



Llywodraeth Cymru  
Welsh Government

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Welsh Government

Consultation – summary of response

# Consultation on socially responsible public procurement: secondary legislation under the Social Partnership and Public Procurement (Wales) Act 2023

December 2025

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh  
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## **Overview**

This document provides a summary of responses to the consultation on socially responsible public procurement: secondary legislation under the Social Partnership and Public Procurement (Wales) Act 2023 and the Welsh Government's response.

## **Action Required**

This document is for information only.

## **Further information and related documents**

Large print, Braille and alternative language versions of this document are available on request.

## **Contact details**

For further information:

Corporate Services and Inspectorates  
Commercial Procurement Division  
Procurement Legislation Team  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Email: [sociallyresponsiblepublicprocurementconsultation@gov.wales](mailto:sociallyresponsiblepublicprocurementconsultation@gov.wales)

## **Additional copies**

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: [Socially responsible public procurement](#)

## Contents

Introduction and Consultation process .....	4
Consultation responses and Welsh Government response.....	5
Next steps .....	29

## **Introduction and Consultation process**

The Social Partnership and Public Procurement (Wales) Act 2023 (“SPPP Act”) requires all public bodies listed in Schedule 1 (contracting authorities) to carry out public procurement in a way that improves economic, social, environmental, and cultural well-being.

The SPPP Act requires publication of socially responsible procurement objectives and procurement strategies and compliance with contract management duties in major construction and outsourcing services procurements, including a notification process.

In addition, the SPPP Act includes transparency duties which centre around the publication of an annual socially responsible procurement report, and contracts register.

The overall intention of the Regulations provided in the consultation was to provide the necessary detail to implement Part 3 of the SPPP Act.

It related to areas of the SPPP Act which refer to descriptions of contracts and reporting. It covered the following areas:

1. Prescribed contracts
2. Amendment to Section 27(4) of the SPPP Act
3. Registrable contracts
4. Information required in annual socially responsible procurement reports
5. Welsh language

The Welsh Government received 60 responses to the consultation.

The Welsh Government welcomes the responses to the consultation and would like to thank those who responded.

## **Consultation responses and Welsh Government response**

The consultation was split into mandatory questions and follow up questions asking for additional information where the respondent had disagreed or strongly disagreed to each question. In addition, there were three questions relating to the Welsh language.

### **1. Prescribed contracts (included at regulation 3 of the draft Statutory Instrument)**

Q1a: To what extent do you agree or disagree that the description of "prescribed contract" in the Regulations ensures that the requirements under section 24 of the Act are implemented in a proportionate way?

Q1b: If you answered disagree or strongly disagree to Question 1a, please explain why you do not believe this delivers the policy intent.

### **Summary of responses**

Overall, the response was positive, with 30 of the 60 responses that strongly agreed or agreed to the question.

20 respondents disagreed or strongly disagreed to the question.

10 respondents neither agreed nor disagreed or left the answer blank.

31 comments were received.

The responses to question 1b revealed concerns about the proportionality, clarity, and practicality of the proposed Regulations for prescribed contracts and the difference in thresholds between the SPPP Act and the Procurement Act 2023 ("PA 2023"). Some also confirmed the definition would help to deliver the well-being goals.

Responses highlighted the risk of excessive administrative burden, and the need for clearer guidance and alignment with other legislation.

There were several comments that the threshold in the SPPP Act for major construction contracts under prescribed contracts was too low.

There were concerns that procurement objectives need to be set for every prescribed contract.

Some responses raised concerns about whether some direct award contracts (user choice) and contracts covered by the Health Services (Provider Selection Regime) (Wales) Regulations 2025 should be in or out of scope from the definition of a prescribed contract.

Some responses confirmed the definition would help with delivery of the well-being goals under the Well-being and Future Generations Act and some requested that the scope of a prescribed contract should be broadened.

## **Welsh Government Response**

Many concerns around proportionality and burden seemed to centre around the presumption that every prescribed contract would need procurement objectives set for each prescribed contract. This is not the case; procurement objectives need to be set at Contracting Authority level. Whilst this is stated in the SPPP Act, WG Officials will ensure that the Statutory guidance on setting Procurement Objectives makes this very clear.

