

Agricultural Advisory Panel for Wales Meeting: Monday 4 & Tuesday 5 September 2023

Location: Welsh Government Pavilion, Royal Welsh Showground, Llanelwedd

Day One

Present

Chair – Dr Nerys Llewelyn Jones

Independents – Steve Hughson, Janatha Stout

NFU Cymru – Simon Davies, Dylan Morgan

FUW – Darren Williams

Unite – Ivan Monckton, Jo Galazka, Bridget Henderson

Legal Adviser – Helen Snow (Geldards)

Welsh Government – Sian Hughes, Ryan Davies, Dave Thomas, Dan Ricketts
(Secretariat)

Item 1 – Housekeeping / Apologies / Conflict of Interest

The Chair welcomed everyone to the meeting. Nick Fenwick from the Farmers' Union of Wales had sent his apologies.

Item 2 – Chair's Update

Two days had been allocated to this meeting in order to complete the pay negotiations, plus other agenda items.

The Chair proposed concentrating on the pay negotiations first, with each party given 15 minutes to present their papers and outline their proposals, followed by a further ten minutes for questions. It was suggested a discussion would then be held on points of agreement. The parties could then go into separate rooms to discuss their positions privately, with the independent members acting as intermediaries.

Item 3 – Agricultural Wages Order Simplification Proposal

During AAP 42 a request had been made for Helen Snow to look at the Order to see where it would be possible to remove articles which duplicated other employment legislation and replace with references. The intention was to streamline the Order and make it more user-friendly. Clear explanations could be provided in the accompanying guidance. This would also future-proof the Order from further Employment Legislation changes in these areas. The paper drafted on the subject had been distributed to Panel members before the meeting.

Helen Snow went through the paper with the Panel. The following areas were discussed:

- Article 2 – definition of “child”
- Article 2 – definition of “working time”
- Articles 29 to 30 – rest breaks
- Article 33 – amount of annual leave for agricultural workers with variable working days employed throughout the annual leave year
- Article 36 – holiday pay

The Panel unanimously agreed these articles should be simplified within the Order.

Article 28 within the Order differed slightly the provisions of Regulation 12 of the Working Time Regulations 1998 (“the WTR”). The Order stated an agricultural worker is entitled to a rest break after 5.5 hours, whereas the WTR state a rest break is due after 6 hours.

Darren Williams was of the view that, from a practical point of view, the 30 minutes difference between the WTR and the Order was of no concern within a working farm situation as it was very rare for workers to work more than 5.5 hours without a break anyway. For simplicity it would be reasonable to bring Article 28 in line with the WTR.

Jo Galazka stated there were employers that were not respecting the rules as they stand so the Panel need to be very clear on what the change meant. It was argued that those employers who do respect the 5.5 hour rule also do not respect the 6 hour rule but the majority of businesses do and are well within the 5.5 boundary.

It was also noted that if an internet search on “rest breaks” was undertaken the results would show the Working Time Regulations.

The Panel unanimously agreed Article 28 regarding rest breaks should fall in line with the Working Time Regulations for simplification purposes.

Article 12 was also covered regarding minimum rates of pay for overtime to confirm the proposed wording in the 2024 Order as agreed (by majority) by the Panel in AAP 37.

ACTION POINT 1 - Dan Ricketts and Helen Snow to include definitions of the Articles amended for simplification purposes within the AWO 2024 Guidance document.

Item 4 – The Agricultural Wages Order 2024

The proposal papers of the NFU/FUW and Unite had been distributed to all Panel members prior to the meeting.

Dylan Morgan gave an overview of the submission from NFU Cymru / FUW.

Jo Galazka gave an overview of the submission from UNITE. Ivan Monckton followed this by asking the members to understand UNITE's position. He explained the cost of living pressures affect workers aswell as businesses – especially those on the lowest wages – and yet in six out of the last seven pay negotiations the independent members agreed with the farming unions.

Darren Williams countered that the new grading structure meant that everyone is on a minimum wage rate higher than the Real Living Wage within a maximum of 5 years of entering the industry.

The Panel continued the discussion from AAP 42 regarding the Accommodation Offset Allowance. The Chair clarified what was being negotiated: where an employer is providing accommodation to a worker – whether it is part of their contract or not – they have to abide by the offset allowances. They could, however, chose to rent it out on the public market for the market rates.

