

Cyflwynwyd yr ymateb hwn i'r ymgynghoriad ar y [Bil Bwyd \(Cymru\) Drafft](#)

This response was submitted to the consultation on the [Draft Food \(Wales\) Bill](#)

FB005

Ymateb gan: | Response from: GIG Cymru Grŵp Cyngori Ar Nwyddau (Grŵp Strategol) | NHS Wales Commodity Advisory Group (Strategic Group)

Questions and Responses

Why is the bill required?

Question 1: Do you agree with overarching principles that the Bill seeks to achieve?

Yes, the overarching principles and aspirations of the Bill are admirable. However, the mechanics and specifics of the primary and secondary goals and how those relate to Public Sector Organisations will need to be carefully collated in line with wider stakeholder needs and constraints. This will require further stakeholder engagement, to ensure the aspirations are deliverable.

Question 2: Do you think there is a need for this legislation? Can you provide reasons for your answer?

Yes, there is a need for an overarching food strategy, primary and secondary food goals and a Food Commission that will push progress. Specific leadership on how to prioritise the secondary food goals is challenging with varying perspectives from stakeholder's dependent upon their role. Therefore, the Commission will need a broad background of stakeholders from a diverse range of disciplines.

The Commission membership and ensuring appropriate information flows to and from existing groups (such as the Commodity Advisory Group, All Wales Menu Framework- Strategic Group and Hospital Caterers Association) will be critical to success or failure. Furthermore, appropriate representation from existing Groups and Organisations within the Commission will be paramount.

Food Goals

Question 3: Please provide your views on the inclusion of the food goals withing the bill as the means to underpin the policy objectives?

The inclusion of the food goals predominantly aligns with existing legislation and aspirations. However, there are existing barriers and trade-offs that would need guidance from either the proposed Commission or further legislation / regulation.

An example would be the existing trade off in legislation and policy around the Public Contract Regulations 2015 requirement for fair, open and transparent competition and the policy aspiration to shorten food supply chains, localise production and consumption and balance this against existing Public Sector budgets and resources. A further example would be around the cost of individual product changes and the procurement management costs in the procurement of more local food via potentially more local suppliers.

Question 4: Do you agree with the inclusion of primary food goals supplemented by secondary food goals?

Specific goals and targets would be needed to provide a rounded perspective; however, these would require engagement in their setting to ensure they are “SMART”. Appropriate consultation with public sector catering, dietetics, finance and procurement will all be needed.

Question 5: Are there additional / different areas you think should be included in the food goals?

There have been a few reports generated by the Welsh Government Foundational Economy Team namely the North Star Consultancy Report for the CTMUHB region and Public Sector Food Procurement in Wales - A Report prepared for the Welsh Government’s Foundational Economy team. Both documents are recent with recommendations which align to the Food Wales Bill and as such their recommendations should feature or supplement the food goals.

The CAG would like to see further development around the All-Wales Menu Framework and how this relates to the wider aspirations of the Wales Food Bill and the Well Being of Future Generations Act. The CAG would also like to see further development as to if or how this Bill would relate to staff food provision and the linkages with wider UK regulations and guidance.

Additionally, the CAG would like to see pan public sector engagement with Local Authority colleagues whilst not discouraging competition through over-aggregation of procurement activity.

Question 6: Do you have any additional comments on the food goals, including the resource implications of the proposals and how these could be minimised?

There are significant trade-offs in the secondary food goals of Affordable, Healthy, Economically and Environmentally Sustainable Food. Explicit details of the expectations of Public Sector Organisations needs to be collated and communicated. Furthermore, an interrogation of potential product price increases would need to be conducted and funded. Budgetary pressures aligned to Brexit, CoVID and the war in Ukraine have tightened existing budgets with NHS finance colleagues reluctant to endorse strategies which increase product purchase prices.