Concerns were raised about differing thresholds between the SPPP Act and the PA 2023 in relation to a prescribed contract. The definition of a prescribed contract is given in the Act; however, the Act provides the power for Welsh Ministers to add to the meaning. The Regulations add to the meaning, and whilst the thresholds proposed in these Regulations do not align with the Key Performance Indicator threshold in the PA 2023, they are consistent with the thresholds used to define a public contract in the PA 2023 (i.e. prescribed contracts as defined in these Regulations are contracts above the thresholds in Schedule 1 of the PA 2023 which are not an exempted contract within the meaning of Schedule 2 to the PA 2023).

It should also be noted that the SPPP Act 2023 received Royal Assent before the PA 2023. While every effort to align the terminology between the two Acts was made, the different timelines presented some challenges to parallel working.

Concerns were raised that the threshold of £2,000,000 for major construction contracts is too low. This threshold is set in the SPPP Act and was not the subject of this consultation.

Comments were received concerning some direct award contracts (user choice) and contracts covered by the Health Services (Provider Selection Regime) (Wales) Regulations 2025, in terms of whether they were in or out of scope. In light of these responses there will be some changes to the Regulations to also exclude from the definition of a prescribed contract contracts subject to a disapplication in Regulations made by the Welsh Ministers under section 120A of PA 2023, such that PA 2023 does not apply to the contract, and contracts awarded under section 41 of PA 2023 by reference to paragraph 15 of Schedule 5 to the PA 2023. These contracts have also been taken out of scope for draft Regulations 4 and 5 (reportable and registrable contracts). It should be noted, however, that the socially responsible procurement and objective-setting duties in Section 24 apply to all procurement carried out by bodies listed in Schedule 1, including health-related procurements.

## **2. Amendment to Section 27(2) of the 2023 Act (included at regulation 6 of the draft Regulations)**

Q2a: To what extent do you agree or disagree that amending the table in section 27 of the Act to replace the words “people with disabilities” with “disabled people” meets the requirement to use language consistent with the social model of disability?

Q2b: If you answered disagree or strongly disagree to Question 2a, please explain why you do not believe this delivers the policy intent.

### **Summary of responses**

Overall, the response was positive, with 37 of the 60 responses that strongly agreed or agreed to the question.

Three respondents disagreed, 12 neither agreed nor disagreed and eight did not provide a response.

24 comments were received.

The responses to question 2b revealed broad support for aligning language with the social model of disability but also highlighted the need for careful consideration of the clauses and reporting requirements. One respondent suggested that the proposed amendment does not fully deliver the policy intent.

### **Welsh Government Response**

As the Regulations will bring the terminology in line with language appropriate to the social model of disability, and there was broad support for the change, no changes are proposed to the Regulations.

## **3. Registrable contract (included at regulation 4 of the draft Regulations)**

Q3a: To what extent do you agree or disagree that the description of “registrable contract” aids transparency for potential suppliers and stakeholders in a proportionate way and therefore meets policy intent?

Q3b: If you answered disagree or strongly disagree to Question 3a, please explain why you do not believe this delivers the policy intent.

### **Summary of responses**

Overall, the response was split, with 30 of the 60 respondents who strongly disagreed or disagreed to the question.

18 responses strongly agreed or agreed to the question.

Four respondents neither agreed nor disagreed and eight left the answer blank. 37 comments were received from respondents who had answered negatively and positively.

The responses to question 3b indicated that, while transparency in public procurement was widely supported, the proposed approach to registrable contracts risked creating unnecessary duplication, administrative burden, and confusion.

Respondents consistently called for greater alignment of terminology with the PA 2023 and with existing systems, clearer guidance, a severance of the link between a registrable contract and a reportable contract and a more proportionate approach to reporting.

Some responses raised concerns about whether user choice direct award contracts and contracts covered by the Health Services (Provider Selection Regime) (Wales)

Regulations 2025 should be in or out of scope from the definition of a prescribed contract.

