

## **Blaenau Gwent Public Service Board Terms of Reference**

These terms of reference were agreed at the Blaenau Gwent Public Service Board on 13 July 2016.

They have been prepared with reference to the Welsh Government Statutory Guidance Shared Purpose Shared Future issues under Section 51(1) of the Well-being of Future Generations (Wales) Act 2015

### **1. Status**

Blaenau Gwent Public Services Board (the Board) is a statutory board established by the Well-being of Future Generations (Wales) Act 2015.

### **2. Purpose**

The purpose of the Board is to improve the economic, social, environmental and cultural well-being of the people living in the Blaenau Gwent area.

In pursuing this purpose, the Board will deliver against the national well-being goals that are:

- A more prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

### **3. Main Tasks/ Responsibilities**

The Board has five main tasks:

- To prepare and publish an assessment the state of the economic, social, environmental and cultural well-being for the Blaenau Gwent area
- To set local objectives that are designed to maximise the PSB's contribution to the well-being goals
- To publish a well-being plan for the Blaenau Gwent area that sets out the Well-being objectives and the steps it intends to take to achieve them
- To take all reasonable steps (by statutory members) to meet the objectives set
- To prepare and publish an annual report that sets out the Board's progress in meeting the objectives

### **4. Principles and values**

- The Board will operate within sustainable development principles. This means acting in a manner that seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

This means that decision making by the board will need to take into account five key things:

- **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 Blaenau Gwent area.

In addition, the Board will strive to work in accordance with:

- The United Nations Convention on the Rights of the Child
- The National Principles for Public Engagement in Wales
- The National Standards for Children and Young People's Participation
- Welsh Language (Wales) Measure 2010
- Biodiversity (The Natural Environment and Rural Communities Act 2006)
- Equality Act 2010
- Public Sector Equality Duty
- Crime and Disorder Act 1998
- Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007
- Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007
- Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

The Board and its members will in fulfilling their duties do so in accordance with the Nolan Principles and Standards of Public Life demonstrating at all times behaviours of:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

## **5. Membership**

### Statutory Members

The four statutory members of each board are listed in section 29 of the Act. They are:

- Blaenau Gwent Council (Leader and Lead Director / Head of Paid Service designated under section 4 of the Local Government and Housing Act 1989(c.42).
- Aneurin Bevan University Health Board (Chair and Chief Officer )
- South Wales Fire and Rescue Service (Chair, the Chief Officer or both)
- Natural Resources Wales ( Chief Executive)

Representatives of all the statutory members must be in attendance at a meeting of a public services board. Statutory members are collectively responsible for fulfilling the board's statutory duties. This means unanimous agreement of the statutory members is needed in relation to fulfilling these duties (e.g. to publish assessments of local well-being, local well-being plans and annual progress reports).

However, statutory members will not and cannot work in isolation. Other bodies and organisations in the area have a significant contribution to make. Individuals may be designated to represent any of the above named persons. The Council Leader may only designate another member of the Council's executive to represent him or her.

Any designated representatives must have the authority to make decisions on behalf of their organisation. Members of the Board are asked to embed this element into their own governance arrangements.

## **6. Participation and Roles**

### Invited participants

The Public Service Board must invite specified statutory invitees to participate in the board's activity. These invitees are not required to accept the invitation. If they accept the invitation, they do not become statutory members of the board but become "invited participants". However, there is nothing preventing these bodies participating fully in the activities of the board.

In accordance with the statutory guidance at its first meeting, the board invited the following to participate in the activity of the board:

- The Welsh Ministers
- The Gwent Police and Crime Commissioner
- The Chief Constable of Gwent Police
- Gwent Association of Voluntary Organisations (GAVO)

Subsequently the following groups were invited:

- Coleg Gwent
- Tai Calon
- Public Health Wales
- National Probation Wales
- Community Rehabilitation Company Wales

Whilst the above invitees were not required to accept their invitation, they have done so. In accepting the invitation, they do not become statutory members of the board but become “invited participants”.

