

Consultation Response Form
Draft statutory guidance – Corporate Joint Committees (CJCs)

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Q1: Generally, does the draft guidance provide an appropriate level of support to CJCs to put in place the necessary arrangements for the proper administration and governance of the CJC?

No

If no, what further might be added?

Now that they will become separately constituted statutory bodies, CJCs need to be added to the list of organisations in the Wellbeing of Future Generations Act. Welsh Government has the power to do this by regulation under Section 52 of the Act.

Q2: Does Chapter 1 provide sufficient/appropriate guidance on the membership and constitution of CJCs?

No

If no, what would you add or change?

There is very little reference to third sector input into the CJCs. Paragraph 4.4 says only that such input needs to be 'considered'. The lack of obligation to engage with civil society is concerning. It is not only contrary to the principles of the Wellbeing of Future Generations Act, it would also be contrary to the principles of the Social Partnership and Public Procurement Bill. While there is provision to potentially co-opt voluntary sector representatives to CJCs, this is not strong enough. The guidance does not seem to recognise that the broad range of strategic service areas cannot be represented by one single voice, while no reference as to the process for selecting a co-opted member has been given. Further clarity is needed also as to how CJCs decide who will be voting members and how this will be quality-assured to guarantee fairness and representation of the CJC's region.

The makeup of the CJCs could mean that established partnerships and relationships between Health Boards and the voluntary sector would be compromised and weakened, and that there would be a lack of co-operation and co-production.

CJCs should aim to drive and enhance cross-sector collaboration within their respective regions – i.e. drawing the links between health, housing, education, etc

Q3: Does Chapter 2 provide sufficient/appropriate guidance on matters relating to the staffing and workforce of a CJC?

No

If no, what would you add or change?

It would be good to see a commitment to support employee volunteering, and also to consider secondments to and from the CJsCs to the voluntary sector. This would enable stronger partnerships to be developed, and support diversity and inclusion.

Q4: Does Chapter 3 provide sufficient/appropriate guidance on CJC meeting and proceedings?

No

If no, what would you add or change?

Paragraph 46.1 says: 'The five ways of working set out in the Wellbeing of Future Generations Act will be particularly important to consider in the context of a CJC.' The five ways of working should surely be mandatory for CJsCs to follow, not simply worth considering. As new public bodies, the CJsCs should have the Act embedded from the outset.

The process is going to be dependent on the level of commitment of the members and how much time they can invest at a regional level whilst still having responsibility for the same areas of work at a county level. This will be a tricky balance for all agencies.

Paragraph 46.5 says: 'CJsCs may wish to consider different options when setting their well-being objectives and steps but, in any case, need to ensure that their approach is integrated to reduce administrative burden and encourage efficient use of resources.' As in Q4, this should be mandatory, and their approach to setting and implementing wellbeing objectives integrated to meet the aspirations of the Well-being of Future Generations Act.

Sub-committees may provide an opportunity to make links and meetings more focussed.

Q5: Does Chapter 4 provide sufficient/appropriate guidance on the governance and scrutiny within, and of, a CJC?

No

If no, what would you add or change?

Council members are already concerned about the lack of scrutiny of 'regional entities' such as RPBs, Leadership Groups, etc. The predominate work areas sit within existing Council Lead Member portfolios, yet these members are now playing a full part in scrutiny of CJsCs. This appears a conflict of interest.

The Monitoring Officers must ensure scrutiny committees have open, accessible routes for engagement so all stakeholders, including the voluntary sector, are able to engage. Budgeting processes must also support transparency and be published in accessible formats.

Q6: Does Chapter 5 provide sufficient/appropriate guidance on the funding, finance and budgetary matters of a CJC?

No

If no, what would you add or change?

There is still uncertainty around the process for pooled budgets and collective resources from across the local authorities and partners. If the voluntary sector is unable to bring financial resources, will there be a perception of being a second-class member of the CJC, or will the predominate representatives see the sector as a potential source of funding for CJCs via charitable funds? There is a lack of clarity as to how the sector will be viewed regarding funding – as a taker or a contributor? There is also a lack of clarity around how work may be commissioned between the CJC and if the sector will be on an equal playing field for funds eg Shared Prosperity funding.

There seems to be insufficient guidance around the funding of a CJC – they run the risk of being under-resourced in the same way as PSBs. Also, there is no reference in the document about funding support for involvement by volunteers and the voluntary sector itself.

Q7: Does Chapter 6 provide sufficient/appropriate guidance on the other statutory duties listed for CJCs?

No

If no, what would you add or change?

It will take a number of years to resolve the transition from local statutory duties through to a regional footprint, and how that can be addressed with a redirection of resources from local to regional. As the statutory duties shift there may be a danger that Local Authorities will push ‘their’ current statutory roles to regional, but exclude the voluntary sector as a potential delivery partner.

Paragraph 46.6 says that CJCs ‘can work with other public bodies in their area, as well as with Public Service Boards, when setting their well-being objectives’. As before, this should be mandatory, not optional. Co-productive working is vital for CJCs to achieve their objectives.

Paragraph 46.7 says: ‘Applying the Five Ways of Working and the Sustainable Development Principle will help CJCs, their constituent councils and other public bodies determine the objectives and steps that they can work on together to jointly discharge their duties under the Wellbeing of Future Generations Act and maximise their individual and collective contribution to the goals.’ This is, while true, an empty statement rather than guidance. It should explicitly state that CJCs must apply the Five Ways of Working as they work with their partners.

Paragraph 46.8 should be deleted. CJCs should not be setting their own well-being objectives, alongside those already set by their local councils, PSBs, RPBs and other bodies. It would be counterproductive. Setting well-being objectives must be a joint enterprise to implement the Act effectively.

Paragraphs 47-49 on Welsh Language, Equality and Environmental duties are worded more strongly than para 46. Consistency requires that paragraph 46 says 'CJCs are subject to the provisions of the Wellbeing of Future Generations Act'.

Some thoughts on health and social care: Creating an additional layer of bureaucracy at a regional level, given the Regional Partnership Boards exist in the health and social care space and are responsible for the Population Needs Assessments, regional planning and creating market stability, makes little sense. This is likely to create further complexities rather than reduce them. It will hinder the Social Services and Wellbeing Act from being implemented as intended. If social care becomes the 'responsibility' of the CJCs and certain sectors are not co-opted, then there is likely to be a lack of buy-in from senior leaders and managers from those unco-opted sectors.

The call for health and social care integration is still current and it is hard to see how a CJC could take this forward given the complexities involved and skills and knowledge required.

Q8: We would like to know your views on the effects that the guidance would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

It is important that the principles and established practice to support and promote the Welsh language are integrated to the guidance and development of the CJCs.

Q9: Please also explain how you believe the guidance could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language, and ensure there are no adverse effects on opportunities for people to use the Welsh language.

(Insert response here)

Q10: We have asked a number of specific questions on the draft guidance. If you have any related issues which we have not specifically addressed, please enter here.

Paragraph 36.2 refers to the CJC receiving funding from the voluntary sector. Surely this is an error? The voluntary sector should not, and could not, fund the CJCs. The sector is keen to be involved in the developments around CJCs and may be able to support partnership activity by being able to apply for funds where public sector bodies are ineligible.

We would like to thank the voluntary sector organisations who contributed to this response.

WCVA will be happy to discuss these issues further with Ministers, Committees or officials if requested.

