



Llywodraeth Cymru
Welsh Government

CYHOEDDIAD, DOGFENNU

Cyfarfod y Panel Cyngkori ar Amaethyddiaeth: 9 Gorffennaf 2024

Cofnodion y cyfarfod a gynhaliwyd yn Swyddfeydd
Llywodraeth Cymru, Llandrindod.

Cyhoeddwyd gyntaf: 9 Gorffennaf 2024

Diweddarwyd ddiwethaf: 9 Gorffennaf 2024

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Cynnwys

Present

Item 1 – housekeeping/apologies/conflict of Interest

Item 2 – chair's update

Item 3 – minutes and action Points of AAP 48

Item 4 – panel effectiveness review update

Item 5 – Welsh Government update

Item 6 – Agricultural Wages Order 2025

Item 7 – any other business

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Present

Chair – Dr Nerys Llewelyn Jones

Independents – Janatha Stout, Trefor Owen

NFU Cymru – Simon Davies

FUW – Mark Williams

Unite – Jo Galazka, Barrie Roberts

Legal Adviser – Helen Snow (Geldards)

Welsh Government – David Thomas, Ryan Davies, Dan Ricketts (Secretariat)

Observers: Darren Williams (FUW)

Guest: Faith Ebhoaye (Public Appointments Unit Diversity & Inclusion Programme)

Item 1 – housekeeping/apologies/conflict of Interest

The Chair welcomed all attendees to the meeting, introducing two new members to the Panel: Trefor Owen (Independent Member – Agriculture) and Mark Williams (Farmers Union of Wales – in place of Darren Williams).

There were no recorded absences or apologies.

Item 2 – chair's update

The Chair had recently completed an online course on Inclusion and Diversity for members of Boards and Panels and found it to be very informative. The resource pack for trainees had been distributed to Panel members in advance of

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the meeting. Any members interested in taking this course were encouraged to contact the Chair for more information.

The Chair recently participated in a quarterly meeting for Chairs of Panels and Boards. The topics at the last meeting were:

- complaints processes
- remuneration of board members.

The next meeting is on Thursday 11 July. A portion of the meeting would be open to all Panel members. If anyone would like to attend, please let the Chair know.

An event hosted by Stofa Sgiliau will be held during the Royal Welsh Show to discuss the future of Continuous Professional Development in the agricultural sector. Invitations and additional information had been sent to Panel members prior to the meeting.

On 27 July, the Chair would be participating in a meeting with individuals from diverse ethnic backgrounds to discuss potential opportunities within the agricultural industry.

Item 3 – minutes and action Points of AAP 48

The minutes were approved by all Panel members without amendment.

Outstanding action points which were not on the agenda for the meeting were discussed.

Law Commission Project – this was deferred to the September meeting. The Chair had met with the team and the work was still very much in the early stages. They were keen to come and talk to the Panel.

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DT reiterated the project would look at primary legislation (Agricultural Sector Wales Act 2014) but not secondary legislation such as the Establishment Order 2016 or agricultural policy. They would also look at the definition of agriculture as there are multiple definitions at present.

The Chair stated that discussions have taken place in previous meetings regarding the Definition of Agriculture – especially during the annual review of the Order. It would be useful to collate these discussions and submit them to the Project prior to the September meeting so they were aware of the issues.

ACTION POINT 1 – Secretariat to invite the Law Commission Project Team to come and talk to the Panel at the September meeting.

ACTION POINT 2 – Secretariat to collate the previous Panel discussions on the Definition of Agriculture to submit to the Law Commission Project.

Sustainable Farming Scheme – the implementation of the Sustainable Farming Scheme has been postponed until 2026. Dave Ashford, who had previously spoken with the Panel, would be asked to provide an update before the Panel began negotiations on pay in September. JG inquired about the timing of the update in relation to the submission of pay proposals. The Panel agreed that it is important to have comprehensive information about the Scheme, including budgets and payments, in order to make well-informed decisions regarding wages.

The Chair also asked for the session to be recorded for those who were unable to attend.

ACTION POINT 3 – Secretariat to invite Dave Ashford to update the Panel on the Sustainable Farming Scheme on 16 August 2024 (via Teams)

Low Pay Commission – due to time constraints an invitation has not been sent to attend a future meeting.

