



Llywodraeth Cymru
Welsh Government

PUBLICATION

Agricultural Advisory Panel Meeting: 23 November 2020

Summary of the meeting held online due to Covid-19 restrictions.

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Present

Chair - Lionel Walford

Independents - Steve Hughson, Peter Rees

Unite – Daryl Williams, Ivan Monckton

FUW – Darren Williams

NFU Cymru - Will Prichard

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Panel Legal Adviser - Helen Snow (Geldards)

Welsh Government - Ryan Davies (Panel Manager), Sian Hughes, Spencer Conlon, Dan Ricketts (Secretariat)

Apologies

Brian Troake (Unite)

Agenda Item 1 – Welcome

The Chair welcomed everyone to the meeting. No new conflicts of interests were raised.

Agenda Item 2 – Chairs Update

The Chair stated he would like to complete the confirmation process today in order to submit the draft order to Ministers as soon as possible.

Agenda Item 3 - Approval of Minutes of the Last Meeting and Action Points

The minutes for Meeting 23 were approved. Updates were given on the outstanding Action Points:

Some amendments will be required in the Order as there is a slightly different mechanism of paying apprentices as any second (and subsequent) year apprentice who is aged 19 years or over will be paid the National Minimum Wage rate for their age.

Agenda Item 4 – Wages Order Consultation Responses

One response to the consultation had been received from Janet Finch-Saunders MS – this had been circulated to the Panel before the meeting.

The Chair stated most of the comments are looking for clarifications and rationales for the decisions made rather than suggesting a change in the proposals – however there was a concern as to whether it was appropriate for the Shadow Agricultural Secretary in the Senedd to be responding in such a detailed way to the consultation.

It was agreed clarification would be sought with Welsh Government Legal Services which sort of response should be sent. The Chair would then respond accordingly after receiving the legal advice.

There was disappointment at the number of responses and the Panel need to think about what can be done about this. The message is obviously not getting out despite having done more to publicise the consultation than in previous years.

The Chair asked if the Panel would consider the confirmation of the proposals as consulted upon. Confirmation of the National Minimum Wage (NMW) / National Living Wage (NLW) levels from April 2021 were expected to be announced during the Chancellor's Spending Review later in the week so the decisions made by the Panel were made based on whatever the NMW / NLW were going to be.

PROPOSAL: are the Panel content to reaffirm the proposals consulted upon to include the National Wage levels announced by the UK Government later this week?

YES – 4

NO – 2

Two organisations had contacted the Panel Manager last week and asked if they

could submit their responses a couple of days late. They were advised this would be acceptable. Both committed to get the responses in by Tuesday 24th. It was suggested that to avoid any potential legal issues the late responses were to be accepted and they would be circulated via email for the Panel's consideration. If any changes were needed as a result an additional meeting could be convened to discuss.

Agenda Item 5 - Consideration of whether any amendments to the proposals are needed in the light of the consultation responses

An email had been sent to the Panel from Helen Snow prior to the meeting regarding three points of clarifications that require the Panel's clarification:

Definition of Team Leader – the current definition in the Order states:

“For the purposes of this article, a “team leader” is responsible for leading a team of agricultural workers and for monitoring the team's compliance with instructions given by or on behalf of their employer but is not responsible for disciplinary matters.”

The Panel were content for this to remain in place under the new grading structure.

Definition of “the industry” - reference was made in the new Grading Structure to “the industry” when referring to agriculture. It was suggested for the purposes of the legislation reference and to align with the Agricultural Sector (Wales) Act 2014 this was substituted with reference to “agriculture”.

There were some concerns that the definition as it is in the Order at present did not refer to forestry workers so it was agreed to establish whether the definition of agriculture can be changed within the Order and distribute any recommended changes to the Panel.

“Grades or “Levels” - both Grades and Levels have been used in the terminology surrounding the modernisation of the Grading Structure.

The Panel were content to keep the term “Grade / Grades”.

Agenda Item 6 - New Apprenticeship Recruitment Incentives

The Panel were given information on a Welsh Government Scheme introducing financial incentives to encourage the creation of up to 6,000 apprenticeships.

Agenda Item 7 - Update on Baseline Data Survey

The Panel were given an update on the work ADAS have been commissioned to undertake with regards to employment in the agricultural / horticultural / forestry sectors.

Phase 1 of the work targeting accountancy companies had been completed although no results have been received. Phase 2 targeting employers and employees would open from 30th November to 21st December. This would be a survey completed online or by telephone is open to all employers and employees.

Thanks were given to NFU, FUW and Unite for agreeing to publicise the survey through their communication channels.

Agenda Item 8 – Any Other Business

The Chair thanked the Panel for their efforts over the past two years in reorganising the Order to make it more relevant to the Welsh industry.

The roles of the Independent members and Chair of the Panel were being advertised under the Public Bodies recruitment process. The current members can reapply if they wished. Steve Hughson gave thanks to the Panel for their

support over the past five years.

The Chair then closed the meeting.

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