

NEWPORT FAIRNESS COMMISSION

Taking Seriously the Values of Fairness, Equality, and Well-Being in Local Government Policy-Making

1. Summary of response to the Draft Newport's Well-Being Plan 2018-2023

- 1.1 We very much welcome the invitation from Council to be part of the consultation process concerning the above draft. In times of severe economic austerity especially, we believe it is vital that the value of fairness is discussed critically and openly in public debate, so we can examine meaningfully how this value is applied to local government policies and practices, and also in the setting of its priorities in relation to also promoting the values of equality and well-being.
- 1.2 However, it is important to highlight what has already been stated in the Newport Fairness Commission's (NFC) full report to Council in November 2013 (see our website <http://www.newportfairnesscommission.org/>) – that the NFC sees its role principally as facilitating a critical reflection on policy, rather than it being a recommender of policy. The main aim, then, of the NFC is to provide local government policy-makers with a 'critical lens' for viewing fairness, and to encourage public debate which takes fairness, equality and wellbeing seriously as vital political, economic, and social goals for policy-makers.
- 1.3 It is with these debates in mind, that we believe it is incumbent upon the NFC to make explicit some of the problems in understanding the value of fairness when promoting the goals of increasing wellbeing for the population overall, at the *same time* promoting *either* the goal of equality between better off and worst off groups in respect to the levels of wellbeing experienced, *or* the prioritisation of increasing the worst-off groups' well-being, separate to considerations of equality. In short, the NFC believes these goals raise fundamental issues and questions about the scope and objectives of *The WellBeing of Future Generations (Wales) Act 2015*, leading to various conflicts in how fairness, equality, and wellbeing are understood and promoted. These conflicts, in turn, lead to difficult decisions in policy-making over promoting fairness and which need to be more explicitly acknowledged in *Newport's WellBeing Plan 2018-23*.
- 1.4 More specifically, Table 1 below summarises these conflicts centred on what the NFC believes has emerged in the Plan as a *Trilemma* (i.e. a three-pronged conflict) concerning the value of fairness. That is, between those policies which promote the maximisation of well-being for the population overall, broadly reflecting the principles of **utilitarian** fairness; with those policies which promote more well-being for certain disadvantaged groups when compared with more advantaged groups, broadly reflecting the principles of **egalitarian** fairness; and with those policies which promote the prioritisation of

increased well-being for disadvantaged groups but *without* comparing this increased level with more advantaged groups, broadly reflecting the principles of **prioritarian** fairness.

1.5 Following from the above, the NFC believes that it is important to address this Trilemma directly and explicitly – so using the utilitarian, egalitarian, prioritarian schema of fairness – to understand better the problems faced by One Newport in the allocation of scarce resources and the development of policy in its Well-Being Plan. That is, to highlight when different preferences for the above principles are being emphasised in the Plan at different times, and how these differences, also relate to the four parameters of debate about fairness identified by the Fairness Commission in their full report presented to Council in November 2013.

1.6 The four parameters of debate about fairness are summarised below, and, according to the NFC, will also have a profound bearing on how the above debates and policy recommendations are understood within *Newport's Well-Being Plan*:

1.7 *Parameter 1* *Equal treatment while recognising difference*

Main focal points of debate: When is it fair to treat people the same, and when is it fair to treat people differently? What groups have priority in Newport, and why? And, if trade-offs and compromises are to be made between different group interests', how should these trade-offs be balanced?

Parameter 2 *Mutual obligations between citizens and local government*

Main focal points of debate: What is the responsibility of local government to meet certain needs, and what conditions should apply to citizens, if any? And, which needs are to be provided universally (i.e. to all citizens) and which needs are to be met, in part or wholly, by citizens?

Parameter 3 *Interdependency and reciprocity within community relations*

Main focal points of debate: What is the value of participation in community life? How are citizens enabled to positively participate in the life of the community over periods of time, for their own and others' benefit? And, how and when are equal opportunities and 'life chances' facilitated, so enabling citizens to participate effectively?