Furthermore, the resource implications of more local sourcing would increase costs associated to the management of a wider array items and potential suppliers. Procurement Activity to date has sought to support the Foundational Economy and Welsh produce through existing budgets, however this has had to be pragmatic and sympathetic to existing trade-offs. The CAG is proactively engaging with Welsh Government colleagues to try and secure budgetary support for the goals of the Bill.

Question 7: Please provide you views on the inclusion of targets within the bill as the means to measure how the food goals are being advanced?

Targets can be useful, however there needs to be careful consideration of how achievable those targets are in the first instance. A suggestion would be that targets renewal dates should be aligned to contract cycles of circa 4 years so that improvement can be seen incrementally relating to a full

new contracting cycle. (The Public Contract Regulations 2015 mandates a maximum, unjustified, framework term of 4 years hence the contracting cycle length).

Question 8: Do you agree with the process for setting the targets?

The CAG agreed with the setting of targets; however, these targets should be drafted in consultation with public organisations, specifically catering, dietetics, procurement and finance. Furthermore, the targets need to be “SMART” and link to agreed and standardised definitions.

Question 9: Do you think the reporting mechanisms set out in the draft bill provide sufficient accountability and scope for accountability and scope for scrutiny?

The CAG does not think the reporting mechanisms enable accountability to be directed appropriately. The Commission size as well and challenges around stakeholder engagement, provide distance for Welsh Government and outsource accountability to the Commission. Therefore, additional responsible and consultative stakeholders who hold influence will be needed to shape the goals.

Question 10: Do you have any additional comments on the targets, including resource implications of the proposals and how these can be minimised?

The CAG would not have any specific comments at this stage. However, we would note that the targets and resource implications are linked. Additionally, the targets need to be quantitatively measured and be consistent across the wider Welsh public sector.

Wales Food Commission

Question 11: What are your views on the need for a Welsh Food Commission?

The CAG would agree that there is a potential need for a Welsh Food Commission, however the Commission would need to ensure it works alongside mature existing groups and is engaged in their activity.

Furthermore, the Commission needs to act as an enabler in the aspirations of the groups, which predominantly aligns with the aspirations of the bill. Conversely the Commission needs to ensure it does not stifle healthy debate on the “right” way forward.

Question 12: Do you agree with the goals and functions of the Welsh Food Commission? If not, what changes would you suggest?

The CAG would agree with the primary food goal, however would note that most of the secondary food goals trade off against one and other.

Therefore, the CAG would recommend that the Bill explicitly prioritise and rank the secondary food goals. Academic guidance suggests that the prioritisation of these trade-offs should place environmental first, social issues second and economic issues third.

The CAG would also note that there is no explicit reference to food quality as a goal, however is aware that this is covered by other guidance or regulation.

Question 13: Do you agree with the size of the membership of the Food Commission and the process for appointing its members?

The CAG would respectfully request direct membership of the Food Commission to ensure communication flows to and from the Commodity Advisory Group (Catering), the All-Wales Menu Framework Groups (Dietetics) and the Hospital Catering Association is maintained.

Furthermore, engagement of both finance and procurement representatives would be needed to operationalise the goals pan Wales. As a result, the overall size of the Food Commission seems small and thus there may be a need for sub-groups / committees associated to secondary food goals.

Furthermore, if the goals are expanded to include a Well Being and Future Generations Menu, the CAG would endorse membership of the Commission from All Wales Menu Framework Group.

Question 14: What are your views on the proposal that the chair and members can serve a maximum term of five years and that an individual may be re-appointed as a chair or member only once? Do you believe this is appropriate?

The CAG would endorse the time limits referenced. However, the CAG would recommend a mechanism to succession plan future membership through more formalised route(s). The chair and members also need nominated routes for accessing and becoming members to the Commission.

Question 15: Do you have any additional comments on the Food Commission, including the resource implications of the proposals and how these could be minimised?