The initial proposals were as follows:

Grade	Current Rate of Pay (2023 Order)	Proposed Rate for 2024 Order (NFU/FUW)	Proposed Rate for 2024 Order (Unite)
Grade A1– Agricultural Development Worker (16 – 17 years)	£5.28	NMW +3p	RLW
Grade A2 – Agricultural Development Worker (18 – 20 years)	£7.49	NMW +3p	RLW
Grade A3 – Agricultural Development Worker (21 – 22 years)*	£10.23	NMW +3p	RLW

Grade A4 – Agricultural Development Worker (23+ years)**	£10.47	NLW +3p	RLW
Grade B1 – Agricultural Worker (16 – 17 years)	£5.28	NMW +3p	RLW +3%
Grade B2 – Agricultural Worker (18 – 20 years)	£7.49	NMW +3p	RLW +3%
Grade B3 – Agricultural Worker (21 – 22 years)*	£10.23	NMW +3p	RLW +3%
Grade B4 – Agricultural Worker (23+ years)**	£10.74	NLW +3.1%	RLW +3%
Grade C – Advanced Agricultural Worker	£11.07	NLW +6.193%	RLW +6%
Grade D – Senior Agricultural Worker	£12.14	NLW +16.515%	RLW +17%
Grade E – Agricultural Manager	£13.32	NLW +27.864%	RLW +28%
Apprentice Year 1	£5.28	NMW	No rate proposed
Apprentice Year 2 and beyond (16 – 17 years)	£5.28	NMW	No rate proposed
Apprentice Year 2 and beyond (18 – 20 years)	£7.49	NMW	No rate proposed
Apprentice Year 2 and beyond (21 – 22 years)*	£10.18	NMW	No rate proposed
Apprentice Year 2 and beyond (23+ years)**	£10.42	NLW	No rate proposed
Dog Allowance	£9.36 per dog per week	£9.36 per dog per week	No rate proposed
Night Work Allowance	£1.78 per hour	£1.78 per hour	No rate proposed
Birth and Adoption Grant	£73.60 per child	£73.60 per child	No rate proposed
* 21-22 years payband may be abolished for NMW / NLW			
** 23+ years payband may become 21+ years for NMW / NLW			
*** Accommodation rates for new workers only			

Accommodation Offset Allowance			
House (Tied)	£1.65 per week	As per NMW/NLW rates (currently £9.10 daily / £63.70 weekly)***	No rate proposed
Other Accommodation	£5.29 per day		No rate proposed

The meeting was adjourned for discussions.

The meeting reconvened after members were given time to deliberate the current proposals.

The Chair summarised the latest position of both parties.

Included is an example of the rates if the NLW rates increases as predicted (an assumption is made that the NMW for each age band will increase by the same percentage as the NLW)

Grade	NFU/FUW			Unite	
	Proposed Rate	If NLW rises to £11.16 (7.1%)	If NLW rises to £11.43 (9.69%)	Proposed Rate	Current Rates +10%
Grade A1	NMW +2.5%	£5.79	£5.93	Current rate +10%	£5.81
Grade A2	NMW +2.5%	£8.22	£8.42	Current rate +10%	£8.24
Grade A3*	NMW +2.5%	£11.17	£11.58	Current rate +10%	£11.25
Grade A4**	NLW +2.5%	£11.44	£11.72	Current rate +10%	£11.52
Grade B1	NMW +2.5%	£5.79	£5.93	Current rate +10%	£5.81
Grade B2	NMW +2.5%	£8.22	£8.42	Current rate +10%	£8.24
Grade B3*	NMW +2.5%	£11.17	£11.58	Current rate +10%	£11.25
Grade B4**	NLW +3.1%	£11.51	£11.78	Current rate +10%	£11.81
Grade C	NLW +6.193%	£11.85	£12.14	Current rate +10%	£12.18
Grade D	NLW +16.515%	£13.00	£13.32	Current rate +10%	£13.35
Grade E	NLW +27.864%	£14.27	£14.61	Current rate +10%	£14.65
Apprentice Yr 1	NMW	£5.65	£5.79	Current rate +10%	£5.81
Apprentice Yr 2 (16–17 yrs)	NMW	£5.65	£5.79	Current rate +10%	£5.81
Apprentice Yr 2 (18–20 yrs)	NMW	£8.02	£8.21	Current rate +10%	£8.24
Apprentice Yr 2 (21–22 yrs)*	NMW	£10.90	£11.30	Current rate +10%	£11.25
Apprentice Yr 2 (23+ yrs)**	NLW	£11.16	£11.43	Current rate +10%	£11.46
Dog Allowance	Equivalent % to NLW increase	£10.02	£10.27	Current rate +10%	£10.30
Night Work Allowance	Equivalent % to NLW increase	£1.91	£1.95	Current rate +10%	£1.96

