



Llywodraeth Cymru
Welsh Government

Caffael Cymdeithasol Gyfrifol

Socially Responsible Procurement

Sue Hurrell





Y lifer caffael

- Dylem hyrwyddo a gwobrwyo canlyniadau llesiant drwy
 - signalau
 - manyleb
 - hysysebu
 - tendro
 - amodau contract
 - rheoli contract
- Ond dim ond hyd at bwynt...
 - canolbwyntio ar y contract, nid y sefydliad
 - cymesuredd
 - gweithredu o fewn cyfyngiadau cyfreithiol

The procurement lever

- We should promote and reward well-being outcomes through
 - signalling
 - specification
 - advertising
 - tendering
 - contract conditions
 - contract management
- But only up to a point...
 - focus on the contract, not the organisation
 - proportionality
 - operating within legal constraints



Y ddyletswyddau caffael

Beth?

- Lles cymdeithasol, amgylcheddol, economaidd a diwylliannol
- Egwyddor Datblygu Cynaliadwy

Ar bwy?

- Awdurdodau Datganoledig (Atodlen 1)

Sut?

- Yn gweithio ochr yn ochr â Deddf Caffael y DU 2023 (ffocws ar broses)
- Nid yw llesiant cymdeithasol, amgylcheddol, economaidd, diwylliannol bellach yn "werth ychwanegol"
- Adrodd ac adolygu rheolaidd fel mecanweithiau gorfodi

The procurement duties

What?

- Social, environmental, economic and cultural well-being
- Sustainable Development Principle
- Well-being goals

Who?

- "Contracting Authorities" (Schedule 1)

How?

- Works alongside UK Procurement Act 2023 (focus on process)
- Social, environmental, economic, cultural well-being no longer "added value"
- Reporting and regular review as enforcement mechanisms



Y dyletswyddau caffael

- O'r dechrau i'r diwedd, dyletswydd gyffredinol ar sefydliadau ar gyfer pob contract
- Gosod amcanion
- Ar gyfer “contractau a ragnodir”, rhaid “cymryd pob cam rhesymol” i gwrdd â'r amcanion
 - Contractau adeiladu mawr – mwy na £2m
 - Contractau gwasanaethau allanoli
 - Contractau a ragnodir mewn rheoliadau – uwchben trothwyon hysbysebu (tbc)

The procurement duties

- End-to-end, overarching duty on organisations for all contracts
- Setting Objectives.
- For “prescribed procurements” must “take all reasonable steps” to meet objectives.
 - Major construction contract – estimated value over £2m
 - Outsourcing services contracts
 - Contracts prescribed in regulations – above advertising thresholds (tbc)



Cymalau contract

Ar gyfer contractau adeiladau mawr (1) a gwasanaethau allanoli (2) uwchben:

1. Cymalau cyhoeddus cymdeithasol gyfrifol
2. Cymalau gweithlu cyhoeddus cymdeithasol

Tri cham sydd eu hangen:

1. Cynnwys mewn contractau
2. Cynnwys trwy cadwyni cyflenwi
3. Rhoi proses ar waith i sicrhau bod rhain yn cael eu gweithredu

Rhoi gwybod i Lywodraeth Cymru os NI FYDD y rhain yn cael eu chynnwys.
Canlyniad yn cael ei gyhoeddi.

Contract clauses

For major construction (1) and outsourcing services (2) above:

1. Social public works clauses
2. Social public workforce clauses

Three steps needed:

1. Include in contracts
2. Include throughout supply chains
3. Put a process in place to ensure these are implemented

Notify Welsh Government if they are NOT included.

Outcome is published.



Nodau's cymalau

Cymalau gwaith:

- Taliad prydlon
- Cyfleoedd cyflogaeth
- Cydymffurfiaeth â rheoliadau cyflogaeth
- Hyfforddiant
- Cyfleoedd i BBChau
- Rheoli amgylcheddol

Cymalau gweithlu:

- Diogelu Telerau ac Amodau, pensiynau gweithwyr allanol
- ... a gweithwyr newydd
- Monitro drwy gontract

Clause aims

Works clauses:

- Prompt payment
- Employment opportunities
- Compliance with employment regulations
- Training
- Opportunities for SMEs
- Environmental management

Workforce clauses

- Protecting Ts, Cs, pensions of outsourced workers
- ... and new joiners
- Monitoring through contract



Strategaethau ac Adroddiadau Caffael

- Cyhoeddi Strategaeth Caffael
 - Adolygiad blynyddol – i'w diweddarau yn ôl yr angen
 - Sut maent yn “cymryd pob cam rhesymol”
- Adroddiad blynyddol
 - Crynodeb o “gontractau a ragnodir” – canlyniadau ac ardaloedd lle mae angen gwella.
 - gofynion adrodd “gwybodaeth” – i'w pennu mewn rheoliadau.
- Adroddiad cryno gan Lywodraeth Cymru

Procurement Strategies and Reports

- Publish a Procurement Strategy
 - Annual review and update where necessary
 - How “taking all reasonable steps”
- Annual report
 - Summary of “prescribed contracts” – outcomes and areas where improvements are needed.
 - “information” reporting requirements – to be specified in regulations.
- Welsh Government summary report



Goruchwyllo

- Pwerau ymchwilio i Weinidogion Cymru
- Is-grŵp statudol ar gaffael y Cyngor Bartneriaeth Gymdeithasol
- Integreiddio â mecanwaith goruchwyllo ar gyfer diwygio caffael ehangach
- Gwasanaeth adborth

Oversight

- Investigatory powers to Welsh Ministers
- Social Partnership Council's statutory procurement subgroup
- Integration with oversight mechanism for wider procurement reform
- Feedback service



Crynodeb

- Yn cwmpasu'r holl gylch caffael, nid jyst camau “hysbyseb i ddyfarnu”
- Yn rhoi caffael mewn cyd-destun strategol
- Yn canolbwyntio ar fesuro a chanlyniadau
- Darparu amcanion lles
- Canolbwyntio ar reoli cadwyn gyflenwi ar gyfer contractau adeiladu a gweithlu
- Tryloywder a herio yw'r prif fecanweithiau ar gyfer gyrru gwelliant

In summary

- Covers the procurement cycle as a whole, not just “advert to award” stages
- Places procurement within strategic context
- Focus on measuring and delivering outcomes
- Delivering well-being goals
- Focus on supply chain management in works and workforce contracts
- Transparency and challenge are the primary mechanisms for driving improvement



Diweddariad

- Dyletswyddau caffael i ddod i rym ddim cynt na diwedd 2024
- Rheoliadau, canllawiau, hyfforddiant yn cael ei ddatblygu
 - mewn partneriaeth cymdeithasol
 - drwy ymgynghori eang
 - yn unol â diwygio caffael ehangach
- Cynigion "cymalau gwaith" bron wedi'u gyflawni
- "Cymalau gweithlu" a Chod Gweithlu newydd dan ddatblygiad
- Gofynion casglu data (adrodd blynyddol) gwaith ar y gweill
- Gwaith "Cyfrifoldeb byd-eang" yn parhau
- Cynllunio ar gyfer is-grŵp caffael a threfniadau goruchwyllo ehangach.

Update

- Procurement duties to come into force no sooner than end 2024
- Regulations, guidance, training under development
 - in social partnership
 - through wide consultation
 - in alignment with wider procurement reform
- "Works clauses" proposals almost complete
- "Workforce clauses" and new Workforce Code under development
- Data collection requirements (annual reporting) work underway
- "Global responsibility" work in process
- Planning for procurement sub-group and wider oversight arrangements.