

Cyflwynwyd yr ymateb i ymgynghoriad y [Pwyllgor Cydraddoldeb a Chyfiawnder Cymdeithasol](#) ar [Y Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus \(Cymru\)](#)

This response was submitted to the [Equality and Social Justice Committee](#) consultation on [Social Partnership and Public Procurement \(Wales\) Bill](#)

SPPP 13

Ymateb gan: CGGC | Response from: WCVA





Social Partnership and Public Procurement (Wales)

Bill

A RESPONSE FROM WCVA

1. [Wales Council for Voluntary Action](#) (WCVA) is the national membership organisation for the voluntary sector in Wales. Our purpose is to enable voluntary organisations to make a bigger difference together.
2. Our response to this consultation will focus on the provisions of the Bill. We thank those voluntary sector organisations who have contributed to this response.

THE ESTABLISHMENT OF A SOCIAL PARTNERSHIP COUNCIL

3. WCVA absolutely supports the goal of working in partnership 'to solve problems and find solutions to the economic, social and other challenges that face Wales'.
4. WCVA supports the formal link between the sustainable development clause of the Future Generations Act and this Bill.
5. While we understand that the Bill focuses on employers and workers representatives, rather than citizens, service users and service providers, we remain concerned about how the low level of trade union membership in Wales will affect the impact of this legislation should it become an Act. WCVA entirely supports unionisation. However, the Department for Business, Energy and Industrial Strategy notes that [not even a third of workers in Wales are members of unions](#), while according to TUC figures, black and minority ethnic people account for just [9% of trade union membership](#). This means that many voices, particularly from black and minority ethnic communities, may go entirely unheard by the SPC. This would certainly go against the intentions of the Anti-Racist Wales Action Plan, particularly in terms of 'putting lived experience at the heart' of all Welsh Government does. Welsh Government should remember both the involvement principle of the Future Generations Act and the importance of co-production in all it does to minimise the risks of scenarios such as this.

6. Welsh Government do appear to have implicitly, if not explicitly, acknowledged the issue with low trade union membership by referring to ‘other representatives of staff’ where there is no trade union representation available. More details are needed as to what this might look like. How will those areas of work without a recognised trade union be asked to source these ‘other representatives’? It will be vital that this process does not exclude voices of minorities. That the Bill does not envisage any non-trade union worker representation on the Social Partnership Council remains a serious concern.
7. There will be nine employer representatives and nine employee representatives on the SPC. The decision-making process behind how these offers of representation are issued must be made transparent. We would stress again that it is vital that the voluntary sector is represented among both employers and employees. As noted by the [Voluntary Sector Data Hub](#), the voluntary sector in Wales accounts for 10% of employment in the country – almost 125,000 employees. Almost 59,000 of those work in health and social care, often with close links to the public sector. Meanwhile, many grassroots community organisations are entirely volunteer-run, yet deliver vital services and carry out procurement activities. It must be ensured that engagement with the sector is not seen as a ‘tick box’ exercise; rather it must be one of the foundations of the SPC.
8. The First Minister will decide the representatives who sit on the SPC – taking nominations from Wales TUC Cymru regarding the worker representatives. It is vital that the decision-making around this nomination process is transparent, given the potentially huge influence the SPC may wield.
9. It is important that trade unions who are not affiliated to the governing party are represented on the SPC, as well as those that are.

A STATUTORY DUTY ON CERTAIN PUBLIC BODIES TO SEEK CONSENSUS OR COMPROMISE WITH THEIR RECOGNISED TRADE UNIONS/OTHER REPRESENTATIVES OF STAFF WHEN SETTING AND DELIVERING ON THEIR WELLBEING OBJECTIVES

10. WCVA believes it is vital that public bodies seek consensus with staff when producing their well-being objectives. This should certainly involve trade unions, but they must also engage with staff who are not represented by a union to ensure they hear a wide range of voices. The involvement principle is again important here.
11. While we recognise that negotiations involve compromise, this must not include compromising on Welsh Government’s Net Zero or biodiversity commitments, nor work towards achieving the Wellbeing Goals, nor commitments to fostering the Welsh Language, combating racism and boosting inclusion and diversity.