### **Welsh Government Response**

The Welsh Digital Platform (Sell2Wales) will provide the functionality to link all contracts to the contracts register function where a Contract Details Notice under the PA 2023 is published. Each Contracting Authority requires one user once to turn on the contracts register functionality within Sell2Wales, thereafter the data will be pulled from the Contract Detail Notices, in doing so fulfilling the contracts register requirement under the SPPP Act and the Regulations. As there is a clear digital link between the Contract Details Notice and the contracts register functionality in Sell2Wales, and as utilities contracts and concession contracts require a Contract Details Notice under the PA 2023, the Regulations will be amended to bring these types of contracts into the scope of a Registrable contract to maximise transparency.

Clarity on accessing the Sell2Wales functionality will be provided in the Statutory Guidance. Guidance on the current system has been available in Sell2Wales for some time.

Comments were received concerning contracts covered by the Health Services (Provider Selection Regime) (Wales) Regulations 2025 and user choice direct award contracts. In light of these responses there will be some changes to the Regulations to also exclude from the definition of a registrable contract, contracts subject to a disapplication in Regulations made by the Welsh Ministers under section 120A of PA 2023 such that PA 2023 does not apply to the contract, and contracts awarded under section 41 of PA 2023 which meets the requirements of paragraph 15 of Schedule 5 to the PA 2023.

There will also be an amendment to the Regulations such that the meaning of reportable contracts (s.39) in draft regulation 6 will no longer be defined by reference to registrable contracts (s.40) in draft regulation 5. The meaning will remain largely the same, but it will assist the reader of the Regulations by avoiding confusion and the need to cross-refer to an unrelated definition. The amended Regulations will ensure that utilities contracts are not in scope of draft regulation 5 "Information required in annual socially responsible procurement reports" but concession contracts will be in scope for draft Regulations 5 and 6 (registrable and reportable contracts). This is to ensure the data required under the Regulations is meaningful and proportionate. The exclusions mentioned above will also apply to the definition of reportable contract.

As there will be a central digital solution available to Contracting Authorities which will automatically pull relevant data from the Contracts Details Notice to the Contracts Register on Sell2Wales following a minor update to the Contracting Authorities' account on Sell2Wales, no additional changes will be made to the Regulations as the increased burden on Contracting Authorities is extremely minimal.



It should also be noted that the SPPP Act 2023 received Royal Assent before the PA 2023. While every effort to align the terminology between the two Acts was made, the different timelines posed challenges to parallel working.

## **Information Required in Annual Socially Responsible Procurement Reports (included at regulation 5 of the draft Regulations)**

### **Condition 1: Opportunities for staff to use, learn or improve their Welsh language skills**

Q4a: To what extent do you agree or disagree that condition 1 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q4b: If you answered disagree or strongly disagree to Question 4a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 23 of the 60 responses that strongly agreed or agreed to the question.

23 respondents disagreed or strongly disagreed, six neither agreed nor disagreed and eight did not provide a response.

34 comments were received from respondents.

Many responses to question 4b commented that, while there was support for the principle of contractors providing opportunities for staff to use, learn or improve their Welsh language skills, the proposed reporting requirements were seen in some cases as disproportionate, burdensome, unverifiable and potentially ineffective.

Some respondents requested a more flexible, proportionate, and outcome-focused approach, with robust guidance and support for both authorities and suppliers. Many also requested that this data was captured within a central system.

Some respondents felt that the requirement to collect and report on opportunities for staff to use, learn, or improve Welsh language skills was not proportionate for all contracts, especially those where Welsh language is not relevant to the contract's subject matter and that some suppliers could be disadvantaged or penalised by the reporting.

There was concern that the data collected would be self-reported by suppliers, with no independent verification, and so questioned the usefulness of such data for assessing progress towards well-being goals.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time.

The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 1. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of Welsh language in their annual reports should they so wish, in addition to the percentage required by the Regulations.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year. This will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

It is intended for the supplier registration question set on Sell2Wales to be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, and will therefore allow the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition in order to calculate the information required in the annual report.