Invited participants, having accepted an invitation, will work jointly with the board on anything the board does under its well-being duty, including assessing the state of well-being in its area, setting objectives to maximise its contribution to the achievements of the goals and taking reasonable steps to meet those objectives.

This means they will be entitled to make representations to the board about the assessments of local well-being and the local well-being plan, take part in its meetings and provide advice and guidance.

However it needs to be noted that a local well-being plan can only include objectives which are to be met by steps taken by an invited participant (or other partner) if the board has obtained the agreement of that invited participant (or other partner)

#### Involving other partners

Public service boards are required to invite other persons or organisations to participate, and can invite others as they consider appropriate provided they exercise functions of a public nature. Whether or not a body exercises functions of a public nature is an issue on which the board may need to seek legal advice but the factors to be taken into account include, in particular, the extent to which the function it is undertaking is publically funded, is exercising statutory powers, is taking the place of central government or local authorities or is providing a public service.

The Board will engage with other key partners in the Blaenau Gwent area who exercise functions of a public nature and who; have a material interest in the well-being of the area; deliver important public services and are involved in the preparation, implementation and delivery of the work of the Board.

These partners will include but are not limited to:

- Community and Town Councils
- Public Health Wales
- NHS Trust
- Community Health Councils
- National Park Authorities
- HEFCW
- Arts Council of Wales
- Sports Council of Wales

- National Library of Wales
- National Museum of Wales

The Public Services Board can invite any of these partners to participate more fully in its activity as an invited participant.

The board will consider what over bodies it wishes to invite to participate in its work as invited participants and the manner in which it intends to involve them. The only condition is that invited participants must exercise functions of a public nature.

## **7. Procedure and schedule of meetings**

The first (mandatory) meeting of the Public Services Board will be held within 60 days of the Board being established (between 1 April and 30 May 2016). The Board will meet quarterly.

Each meeting will consider, but not be limited to the following agenda items:

- Welcome and apologies
- Declarations of interest
- Public Minutes of last meeting
- Progress on well-being objectives
- Forward work plan
- Risk issues
- Resources
- Communication

The Local Authority will chair the first meeting but members can then appoint another statutory member or an invited participant to chair.

The cycle of meetings ends when an ordinary election of councillors (all seats on the council are up for election or re-election) is imminent.

Agenda and supporting papers will be sent out to members 7 calendar days in advance of meetings. Draft minutes will be sent out to members within 14 calendar days following each meeting. Agenda's and minutes will be posted on the Public Services Board website when established and once they have been approved at subsequent meetings. Items will only be exempt or restricted when the wider public interest clearly demands and there is a legislative reason (e.g. contractual sensitivity or to protect individuals).

Any Board representative may request that an item be placed on the Agenda with the consent of the Chair providing it is done so 14 calendar days in advance of the meeting.

Welsh Language Standards will be applied to meetings in respect of agenda's and minutes. Language preferences of attendees will be sought as part of their engagement on the Board. Any person representing any Board member must also indicate language preference prior to the meeting.

## **8. Providing Information**

The Board can require statutory members and invited participants and other partners to provide information about any action they take that may contribute to achieving the well-being goals. However they are not required to provide information if;

- a) They consider it would be incompatible with their duties, or
- b) It they have an adverse effect on the exercise of their functions, or
- c) They were prohibited from providing it by law.

If a person decides not to provide information. The Board has requested it must provide the Board with written reasons for its decision.

## **9. Quorum / Decision Making**

The Board will be quorate providing all statutory members are present. It is expected that decisions and recommendations of the Public Service Board will be made by consensus. All statutory members that sit on the Board must be present for any decision to be valid. Competing or differing interests between statutory members should be reconciled before operational issues occur. Where differences are not reconciled, agreed independent mediation will be sought, with the partner organisations agreeing to accept the decision of the mediation process.

Where appropriate risk management and contracting arrangements will be formalised.

## **10. Subgroups**

The Board is able to establish subgroups to support it in undertaking its roles and the board can authorise sub -groups to exercise a limited number of functions.

Each sub-group of a public services board must include at least one statutory member of the board, who can choose an appropriate representative to attend to contribute to the work of the sub group. The sub-group can also include any invited participant or other partner.