Birth and Adoption Grant	Equivalent % to NLW increase	£78.83	£80.73	Current rate +10%	£80.96
House (Tied) (per week)	Equivalent % to NLW increase	£1.77	£1.81	Current rate +10%	£1.82
Other Accommodation (per day)	Equivalent % to NLW increase	£5.67	£5.80	Current rate +10%	£5.82

The Chair stated the two proposals were very different in the way they were put together which made them very difficult for the independent members to consider. There was not enough time to vote on the proposals before the end of the meeting as they were so far apart.

Ivan Monckton stated the model brought in under the new grading structure did not have to be adhered to going forward. Wales sets its own rates and UNITE has tried to move away from the UK Government guidelines (NMW / NLW).

Nerys Llewelyn Jones stated in terms of actual proposed rates the figures were not too far apart, but the methodology was very different. The aim was to achieve what was the best for the industry as a whole – employers and workers. All the figures (as per the table above) would be put on a spreadsheet and distributed to all members of the Panel. The meeting would then reconvene the following morning once the figures had been considered.

Darren Williams and Simon Davies both stated they would both struggle to attend due to the change in weather affecting the harvesting tasks required to be undertaken on their farms. Bridget Henderson also stated she needed to be back at home the following day.

Ivan Monckton said that two days had been set aside for this meeting and members of the Panel should have made themselves available for both days. He understood the reasons but did not find it acceptable to be a member of a public body and not be available for the planned second day.

The Chair asked if the meeting could go on until 6pm (another 50 minutes) to go through as much of the agenda as possible. This was agreed.

Item 5 – Outstanding Actions / Approval of Minutes from AAP 42

Two amendments were suggested for the minutes which were accepted.

The action points were also discussed.

ACTION POINT 2 – All members to send any amendments to the draft AAP Report for 2022/2023 within the next 7 days.

ACTION POINT 3 – Dan Ricketts to distribute a finalised copy of the report to all Panel members.

AP 2 – it was confirmed that links to organisations could be listed on the AAP pages of the Welsh Government website (as long as they are related to the content on the page and add value for page users).

AP 4 – Ryan Davies had contacted ALT Wales about their website but was waiting to hear back. To be carried over to the next meeting.

AP 5 / AP 6 – submissions have been made to Welsh Government Legal Services regarding an amendment to the definition of agriculture and regarding the “stripping out” of replicated UK Law provisions within the Order – awaiting their response.

AP 7 – Sian Hughes stated other policy teams in Welsh Government such as Fair Work, Equality etc have links with UK Government in employment changes. The agriculture team does not but meets regularly with the Welsh Government teams that do have links. Any updates will be brought to the Panel for discussion.

AP 9 – to be carried over to the next meeting.

AP 13 – Sian Hughes stated the paper on agricultural lettings has been drafted but awaiting input from housing colleagues. To be carried over to the next meeting.

The minutes were approved by the Panel for publication on the AAP pages of the Welsh Government website.

Item 6 – Welsh Government Update

Guide to Fair Work

A paper was distributed to the Panel prior to the meeting regarding Welsh Government’s Social Partnership, Employability and Fair Work Directorate’s Guide to Fair Work. The guide will help individuals and organisations, across the public, private and third sectors improve their understanding of what fair work is.

The Chair stated this was a very useful guide for both employers and workers.

Jo Galazka stated it would be good if the Deputy Minister for Social Partnership could come and talk to the Panel on this subject.

Ivan Monckton pointed out the section regarding representation and stated Unite had never had official recognition within the agricultural sector. Due to resource issues Unite recruit new members by the worker applying to join or via agricultural shows and community events. Recognition of the union in future would make recruitment easier.

Dylan Morgan suggested it would be good for the Panel to engage with the Low Pay Commission with regard to the NMW / NLW wage rates to give a Welsh agriculture perspective. The NFU already meet with them on a national basis but not specifically for Wales.

ACTION POINT 4 – Panel to extend invitation to meet with the Low Pay Commission in early 2024.

Panel Review

Dave Thomas updated the Panel on progress. There have been meetings with the Welsh Government Procurement Team regarding the recruitment of an independent expert to undertake the review. Clearance was needed from the Public Bodies Unit who are responsible for frameworks around review of arm's length Public Bodies. The framework was being considered and advice would not be available until October. The specification had been drafted but was awaiting clearances.