Given the fairly even support for this condition, the misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

## **Condition 2: Welsh contractors (included at regulation 5(2)(b) of the draft Regulations)**

Q5a: To what extent do you agree or disagree that condition 2 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q5b: If you answered disagree or strongly disagree to Question 5a, please explain why you do not believe this information is required.

## **Summary of responses**

Overall, the response was split, with 27 of the 60 responses that strongly disagreed or disagreed to the question.

24 responses strongly agreed or agreed to the question.

Three respondents neither agreed nor disagreed and six left the answer blank.

32 comments were received.

The responses to question 5b indicated that, while there was broad support for measuring the local economic impact of public procurement, the proposed reliance on registered office address was widely seen as inadequate and potentially misleading. Respondents consistently called for a more nuanced, evidence-based approach that would accurately reflect local benefits, minimise administrative burden, and support the participation of SMEs.

Many respondents argued that using a supplier's registered or principal office address in Wales as a measure of local economic impact was misleading. They noted that many suppliers headquartered outside Wales employ local people and contribute significantly to the Welsh economy through local branches, supply chains, and employment.

There was concern that the proposed metric would not accurately reflect the true impact of public procurement on local communities, especially in sectors like construction and social care, where supply chains and employment are often local even if the main office is not.

There was concern that the focus on registered address could disadvantage suppliers based just outside Wales but employing Welsh staff and could also distort reporting for border authorities.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time.

The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 2. The Regulations do not oblige Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that many suppliers will not meet this condition.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of contracting with Welsh suppliers in their annual reports should they so wish, in addition to the percentage required by the Regulations.

Welsh Government recognises the concerns of respondents and agrees that condition 2 will only provide a partial view, i.e. the percentage value of contracts with suppliers that have a postal address / are registered in Wales. Whilst this does not provide a full picture, it does provide meaningful data. After considering alternative approaches, no practical solution has been identified that would provide a consistent measure for different types of Contracting Authorities, where some, for example are situated within one local authority area and others operate across a wider geographical area.

It is intended for the supplier registration question set on Sell2Wales to be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means

Contracting Authorities will be able to extract information on suppliers that meet each condition in order to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year. This will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

As such, no changes are proposed to the Regulations.

### **Condition 3: Small and medium-sized contractors (included at regulation 5(2)(c) of the draft Regulations)**

Q6a: To what extent do you agree or disagree that condition 3 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q6b: If you answered disagree or strongly disagree to Question 6a, please explain why you do not believe this information is required.

#### **Summary of responses**

Overall, the response was positive, with 35 of the 60 responses that strongly agreed or agreed to the question.

15 respondents disagreed or strongly disagreed and four neither agreed nor disagreed and six did not provide a response.

31 comments were received from respondents.

The responses to question 6b showed that, while there was strong support for increasing SME participation in public procurement, the proposed reporting requirements were widely seen as burdensome, potentially ineffective, and not fully reflective of SME contributions. Respondents called for a more proportionate, integrated, and outcome-focused approach, with robust data quality and minimal barriers for SMEs.

Several responses questioned the value of reporting by contract value alone, arguing that a few large contracts could skew the data and not reflect the true level of SME engagement. There were calls for metrics that also consider the number of contracts and supply chain involvement.

Respondents highlighted that the proposed measure did not account for the significant role of SMEs as subcontractors in large projects. They felt that focusing only on direct contracts with SMEs would understate their actual contribution to well-being goals.

There were concerns about the accuracy of SME classification, especially when relying on automated systems or self-reported data. Respondents called for clearer definitions and more reliable data sources.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 3. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of SMEs in their annual reports should they so wish, in addition to the percentage required by the Regulations.

Small and medium-sized enterprise has the meaning given by section 123 of PA 2023 as stated in the Regulations and therefore is a consistent definition. This will also be highlighted in statutory guidance. Improving accessibility of contracts to SMEs has always been a policy priority and a focus of procurement legislation.

