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Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership



Llywodraeth Cymru
Welsh Government

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13 Ionawr 2023

Annwyl Aelod o'r Senedd,

Y Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru)– Gwelliannau y Llywodraeth

Rwy'n amgáu manylion gwelliannau a gyflwynwyd gan y Llywodraeth i'r Bil Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru)– Gwelliannau y Llywodraeth, ac eglurhad eu diben a'u heffaith.

Yn gywir,

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

THE SOCIAL PARTNERSHIP AND PUBLIC PROCUREMENT (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Hannah Blythyn MS on 12 January 2023.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1.	Section 7, page 3, line 13, after ‘may’, insert ‘, after consulting the SPC,’.	Adran 7, tudalen 3, llinell 15, ar ôl ‘Cymru’, mewnosoder ‘, ar ôl ymgynghori â’r CPG,’.	The purpose of this amendment is to amend the section of the Bill that sets out the operational arrangements for the Social Partnership Council (SPC). The effect of this amendment is to place a requirement on Welsh Ministers to consult with SPC members before making any revisions to the Council’s procedures.
2.	Section 24, page 8, line 30, leave out ‘socially responsible procurement’ and insert ‘well-being’.	Adran 24, tudalen 8, llinell 30, hepgorer ‘caffael cymdeithasol gyfrifol’ a mewnosoder ‘llesiant’.	The purpose of amendments 2, 3 and 4 is to remove references to “socially responsible procurement goals” in section 24 of the Bill as introduced and replace these with references to “well-being goals”. The effect of these three amendments is to remove any potential ambiguity around the relationship between the socially responsible procurement duty and the well-being goals in the Well-Being of Future Generations (Wales) Act 2015 by confirming that an action taken by a contracting authority will constitute socially responsible procurement if that action contributes to the achievement of well-being goals under the 2015 Act.
3.	Section 24, page 8, line 33, leave out ‘socially responsible procurement’ and insert ‘well-being’.	Adran 24, tudalen 8, llinell 33, hepgorer ‘caffael cymdeithasol gyfrifol’ a mewnosoder ‘llesiant’.	
4.	Section 24, page 8, line 37, leave out ‘socially responsible procurement’ and insert ‘well-being’.	Adran 24, tudalen 8, llinell 36, hepgorer ‘caffael cymdeithasol gyfrifol’ a mewnosoder ‘llesiant’.	
5.	Section 32, page 14, line 19, after ‘must’, insert ‘prepare and’.	Adran 32, tudalen 14, llinell 19, hepgorer ‘gyhoeddi’ a mewnosoder ‘lunio a chyhoeddi’.	The purpose of amendments 5 and 6 is to amend the section of the Bill which requires Ministers to produce a public service outsourcing and workforce code. The effect of these amendments is to add a
6.	Section 32, page 14, after line 22, insert— ‘() In preparing the code or any revision the	Adran 32, tudalen 14, ar ôl llinell 22, mewnosoder— ‘() Wrth lunio’r cod neu unrhyw ddiwygiad rhaid i	

