



Draft Social Partnership and Public Procurement (Wales) Bill – is draft legislation to strengthen and promote consistency in the Welsh system of social partnership, to deliver fair work outcomes, and to ensure socially responsible public procurement.

The consultation is important for us as Community Woodland Group members to underline the need for consolidation of social partnerships and the of consistent application of the Wellbeing of Future Generations Act across Wales, leading to a connected system of social partnerships at local regional and national levels. Another aspect it is going to be important for us to support and advocate for is the need for socially responsible public procurement, where local and social benefits are considered as part of value for money exercises in place of lowest cost exercises.

Note – the consultation runs to 26 questions - you don't have to answer all the questions for your response to be valid, so feel free to fill in whatever is relevant to you.

The notes below are intended as a guide and should not simply be repeated in your responses – some of the notes are in the form of questions to get you thinking about potential responses, but feel free to add your own thoughts and comments too. Not all the questions below have suggested response as we have concentrated on the main ones we have identified as being relevant but do feel free to answer any that you feel are relevant to you or that you have an opinion on.

Question	Things to think about in a response
Why the Bill is required	
<p>Question 1: Do you agree with the reasons set out regarding the need for the Bill? Do you have any comments concerning the case for change?</p>	<p>Overall this seems like a timely and relevant bill, especially if Wales is serious in taking forward aspirations set out in the Wellbeing of Future Generations Act.</p> <p>Think about why things need to change and what are the consequences of business as usual now and in the future on:</p> <ul style="list-style-type: none"> • Small businesses and community organisations • Rural communities • Under-represented groups and individuals
Key provisions of the draft Bill: Social partnership	
<p>Question 2: What is your view on the social partnership duty set out in the draft Bill?</p>	<p>What are the benefit to working in partnership as opposed to separately!</p>

<p>Question 3: What is your view on the social partnership principles listed and defined in the table in this section?</p>	<p>Although the principles as stated seem sensible, what might have been missed?</p> <ul style="list-style-type: none"> • Are the principles detailed enough? • Is it sensible to make them quite broad at this stage? • What about timescales – do they need to build in enough space and time for collective decision making?
<p>Question 4: What is your view on the list of bodies that are subject to the social partnership duty in the draft Bill? Should the list of bodies be wider than those subject to the well-being duty in the Well-being of Future Generations (Wales) Act 2015?</p>	<p>While using the Public Bodies identified in the WFG Act is a good start – does it need to be open enough that others can be added in if created later or political systems change?</p>
<p>Key provisions of the draft Bill: Fair work</p>	
<p>Question 5: What is your view on the proposed duties on Welsh Ministers concerning fair work objectives?</p>	<p>Overall this seems a sensible and balanced approach. It might be worth highlighting the need for clear commitments on e.g:</p> <ul style="list-style-type: none"> • gender pay gaps • fair pay for young people once apprenticeships, etc have been successfully completed.
<p>Question 6: What is your view on key challenges and priority areas for pursuing and promoting fair work?</p>	<p>Think about the usual challenges that affect implementation of policies! For example</p> <ul style="list-style-type: none"> • Funding – in this case to ensure that historic areas of low pay are effectively addressed (it would be good to give examples) • Linking fairness to quality standards, needed to define ‘fair work’ in many instances. • ‘Equalling up’ the access to support elements that have been included as part of ‘fair work’,
<p>Question 8: In addition to what is set out in the draft Bill, what other levers could be used by Welsh Ministers to promote and achieve fair work?</p>	<p>Does the bill as it stands have enough teeth and will it have enough impact to be enforceable?</p> <p>What part should positive acknowledgement of good initiatives play?</p>
<p>Key provisions of the draft Bill: Socially responsible public procurement</p>	
<p>Question 9: What are your overall views concerning the provisions and thresholds set out regarding the socially responsible procurement duties, including the categories listed within the social public works clauses?</p>	<p>Generally the approaches seem sensible, but do tend to suggest a ‘one size fits all’ approach – which might in practice favour larger contractors.</p> <p>It would be good to highlight here who might lose out if this is the case and why flexibility is desirable when setting thresholds and provisions so that opportunity for small,</p>