It is intended for the supplier registration question set on Sell2Wales to be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition in order to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year. Contracts to SMEs is a general proxy for local economic benefit and therefore this will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Given the support for this condition, the misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 4: Value-driven contractors (included at regulation 5(2)(d) of the draft Regulations)**

Q7a: To what extent do you agree or disagree that condition 4 is information required by Welsh Ministers to assess the extent to which contracting authorities'

socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q7b: If you answered disagree or strongly disagree to Question 7a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was positive, with 33 of the 60 responses that strongly agreed or agreed to the question.

19 respondents disagreed or strongly disagreed, four neither agreed nor disagreed and four did not provide a response.

32 comments were received.

The responses to question 7b indicated that, while there was support for the principle of promoting value-driven procurement, the proposed reporting requirements were widely seen as unclear, burdensome, and potentially ineffective. Respondents consistently called for clearer definitions, more meaningful metrics, and a proportionate, outcome-focused approach.

Many respondents expressed confusion about what constitutes a “value-driven contractor”, with calls for clearer definitions and guidance. There was uncertainty about whether this referred to social enterprises, not-for-profits, or a broader group.

Several responses highlighted that the reporting requirements were not proportionate for all contract types or values. Some felt that the focus on value-driven contractors was not always relevant to the contract.

Some respondents criticised the use of contract value as the sole metric, arguing that it did not provide a true reflection of the impact of value-driven contractors. There were suggestions that the number of contracts or qualitative outcomes might be more meaningful.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 4. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of value driven contractors in their annual reports should they so wish, in addition to the percentage required by the Regulations.

The Regulations under the PA 2023 require information to be included in a number of notices on contractors that are non-governmental organisations that are value-driven

and which principally reinvests its surpluses to further social, environmental or cultural objectives. As such, condition 4 is consistent with other procurement legislation. Further information on the definition of a “value driven contractor” will also be provided to ensure that there is consistent interpretation and reporting.

It is intended for the supplier registration question set on Sell2Wales to be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition in order to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister’s annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Given the support for this condition, planned information documents, the misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 5: Carbon reduction plans**

Q8a: To what extent do you agree or disagree that condition 5 is information required by Welsh Ministers to assess the extent to which contracting authorities’ socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q8b: If you answered disagree or strongly disagree to Question 8a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 29 of the 60 responses that strongly agreed or agreed to the question.

24 respondents disagreed or strongly disagreed, three neither agreed nor disagreed and four did not provide a response.

31 comments were received.

The responses to question 8b indicated that, while there was strong support for the environmental objectives behind carbon reduction plans (CRPs), the proposed requirements were widely seen as disproportionate, burdensome, and potentially counterproductive for SMEs and local suppliers. Respondents consistently called for alignment with existing policy thresholds, clearer guidance, and a focus on meaningful outcomes rather than compliance alone.

Many respondents felt that requiring CRPs for all reportable contracts, especially those as low as £30,000, was unrealistic and disproportionate and extending this to lower-value contracts would create unnecessary barriers, particularly for SMEs.

There was widespread concern about the lack of clear guidance on what constitutes a compliant CRP, how these plans should be assessed, and who would be responsible for verification. Respondents highlighted the need for standardisation and practical support.

Several responses highlighted that mandatory CRPs for all contracts could deter SMEs and local suppliers from bidding for public contracts, undermining the policy intent of supporting these groups and reducing competition.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 5. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of carbon reduction in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended for the supplier registration question set on Sell2Wales to be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition in order to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Further information will be provided for suppliers on this condition linking to any available training provided by Business Wales for businesses located in Wales.

The Wales Procurement Policy Note on Carbon Reduction Plans will be updated once the Regulations come into force, to ensure maximum clarity on what is required by legislation and policy.



Given the support for this condition, planned information documents, some misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 6: Emissions information (included at regulation 5(2)(f) of the draft Regulations)**

Q9a: To what extent do you agree or disagree that condition 6 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q9b: If you answered disagree or strongly disagree to Question 9a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 27 of the 60 responses that strongly agreed or agreed to the question.

24 respondents disagreed or strongly disagreed, five neither agreed nor disagreed and four did not provide a response.

32 comments were received.

