**Partnership Policy & Legislative Update**

This paper provides a synopsis of new policies and legislation that are likely to have an impact on both individual organisations and collective partnership working in Cardiff.

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| Anti Social Behaviour Bill | The white paper, 'Putting victims first - more effective responses to antisocial behaviour' (May 2012), set out the government’s plans to deliver on the commitment to introduce more effective measures to tackle ant-social behaviour. These include:  
  - **Improving understanding of the experiences of victims** e.g. improving the way anti-social behaviour is measured  
  - **Giving frontline professionals more freedom** including using informal measures e.g. restorative or reparative approaches, or Acceptable Behaviour Contracts where appropriate  
  - **Speeding up the eviction of anti-social tenants from rented housing**  
  - **Introducing faster, more effective formal powers** - replacing 19 current tools with six for those individuals who don’t respond to informal measures, or who are causing serious harm. This will include  
    - A civil injunction that agencies can use immediately to protect victims and communities before an individual causes serious harm;  
    - A new court order for the most anti-social individuals, available on conviction, that allows the courts to require them to stop their behaviour and address its underlying causes;  
    - Simpler powers to deal with ‘quality of life’ | In summary, the Bill sets out the following new powers:  
  - Injunctions to prevent nuisance and annoyance  
  - Criminal Behaviour Orders  
  - Dispersal Powers  
  - Community Protection Notices  
  - Public Space Protection Orders  
  - Closure of premises associated with nuisance and disorder  
  Detailed guidance will follow the passage of the Bill.  
  Alongside the draft Bill the Government published a consultation into the introduction of a **‘community remedy’** that would allow police and crime commissioners to give victims of low-level crime and antisocial behaviour a say in the punishment of the offender.  
  Each local policing body must prepare a community remedy document for its area and may revise it at any time. This document is a list of actions any of which might, in the opinion of the local policing body, be appropriate in a particular case to be carried out by a person who has engaged in anti-social behaviour or has committed an offence and is to be dealt with for that behaviour or offence without court proceedings. A typical menu may include:  
  - the offender signing an acceptable behaviour contract;  
  - participation in structured activities such as | 7th March 2013. | The Home Office anticipates that the contents (98 clauses) will be included in a Bill in the Queen’s Speech in May 2013.  
  The provisions may then take effect from 2014 or 2015, subject to Parliamentary approval |
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<td>crime and anti-social behaviour, and to close premises that are a magnet for trouble; - A more effective police power to stop anti-social behaviour in public places.</td>
<td>as alcohol or drug treatment - mediation for example, to resolve a neighbour dispute; - paying compensation to the victim (for example for any damage caused); - reparation to the victim (for example repairing damage or cleaning graffiti off a wall); - reparation to the community (for example by doing local unpaid work for up to 10 hours).</td>
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<td>• Supporting people and communities in establishing what is and isn't acceptable locally and in holding agencies to account eg: - <strong>Community Triggers</strong> which will give victims and communities the right to require action to be taken where a persistent problem has not been addressed - <strong>Community Harm Statements</strong>- making it easier to demonstrate the harm caused to victims and communities by anti-social behaviour and which will ensure that communities' voices are heard in the court room and will inform agencies' decisions on what action to take</td>
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<td>• <strong>Focus on long term solutions to anti-social behaviour by addressing</strong> binge drinking, drug use, mental health issues, troubled family backgrounds and irresponsible dog ownership</td>
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<td>In preparing or revising the document the local policing body must consult with chief officer of police for the area, whatever community representatives they think is appropriate to consult and undertake whatever other public consultation they think appropriate and must take account of all views expressed by those consulted</td>
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<td>A local policing body must agree the community remedy document for its area with the chief of police for the area. Once the community remedy document, or revised document, has been agreed with the chief police officer, the local policing body must publish it in whatever way it thinks appropriate</td>
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<td>‘Community Triggers’ have been replaced by ‘<strong>Review of Response to Complaints</strong>’ in the Bill and the provisions set out that in a case where a person has made a complaint about ASB in a particular local government area, the relevant bodies in that area must carry out a review of the response to that behaviour (an ASB case review) if: - That person, or any other person, makes an application for review and - The relevant bodies decide that the threshold for a review is met</td>
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| - The relevant bodies must make arrangements for carrying out these reviews (Review procedures) and ensure that current procedures are published  
- The review procedure must include provision about making an application including specifying the point of contact for making applications and ensure that applications made to this point of contact are passed to the relevant bodies  
- When an application is made, the relevant authority must decide if the threshold has been reached in accordance with the review procedures which takes account of the persistence of the ASB about which the original complaint was made and the adequacy of the response to the ASB  
- When they have decided if the threshold has been met, the relevant bodies must communicate their decision to the applicant  