Parameter 4 *Transparency and accountability in decision-making*

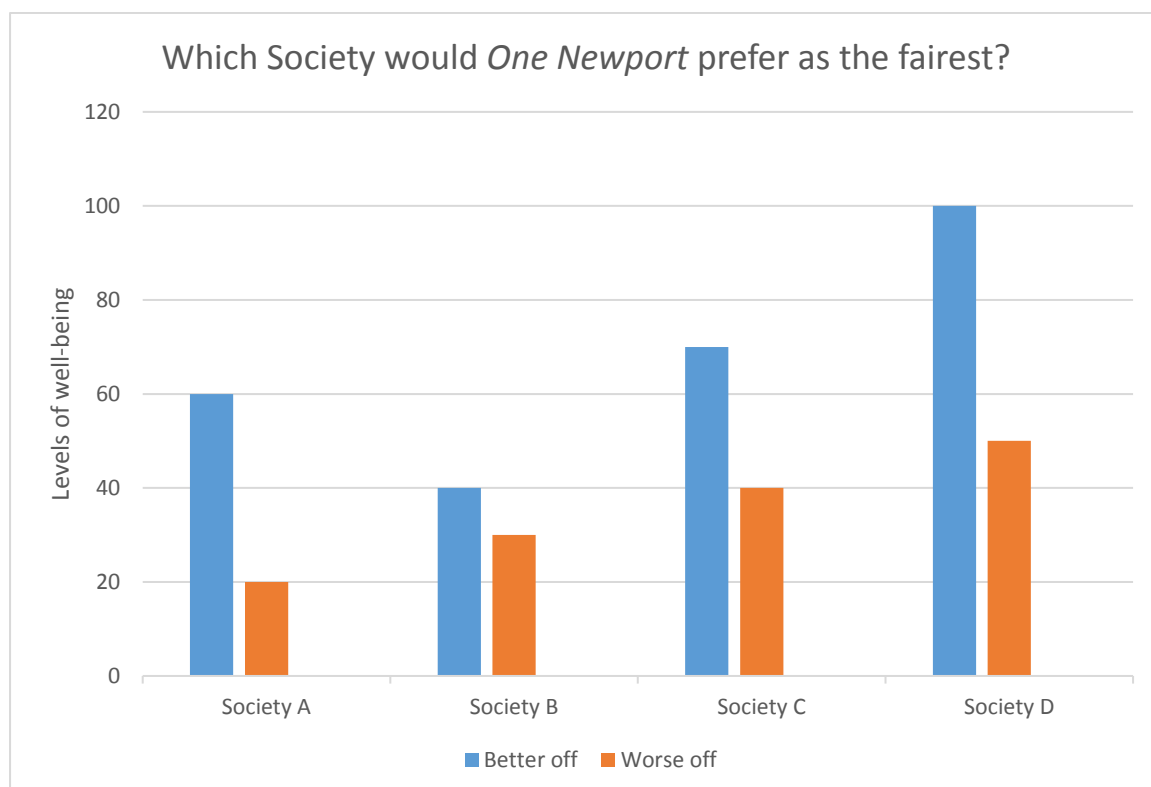
Main focal points of debate: How does Council ensure that the procedures for decision-making are fair, consistent and transparent? How does Council convey clearly and concisely to citizens the main decisions being considered and made? And, how are mature and meaningful channels of communication and exchange of views facilitated between the NCC and citizens?

2. Defining the Trilemma

- 2.1 Table 1 below outlines what the NFC believes is an important Trilemma, which, in turn, raises fundamental issues and questions about the scope and objectives of the *Wellbeing of Future Generations (Wales) Act 2015*, and the *Newport's Well-Being Plan 2018-2023*. In short, the Act and the Plan can be interpreted such that it exposes a fundamental conflict between principles of fairness, based on a three-pronged conflict that is not easily settled in political debate. The central reason why this conflict is not easily settled, is that whatever preferences are made according to one principle of fairness, other principles of fairness which might also be thought worth pursuing are inevitably undermined, and this is *regardless* of what political position is taken.
- 2.2 More specifically, this conflict or Trilemma is between those policies which promote the maximisation of well-being for the population overall, broadly reflecting the principle of **utilitarian** fairness; with those policies which promote more well-being for certain disadvantaged groups when compared with more advantaged groups, broadly reflecting the principle of **egalitarian** fairness; and those policies which promote the prioritisation of increased well-being for disadvantaged groups but without comparing this increased level with more advantaged groups, broadly reflecting the principle of **prioritarian** fairness.
- 2.3 Given these principled choices between the different *kinds* of fair society that One Newport could aim for, the fundamental question which also needs addressing much more directly and explicitly, both within the *Wellbeing of Future Generations (Wales) Act 2015*, and within the *Newport's Well-Being Plan 2018-2013*, is specifically which *type* of society would One Newport prefer as the fairest (and see section 3 below)?

3. Explaining the trilemma

Table 1



3.1 PREFERENCE 1 (Utilitarianism): If One (Utilitarian) Newport prefers to promote the *maximum amount of wellbeing for the population overall as its main principle of fairness*, then, following Table 1, its fairness preferences would be societies D, C, A, B – with D as the best option and B as the worst option.

Why? Because the maximum amount of wellbeing for the population overall would be the highest for society D and the lowest for society B – so well-being levels of 150 *in total* (for society D), 110 *in total* (for society C), 80 *in total* (for society A), and 70 *in total* (for society B).

BUT THE TRILEMMA REVEALS how *One (Utilitarian) Newport* is here preferring the most *unequal* society as its best option (society D), with a well-being gap between the better off and the worst-off of 50 units of wellbeing. Whereas, *One (Utilitarian) Newport's* least preferred option (society B) is the *most equal*, with a well-being gap between the better off and the worst-off of only 10 units of well-being.

3.2 PREFERENCE 2 (Egalitarianism): If One (Egalitarian) Newport prefers to promote the *least inequalities of wellbeing between the better off and worst-off groups as its main principle of fairness*, then, following Table 1, its fairness preferences would be societies B, C, A, D – with B as the best option and D as the worst option, so reversing the utilitarian preference above at the two extremes.

