



Llywodraeth Cymru  
Welsh Government

PUBLICATION, DOCUMENT

# Procurement update for SPC Members

Paper to note.

**First published:** 18 October 2024

**Last updated:** 18 October 2024

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-update-spc-members-html> for the latest version.

Get [information on copyright](#).

# Contents

Issue

Background

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-update-spc-members-html> for the latest version.

Get [information on copyright](#).

# Issue

1. To update SPC members on work underway to bring the procurement duties in Part 3 of the Social Partnership and Public Procurement (Wales) Act 2023 into force, and to establish the public procurement subgroup of the SPC (Part 1, Section 9).
2. For information only. SPC Members are asked to note this paper.

## Background

### Setting up the Procurement Subgroup

3. Section 9 of the Act, which requires the SPC to take all reasonable steps to establish a procurement subgroup, has not yet come into force. Sub-section 5 requires Ministers to publish guidance on the composition of the subgroup, including for the purposes of achieving an appropriately representative membership, to which the SPC must have regard.
4. Between the July and September meetings of the SPC, officials will begin work on the guidance, in discussion with social partners and stakeholders.
5. It is proposed that a SPC task and finish group is established after the September meeting to advise on finalising this guidance. Afterwards, work will begin with the SPC on the terms of reference and appointments process.

## Update on Secondary Legislation, Guidance and other Documentation

6. In order to bring the duties in Part 3 of the Act into force some secondary legislation needs to be in place, along with a Code, model clauses and statutory guidance. A six-month implementation window has also been suggested between the finalising of these documents and the duties coming into force, to ensure a smooth transition to the new arrangements.
7. In recent weeks work has focussed on:
  - the Public Services Outsourcing and Workforce Code and the social public workforce clauses (Sections 31 and 32) - a new draft has been developed, see below for more details.
  - the social public works clause – this work is now with Geldards Law firm, who secured a contract to help develop these contract clauses for major contraction contracts, and a draft will be finalised shortly.
  - the regulations on the information that will be published in Annual Report - Cwmpas is currently supporting work on a set of draft metrics to be reported annually. We are expecting a report during the summer which will inform the development of regulations.
8. Formal consultations will take place over the coming months on each of these pieces of work.
9. All developments are underway jointly with officials in the Welsh Government's fair work team and the procurement policy team. The intention is that work on the statutory guidance will transition to the procurement policy team, along with the on-going responsibility for future developments. A recruitment process is underway, drawing from existing Welsh Government staff, for four members of staff to support this work.

## New Draft Workforce Code

10. Geldards Law Firm secured a contract to develop a draft Public Services Outsourcing and Workforce Code and associated Social Public Workforce Clauses, which will replace the existing Workforce Code commonly known as the Two-tier Workforce Code.
11. Geldards consulted with public sector procurement and HR staff, unions and with members of the Public Services Association, which represents many large providers of outsourced services. A copy of the new draft Code, and a summary of how the issues raised in consultation were address, is attached to this briefing note.
12. The next steps are to initiate a formal consultation on the Code, as required by the section 32(3) of the Act.

## Technical Briefing

13. If SPC members would find it helpful, a technical briefing session can be arranged to discuss matters raised in this briefing in more detail.

Sue Hurrell

June 2024

**This document may not be fully accessible.**

For more information refer to our [accessibility statement](#).

**This document was downloaded from GOV.WALES and may not be the latest version.**

Go to <https://www.gov.wales/procurement-update-spc-members-html> for the latest version.

Get [information on copyright](#).