ACTION POINT 5 – Dave Thomas to distribute to Panel members the draft specification for the independent review of the Panel once cleared.

Enforcement / Correspondence

A complaint had been received regarding non-compliance with the Agricultural Wages Order. As it was a live case no further details could be divulged. As part of this Welsh Government investigated what could be enforced. The nature of this case meant that it was partly outside the remit of the Order as it involved Health and Safety and other UK Employment Law and required a multi-agency approach.

The Minister had received some correspondence from a Labour MS and a Plaid Cymru MS regarding the Real Living Wage in agriculture. The Minister had responded stating the Panel had responsibility for this area, gave details of the

current pay levels and set out the complexities regarding the feasibility of paying the Real Living Wage in agriculture.

Jo Galazka stated that a business cannot be accredited as paying the Real Living Wage unless every worker received at least the RLW as a minimum.

It was agreed that Day 2 of the meeting would start at 9am. The representatives of FUW and NFU Cymru could not attend in person, so a Microsoft Teams link would be sent for them to join the meeting online for one hour to finalise the proposed figures for the Agricultural Wages Order.

The meeting was adjourned for the day.

Day Two Present

Chair – Dr Nerys Llewelyn Jones

Independents – Steve Hughson, Janatha Stout

NFU Cymru – Simon Davies (via Microsoft Teams), Dylan Morgan

FUW – Darren Williams (via Microsoft Teams)

Unite – Ivan Monckton, Jo Galazka, Bridget Henderson (via Microsoft Teams)

Legal Adviser – Helen Snow (Geldards)

Welsh Government – Sian Hughes, Ryan Davies, Dave Thomas, Dan Ricketts (Secretariat)

Item 7 – The Agricultural Wages Order 2024

The Chair summarised the position at the end of Day One of the meeting regarding the two proposals.

The independent members did not like either of the current proposals and therefore found it very difficult to put it to a vote of the Panel. Therefore, the independents presented their own “compromise” proposal .

Grade	Proposed Increases for 2024 Order	NLW of £10.90	NLW of £11.16	NLW of £11.43
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Grade A1– Agricultural Development Worker (16 – 17 years)	NMW +2.5%	£5.66	£5.79	£5.93
Grade A2 – Agricultural Development Worker (18 – 20 years)	NMW +2.5%	£8.04	£8.22	£8.42
Grade A3 – Agricultural Development Worker (21 – 22 years)*	NLW +2.5%	£11.17	£11.44	£11.72
Grade A4 – Agricultural Development Worker (23+ years)**	NLW +2.5%	£11.17	£11.44	£11.72
Grade B1 – Agricultural Worker (16 – 17 years)	NMW +2.5%	£5.66	£5.79	£5.93
Grade B2 – Agricultural Worker (18 – 20 years)	NMW +2.5%	£8.04	£8.22	£8.42
Grade B3 – Agricultural Worker (21 – 22 years)*	NLW +2.5%	£11.17	£11.44	£11.72
Grade B4 – Agricultural Worker (23+ years)**	NLW +3.1%	£11.24	£11.51	£11.78
Grade C – Advanced Agricultural Worker	increase of 8.5% on current rate	£11.69	£11.97	£12.25
Grade D – Senior Agricultural Worker	increase of 8.5% on current rate	£12.83	£13.13	£13.45
Grade E – Agricultural Manager	increase of 8.5% on current rate	£14.03	£14.41	£14.76
Apprentice Year 1	NMW	£5.52	£5.65	£5.79
Apprentice Year 2 and beyond (16 – 17 years)	NMW	£5.52	£5.65	£5.79
Apprentice Year 2 and beyond (18 – 20 years)	NMW	£7.84	£8.02	£8.21
Apprentice Year 2 and beyond (21 – 22 years)*	NMW	£10.90	£10.90	£11.30
Apprentice Year 2 and beyond (23+ years)**	NLW	£10.90	£11.16	£11.43
Dog Allowance	increase of 8.5% on current rate	£10.16	£10.16	£10.16
Night Work Allowance	No change	£1.78 per hour	£1.78 per hour	£1.78 per hour
Birth and Adoption Grant	No change	£73.60 per child	£73.60 per child	£73.60 per child
House (Tied) (per week)	increase of 8.5% on current rate	£1.79	£1.79	£1.79
Other Accommodation (per day)	increase of 8.5% on current rate	£5.74	£5.74	£5.74
* 21-22 years payband may be abolished for NMW / NLW				
** 23+ years payband may become 21+ years for NMW / NLW				

The rationale proposed for Grades A and B was that if they went for a set percentage it could narrow the gap between the NMW / NLW and the Agricultural Minimum rates. The independents had tried to take the best out of both proposals.