- The relevant bodies carrying out the ASB review may make recommendations to a person who exercises public functions in respect of the matters arising from the review and the person must have regard to the recommendations in exercising public functions  
- The relevant bodies carrying out the review must advise the applicant of the outcome of the review and any recommendations made  
- As soon as is practical after a reporting period, the relevant bodies must publish information for that period in relation to:  
  - The number of applications for ASB reviews  
  - The number of times those bodies decided that the threshold for a review was not met  
  - The number of ASB reviews carried out  
  - The number of ASB reviews carried out by those bodies that resulted in |
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<td><strong>WG White Paper</strong></td>
<td><strong>Consultation on Ending Violence Against Women, Domestic Abuse and Sexual Violence (Wales)</strong>&lt;br&gt;This White Paper consultation outlines the policy and legislative proposals aimed at ending violence against women, domestic abuse and sexual violence. The proposed legislation will not seek to address criminal justice issues – it will seek to complement existing criminal law, focusing on the social issues within the elements of prevention, protection and support.&lt;br&gt;In order to achieve this it sets out 3 key themes that have been identified as needing to be strengthened, these are:&lt;br&gt;- <strong>Stronger leadership</strong> across Public Sector Services in Wales that is independent and can monitor and challenge, providing a strategic overview.&lt;br&gt;- <strong>Better education and awareness</strong> from the ‘cradle to the grave’, which includes the public, frontline staff and professionals.&lt;br&gt;- <strong>Strengthening and integrating</strong> services that are consistent, effective and of a quality standard.</td>
<td>Proposals include:&lt;br&gt;• An Independent Ministerial Adviser for Ending Violence Against Women&lt;br&gt;• Regional collaboration and strategies based on a needs assessment&lt;br&gt;• A Review of Services across Wales to inform future strategic direction and funding&lt;br&gt;• Ensure that education on ‘healthy relationships’ is delivered in all schools.&lt;br&gt;• A duty on local authorities to identify a regional Ending Violence Against Women, Domestic Abuse and Sexual Violence Champion to promote a whole school approach for dealing with this issue in educational settings.&lt;br&gt;• A national training framework that includes mandatory training, appropriate to their role, for public sector professionals on violence against women, domestic abuse and sexual violence.&lt;br&gt;• A duty on public bodies to develop information sharing protocols using the WASPI&lt;br&gt;• The creation and implementation of a work place policy for violence against women, domestic violence and sexual violence&lt;br&gt;• Implementing a Public sector duty to “ask and act”&lt;br&gt;• Implementing a public sector duty to provide a spectrum of safe accommodation options</td>
<td>The consultation was launched on 26th November 2012 and ends on 22nd February 2013</td>
<td>The Welsh Government intends to introduce a bill into the National Assembly for Wales, to address the issue before the end of this Assembly term.</td>
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<td>Legal Aid**&lt;br&gt;Sentencing and Punishment of Offenders Act 2012 (LASPO)**</td>
<td>The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 contains provisions which modify, clarify and consolidate the legislation relating to the release and recall of determinate sentenced prisoners. These provisions came into force on 3rd December 2012. The main purpose of these provisions is not substantively to change the basis on which prisoners are released but to address the fact that the legislation</td>
<td>The LASPO Act will provide that any child or young person remanded to youth detention accommodation will be treated as looked after by the designated authority. For Cardiff this could mean an increase in LAC cases for Social Workers.&lt;br&gt;The range of out of court disposals has been simplified through LASPO, but all stakeholder agencies are</td>
<td>Fully operational from April 2013</td>
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| **WG Green Paper Consultation on Proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System** | The consultation seeks to consider what more can be done to strengthen those services for which the Welsh Ministers have policy responsibility to ensure greater accountability of all partners for those children and young people who are at risk of entering or who are in the youth justice system. | This Consultation sets out the current landscape of youth justice provision in Wales and seeks views on its effectiveness including whether there is a need for primary legislation in order to improve services. Areas considered include:  
• Prevention  
• Diversion  
• Community  
• Custody  
• Exit from community or custodial sentence | Sept-Dec 2012 | TBC |
| **Draft Social Services and Well-being (Wales) Bill**                               | The consultation seeks to consider what more can be done to strengthen those services for which the Welsh Ministers have policy responsibility to ensure greater accountability of all partners for those children and young people who are at risk of entering or who are in the youth justice system. | This Consultation sets out the current landscape of youth justice provision in Wales and seeks views on its effectiveness including whether there is a need for primary legislation in order to improve services. Areas considered include:  
• Prevention  
• Diversion  
• Community  
• Custody  
• Exit from community or custodial sentence | Sept-Dec 2012 | TBC |
| **Consultation to Welsh Government, through a Green Paper, is**                     | The consultation seeks to consider what more can be done to strengthen those services for which the Welsh Ministers have policy responsibility to ensure greater accountability of all partners for those children and young people who are at risk of entering or who are in the youth justice system. | This Consultation sets out the current landscape of youth justice provision in Wales and seeks views on its effectiveness including whether there is a need for primary legislation in order to improve services. Areas considered include:  
• Prevention  