Why? Because the equality gaps between the better-off and the worst-off are getting progressively larger the more its policies deviates from the egalitarian best option, society B – so, society B has only 10 units of well-being gap between the better off and worst-off; society C has 30 units of well-being gap between the better off and worst-off; society A has 40 units of well-being gap between the better off and worst-off; and society D has 50 units of well-being gap between the better off and worst-off.¹

BUT THE TRILEMMA REVEALS how *One (Egalitarian) Newport* is here preferring as its best option the society which produces the least amount of wellbeing for the population overall (i.e. 70 units in total of well-being for society B). Whereas, its *least preferred option* (society D) produces the *most* amount of well-being for both the better off *and* the worst-off groups (i.e. 100 and 50 units of wellbeing respectively).

3.3 PREFERENCE 3 (Prioritarianism): If *One (Prioritarian) Newport* prefers to *prioritise the worst-offs wellbeing irrespective of how much wellbeing the better off experience*, then, following Table 1, its preferences would be societies D, C, B, A – with D as the best option and A as the worst option.

Why? Because the priority will be to maximise the wellbeing of the worst-off without considering *either* the inequalities between the groups *or* maximising the well-being of the population overall. This prioritisation would rank the preferred best option as 50 units of well-being for the worst-off group

¹ It is possible to conceptualise equality as not relating to the *quantitative* gap between better off and worst-off groups, but rather relating to the *proportionate* gap between the better off and worse-off groups. If the egalitarian preference uses the latter measurement, then its preference order changes slightly. The *best* option is the same in both cases, namely Society B - where the worse off group experiences proportionately the greatest amount of wellbeing, i.e. 75% of wellbeing compared with the better off group, *and* has the least quantitative gap, i.e. 10 units of wellbeing. The *next* best option is also the same in both cases, namely Society C - where the worse off group experiences proportionately the next greatest amount of wellbeing, i.e. 57% of wellbeing compared with the better off group, *and* has the next least quantitative gap, i.e. 30 units of wellbeing. However, the two *least preferred* options swap places in each case, as Society D although having the greatest quantitative gap (50 units of well-being) has the worse off population experiencing *proportionately* only the second smallest proportion of wellbeing – i.e. 50% of wellbeing compared with the better off group. Whereas Society A although having the *second largest* quantitative gap of wellbeing (a 40 unit gap) has the *greatest* proportionate gap, as the worse off group only experiences proportionately 33% of wellbeing compared with the better off group.

(i.e. society D), the next best option as 40 units of wellbeing for the worst-off group (i.e. society C), the second worst option as 30 units of wellbeing for the worst-off group (i.e. society B), and the worst option as 20 units of wellbeing for the worst-off group (i.e. society A).

BUT THE TRILEMMA REVEALS how *One (Prioritarian) Newport* is here preferring as its best option the society which produces the most inequality between the better-off and worst-off groups (society D with a 50 unit gap).² Whereas, the least preferred option (society A) has the second largest inequalities (40 unit gap), and is producing the second lowest amount of wellbeing for the population overall (80 units in total).

4. How does the trilemma relate to the four parameters of fairness as identified by the NFC, and the well-being agenda?

4.1 Utilitarian fairness

Parameter 1 Equal treatment while recognising difference

Main focal points of debate: When is it fair to treat people the same, and when is it fair to treat people differently? What groups have priority in Newport, and why? And, if trade-offs and compromises are to be made between different group interests', how should these trade-offs be balanced?

As outlined in 3 above, because utilitarian fairness focusses on increasing the wellbeing of the population *overall*, without special regard for any group, then it is effectively treating all Newport citizens in the same way. In other words, it is not discriminating between certain groups on the grounds of, say, need, vulnerability, ability to pay, and so on. Rather, any trade-offs that might be made between groups in policy making will be made with a view only to increase the wellbeing of the population *overall*. Therefore, any trade-offs should be balanced with the sole aim of producing the most amount of wellbeing for everyone who lives in Newport.

Parameter 2 Mutual obligations between citizens and local government

Main focal points of debate: What is the responsibility of local government to meet certain needs, and what conditions should apply to citizens, if any? And, which needs are to be provided universally (i.e. to all citizens) and which needs are to be met, in part or wholly, by citizens?

The duties and obligations on citizens and local governments under the utilitarian conception of fairness is to ensure that the greatest *total* amount of wellbeing is produced for the population overall. Following from the main focal points of debate concerning parameter 2, it might be argued, then, that utilitarian fairness would *tend* to provide universal provision rather than selective provision, on the grounds that this kind of provision will be of benefit to the population overall and lead to greater increases in wellbeing for everyone. However, this is *not* a principled commitment to universal provision, because if it can be clearly shown that targetting certain groups with selective provision for increases in wellbeing will *also* increase the overall wellbeing of the population to a greater extent than if universal provision was made, then the former option will be preferred by utilitarian conceptions of fairness. Nevertheless, as a generally agreed default position for utilitarian conceptions of fairness, universal provision would *likely* be the preferred option, with the onus of proof being on those who deviate from this position to show that any selective provision would in fact *also* increase the wellbeing of the population overall (and see footnote 3 below).

² And this preference occurs regardless of whether equality is conceptualised quantitatively or proportionately – see note 1 above.

Parameter 3 Interdependency and reciprocity within community relations

Main focal points of debate: What is the value of participation in community life? How are citizens enabled to positively participate in the life of the community over periods of time, for their own and others' benefit? And, how and when are equal opportunities and 'life chances' facilitated, so enabling citizens to participate effectively?