Sub-groups cannot:

- a) Invite persons to participate in the Boards activity
- b) Set, review or revise the boards local objectives
- c) Prepare or publish an assessment of well being
- d) Consult on an assessment of local well-being or to prepare a draft of an assessment for the purposes of consulting
- e) Prepare or publish a local well-being plan
- f) Consult on a local wellbeing plan or to prepare a draft of a local well-being plan for the purposes of consulting
- g) Review or amend a local well-being plan or to publish an amended local wellbeing plan
- h) Consult on an amendment to a local well-being plan
- i) Agree that the board merges or collaborates with another public services board.

The matters above require all statutory members to act jointly and must be taken by the Public Services Board itself.

Whilst the sub-groups cannot themselves be authorised to finalise and approve the assessment of local well-being, or the local well-being plan, it is expected that they will play an important role in researching and developing these products in draft.

Each sub- group will prepare terms of reference and the chair of the sub group will submit them to the Board for approval. In this respect, the Board will need to consider a review of the effectiveness of the current partnership framework and any changes needed to improve the delivery of outcomes against the well-being goals.

## **11. Resourcing the work of the Public Services Board**

Blaenau Gwent County Borough Council will make administrative support available to the Public Services Board. Administrative support will include:

- Ensuring the public services board is established and meets regularly
- Preparing the agenda and commissioning papers for meetings
- Inviting participants and managing attendance
- Work on the annual report
- Preparation of evidence for scrutiny.

However, it is for the Board to determine how it will resource the functions it has to undertake.

## **12. Involvement and Engagement**

The Board's citizen focus means it will engage in a purposeful relationship with people and communities in Blaenau Gwent in all aspects of its work.

Interested parties can be invited to make presentations to the Board on any items that are being considered. The Board will need to take care however to ensure the propriety and impartiality of the Board's process and be alive to the risks of any perception arising that a particular group is being afforded excessive access to, or influence over the Board's deliberations.

The Board will take additional steps, outside of meetings, to ensure that the public voice is heard and helps to shape both the well-being assessment and well-being plan. This will include opportunities for people to raise and debate ideas through on line and offline engagement arrangements.

The Board will ensure its engagement plans adhere to the National Principles for Public Engagement in Wales.

As part of this engagement, process the Board will adopt the National Standards for Children and Young Peoples Participation.

People who are interested in improving the well-being of Blaenau Gwent citizens and communities will be given the opportunity to be involved through engagement events and the Partnership Framework.

### **13. Seeking the advice of the Future Generations Commissioner**

In drafting its local well-being plan, the Board must seek the advice of the Future Generations Commissioner for Wales on how to take steps to meet their local objectives in a manner consistent with the sustainable development principle.

The Commissioner will have up to 14 weeks in which to provide this advice and the board will need to factor this into their timescales for preparing the local well-being plan.

The Board must publish the Commissioner's advice at the same time as it publishes its local well-being plan.

The Board must also send a copy of its well-being plan to the Welsh Ministers, the Commissioner, the Auditor General for Wales and the Blaenau Gwent County Borough Council's scrutiny committee arrangements.

### **14. Reporting on progress**

The Board must prepare and publish a report no later than 14 months after the publication of its first well-being plan. This should enable the Board to report on the full year's activity.

Subsequently an annual report will be published no later than one year after the publication of each previous report.

The report will set out the steps taken since the publication of the Board's most recent well-being plan to meet the objectives set out in the plan.

The report can also include any other information the Board thinks would be appropriate. Progress will be measured with reference to the national indicators and where they have been set the performance indicators and standards for Public Service Boards.

The Board must send a copy of each annual progress report published to the Welsh Ministers, the Commissioner, the Auditor General for Wales and the Blaenau Gwent County Borough Council's scrutiny committee arrangements.

### **15. Performance Management**

The Board will ensure that it tracks the impact and outcomes of the well-being plan. The performance management arrangements will focus on clarity of outcome and not process.

### **16. Scrutiny and accountability**

Local integrated planning will only be effective if members of the Public Services Board take responsibility themselves for securing improvement, with local democratic processes providing challenge and support.