The role, the remuneration and the time involved in the Commission would all need to be clarified as well as if this role could run in parallel with existing stakeholder roles.

Question 16: Do you agree that there is a need for a national food strategy?

The CAG agrees there is a need for a national food strategy, however the existing primary and secondary goals have been discussed at length within the CAG and with the wider public sector colleagues.

The barriers referenced below, would need to be resolved by the National Food Strategy, the Commission and authority stakeholders to be able to achieve the primary and secondary goals:

Barrier Type	Barrier
Legislative	The Anti-discrimination provisions of the Public Contract Regulations (2015) prevent geographical location of bidders and products, with few exceptions.
Cost	Current provisions inflation. Cost vs Social Value / Sustainability Trade Off. Cost in management of a wider array of suppliers and products.
Supply chain	Inability of small firms to bid for and deliver contracts (e.g., resource, logistics, capacity, capability).

Measurement	Local / Social Value / Foundational Economy outcomes are often intangible and difficult to measure. Lack of standardisation in the measurement of Local / Social Value / Foundational Economy outcomes pan Welsh Public Sector.
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Question 17: Do you believe the Welsh Government’s current strategies relating to ‘food’ are sufficiently joined up / coherent?

The CAG would note that Welsh Governments overarching strategies are admirable regarding food. The CAG however would note that the disparate nature of the Public Sector has led to pockets of exceptional work, with other areas not progressing at the same rate.

The wider market dynamics have made change difficult as competition is reduced and price becomes more challenging to predict and manage. As a result, operationalising Welsh Governments food strategies are at the behest of individual organisations and the resources aligned to food within catering, dietetics, procurement and finance. As a result, a coherent standardised approach to operationalising Welsh Government strategy should flow from the commission to rectify this.

Question 18: Does the draft Bill do enough to ensure that Welsh Ministers take advice and consult on the strategy before it is made. If no, what additional mechanisms would you put in place?

The CAG would note that there is no explicit reference to public sector stakeholder engagement, in either taking advice, consulting or informing. The CAG would note this as a gap and would suggest a requirement to consult with public sector stakeholders either via Commission or via another mechanism.

Question 19: Do you think the provisions of the draft Bill relating to reporting on the national food strategy are sufficient? If not, what changes would you like to see?

The CAG would note that the bill does not explicitly reference how to report on the primary and secondary food goals or what “good” looks like. The CAG would suggest explicit quantitative KPI’s associated to the secondary food goals with the targets measuring performance.

Furthermore, standardisation of definitions associated to those KPI’s need to be explicitly referenced. The CAG would suggest reporting the previous two financial years data to standardise the reporting period.

Question 20: Do you think the provisions of the draft Bill relating to reviewing of the national food strategy are sufficient? If not, what changes would you like to see?

The CAG would note that the five-year time period for reviewing the national food strategy is a significant amount of time. The CAG would suggest that the National Food Strategy is reviewed every two years to account for change, with wider engagement required to ensure consensus across all stakeholders.

Question 21: Do you have any additional comments on the National Food Strategy, including the resource implications of the proposals and how these could be minimised?

The explicit KPI’s on what “good” performance looks like needs to be balanced with existing trade-offs. Therefore, associated resources need to be made available both in terms of personnel and financial commitment to support the National Food Strategy. Analysis of the gap between where

public sector organisations are to achieving the commissions vision of what “good” looks like, is needed to understand the resource implications and size of the gap.

Question 22: Do you agree that there is a need for local food plans?

The CAG would not necessarily endorse local food plans, whilst endorsing the goals of the bill and the aspirations of increasing Foundational Economy spend, the CAG does not feel there is a need to produce further local plans. There is a risk of inconsistency and stakeholder divergence in producing these plans.

The CAG would note that local is not clearly defined and thus any report would need to be specific to the public body who is reporting. The CAG would note that regional inequality requires some flexibility in terms of the approach.