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| collect views about whether a Public Health Bill is needed in Wales                 | consulting on the need for a Public Health Bill, asking whether or not new legislation can help us create a healthier population and reduce health inequalities. Welsh Government highlights that:  
  - A Public Health Bill is an opportunity for Wales to make a step change in health and well being  
  - Wales has the opportunity to be a world leader in safeguarding the interests of the  
  - Welsh people  
  - Legislation is arguably the most powerful tool available to governments to direct long-term policy goals | to place statutory duties on bodies to consider public health issues. Views are asked on:  
  - A duty on Welsh Ministers (and other statutory bodies) to consider health issues in policy making (major or all policies)  
  - A duty on a range of bodies to consider health issues with a view to reducing health inequalities.  
  - Requiring appropriate bodies to consider health issues with a view to strengthening prevention of health problems | ends 20th February 2013 |                        |
| “A Sustainable Wales - Better Choices for a Better Future” - WG Sustainable Development Bill | The White Paper sets out the Welsh Government’s proposals to bring forward legislation to make sustainable development (SD) the central organising principle of the Welsh Government and Welsh public service organisations in Wales; and to create an independent sustainable development body for Wales.  
The fundamental elements on which the Welsh Government is proposing to bring forward legislation, to strengthen the governance framework for sustainable development, are:  
- **A new duty** - a stronger duty that requires specified public service organisations to embed sustainable development as their central organising principle;  
- **Support** - establishing an independent body on a statutory basis to support organisations to embed sustainable development and join up in working towards the improved wellbeing of Wales;  
- **Implementation** - through a range of actions which both strengthen the governance for | The legislation will introduce a new duty (to embed SD as a public body’s central organising principle) and establish a new SD body to offer support in achieving the duty. The duty will focus on the policy and corporate planning processes as these are the processes that are focused on the delivery of an organisation’s outcomes and therefore, those which will be most effective in embedding sustainable development. Proposals include:  
- A requirement for organisations to set out clearly the outcomes they are working towards.  
- Requirement to develop indicators that monitor progress towards these outcomes and provide an annual report on progress.  
- New legislation to place the single integrated planning framework (Local Service Boards) on a statutory footing  
- A new independent sustainable development body led by a Commissioner to support organisations to work across organisational boundaries;  
  Named organisations will be required to demonstrate | Consultation ends 4th March 2013 | Proposed that the duty is phased in from 1st April 2015 – 2017 to ensure that sufficient guidance and advice is available from the independent sustainable development body and the Welsh Government to support organisations subject to the duty |
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| **Play Sufficiency Assessment**<br>The Children and Families (Wales) Measure 2010 (Play Sufficiency Assessment) Regulations 2012 | The WG consulted on statutory guidance (April-June 2012) to place a duty on local authorities to assess play opportunities in their areas and provide details on how they will provide sufficient play opportunities in the future. As well as establishing a baseline of provision, the Play Sufficiency Assessment will enable the following:  
- Identification of gaps in information, provision, service delivery and policy implementation  
- Support the establishment of evidence to give an indication of distance travelled in relation to play sufficiency  
- Highlight potential ways of addressing issues relating to partnership working  
- The input and involvement of all partners increasing levels of knowledge and understanding  
- A monitoring system which will involve and improve communication between professionals  
- The identification of good practice examples  
- Increased levels of partnerships in assessing | sustainable development as a central organising principle. This will include:  
- Accountability - reporting and scrutiny arrangements to ensure that sustainable development is fully embedded within organisations. | From 1st April 2013 | From November 2012 - The deadline for the completion of assessments is 1st March 2013 |
<p>| <strong>Implications</strong>&lt;br&gt;Sustainable development and support the change to deliver the outcomes needed; and | | | Welsh Government | Natural Resources Wales |
| | | | National Library of Wales | National Museum Wales |
| | | | Sport Wales | Arts Council of Wales |
| | | | Local Authorities | Fire and Rescue Authorities |
| | | | National Park Authorities | Local Health Boards |
| | | | Higher Education Funding Council for Wales | Higher Education Institutions |
| | | | Further Education Corporations | |
| | | | From 1st April 2016 | |
| | | | Town and Community Councils | Registered Social Landlords |
| | | | From 1st April 2017 | |</p>
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| **United Nations Convention on the Rights of the Child (UNCRC)** | The ‘Rights of Children and Young Persons (Wales) Measure 2011’ received unanimous cross party support when it was passed at the National Assembly for Wales on the 18th of January 2011. It was given Royal Approval on 16th March 2011 and came into force on 16th May 2011. It places a duty on Welsh Ministers to have due regard to the rights and obligations within the UNCRC and its optional protocols. Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. | sufficient play opportunities  
• The identification of actions for the Securing Play Sufficiency Action Plan which accompanies the Play Sufficiency Assessment | to dispose of a playing field. The statutory guidance for developing local single integrated plans “Shared Purpose - Shared Delivery” has been updated to include the duties in respect of local authorities to include the duties in respect of local authorities to assess for sufficient play opportunities | | |

