reasonable steps** by members of the board in exercising their functions to meet those objectives
 - f. Anything a public service board does under this section must be done in accordance with the sustainable development principle.
 - g. Local well-being plans must set out local objectives and steps to be taken to meet those objectives.

2. Assessments

A public services board must prepare and publish an assessment of the state of economic, social, environmental and cultural well-being in its area.

Section 37 lays out the requirements of any assessment and includes a requirement to refer to the national indicators and to predict the future trends in the economic, social, environmental and cultural well-being of the area.

Section 38 provided a list of people and bodies that the PSB must consult before publishing an assessment and the things that it must take into account in preparing it.

Local Well-being plans – Roles of community councils

Community councils must take all reasonable steps in its area towards meeting the local objectives included in the local well-being plan that has effect in its area.

They must publish a report of the progress they have made towards meeting the local objectives included in the local well-being plan that has effect in their area.

This only applies to Community Councils that have either had a gross income or expenditure of at least £200,000 in each of the preceding three financial years prior to the local well-being plan being published.

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