

Annex C: Consultation Questions

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Chapter 3	
<u>Consultation Question 1</u>	
<p>In Chapter 2, we restated our commitment to regional working in key areas but recognised the need for this to be supported by further change. In chapter 3, we set out the broad options for moving toward fewer, larger local authorities and summarise features of the process which would be common to each option.</p>	
a)	<p>What practical steps could the Welsh Government take to make current regional working easier and more effective, for example in relation to education consortia, social services and the City Regions and City and Growth Deals?</p>
	<p><i>We feel that it would be essential to ensure that there is a consistent approach to regional working; the current context allows still for too much duplication of services which removes school leaders from their ‘day job’ of leading schools. The four consortia were set up, and therefore held to account, through different governance structures which are becoming too distant from a fundamental principle in Wales of ‘local democracy’. Many parents do not know or understand what the consortia are, or the influence and power they have at local level. Significant monies now are removed from this local level of decision making and from front line services which is having a significant impact on school budgets. We would therefore like to see a higher degree of consistency both in the way the educational consortia are organised and also in their governance.</i></p> <p><i>It would improve communications and efficiency if there were commonality between regional bodies, i.e. they all serve the same area. It is unhelpful to have two service delivery providers that operate within one educational consortium area, for example.</i></p>
b)	<p>What are your views on the common elements to the process of mergers we outline in this section?</p>
	<p><i>We agree that a clear strategy is required that minimises uncertainty and allows for a structured change process, preferably in a manageable but not prolonged timescale. It is also appropriate that the process is democratically-led, but with appropriate support for implementation. We understand the need for the Welsh Government to retain emergency powers as a last resort in the case of serious failure in a local authority.</i></p>

<p>c) What are your views on the options for creating fewer, larger authorities which we have set out?</p>
<p><i>We support the principle of fewer, larger authorities in order to ensure that all local authorities have the resources and capability to provide sustainable and effective local public services. Whilst we would understand the attraction of a voluntary merger process, we also feel that there should be a specified timeline in order to avoid delays which may compound some of the current issues within local government. We would therefore support the phased approach outlined in Option 2.</i></p>
<p>d) Are there other options for creating fewer, larger authorities we should consider?</p>
<p><i>Whilst it would be possible to create fewer, larger authorities, we support the principle for aligning the new authorities with current health board boundaries to allow a more joined-up approach to services, and are pleased to see that the proposals take account of the alignment of some of the other public service providers, for example the educational consortia. However, there is perhaps potential for increasing the congruence of all providers. We would have concerns though, if the final model still allowed for duplication of services with regional bodies i.e. educational consortia.</i></p>
<p>e) Do you have evidence on costs, benefits and savings of each option which can inform decision-making? If so, please provide details.</p>
<p><i>We have no doubt that significant cost-savings can be made under any of the proposed options, particularly in relation to educational services that are duplicated in each council, for example payroll, human resources etc.</i></p> <p><i>We are particularly concerned that any changes should result in a single layer of accountability for schools, rather than the current multiplicity that causes significant unnecessary duplication of work. The current system where the LA retain the employer function but the consortia have the school improvement function in some cases can work well, but all too often causes conflict, confusion and can be extremely wasteful. At a time when financial resources are so tight, we need to be certain that resources are used in the best interests of our young people. At times it can appear that Wales has spawned an industry that is obsessed with data and norm-referencing, rather than a system that encourages and supports schools in their efforts to help every young person achieve their full potential. In some areas, the consortia do not appear to be held to account properly, and there are clear tensions between local authorities over jurisdiction. There is insufficient consistency of approach and delivery between the consortia.</i></p> <p><i>We would therefore see these proposals as an opportunity to ask some salient questions about whether the current system is sustainable in the long-term. In particular, in relation to education at a local and regional level we feel there is needed greater clarity around governance structures and jurisdiction. With the proposed changes to school accountability that the Welsh Government have published, and the greater importance placed on self-evaluation and the self-improving system in schools, we need to ask whether the consortia should be adopting a different role.</i></p>

Too often the consortia are driven by data and a ‘quasi-inspection’ manner of delivery. Inspection should be delivered by Estyn and the habit of the consortia in “ramping up” the pressure around inspection is, in most cases, counter-productive. The over-emphasis on norm-referenced accountability measures, allow young people to be ‘off-rolled’ too often as it becomes easier to lose the child at that level. Schools that are successful and effective should not be subjected to constant monitoring and interference.