	community focused organisations with different models (social enterprises, community interest companies, etc) to apply for contracts isn't precluded.
Question 13: How can greater due diligence be achieved in construction supply chain management whilst keeping costs to a minimum, especially for smaller contractors in supply chains?	<p>It is worth highlighting here the core principle of proportionality that we suggest should carry through all parts of the bill – i.e:</p> <ul style="list-style-type: none"> • less 'overlay' for small scale and lower value contracts than is the case for large scale, multi-million contracts. • open questions, so that providers set out how they will look to take steps themselves - for example 'how will you adhere to the provisions of the XXXX Act in Wales?' • encourage 'co-production' in the due diligence arrangements with the contracting agency. • make sure there's ample space to highlight additional social and environmental benefits that they feel they can offer and make it obvious how they will be assessed and included in the overall scoring
Question 14: What are your views on a potential future expansion of the contract management duty regarding the application, maintenance and monitoring through the supply chain of socially-responsible clauses to other sectors beyond construction (for example, social care)?	<p>Yes as previously highlighted.</p> <p>What other sectors would particularly benefit from this bill being rolled out?</p>
Key provisions of the draft Bill: Social Partnership Council	
Question 16: What is your view on the proposals concerning the establishment and operations of the Social Partnership Council and its subgroups?	<p>Useful and sensible to consider this at local, regional and national levels.</p> <p>It might be good to note here the need for transparency and openness in all proceedings: How might it best be communicated to the public:</p> <ul style="list-style-type: none"> • Meeting minutes available? • Observers allowed at meetings?
Question 17: What is your view on the outlined social partnership system in Wales, including the system leadership role of the Social Partnership Council and the links between different levels of social partnership?	As a general principle the social partnership system needs to involve and give opportunity to all partners, and not just those that are the largest!
Supporting improvement and ensuring compliance	
Question 18: Concerning the social partnership duty, should an improvement and compliance mechanism be developed to ensure that all	Broadly yes – perhaps good here to suggest mechanisms:

<p>bodies meet their duties and make a collective contribution to the delivery of the proposed outcomes? If yes, do you have any suggestions as to how this might work in practice?</p>	<ul style="list-style-type: none"> • Ensure sufficient check and balances built in to enable to facilitate compliance • Via co-operation and trust rather than legislative detail.
<p>Question 20: What are your views on the enforcement and compliance measures proposed in the draft Bill concerning socially responsible procurement and contract management? What other measures could be applied? Do you have any suggestions as to how any additional enforcement and compliance measures might work in practice?</p>	<p>The suggestions made seem sensible, but are they missing a clear route or mechanism for members of the public or staff working in an organisation to highlight concerns that they may have in relation to procurement?</p> <p>Information - including how to raise concerns - needs to be simple and clear and be seen to be effective.</p>
<p>Equalities and impacts</p>	
<p>Question 22: Concerning the Regulatory Impact Assessment, do you agree with the assessment of the likely costs and benefits associated with the provisions in the draft Bill? If not, please explain which specific element(s) you disagree with and why.</p>	<p>The principle itself seems sensible. It may be good to reinforce that:</p> <ul style="list-style-type: none"> • costs and benefits assessment should consider social and environmental factors as well as economic cost • the core principles of the WFG Act need to be applied.
<p>Question 24: We would like to know your views on the effects that the proposals set out in the draft Bill would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>	<p>What steps might have to be taken to ensure any future scheme is accessible to all and doesn't impact negatively?</p>
<p>Question 26: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.</p>	<p>A chance to have your say unrestrained by the strictures of regimented questions</p>

The notes above are intended as a start and I'm sure there are aspects to think about that we've missed, so please do share your thoughts via the Llais y Goedwig gmail group – llygmembers@googlegroups.com and send a copy of your responses to policy@llaisygoedwig.org.uk