The Chair stated that if this could not be supported by at least one of the parties then the original proposals would be looked at again, but that could result in both proposals being sent out to public consultation.

The meeting was adjourned for discussions.

The meeting reconvened and the following proposal was put forward for a vote.

Grade	Proposed Increases for 2024 Order
Grade A1– Agricultural Development Worker (16 – 17 years)	NMW +2.5%
Grade A2 – Agricultural Development Worker (18 – 20 years)	NMW +2.5%
Grade A3 – Agricultural Development Worker (21 – 22 years)*	NLW +2.5%
Grade A4 – Agricultural Development Worker (23+ years)**	NLW +2.5%
Grade B1 – Agricultural Worker (16 – 17 years)	NMW +2.5%
Grade B2 – Agricultural Worker (18 – 20 years)	NMW +2.5%
Grade B3 – Agricultural Worker (21 – 22 years)*	NLW +2.5%
Grade B4 – Agricultural Worker (23+ years)**	NLW +3.1%
Grade C – Advanced Agricultural Worker	NLW +1% +6.193%
Grade D – Senior Agricultural Worker	NLW +1% +16.515%
Grade E – Agricultural Manager	NLW +1% +27.864%
Apprentice Year 1	NMW
Apprentice Year 2 and beyond (16 – 17 years)	NMW
Apprentice Year 2 and beyond (18 – 20 years)	NMW
Apprentice Year 2 and beyond (21 – 22 years)*	NMW
Apprentice Year 2 and beyond (23+ years)**	NLW
Dog Allowance	increase of 8.5% on current rate

Night Work Allowance	increase of 8.5% on current rate
Birth and Adoption Grant	increase of 8.5% on current rate
House (Tied) (per week)	increase of 8.5% on current rate
Other Accommodation (per day)	increase of 8.5% on current rate
* 21-22 years payband may be abolished for NMW / NLW	
** 23+ years payband may become 21+ years for NMW / NLW	

The Panel voted unanimously to accept the proposal for the 2024 Order.

The Chair thanked everybody for the compromises that had been made by both sides and noted it was the first time there had been a unanimous agreement on the proposals. This was a huge achievement and a testament to the hard work everybody had put in over the two days.

Darren Williams and Simon Davies then left the meeting.

Item 8 – Real Living Wage Feasibility Study Update

Dave Thomas gave an overview of the paper that had been distributed to Panel members.

The initial proposed budget for the feasibility study was £15 - £20,000 however the long-standing data issues over the last ten years were a major issue. To try and obtain robust data on agricultural wages and labour would have serious cost and time implications.

Welsh Government economists recommended a greater array of wage scenarios were assessed and that more detailed data and analysis would be needed on assessing the impacts to different workers and farm businesses due to the varied nature of the sector.

A more realistic budget, according to Welsh Government researchers, would be a minimum of £45 - £50,000 and would take at least five months. There would also need to be a methodology for verifying any data received and there would be no guarantee that the study would return robust data.

There are also budgetary constraints within Welsh Government as publicly stated by the First Minister.

The following options were presented for consideration by the Panel:

- a) Seek to proceed with the externally procured feasibility study, estimated at £50,000 (subject to Ministerial and Financial approval).
- b) Undertake an initial cost-benefit analysis under an existing contract, estimated at around £10,000 which could be delivered within existing budgets.
- c) Focus available funds and resources on overcoming the data collection issues on agricultural wages. Once resolved, the focus could return to conducting a robust and meaningful feasibility study.

A discussion was held on this subject and members made the following points:

- There is research and data available on other sectors and industries that could be looked at. However, this is a UK wide issue and the Office for National Statistics have stated they do not know how many people work in agriculture in the UK.
- In the first instance, could a big literary review be undertaken to establish what information and data is available around the impacts of the Real Living Wage? Also potentially revisit literature leading up to the introduction of the National Minimum Wage.
- Scotland have undertaken the same process within agriculture – what process and methodology did they use?
- The long-standing data issue needs to be resolved and a plan needs to be put in place to address these issues but also fulfill the feasibility study as agreed.
- This would have wider benefits to rural communities rather than just to the Panel.
- Invest in finding the data and build from there.
- Collection of robust data would also futureproof the Order for future years.
- Northern Ireland undertakes an agricultural census on an annual basis and also publish a document outlining the methodology and some detail on data quality.