We believe that there are key areas where the clarity between the role of both the new LA/Regional bodies could add significant value:

- If Wales’ ambition is to support the development of 1 million Welsh speakers by 2050, all of Wales’ population should feel included and have the opportunity to learn the language. Programmes are delivered at local level currently and it would allow the new LAs to draw through ‘lifelong learning’ programmes to offer this, working in conjunction with the schools. In consortia that have high levels of Welsh speakers the teams that are leading this very important initiative sometimes appear ‘non-inclusive’ and to lack a team dimension to understand the challenges of non-speakers.*
- Regional working makes sense for ALN delivery to allow equitable access to provision for all young people who require support. Governance for this group should be equally split between education and the health boards, with a direct funding stream from WG. Core funding and jurisdiction would rest with the local authorities but additional funding directly from the WG stream. This could allow for any additional monies i.e. for mental health and well-being to be targeted directly as needed across the Health board regions.*
- Where there is evidence from a range of sources of a school that is failing its young people, there needs to be access to highly experienced professionals who are able to provide appropriate support and challenge.*

There are other areas where there are unresolved concerns:

- It has not been made clear how mental health and well-being will be delivered. The consortia sometimes appear to be replicating some of the practice of the English ‘academisation’ system – with the unintended consequences for the young people (particularly the most vulnerable) all services should be looking after.*
- School admissions, school meals, Safeguarding, Attendance, and ‘Children missing from education’ children are all delivered at LA level; there is a sound rationale for all services for children to be delivered at the same level.*

- *Children’s social care should stay with the local authority to allow the child to remain at the centre of public service delivery. This fundamental principle is completely lost by the current structures. The ‘vulnerable’ child, with limited outcomes, sadly is too often seen as ‘problem’ in data sets.*

The current model does not allow for clear lines of accountability at local level. This has been lost.

In the event of fewer local authorities being created there may be a case for returning to the local authority as the single layer of accountability to ensure financial savings, a reduction in workload and clear lines of local accountability.

Chapter 4

Consultation Question 2

Chapter 4 has explained the need for clarity on the future footprint for local government and the range of factors which should be taken into account to determine a new configuration. It sets out a suggested future footprint for local government, which could be reached via each of the options set out in the previous chapter.

- a) Do you agree that providing clarity on the future footprint of local government is important?

We consider that clarity and certainty are vital in order to ensure effective and stable local government.

- b) Do you agree with the factors we have identified to inform our thinking? Would you change or add any?

We consider the factors used are appropriate and take account of relevant considerations.

- c) What are your views on the new areas suggested in this section?

On the whole, we can see the benefits of the proposals, although it is also possible to see that there may be local opposition in some areas where the new areas would dramatically alter the balance of political power. We do have some concerns about the viability of Powys on its own. Particularly in relation to schools, some are so close to the borders of other authorities and so far from the centre of the current authority that it creates significant logistical difficulties. It might be appropriate to consider either

- (a) dividing it into two regions that could be aligned with some of the other proposed authorities, or*
(b) looking at boundary changes where there are isolated pockets that suffer because of competition from other authorities to ensure more effective delivery across such a large and sparsely populated area.

d) Do you have alternative suggestions and, if so, what is the evidence to support these as an alternative?
<i>See above.</i>
e) In the context of these proposals, are there other ways we should simplify and streamline joint working arrangements at regional level and among public bodies within the new authority areas? If so, what are they?
<i>Please see our response to Q1 above</i>

Chapter 5
<u>Consultation Question 3</u> Chapter 5 sets out the proposed approach to transition and implications for establishing Transition Committees and elections to Shadow Authorities under each option.
a) Do you agree with the proposed process of transition: namely establishing Transition Committees and ensuring elections to Shadow Authorities can be held ahead of vesting day for the new authorities?
<i>Yes, this seems a sensible and pragmatic approach.</i>
b) Do you agree that, if option 1 were pursued, we should set a date by which voluntary merger proposals should come forward in each electoral cycle?
<i>Yes, we would see this as important to avoid uncertainty and allow full engagement of the electorate.</i>
c) Do you have any other thoughts on the proposed process?
<i>As previously noted, we would not consider it sensible to leave Powys in its current state.</i>

Consultation Question 4

The consultation suggests holding any local government elections in June 2021.

Are there any reasons why June 2021 would not be a suitable date? If so, please suggest an alternative date with the reasons why that would be more suitable.

This seems a sensible option.

Consultation Question 5

The Welsh Government recognises that there are some plans or assessments, for example the preparation of assessments of wellbeing by Public Service Boards, which are linked to electoral cycles. We will make provision to make sure these tie into any new electoral cycles going forward. Are there any other plans or matters which might be tied into the electoral cycle which we need to consider?

Not that we are aware of.

Consultation Question 6

What are your views on the approach which should be taken to determining the parameters of electoral reviews?

Once a decision has been taken on the changes and timing of them, the schedule for electoral reviews can be established. The sooner such uncertainties are resolved the better for the electorate.

Chapter 6

Consultation Question 7

a) How can councils make more effective use of their elected members' knowledge of, and connections in, their communities?

There is no one answer to this question. In the best authorities there is already great and effective use made of local knowledge. It will be important that all authorities look to the best practice and do their best to emulate it. This is a very important area that needs to be addressed if there are more moves towards Regional working, particularly in education.

b) How could we better recognise the level of responsibility involved in being a local councillor? What changes to the remuneration and support councillors receive would enable a wider range of people to become involved in local democratic representation?