With utilitarian fairness the value of participation is again understood solely in terms of how much wellbeing is produced for the population overall. Moreover, the *effectiveness* of participation is understood solely in terms of the ability policies have to encourage participation such that it promotes the most total wellbeing for the population overall. Certainly, the participants' well-being is counted in this latter calculation but only in the same way, or carrying the same weight or significance, as non-participants. Of course, this still leaves unanswered questions about what is meant by effective participation, but following the utilitarian understanding of fairness, the answer will always relate to the extent to which the total wellbeing of the population overall has increased or not.

Parameter 4 Transparency and accountability in decision-making

Main focal points of debate: How does Council ensure that the procedures for decision-making are fair, consistent and transparent? How does Council convey clearly and concisely to citizens the main decisions being considered and made? And, how are mature and meaningful channels of communication and exchange of views facilitated between the NCC and citizens?

Again, with utilitarian conceptions of fairness, the commitment to transparency and accountability is not based on a *principled procedural* understanding of fairness in the ways outlined in parameter 4, but rather is based on the extent to which the population overall is able to experience increased total levels of wellbeing as a *result of* transparent and accountable decision-making. Consequently, if populations or groups feel aggrieved and alienated from decision-making processes if these are not transparent or accountable, then this will have relevance to the utilitarian conception of fairness, to the extent that these negative outcomes lead to a reduction in the welfare of the population overall, including, but not only, these populations and groups. Therefore, utilitarians might be committed to the rule that procedures for decision-making should be transparent and accountable, leading to meaningful channels of communication and exchange of views between the NCC and Newport citizens, and so on, but only on the grounds that this will increase the total wellbeing of the population overall.

4.2 Egalitarian fairness

Parameter 1 Equal treatment while recognising difference

Main focal points of debate: When is it fair to treat people the same, and when is it fair to treat people differently? What groups have priority in Newport, and why? And, if trade-offs and compromises are to be made between different group interests', how should these trade-offs be balanced?

In contrast to the utilitarian conception of fairness, egalitarian fairness will have a special focus on those groups who are worse-off and are disadvantaged in relation to their wellbeing. Moreover, this focus will not just give priority to the worst-off or disadvantaged but will do so with the aim of seeking to make more equal the levels of wellbeing *between* groups. Trade-offs between groups are therefore made with the latter aim in mind, with the balancing of trade-offs being implemented to ensure more equality between better off and worse-off groups.

Parameter 2 Mutual obligations between citizens and local government

Main focal points of debate: What is the responsibility of local government to meet certain needs, and what conditions should apply to citizens, if any? And, which needs are to be provided universally (i.e. to all citizens) and which needs are to be met, in part or wholly, by citizens?

Egalitarian fairness would frame the responsibility of local government and citizens based on the principle that equality of well-being, is better than inequality of well-being – that is, regardless of how much total well-being is produced for the population *overall* and in contrast to the utilitarian conception of fairness just explored. Again, in contrast to the utilitarian conception, egalitarian fairness will tend toward selective provision being made (rather than universal provision) in order to compensate certain disadvantaged groups, with the view to making these groups more equal concerning the levels of well-being experienced. Moreover, the obligations on citizens would also include better-off citizens having duties to share their resources with worst-off citizens, (and so might, for example, include better-off citizens paying for services when they can afford it), in the name of equality principles.

Parameter 3 Interdependency and reciprocity within community relations

Main focal points of debate: What is the value of participation in community life? How are citizens enabled to positively participate in the life of the community over periods of time, for their own and others' benefit? And, how and when are equal opportunities and 'life chances' facilitated, so enabling citizens to participate effectively?

Egalitarian fairness will be especially attentive to the last question above, seeing the value of effective participation not in the *total* levels of welfare increasing for the population *overall* (as with utilitarian fairness), but rather focussing on the extent to which different individuals and groups are *able* to participate on *equal terms* with other groups. Of course, the ability to participate equally still might lead to unequal outcomes (for example, in relation to income), but then there will be a debate *between* egalitarians about what *type* of equality is preferred over others (and see footnote 5 below). However, regardless of whatever type of equality is preferred, all egalitarian conceptions of fairness agree that equality between groups is the preferred goal of policy-making, over and above increasing the total well-being of the population overall.

Parameter 4 Transparency and accountability in decision-making

Main focal points of debate: How does Council ensure that the procedures for decision-making are fair, consistent and transparent? How does Council convey clearly and concisely to citizens the main decisions being considered and made? And, how are mature and meaningful channels of communication and exchange of views facilitated between the NCC and citizens?

Again, with egalitarian conceptions of fairness, the reason for ensuring procedures for decision-making are transparent and accountable, is to allow for more equal participation in the political decision-making process. Particular attention is paid, then, to ensure that those groups with less decision-making power than others, are included in this process, with a view to facilitating meaningful channels of communication between the NCC and citizens, and especially for those who are otherwise disadvantaged and marginalised from the political process. Consequently, positive discrimination might be justified using egalitarian arguments, based on the assumption that those who usually experience less equality in the decision-making process, should be favoured over other groups that historically have enjoyed more power in the decision-making process.