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	Welsh Ministers must consult such other persons as they consider appropriate.’	Weinidogion Cymru ymgynghori ag unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.’	requirement that the Welsh Ministers consult with relevant stakeholders in preparing – or subsequently revising – that code, and to make it clear that consultation with stakeholders must take place <i>before</i> the code is published or revised, and not after the code has been published or revised.
7.	<p>Section 39, page 18, after line 35, insert—</p> <p>() Information specified under subsection (2)(e) may include information intended to facilitate an assessment by the Welsh Ministers of the extent to which—</p> <p>(a) a contracting authority meeting its socially responsible procurement objectives contributes to the achievement of the well-being goals;</p> <p>(b) a contracting authority’s public procurement, generally, contributes to the achievement of the well-being goals, for example by—</p> <p>(i) benefitting the economy of its area, including through the award of contracts to small and medium sized enterprises;</p> <p>(ii) taking environmental considerations into account;</p> <p>(iii) taking (other) social considerations into account.’</p>	<p>Adran 39, tudalen 18, ar ôl llinell 37, mewnosoder—</p> <p>() Caiff gwybodaeth a bennir o dan is-adran (2)(e) gynnwys gwybodaeth y bwriedir iddi hwyluso asesiad gan Weinidogion Cymru o’r graddau—</p> <p>(a) y mae awdurdod contractio sy’n cyflawni ei amcanion caffael cymdeithasol gyfrifol yn cyfrannu at gyflawni’r nodau llesiant;</p> <p>(b) y mae caffael cyhoeddus awdurdod contractio, yn gyffredinol, yn cyfrannu at gyflawni’r nodau llesiant, er enghraifft drwy—</p> <p>(i) bod o fudd i economi ei ardal, gan gynnwys drwy ddyfarnu contractau i fusnesau bach a chanolig;</p> <p>(ii) ystyried materion amgylcheddol;</p> <p>(iii) ystyried materion cymdeithasol (eraill).’</p>	<p>The purpose of this amendment is to add an additional subsection to section 39 of the Bill. Section 39 requires contracting authorities to publish annual socially responsible procurement reports.</p> <p>The effect of this amendment is to provide further detail about what Welsh Ministers may set out in regulations regarding information that contracting authorities should include in their annual reports. The information which may be set out in regulations includes information on the extent to which their public procurement activities are, through meeting their socially responsible procurement objectives: contributing to the achievement of the well-being goals; benefiting the local economy, for example by reporting the proportion of contracts awarded to SMEs; and how they are taking environmental and other social considerations into account. Ministers’ investigative powers under section 41 will also allow for challenge should reporting arrangements suggest that a contracting authority is failing to meet its objectives.</p>
8.	<p>Section 40, page 19, after line 7, insert—</p> <p>() the address of the contractor’s principal place of business;’</p>	<p>Adran 40, tudalen 19, ar ôl llinell 7, mewnosoder—</p> <p>() cyfeiriad prif fan busnes y contractiwr;’</p>	<p>The purpose of amendments 8 & 9 is to amend the section of the Bill which lists the requirements contracting authorities must meet in producing their</p>

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9	<p>Section 40, page 19, after line 19, insert —</p> <p>() disclose a residential address (in the case of information referred to in subsection (3)(c)).’.</p>	<p>Adran 40, tudalen 19, ar ôl llinell 19, mewnosoder —</p> <p>() yn datgelu cyfeiriad preswyl (yn achos yr wybodaeth y cyfeirir ati yn is-adran (3)(c)).’.</p>	<p>contracts register. This will include the address of a contractor’s principal place of business. A further amendment to subsection 4 allows contractors to not include this information where this would disclose a residential address. The purpose of the amendment is to enhance published information about public procurement.</p> <p>The effect of these amendments is to add a requirement that, along with the other information listed in subsection (3), contracts registers also include an address for each contractor.</p>
10.	<p>Section 43, page 20, line 26, leave out subsection 4 and insert —</p> <p>() Before issuing guidance under this Part, the Welsh Ministers must consult —</p> <p>(a) the SPC;</p> <p>(b) such other persons as they consider appropriate.’.</p>	<p>Adran 43, tudalen 20, llinell 28, hepgorer is-adran 4 a mewnosoder —</p> <p>() Cyn dyroddi canllawiau o dan y Rhan hon, rhaid i Weinidogion Cymru ymgynghori â’r canlynol—</p> <p>(a) yr CPG;</p> <p>(b) unrhyw bersonau eraill y maent yn ystyried eu bod yn briodol.’.</p>	<p>The purpose of this amendment is to amend the section of the Bill which enables Ministers to issue guidance in relation to Socially Responsible Public Procurement.</p> <p>The effect of this amendment is to add a requirement that the Welsh Ministers consult with the SPC and other relevant stakeholders (as they consider appropriate) before issuing that guidance.</p>
11.	<p>Section 48, page 22, line 31, after ‘appoint’, insert ‘; except for this section, which comes into force on the day after the day this Act receives Royal Assent’.</p>	<p>Adran 48, tudalen 22, llinell 33, ar ôl ‘orchymyn’, mewnosoder ‘; ac eithrio’r adran hon, a ddaw i rym drannoeth y diwrnod y caiff y Ddeddf hon y Cydsyniad Brenhinol’.</p>	<p>The purpose of this amendment is to amend the coming into force date of section 48.</p> <p>The effect of this amendment is to provide that the coming into force date of <i>section 48 itself</i> is the day after the Bill receives Royal Assent (with all other provisions coming into force on the date to be appointed by Welsh Ministers in due course). This amendment ensures that the Bill conforms to standard drafting practice in this regard.</p>