Option C was the preferred view of the Panel including a literary review. Time would need to be set aside to meet with everyone involved – economists, statisticians etc. – for a detailed discussion about how to approach the data collection. The importance of asking the correct questions was noted. The development of an Action Plan was proposed, showing the steps to be taken, the approximate timeline and the anticipated costs.

It was suggested that, as part of the Regulatory Impact Assessment undertaken each year, modelling could be undertaken with regards to the payment of the Real Living Wage. This could be alongside the existing modelling of the proposed pay rates and a “Do Nothing” scenario. This would put an added cost onto the RIA, but it would likely be less than either option (a) or (b). It would be using the “out of date” data but it would satisfy the recommendation of the Fair Work Commission as far as

possible under the current circumstances. Available funds and resources could then be focused on overcoming the data collection issues.

The Panel would need to decide what they required to be modelled within the RIA and what is required with the literary review.

ACTION POINT 6 – Sian Hughes to distribute the draft specification of the Regulatory Impact Assessment to Panel members, including a Literary review, for approval.

The Panel agreed an update to the Minister would be sent by the Chair outlining the options and the recommendations of the Panel and seeking the views of the Minister. However, as Simon and Darren were not present the meeting was no longer quorate, and it was important they were also in favour of the proposed way forward.

ACTION POINT 7 – Nerys Llewelyn Jones to draft a “Chair’s Update” to the Minister and distribute to Panel members for approval by email.

Item 9 – Seasonal Worker Visa Enquiry: Call for Evidence

A paper regarding the Call for Evidence by the Migration Advisory Committee had been distributed to Panel members prior to the meeting.

Dylan Morgan said that the NFU (for England and Wales) would be responding to the consultation. Jo Galazka also said she would enquire as to whether UNITE had responded from a national perspective.

The Chair stated the Panel should consider submitting a response to the consultation to raise awareness of the Panel within Wales.

The Chair asked the NFU and Unite to send in any responses to the consultation they submit. Areas of consensus could be utilised in a Panel response.

Sian Hughes said the Migration Advisory Committee had asked Welsh Government colleagues if they could suggest farms in Wales the Committee could visit. They were interested in farms who did and did not employ seasonal workers. Tyfu Cymru provided some recommendations, and the Panel were asked if they had any further suggestions.

Helen Snow noted the minimum wage as set out for seasonal workers is different to the Agricultural Minimum Wage in Wales and any worker in Wales would be covered by the Order. This discrepancy, along with some difference in the terms and conditions of employment, may cause some confusion with employers and could be brought to the attention of the committee.

ACTION POINT 8 – NFU and Unite to establish whether a response has been submitted to the Migration Advisory Committee consultation and if the response could be sent to the Secretariat to look for areas of consensus which could be utilized in a response from the AAP.

ACTION POINT 9 – All members to forward any suggestions for farms in Wales the Committee could visit to the Secretariat.

Item 10 – Any Other Business

Ivan Monckton raised concerns about the terms of office of representative members. The Establishment Order 2016 sets out that any Panel member can only sit on the Panel for a maximum of 8 years. As a result, Ivan Monckton, Darren Williams and Steve Hughson terms of office terminate on 31 March 2024. IM stated this had been missed by the organisations, but it was the opinion of both UNITE and the FUW that the representatives should not be made to change. They were the ones with the expertise. There were also resource issues within the unions which would potentially raise issues with finding suitable replacements.

The Panel was fully supportive of this view and asked Welsh Government to look at adapting the situation so the nominated representatives in future could continue on the Panel.

The Chair stated the Panel would be losing three experienced members in March. It would not be able to change the legislation before April, but it would be an important part of the Review that would take place. It would also be important for any new representatives to attend meetings prior to April as observers to allow a smooth transition.

Sian Hughes stated that, to look at amending the legislation, a Business Case would be required from the Panel outlining the reasons and benefits of the amendment. There would need to be robust arguments for the amendment. There would also be a need for a public consultation on any proposed amendments to legislation.

ACTION POINT 10 – Sian Hughes to investigate the reasons behind why the Establishment Order 2016 was written as it is regarding representative members.

Next Meeting

The next meeting will be on 14 November via Microsoft Teams.

The meeting was then closed.