The CAG would agree there is a need for Public Sector Organisations to feedback on their progress against the primary and secondary goals, however would note that following an All-Wales approach to procurement would likely translate in to consistent reporting trends across NHS Wales.

Question 23: Does the draft Bill do enough to ensure that public bodies consult on their local food plans before they are made. If no, what additional mechanisms would you put in place?

The CAG would note and endorse that there is flexibility in the engagement and consultation of their local food plans. The CAG agrees that there is value in consulting with the Commission on their local food strategy, however this engagement would require standardisation of how to operationalise and measure performance against the goals of the Bill.

Question 24: Do you think the provisions of the draft Bill relating to reporting on the local food plans are sufficient? If not, what changes would you like to see?

Please note the response to this question predominantly mirrors the response to question 19 furthermore the CAG would not necessarily endorse that there is a need for local food plans.

The CAG would note that the bill does not explicitly reference how to report on the primary and secondary food goals or what “good” looks like. The CAG would suggest explicit quantitative KPI’s associated to the secondary food goals with the targets measuring performance. This should be specific to the reporting body but may be collated to be reported on an All-Wales basis.

Furthermore, standardisation of definitions associated to those KPI’s need to be explicitly referenced. The CAG would suggest reporting the previous two financial years data to standardise the reporting period.

Question 25: Do you think the provisions of the draft Bill relating to reviewing of the local food plans are sufficient? If not, what changes would you like to see?

Please note the response to this question predominantly mirrors the response to question 20 furthermore the CAG would not necessarily endorse that there is a need for local food plans.

The CAG would note that the five-year time period for reviewing the national food strategy is a significant amount of time. The CAG would suggest that the National Food Strategy is reviewed every two years to account for change, with wider engagement required to ensure consensus across all stakeholders.

Question 26: Do you have any additional comments on local food plans, including the resource implications of the proposals and how these could be minimised?

Please note the response to this question predominantly mirrors the response to question 21 furthermore the CAG would not necessarily endorse that there is a need for local food plans.

The explicit KPI's on what "good" performance looks like needs to be balanced with existing trade-offs. Therefore, associated resources need to be made available both in terms of personnel and financial commitment to support the National Food Strategy. Analysis of the gap between where public sector organisations are to achieving the commissions vision of what "good" looks like, is needed to understand the resource implications and size of the gap.

General Provisions

Question 27: Do you agree with the list of persons defined as being a 'public body' for the purpose of this Bill?

The CAG would note that other public sector organisations should be captured under the notion of a public body. This would include NHS Trusts, NHS Special Authorities etc. The CAG would suggest the utilisation of the Public Bodies as defined by the Public Contract Regulations 2015 or the Well Being of Future Generations Act 2015 as a means to improve this.

Question 28: Do you have any views on the process for making regulations set out in the Bill?

The CAG would have no specific views on the process for making regulations, however would request the opportunity to feedback on any proposed regulations prior to their assent to the Senedd.

Question 29: Do you have any views on the proposed commencement date for the Act?

The CAG would have no specific views on the legislation commencement date, however having the associated Commission appointments, reporting structures and resources in place before the point of Royal Assent would be beneficial to shorten mobilisation timescales.

General Views

Question 30: Please provide any additional information relevant to the draft Bill.

Locally Sourced:

There also needs to be agreement and clarity on what locally sourced means, how far back through the supply chain that goes and when looking at multi-ingredient product how a local definition relates.

A suggestion would be to utilise three different measures and see targets associated to those:

- 1) Product Bought from or Made by a Welsh Manufacturer.
- 2) Bought from a Welsh based and headquartered supplier.
- 3) Bought from a Welsh based distribution centre.

Engagement:

The CAG would note that direct engagement with NHS Wales Catering and Dietetics has yet to materialise, despite the bill stating the contrary. The CAG welcomes the opportunity to feedback on the draft bill and would welcome further Welsh Government and ministerial engagement.