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ACTION POINT 4 – Secretariat to contact the Low Pay Commission to invite them to a future meeting.

Item 4 – panel effectiveness review update

A draft document, containing summaries of the questionnaires completed by Panel members and group discussions held on 27 June 2023 and 23 April 2024, was circulated to all Panel members in advance of the meeting. The Chair proposed that once finalised, the report would be submitted to the Cabinet Secretary.

The report addressed the following key areas:

- the Panel’s legal responsibilities and how they are met
- the Panel’s mission and purpose, particularly highlighting challenges faced in fulfilling its duties
- composition of the Panel
- the Panel’s proceedings and process, and
- panel relationships

The consensus was that the Panel worked well, but there was room for improvement in terms of increasing visibility and enhancing engagement with stakeholders, both within the sector and at the government level. Improvements had been made regarding the Agricultural Wages Order process, but a deeper understanding of the requirements and the perspective of the Welsh Government was necessary.

DT raised a couple of minor points, stating that one part of one meeting was not quorate (but no decisions were made) and that the “promotion and development of an appropriately skilled workforce” is not a statutory remit of the Panel.

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NLJ stated this could be in the Terms of Reference of the panel. These were looked at back in 2021 for both the Panel and the Skills Development & Training sub-committee but were never approved by the Minister.

It was agreed the revised Terms of Reference would be revisited by the Panel and discussed at the upcoming meeting in September.

ACTION POINT 5 – Secretariat to distribute the amended Terms of Reference for both the Panel and the Skills Development and Training sub-committee for discussion at the next meeting in September 2024

There was also a request for the AAP Page on the Welsh Government website to be refreshed. This was previously discussed in a meeting, and it was anticipated the changes would be implemented over the summer. As part of these changes, profile pictures and short biographies would need to be submitted by Panel members.

ACTION POINT 6 – Secretariat to update the Panel on the webpages refresh during the September meeting as well as details around the amount of traffic on the webpages.

ACTION POINT 7 – Profile pictures of Panel members to be taken during the September meeting

ACTION POINT 8 – All Panel members to submit a short biography to the Secretariat by Friday 23 August which will be published on the website alongside their profile picture.

The Chair suggested that, to aid with raising the profile of the Panel and the Order, a communications plan should be developed and, in order to deliver the plan, a budget needed to be allocated accordingly.

The report identifies issues but does not give any solutions within the recommendations. The Panel agreed that a response would be drafted to

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Geldards outlining those recommendations that were within the Panel's control (and the appropriate action if required) and those that were not.

A discussion took place regarding the report in the broader context of a review of the Panel as outlined in the First Minister's manifesto. While the report was a thorough review with input from Panel members, it lacked perspectives from the Welsh Government or external stakeholders. It must be considered whether to expand the review to include these additional perspectives or maintain the current format. Welsh Government officials would also have internal discussions on this subject. It was agreed a letter would be sent to the Cabinet Secretary inviting him to meet with the Panel, outlining the work of the Panel and that, in order to make fair decisions regarding agricultural wages there should be a long term strategy around budgets for the sector

ACTION POINT 9 – Secretariat to draft a letter to the Cabinet Secretary including the points raised in the meeting regarding the work of the Panel, the Effectiveness Review and to invite him to meet the Panel

Item 5 – Welsh Government update

Draft Annual Report 2023/2024

The Chair thanked DR for drafting the report. Some small amendments were made to the draft but apart from them the Panel approved the report. It would now be finalised, translated and published on the Panel's pages of the Welsh Government website.

ACTION POINT 10 – Dan Ricketts to finalise Annual Report 2023/24 and publish on Panel's pages of the Welsh Government website.

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Types of Agricultural Tenures

Prior to today's meeting, Panel members were provided with a summary paper on various agricultural tenures.

The paper detailed a Service Occupancy Agreement, in which an agricultural worker is mandated to reside in a designated house with an Accommodation Offset of £1.79 per week applicable. In cases where a worker is not required to live on the premises, the employer may offer accommodation, with a daily cap of £5.74.