4.3 Prioritarian fairness

Parameter 1 Equal treatment while recognising difference

Main focal points of debate: When is it fair to treat people the same, and when is it fair to treat people differently? What groups have priority in Newport, and why? And, if trade-offs and compromises are to be made between different group interests', how should these trade-offs be balanced?

Prioritarian fairness can be mistaken for egalitarian fairness, partly because the policy recommendations from both positions are often similar in practice. However, the *principled justifications* for these policies are very different and therefore warrant separate attention. For example, both the prioritarian and the egalitarian will likely give special attention to disadvantaged or worse-off groups, rather than focussing on increasing the total well-being of the population overall (as with utilitarian conceptions of fairness). Nevertheless, the prioritarian will justify this special attention, not on the grounds that this will increase equality between better off and worse off groups, but rather because the well-being of worst-off groups have moral priority over the wellbeing of better-off groups, full-stop. The effect of this moral prioritisation *might* be to increase equality through making certain trade-offs between these groups, but it needn't. So, according to prioritarian fairness, inequalities are *not* justified via the implementation of certain trade-offs if they do not increase the worst-off's wellbeing. However, it is possible under prioritarian conceptions of fairness to justify inequalities increasing, but provided trade-offs are such that these inequalities have *also* led to increases in the worst-off's wellbeing (see, for example, the prioritarian preference above, between society D as the better option over society B).³

Parameter 2 Mutual obligations between citizens and local government

Main focal points of debate: What is the responsibility of local government to meet certain needs, and what conditions should apply to citizens, if any? And, which needs are to be provided universally (i.e. to all citizens) and which needs are to be met, in part or wholly, by citizens?

Prioritarian fairness, as with egalitarian fairness, would prioritise the needs of disadvantaged citizens so likely tending toward selective provision rather than universal provision. However, again this prioritisation is not justified on the grounds of equality but rather that the needs of the disadvantaged or worse-off have more moral weight than the needs of advantaged or better-off groups, regardless of equality considerations. Citizens who are prioritarian-minded would therefore likely see themselves as having obligations to support and help the vulnerable and disadvantaged but not for the sake of equality, but rather that vulnerable and disadvantaged citizens are a legitimate *special* target for resource allocation – that is, *regardless* of the inequalities experienced in society more widely (egalitarian fairness), and the total well-being produced for the population overall (utilitarian fairness).

³ It is also important to note that the NFC's full report to Council made in November 2013 and referenced above, identified that Council should attend to the needs of those social groupings considered vulnerable or disadvantaged across the city, and as a matter of first and immediate priority. At first glance, we might say, then, that the NFC's position is prioritarian, as distinct from being either utilitarian or egalitarian. However, it is important to also note that the NFC does not settle questions in its report about the best method of achieving this prioritisation. For example, following the Trilemma as explored above – society D was preferred by *both* utilitarians and prioritarians and as such, it could be argued by utilitarians (as it sometimes has), that the utilitarian conception of fairness functions as the best method of ensuring priority to the vulnerable or disadvantaged. The same argument could also be made by egalitarians (as it often has), that aiming for more equal societies is the best method of ensuring priority to the vulnerable or disadvantaged. The conflict though, which is now exposed and reflecting the Trilemma, is that society D is also the most unequal.

Parameter 3 Interdependency and reciprocity within community relations

Main focal points of debate: What is the value of participation in community life? How are citizens enabled to positively participate in the life of the community over periods of time, for their own and others' benefit? And, how and when are equal opportunities and 'life chances' facilitated, so enabling citizens to participate effectively?

For prioritarian fairness, the value found in effective participation is in the extent to which this participation facilitates the protection of those who are disadvantaged and worse-off, again regardless of other considerations of equality or total utility. Equal opportunities are therefore endorsed by prioritarian fairness, *not* as an end in itself (as with egalitarian fairness), *nor* as a means to produce the greatest amount of total well-being for the population overall (as with utilitarian fairness), but rather as a means for prioritising and protecting increases in the worst-off's well-being. Indeed, if policies encouraging equal participation of *whatever* kind proves a stumbling-block to these increases and protection of the worst-off's wellbeing, then these policies are to be rejected by the prioritarian. Similarly, if those policies which encourage participation to increase the total wellbeing of the population overall proves a stumbling-block to these increases and protection of the worst-off's wellbeing, then these policies too are to be rejected by the prioritarian (notwithstanding the counter-claims from some utilitarians highlighted in footnote 3 above).

Parameter 4 Transparency and accountability in decision-making

Main focal points of debate: How does Council ensure that the procedures for decision-making are fair, consistent and transparent? How does Council convey clearly and concisely to citizens the main decisions being considered and made? And, how are mature and meaningful channels of communication and exchange of views facilitated between the NCC and citizens?

Again, with prioritarian conceptions of fairness, the reason for ensuring procedures for decision-making are transparent and accountable, is to allow for more priority to be given to disadvantaged or worse-off groups in the political decision-making process. Particular attention is paid, then, to ensure that these groups are included in this process, with a view to facilitating meaningful channels of communication between the NCC and citizens. As with egalitarian fairness, positive discrimination might be justified using prioritarian arguments, but *not* based on the argument that those who usually experience less equality in the decision-making process, should be favoured over other groups that historically enjoy more power in the decision-making process. But rather that more moral priority should be given to those worse-off groups within the decision-making process, *separate to* questions concerning who makes these decisions and whether these political relations are unequal or not.