A STATUTORY DUTY ON WELSH MINISTERS TO CONSULT SOCIAL PARTNERS, EMPLOYERS AND WORKER REPRESENTATIVES THROUGH THE SOCIAL PARTNERSHIP COUNCIL WHEN DELIVERING ON THEIR WELLBEING OBJECTIVES

12. WCVA believes this duty should be put in place, but this must not be allowed to become the only mechanism for engagement with people about sustainable development. A reference on the face of the Bill to the five ways of working within the Future Generations Act would help ensure such wider engagement is reiterated and encouraged.

AMENDMENT OF SECTION 4 OF THE FUTURE GENERATIONS ACT, SUBSTITUTING 'FAIR WORK' FOR 'DECENT WORK' WITHIN THE 'A PROSPEROUS WALES' GOAL

13. WCVA supports Welsh Government's descriptions of fair work as 'helping people lead happier and healthier lives' and 'helping promote cohesion, participation and social and economic justice'. However, we would like Welsh Government to make an explicit link between fair work and the Real Living Wage, as opposed to simply noting the correlation between 'fair reward' and productivity levels. Welsh Government are missing an opportunity here to embed the Real Living Wage within this legislation and make a direct link between it and the goal of a more prosperous Wales.

A STATUTORY DUTY ON CERTAIN PUBLIC BODIES TO CONSIDER SOCIALLY RESPONSIBLE PROCUREMENT, TO SET OBJECTIVES IN RELATION TO WELLBEING GOALS, AND TO PUBLISH A PROCUREMENT STRATEGY

14. It is good to see Welsh Government highlight the Community Benefits toolkit and its importance to procurement in the documentation around this Bill. It is critical that bodies are required to consider community benefits and social value in these strategies and that the voluntary sector, as likely service partners, is involved in the development of the strategies. Measures should also be taken to ensure all workers on supply chains receive the Living Wage.
15. We suggest that 'socially responsible procurement', within Clause 24(1) and elsewhere, is amended to read 'socially and globally responsible procurement' to reflect the 'globally responsible Wales' goal of the Future Generations Act. We are aware of Wales Centre for International Affairs' correspondence with the committee's Chair on this subject and believe they are correct that Welsh Government should be a role model in procurement legislation, particularly given the Behaviour Change Strategy and Net Zero Action Plan emphasis on a 'Team Wales' approach to issues like biodiversity, carbon emissions and sustainable use of global resources.
16. Commissioners should consider the Living Wage a key component to delivering social value. According to the Living Wage Foundation report [All Work and Low Pay](#), 14.1% of jobs in the voluntary sector are paid less than the Living Wage, in comparison to 5.5% in the public sector. Social value considerations can help address this.
17. Bodies should be required to consider the Welsh Government-endorsed, and recently refreshed, National Principles for Public Engagement in Wales as they develop their strategies.
18. Procurement Strategies must adhere to the Code of Practice for Funding the Third Sector, and local authorities should be reminded of this.

CERTAIN PUBLIC BODIES TO CARRY OUT CONTRACT MANAGEMENT DUTIES TO ENSURE THAT SOCIALLY RESPONSIBLE OUTCOMES ARE PURSUED THROUGH SUPPLY CHAINS

19. WCVA supports the aims of the Foundational Economy. Socially responsible procurement is a vital part of the FE, and is necessary to help people find jobs in their own area and strengthen local economies. Public services have significant budgets and could make a huge difference to local economies by adopting different procurement strategies that recognise social value and added value. They should be given the freedom to follow procurement practices that recognise best value and best social outcomes, rather than simply accepting the lowest price.
20. Socially responsible procurement must be understood through the lens of all the Wellbeing Goals, including those relating to global as well as local supply chains. The wording of the Bill should be strengthened on this point by referring to the duties imposed by the Future Generations Act.
21. Procurers should be called upon to reuse and recycle materials to maximise economy value, and should adhere to Welsh Government's [Beyond Recycling](#) plan.

REPORTING DUTIES TO BE IMPOSED ON THE PUBLIC BODIES AND WELSH MINISTERS IN RELATION TO THE SOCIAL PARTNERSHIP DUTY AND PROCUREMENT DUTY

22. Scrutiny of all aspects of this Bill, and procurement as a whole, is essential and so we would welcome reporting duties to be imposed on bodies and Ministers regarding the Social Partnership Duty and Procurement Duty. Reporting duties could be included in an already-existing reporting mechanism and timeframe to minimise the disruption of adding additional reporting to the landscape.

FURTHER DISCUSSION

23. WCVA is happy to meet with the Committee, Welsh Government or Members of the Senedd to further discuss the issues raised in this response.

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