It is important that local councillors are given public support and encouragement to do their jobs effectively and conscientiously in line with the Nolan principles of public life. This includes ensuring not only that they are not misrepresented and subject to abuse, but also that any misuse of their powers is dealt with promptly and effectively.

<u>Consultation Question 8</u>	
a) Are there other powers which local government should have? If so, what are they?	<i>We would support further development of community councils to meet specific local needs</i>
b) Are there other freedoms or flexibilities which local government should have? If so, what are they?	<i>Anything we should mention here?</i>
<u>Consultation Question 9</u>	
a) Which areas offer the greatest scope for shared transactional services?	<i>Cost effective and efficient digital solutions</i>
b) How might such arrangements be best developed?	<i>National platforms, carefully costed and capable of providing innovative and flexible services.</i>
<u>Consultation Question 10</u>	
a) In ensuring we deliver a consistent approach across Wales, where consistency is important, how do you think the advice and support on each of these matters could be best provided?	<p><i>It is important not to confuse a consistent approach with a common approach. Within the public services in Wales it needs to be recognised that there are different terms and conditions of service that apply to different groups of employees. It is therefore vital that these differences are seen as a significant contributory factor to the effectiveness of local services. It would not be advisable to attempt, under the banner of a “single public service”, to try to impose common terms and conditions of employment across all groups of employees. Unions and professional associations are in a unique position of being able to offer clear guidance and support on this matter.</i></p> <p><i>At the same time, a more coordinated approach to redundancy and redeployment can help to minimise the difficulties of recruiting suitable candidates for posts, and ensuring a viable and successful workforce.</i></p> <p><i>We support the concept of social partnership as an effective way of ensuring that appropriate and expert bodies are properly involved in the change process.</i></p>

c) Are there any other challenges or opportunities from structural change or providing additional powers and flexibilities that have not been identified above? If these areas require support, what form should this support take?

We are pleased to see that the potential cost for mergers has been acknowledged. However, it would be useful to have more detail on this
(a) to reassure local communities that their interests are being best served by these proposals, and
(b) to demonstrate to budget holders within local authorities that they are able to continue to work effectively during the change process.

d) Which of the issues identified above or in your response should be prioritised for early resolution?

We feel it critical that the specifics of any local authority mergers/boundary changes is clarified as soon as possible to give certainty to the rest of the process.
We would also value clarity over the issue to terms and conditions of employment of distinct groups within local public service.

Consultation Question 11.

We would like to know your views on the effects that the proposals within this consultation 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.

a) What effects do you think there would be?

We consider that these proposals allow for equality of language use, and are appropriate to the context of a modern Wales.

b) How could positive effects be increased, or negative effects be mitigated?

Consultation Question 12

Please also explain how you believe the proposed policy within this consultation could be formulated or changed (if required) 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 no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Consultation Question 13

The Children’s Rights Impact Assessment published alongside the consultation outlines the Welsh Government’s view of the effect of the proposals contained in the consultation on children and young people. The Welsh Government seeks views on that assessment.

a) Are there any positive or adverse effects not identified in the assessment?
<p><i>We are encouraged that the Welsh Government has undertaken this impact assessment. We would however ask that consideration be given under article 4 to the matter of equal access to the best possible educational provision. There are cases where some schools are located on the periphery of a local authority in direct competition with schools in another, larger authority and as a result are less well resourced. In such cases this leads to children in one school potentially having reduced access to similar resources and could be put at a disadvantage. We would encourage the Welsh Government to look carefully at this matter to ensure that no children and young people are disadvantaged.</i></p>
b) Could the proposals be reformulated so as to increase the positive effects or reduce any possible adverse effects?
<p><i>See response (a) above.</i></p>
<p><u>Consultation Question 14</u> The Equalities Impact Assessment published alongside the consultation outlines the Welsh Government’s view of the effect of the proposals contained in the consultation on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.</p>
a) Are there any other positive or adverse effects not identified in the assessment?
<p><i>We consider that these proposal offer an opportunity for local authorities to address the issue of pay equality and lead the way in ensuring equality of access and opportunity for all employees regardless of their gender, race or religious persuasion.</i></p>
b) Could the proposals be reformulated so as to increase the positive or reduce any possible adverse effects?
<p><i>We would like to see the matters mentioned in (a) above addressed specifically within the proposals.</i></p>
<p><u>Consultation Question 15</u> Please provide any other comments you wish to make on the content of this consultation.</p>
<p><i>We are encouraged that this consultation tackles the issue of local authorities and their ongoing sustainability. We are also pleased that the consultation is wide-ranging and present options for the future shape of local government. However, it does not appear to present a clear timeline for the Welsh Government’s own decision-making process which we think would be helpful.</i> <i>We feel that this process offers Wales the chance to create an effective and sustainable form of local government for the future.</i></p>