5. How does the Trilemma, and the parameters of fairness, relate to Newport's Well-Being Plan?

5.1 By way of conclusion, the NFC will draw together the above debates and issues concerning the policy Trilemma, so defined, to examine where these debates and issues are reflected in *Newport's Well-Being Plan 2018-2023*. We will identify examples of how these conflicting understandings of fairness (utilitarian, egalitarian, and prioritarian) raise important questions and issues for the Plan, and how the resulting Trilemma, in turn, relates to the four parameters of debate about fairness,⁴ and the various conflicts in policy-making which arise as a result.

⁴ It is important to note that the Plan has little or no reference to the value of 'fairness'. Although different and competing conceptions of fairness can be inferred from the Plan as explored here, for the NFC this absence

5.2 The utilitarian ‘drift’ in *Newport’s Well-Being Plan* and the implications for fairness

Overall the assessment of the NFC is that, with certain caveats, the Plan in many ways has a ‘drift’ or general tendency toward utilitarian conceptions of fairness, and, as a result, risks downplaying its focus on issues of inequality and/or prioritising the concerns of disadvantaged groups. However, it is important to stress that the NFC is *not* necessarily claiming that this conception of fairness is inappropriate or misplaced, as we believe that this utilitarian ‘drift’ is also, to some degree at least, found in the *WellBeing of Future Generations (Wales) Act 2015* more generally – albeit again with important caveats.⁵ Rather, our claim is that this utilitarian ‘drift’ does nevertheless set-up potential conflicts with the egalitarian and/or prioritarian conceptions of fairness, and are conflicts which are not sufficiently addressed or acknowledged in the Plan (and, correspondingly, we believe are not sufficiently addressed in the 2015 Act either⁶).

Following the above analysis of Parameter 1 (equal treatment while recognising difference), this emphasis on utilitarian fairness focussing on increasing the total well-being of the population *overall*, without special regard for any group, is effectively treating all Newport citizens/Welsh citizens in the same way.

More specifically, in relation to this utilitarian understanding of fairness there are various commitments in the Plan which reflect this conception – namely, to improve the social, economic, environmental, and cultural well-being of Newport Citizens/Wales *as a whole* – that is, Newport citizens/Wales understood as *a population in total* and comprising ‘*the community*’ (for example, see pages 3, 4, 17, 19, 23, and 25). Reflecting this utilitarian ‘drift’ or tendency, the Plan often (but not always), refers to Newport as a singular community. Whereas, egalitarian and/or prioritarian conceptions of fairness are more likely to identify Newport communities in the plural, focussing on the various divisions or differences which may occur across Newport, derived from, differences in say, geographical location, age, class, ethnicity, needs, income, and so on. Consistent with the egalitarian/prioritarian conceptions of fairness, these differences or divisions, in turn, might require a selective or differential policy response that does *not* focus on increasing the total wellbeing of the

indicates the need for more coordinated and systematic reflection concerning the links that might be made between the Welsh well-being agenda, the well-being Plan for Newport, and the work of the NFC.

⁵ Probably, the most important of these caveats is that 1 of the 7 well-being goals identified in the Act is ‘a more equal Wales’. However, for the NFC, having this as a goal does not take account of the possible conflict between this goal and those other goals identified in the Act, which, in turn reflect the conflicting conceptions of fairness explored here and underpin what we are calling the Act’s tendency to utilitarianism. Moreover, common with a lot of policy and legislation, the Act does not clearly identify what ‘equality’ and ‘wellbeing’ mean exactly. So, it might be, for example, that ‘A more equal Wales’ accommodates both egalitarian and prioritarian stances, which raises, in turn, a set of non-utilitarian questions and issues which can also be applied to the Act, as explored here. There is also considerable controversy more widely concerning the meaning of equality, for example concerning the relationship between justice and equality, the requirements and measures of equality (equality of what?), and the extension of equality (equality amongst and for whom?) (Stefan Gosepath 2007, *The Stanford Encyclopedia of Philosophy 2007- Equality*). Given these complexities, political demands for strict material equality are rare, this concept being widely associated with establishing economic equality, and it is implicit in the Act and the Plan that it seeks a far wider influence than just economic equality.

⁶ It is also important to note that this utilitarian ‘drift’ is less likely to be found in the other major piece of well-being legislation initiated by the Welsh Government, namely *The Social Services and Well-Being (Wales) Act 2014*. The 2014 Act, inevitably perhaps, focuses consistently on disadvantaged groups compared with the 2015 Act, and thereby is more likely to evoke appeals to egalitarian and/or prioritarian conceptions of fairness as understood here. This conflict *between* legislation and their respective aims and objectives, is even more reason to make explicit in the Plan these conflicts over competing conceptions of fairness, and the relationship between promoting the values of wellbeing, equality, and prioritising the interests of worst-off or disadvantaged groups.

population *overall*, but rather on policies which compensate and pay special attention to *particular* groups within Newport City.