Given the complexity of this topic, it was agreed the Panel would request the Housing and Rent Team to update the relevant sections of the Welsh Government website to include information on different types of tenancies. Additionally, guidance on the Agricultural Wages Order 2025 will signpost agricultural employers to these resources, highlighting the importance of establishing appropriate occupancy arrangements.

ACTION POINT 11 – Secretariat to contact Renting Homes Policy Team to update the webpages on agricultural tenancies

ACTION POINT 12 – Note to be added to AWO 2025 Guidance signposting to webpages on agricultural tenancies

Item 6 – Agricultural Wages Order 2025

The Chair outlined that the main objective of the July meeting was to conduct a thorough evaluation of the Agricultural Wages Order in order to address any necessary or suggested amendments, including around language and terminology. Additionally, any upcoming legislative changes that may impact the

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Order were discussed. A document detailing all proposed amendments for the 2025 Order had been provided to Panel members ahead of the meeting including the proposed drafting amendments from the Legislative, Justice & Constitution Committee which had been discussed in previous meetings.

This document would serve as the foundation for the submission to the Welsh Government in order to provide support and rationale for the proposed Order being submitted.

There is also a new requirement to take into consideration the Sustainable Land Management objectives that the Order contributes to and how it supports them.

The Panel reviewed the 2024 Order and discussions were held on the following articles (not including the LJCC amendments):

- Welsh Government are now the issuing authority for Apprenticeship Frameworks
- the definition of “basic hours” in relation to part-time workers
- amendment to the definition of overtime to simplify the Order
- Article 14 – Protection of Pay – this provision will be removed as it is set to become obsolete in 2025
- Accommodation Offset Allowance – the Chair suggested the Panel reviewed the provision for the 2026 Order with the goal of simplifying it for both employees and employers
- training costs – A suggestion was made to incorporate a "clawback" provision in the Order, applicable when an employee resigns within a specified timeframe after receiving employer-sponsored training. However, HS noted this provision should typically be included in the employee's Contract of Employment

ACTION POINT 13 – NFU / FUW and Unite representatives to address any potential amendment to Article 17 (Training Costs) within their proposals for the 2025 Order with regards to a claw-back clause

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- Agricultural Workers Holiday Entitlement – HS presented to the Panel updates regarding holiday accrual and holiday pay, effective from 1 January 2024. This included a new approach to calculating statutory holiday entitlement for employees who work part-time or have irregular hours, as well as the implementation of rolled-up holiday pay. An information pack had been circulated to Panel members prior to the meeting. The annual leave entitlement of agricultural workers, as set out in the Order, exceeds the statutory entitlement stated within the Working Time Regulations
- it was recommended the Panel consider including in the 2025 Order:
 - The definitions of irregular hours workers and part year workers
 - Reference to the percentage method of calculation of annual leave entitlement
 - Amending Article 36(2) and 38 to make specific reference to the ability to pay in lieu of holiday (i.e. rolled up holiday) for the full holiday entitlement of irregular and part year workers

ACTION POINT 14 – NFU / FUW and Unite representatives to address any potential amendments to the 2025 Order with regard to Agricultural Workers Holiday Entitlement within their respective proposal documents

- Carers Leave Regulations 2024 – a document detailing the new legislation effective from 6 April 2024 had been distributed to Panel members prior to the meeting. Employees with caring responsibilities will have the right to take up to one week of unpaid leave per year to provide or arrange care for their dependents. The new regulations were applicable solely to employees and did not extend to agricultural workers. A suggestion was made for the Panel to consider including this provision in the Order for all agricultural workers

The Panel unanimously agreed with the proposal to include the Carers' Leave provision within the 2025 Order for all agricultural workers.

ACTION POINT 15 – NFU / FUW and Unite to submit their pay proposals for the 2025 Order by 23 August 2024

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An updated version of the 2025 Order Amendments document would be made available to Panel members following today's discussions, incorporating references to the SLM objectives.

ACTION POINT 16 – Helen Snow to update the Agricultural Wages Order 2025 proposed amendments document to include references to the Sustainable Land Management Objectives

Item 7 – any other business

The Chair thanked everyone for their attendance and valuable contributions and adjourned the meeting.

Efallai na fydd y ddogfen hon yn hollol hygyrch.

Drllenwch ein [datganiad hygyrchedd](#) i gael rhagor o wybodaeth.

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