



Llywodraeth Cymru
Welsh Government

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Paper to note: procurement update for SPC members

Procurement update for SPC members.

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Contents

Issue (<https://www.gov.wales#163976>)

Background (<https://www.gov.wales#163978>)

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. Some initial discussions have taken place on expectations for the sub-group, including with colleagues in commercial and procurement. Work will begin on the guidance in September, and it is proposed that a SPC task and finish group is established soon to advise on this guidance. After this, work will begin with the SPC on the terms of reference and appointments process.

Update on secondary legislation, guidance and other documentation

5. Over the last couple of months work has continued to focus on:
 - the new draft of the Public Services Outsourcing and Workforce Code and the social public workforce clauses (Sections 31 and 32), which was shared with the last update. The UK government is also considering how it is to bring back and strengthen the Two-tier Code.
 - the social public works clauses – Geldards Law firm has completed an initial draft of the clauses, and a set of workshops is being organised at the end of September and early October to review this. Work is also needed on guidance to sit alongside the clauses.
 - 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. A set of workshops has been held over the summer, and we are expecting a report at the end of August.
6. Formal consultations will take place over the coming months on each of these pieces of work.
7. 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.

Timescales

8. Project management, legal and policy drafting resources have now been allocated specifically to the task of completing this work. Given the timescales involved in developing regulations and commitments to allow

contracting authorities time to adjust to the new requirements we expect that the duties will be brought into force towards the end of 2025.

Technical briefing

9. A technical briefing session on procurement has been arranged for 24 September.

Jane Williams and Sue Hurrell
September 2024

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