Moreover, because the Plan does not explicitly address these equivocations over the *meaning* of community/communities, it is unable to draw out some of the other important implications of the competing conceptions of fairness implied in the Plan, and explored previously. The NFC believes that this oversight is found in how the Plan does not explicitly address the problems and conflicts in how wellbeing promotion relates to other social values, such as fairness, equality, and prioritising the interests and concerns of worst-off groups. Subsequently, the Plan (and again consistent with the 2015 Act), in stating its broad objectives, and emerging priorities, also does not sufficiently uncover the potential conflicts and dilemmas/trilemmas in how specific intervention strategies are devised and implemented. So, consistent with its utilitarian drift the Plan tends to assume that these objectives, priorities, and intervention strategies can be implemented simultaneously and, on the assumption that in principle wellbeing can be enhanced for the whole of the population as a general aim unproblematically. As a result, the NFC believes that the Plan is less able to provide practical solutions to these conflicts and dilemmas/trilemmas.

For example, following the above analysis for Parameter 2 (mutual obligations between citizens and local government), egalitarian fairness would frame the responsibility of local government and citizens based on the principle that equality of wellbeing, is better than inequality of wellbeing – that is, regardless of how much total wellbeing is produced for the population overall, and in contrast to the utilitarian conception of fairness. As previously stated, utilitarian fairness would *tend* to provide universal provision rather than selective provision, on the grounds that this will benefit the population overall and lead to greater increases in wellbeing for everyone. Prioritarian fairness, as with egalitarian fairness, would prioritise the needs of disadvantaged citizens so likely tending toward selective provision rather than universal provision. However, this prioritisation is not justified on the grounds of equality but rather that the needs of the disadvantaged or worse-off have more moral weight than the needs of advantaged or better-off groups. Vulnerable and disadvantaged citizens are a legitimate special target for resource allocation under prioritarian fairness – but this tergetting is regardless of the inequalities experienced in society more widely (egalitarian fairness), and the total wellbeing produced for the population overall (utilitarian fairness) (and see note 3 above). That these kinds of conflicts and dilemmas/trilemmas in policy making are not explicitly addressed in the Plan, is consistent with its utilitarian drift which tends to assume that intervention strategies can be implemented on the assumption that in principle wellbeing can be enhanced for the whole of the population as a policy goal unproblematically.

Following the above analysis of Parameter 3 (interdependency and reciprocity in community relations), for utilitarian conceptions of fairness the value of participation is understood in terms of how much total well-being is produced for the population overall. Moreover, the effectiveness of participation is measured in terms of policies that encourage participation and which promote the most *total* well-being, again for the population overall. Whereas, egalitarian fairness will be especially attentive to seeing the value of effective participation, less in terms of the *total* welfare increasing for the population overall (as with utilitarian fairness); rather, in terms of the extent to which different individuals and groups are able to participate on *equal* terms. For prioritarian fairness, the value found in effective participation is in the extent to which this participation facilitates the protection of those who are disadvantaged and worse-off, again regardless of other considerations of either equality or total utility. Equal opportunities are therefore endorsed by prioritarian conceptions of fairness, *not* as an end in itself (as with egalitarian fairness), *nor* as a means to produce the greatest amount of total

well-being for the population overall (as with utilitarian fairness), but rather as a means for prioritising and protecting increases in the worst-off's well-being.

Therefore, again concerning the utilitarian 'drift' found in the Plan previously identified, the NFC would, countering this drift, seek to highlight the importance of defining interdependency and reciprocity (as reflected in Parameter 3) from egalitarian and/or prioritarian fairness conceptions too. For example, the Plan when focussing on the 'Newport offer' and its objective of skill enhancement and the generation of sustainable economic growth (for example, see p 10), should, we believe, pay more attention to addressing the structural inequalities that exist within Newport labour markets; for example, as related to, pay, working conditions, access to workplaces, and equal opportunities. That is, *as well as* stressing the importance of generating economic prosperity for the population *overall*, as presently focussed on in the Plan.

In addition, regarding the Plan's implicit understanding of 'effective participation' as related to Parameter 3, the NFC also has concerns that it does not sufficiently acknowledge those skills and contributions made outside of the labour market and paid work, including, for example, cultural/artistic skills, parenting skills, caring skills, and other social skills concerning the mediation of conflict within Newport communities, and the cultivation of important social values underpinning cohesive communities, such as toleration, respect, and citizenship. Moreover, it is these non-labour market skills which are also often correspondingly exhibited and practised by economically disadvantaged groups, but often go unrecognised in both local and central government policy-making, given the stress on paid labour as the marker for what is meant by 'effective participation'. In short, the NFC believes that is incumbent on the Plan to more explicitly recognise *and* cultivate those skills outside of the labour market, with the view to more fully integrating these skills in the wellbeing objectives, emerging priorities, and intervention strategies recommended by the Plan.