**Statutory Guidance for Children and Young People’s Participation. (Section 12 of the Children and Families (Wales) Measure 2010)**  
Guidance on Participation:  
Local authorities and partners have a duty to promote and facilitate participation within the broad context of children and young people’s rights as part of their policies, services and wider citizen engagement. This includes:  
• embedding children and young people’s participation into all aspects of planning, delivering and reviewing services. The Single Integrated Plan engagement strategy should set out how this will be addressed and evidenced through review of its implementation;  
• publishing information about arrangements for promoting and facilitating participation in the authority in the Local Service Board’s annual public report on progress, as well as using media which are accessible to children and young people such as relevant web-sites.  
• ensuring that a range of opportunities and the appropriate required support are provided for effective participation.

The statutory guidance for developing local single integrated plans “Shared Purpose - Shared Delivery” has been updated to include the duties in respect of local authorities to promote and facilitate participation by children in decisions of the authority which might affect them, and to publish and keep up to date information about its arrangements.

Shared Purpose — Shared Delivery Guidance on integrating partnerships published in December 2012

**From 1 May 2012**  
Welsh Ministers have a duty to have "due regard" to the UN Convention on the Rights of the Child (CRC) when planning and developing new legislation or policy, or reviewing or changing existing legislation or policy

**From 1 May 2014**  
this duty will extend to all the functions of Welsh Ministers

**Participation**  
Guidance on Participation is expected to be commenced straightaway
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| **Homes for Wales - Housing Bill**| **WG published a White Paper – “Better Lives for Communities” (May-August 2012) which set out a programme of action which included proposals to:**  
  * Increase the supply of new homes by 7,500 new affordable homes, of which 500 will be co-operative homes and 500 will be built on surplus public sector sites  
  * Bring 5,000 empty properties back into use.  
  * Improve the quality of existing homes, including their energy efficiency, through the Welsh Housing Quality Standard and other mechanisms.  
  * Do more to prevent homelessness, and improve housing services to help people, particularly those who are vulnerable, to lead healthy, independent, lives.  
  * Make a significant contribution towards WG’s long-term vision by ending family homelessness by 2019. | **The Housing Bill is expected to cover:**  
  * Tackling homelessness and empty homes;  
  * Improving standards in the private rented sector;  
  * Increasing the supply of housing; and  
  * Improving its quality.  
  
  **This will be done by:**  
  * Changes in homelessness law including:  
    - A new duty on local authorities to take all reasonable steps to prevent and alleviate homelessness; and  
    - Allowing local authorities to use suitable accommodation in the private rented sector.  
  * Introducing a compulsory licensing scheme for all private rented sector landlords and letting/management agents in Wales. They will have to work to a code of practice which will help improve standards across the housing sector;  
  * Giving local authorities the power to charge more than the standard rate of council tax on homes which have been empty for over a year;  
  * Placing a duty on local authorities to provide sites for Gypsies and Travellers where a clear need has been identified. Sites will still need planning permission in the normal way; and  
  * More use of Community Land Trusts and Co-operative Housing. | Four consultation sessions held between December 2011 and July 2012 | Included in the legislative Programme for Autumn 2013 |
| **Active Travel (Wales) Bill**    | **The White Paper sets out proposals to require Local Authorities in Wales to:**  
  * Identify and map the network of routes within their areas that are safe and appropriate for walking and cycling;  
  * Identify and map the enhancements that would be required to create a fully integrated network for |                                                                                                                                                                                                                                                                                                                                 | End of consultation 14/08/2012 | Spring 2013 All consultation responses will be taken into consideration when drafting the Bill, before it is |
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<td>walking and cycling and develop a prioritised list of schemes to deliver the network; • deliver an enhanced network subject to budget availability and following due process; • Consider the potential for enhancing walking and cycling provision in the development of new road schemes</td>
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<td>introduced in the National Assembly in the Spring.</td>
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