Scrutiny of the Board will be undertaken through Blaenau Gwent County Borough Council's scrutiny committee arrangements (Scrutiny Committee), which will:

- a) Review and 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

To enable it to fulfil its scrutiny function the Scrutiny Committee will be provided with evidence in the form of:

- Draft assessment of local well-being
- Draft local well-being plan
- Copies of the final versions of both
- Annual reports

In addition, the Scrutiny Committee will be able to draw on the published advice provided to the Board by the Future Generations Commissioner for Wales.

The Scrutiny 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 the Act. This includes any person that has accepted an invitation to participate in the activity of the Board.

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

## **16. Role of Welsh Ministers / Commissioner and Auditor General for Wales**

Neither the Welsh Ministers nor the Commissioner has any role in approving assessments of local well-being plans. Local well-being plans are the plans of the Blaenau Gwent Public Service Boards members locally owned and subject to local scrutiny. The Welsh Ministers instead have a power to direct a Board to review its well-being plan; or to refer a plan to the 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. Similarly, the Auditor General for Wales has no role in examining public service boards, but may carry out examinations of public bodies. These examinations would be 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.

## **17. Merging and collaboration**

Two or more public services boards are able to merge or collaborate if it would assist them in contributing to the achievement of the well-being goals.

However, Boards may merge only if the same Local Health Board is a member of each board seeking to merge and no other Local Health Board is a member of any of those boards.

A board collaborates if it:

- Co-operates with another board
- Facilitates the activities of another board
- Coordinates its activities with another board
- Exercises another boards functions on its behalf or
- Provides staff, goods, services or accommodation to another board.

Where boards have decided to merge or collaborate, a clear rationale for reaching that determination should be formally documented and considered in the minutes of the board outlining how it considers the action would assist them in contributing to the achievement of the well-being goals.

## **18. Communication Plan**

The Board will ensure that it develops implements and reviews an appropriate communication plan, which will:

- Outline the arrangements for the presentation of the Board agenda, minutes, paper and related outputs
- Communicate effectively with Public Service Board member workforces so that they have a good understanding of the role of the Board
- Provides clear information on progress against any adopted plans
- Consider its branding
- Create and maintain a public facing website

## **19. Complaints**

All complaints about the operation of the Blaenau Gwent Public Services Board should be addressed to the Lead Director/Head of Paid Service of Blaenau Gwent County Borough Council. On receipt, complaints will be shared with all Board members to identify an appropriate process to handle the complaint, duly providing a report back to the Public Services Board.

## **20. Finances and other resources**

Blaenau Gwent Public Services Board may raise and distribute funds (e.g. grants) but all monies will be held on behalf of the Board via Blaenau Gwent County Borough Council and the financial management and accountability of this organisation will be followed.

The resources required to implement any activities related to the achievement of the shared outcomes are the responsibility of the relevant partnerships and or partner organisations and not the Blaenau Gwent Public Services Board.

## 21. Further reviews of Terms and Reference

The Terms of Reference for the Board will be reviewed each year in line with annual reporting. When changes are proposed and approved by the Board the rationale for doing so will also be recorded.

Review date: May 2017

### Agreed PSB dates

<b>Date</b>	<b>Venue</b>	<b>Time</b>
25th April 2016	Civic Centre, Executive Room	2.00pm to 4.00pm
13 <sup>th</sup> July 2016	Civic Centre, Executive Room	2.00pm to 4.00pm
31 <sup>st</sup> October 2016	Civic Centre, Executive Room	2.00pm to 4.00pm
30 <sup>th</sup> January 2017	Civic Centre, Executive Room	2.00pm to 4.00pm

### Proposed 2016/17 additional dates if required

<b>Additional LSB Meetings</b>	<b>Venue</b>	<b>Time</b>
13 <sup>th</sup> June 2016	Civic Centre, Executive Room	2.00pm to 4.00pm
12 <sup>th</sup> December 2016	Civic Centre, Executive Room	2.00pm to 4.00pm
March 2017 (exact date TBC)	Civic Centre Executive Room	2.00pm to 4.00pm