Following the above analysis of Parameter 4 (transparency and accountability in decisions-making), for utilitarian conceptions of fairness, the commitment to transparency and accountability is not based on a *principled procedural* understanding of fairness or justice, but rather is based on the extent to which the population overall is able to experience increased levels of total wellbeing as a *result of* transparent and accountable decision-making. With egalitarian conceptions of fairness, the reason for ensuring procedures for decision-making are transparent and accountable, is to allow for more equal participation in the political decision-making process. Particular attention is paid, then, to ensure that those groups with less decision-making power than others, are included in this process, with a view to facilitating meaningful channels of communication between the NCC and citizens, and especially for those who are otherwise disadvantaged and marginalised from the political process. With prioritarian conceptions of fairness, particular attention is paid to ensuring that disadvantaged groups are included in the decision-making process, with a view to facilitating meaningful channels of communication between the NCC and citizens. As with egalitarian fairness, positive discrimination might be justified using prioritarian arguments, but *not* based on the assumption that those who usually experience less equality in the decision-making process, should be favoured over other groups that historically enjoy more power in the decision-making process. But rather that more moral priority should be given to those worse-off groups within the decision-making process, *separate to* questions concerning *who* makes these decisions.

In short, the NFC believes that the Plan should again make more explicit how it will attend to the egalitarian and/or prioritarian concerns outlined above in relation to Parameter 4, and articulate a more clearly defined strategy to ensure disadvantaged and marginalised are included in the decision-making process. Those parts of the Plan which would require particular attention in this regard include, for example, page 5 (collaborating with others), page 14 (the ownership and co-production

of actions plans and service provision), page 18 (the active involvement of communities in managing green spaces), and page 21 (the next steps in consultation).

5.3 Overall summary and other issues which need addressing in the Plan

The main summarising point is that the above competing conceptions of fairness, which, the NFC believes, raise fundamental questions and issues concerning the scope and objectives of *The WellBeing of Future Generations (Wales) Act 2015* and the draft Well-Being Plan, are often in conflict. These conflicts, in turn, lead to various difficult decisions in policy-making over promoting fairness and which, the NFC believes, needs to be more explicitly acknowledged in the Plan.

For example, on page 10 of the Plan there is a summary of the Plan's structure which reveals well many of the above conflicts. So, reflecting the well-being goals in the Act, the Plan at the top of page 10 identifies the goal for "a more equal Wales" which, as we have seen, explicitly relates to the egalitarian conception of fairness explored earlier. However, it is unclear from the rest of the page and elsewhere, and as the Plan identifies objectives, emerging priorities, and integrated interventions, how this egalitarian goal is implemented exactly. For example, on page 10, one of the integrated interventions listed is 'strong and resilient communities' but it is not clear how this intervention might address the *relative* strength *between* communities, and how the subsequent intervention might give overall and *different* shape to the other interventions recommended, such as right skills, the Newport offer, and sustainable travel. Similarly, on page 7, it is not clear how the emerging priorities relate to the well-being goals, and what rationale is given for the box ticking/non-box-ticking in the table presented. For example, why is the priority for people having access to stable homes in a sustainable and supportive community, *not* contributing to the wellbeing goal of a more resilient Wales? Also, on page 8, in the table it is not clear how the wellbeing objectives relate to the wellbeing goals, and the cross-cutting themes and interventions identified. For example, why is the objective for people having skills and opportunities to find suitable work and generating sustainable economic growth, again *not* contributing to the wellbeing goal of a resilient Wales?

This lack of clarity found in the above is, the NFC believes, at least partly due to the Plan not addressing the conflicts between the conflicting conceptions of fairness explored here. For example, the well-being objectives on page 10, include that "people have skills and opportunities to find suitable work and generate sustainable economic growth." However, it is unclear whether "people" is referring to the population as a whole (reflecting utilitarian conceptions of fairness as explored in section 5.2), to groups who presently have unequal opportunities (reflecting egalitarian conceptions of fairness), or to disadvantaged groups who ought to be prioritised for the increase of these groups' well-being (reflecting prioritarian conceptions of fairness).

It is also unclear how the intervention strategies on pages 11-20 relate exactly to these three conflicting conceptions of fairness. For example, the *Newport Offer* on pages 11-12, could be interpreted as an offer to *all* citizens/potential citizens promoting the desirability of working in Newport City for *both* better-off and worse-off groups and so increasing *total* levels of well-being for the population *overall* (reflecting the utilitarian conception of fairness explored earlier – for example, see the commitment to offering greater prosperity for the City as a whole – number 3 priority, page 11; or the commitment to safe and clean and safe environments for "people" to use and enjoy – number 11 priority, page 11). *Or*, the Newport Offer could be interpreted as an offer to promote more equality *between* groups (reflecting the egalitarian conception of fairness – for example, again see the well-being goal of a more equal Wales on page 10, but with little or no indication in the subsequent pages as to *how* equality as an end in itself, will be promoted exactly). *Or*, the Newport Offer could be interpreted in another way again, as an offer to promote the prioritisation of disadvantaged groups'

well-being enhancement (reflecting the prioritarian conception of fairness – for example, see the commitment to prioritising young people’s confidence living in Newport, page 12; or the commitment to a stable and sustainable housing policy page 11 which, by implication, includes those disadvantaged or vulnerable groups with significant housing needs).

In summary, then, the NFC believes that it is incumbent upon the Plan to make more explicit some of the problems in understanding the value of fairness. That is, when promoting the goals of increasing the total well-being for the population overall, *at the same time* promoting either the goal of equality between better off and worst off groups in respect to the levels of well-being experienced, *or* the prioritisation of increasing the worst-off groups well-being separate to these other considerations of equality.

End