The responses to question 9b demonstrated that, while there was strong support for the environmental objectives behind emissions reporting, the proposed requirements were widely seen as disproportionate, burdensome, and potentially counterproductive for SMEs and local suppliers. Respondents consistently called for a more phased, proportionate, and integrated approach, with robust guidance and support to ensure that reporting genuinely supports sustainability goals and delivers meaningful outcomes.

Respondents highlighted that many suppliers, especially SMEs, currently lack the capability, resources, or expertise to accurately measure and report emissions. There was scepticism about the feasibility of collecting meaningful emissions data from the supply chain at this stage.

Many respondents felt that requiring suppliers to report on emissions for all contracts above £30,000 would create a significant administrative and financial burden, particularly for SMEs and sole traders. There was concern that this could discourage smaller suppliers from bidding for public contracts.

### **Welsh Government Response**

Based on the detailed comments received, this condition is to be removed from these Regulations. Although the responses were relatively evenly split, concerns remain about the potential workload for many smaller suppliers in particular to meet this criterion and possible overlap with information to be contained in a Carbon

Reduction Plan. It is felt that the focus at this time should be on the Carbon Reduction Plan.

The draft Regulations included with the consultation will be amended to reflect this decision.

### **Condition 7: Environmental policy statement (included at regulation 5(2)(g) of the draft Regulations)**

Q10a: To what extent do you agree or disagree that condition 7 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q10b: If you answered disagree or strongly disagree to Question 10a, please explain why you do not believe this information is required.

#### **Summary of responses**

Overall, the response was split, with 25 of the 60 responses that strongly agreed or agreed to the question.

23 respondents disagreed or strongly disagreed, eight neither agreed nor disagreed and four did not provide a response.

32 comments were received.

The responses to question 10b showed that, while there was strong support for environmental responsibility in procurement, the proposed requirement for Environmental Policy Statements (EPS) was widely seen as potentially ineffective, burdensome, and not always meaningful. Respondents consistently called for a more proportionate, outcome-focused approach, with robust guidance and integration with existing systems.

Many respondents questioned whether simply having an EPS was a meaningful indicator of environmental performance. They noted that organisations could have a policy but not implement it, and that the existence of a policy did not guarantee sustainable outcomes.

There was concern about the lack of mechanisms to assess, monitor, or enforce the quality and implementation of EPSs. Respondents felt that without clear standards or audits, the requirement risked being a "tick-box exercise".

While there was broad support for the principle of promoting environmental responsibility, respondents felt that the current approach risked being ineffective unless accompanied by robust guidance, proportionate thresholds, and meaningful monitoring.

#### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations

will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 7. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of the environment in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

The WPSQ currently includes this question and so it is already collected as part of many procurement processes.

Due to broad support for this condition, planned information documents, some misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 8: Living Wage (included at regulation 5(2)(h) of the draft Regulations)**

Q11a: To what extent do you agree or disagree that condition 8 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q11b: If you answered disagree or strongly disagree to Question 11a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was positive, with 33 of the 60 responses that strongly agreed or agreed to the question.

15 respondents disagreed and five neither agreed nor disagreed and seven did not provide a response

30 comments were received.

The responses to question 11b showed that, while there was strong support for the principle of promoting the Living Wage and fair work, the proposed requirements were widely seen as potentially burdensome, not always relevant, and difficult to monitor effectively. Respondents consistently called for a more proportionate, outcome-focused approach, with robust guidance, integration with existing systems, and minimal barriers for SMEs.

Many respondents felt that requiring all suppliers to be accredited Living Wage Employers, or to report on this status, would create a disproportionate administrative and financial burden, especially for SMEs and sole traders. There was concern that this could discourage smaller suppliers from bidding for public contracts.

Several responses questioned the relevance of Living Wage accreditation for all types of contracts and suppliers, noting that some suppliers may not have lower-paid staff or may already pay above the Living Wage without formal accreditation.

There was concern about how Living Wage accreditation would be verified and monitored throughout the contract lifecycle, and whether contracting authorities had the resources to do so.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 8. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of the Living Wage in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Due to broad support for this condition, planned information documents, the fact that promotion of the Real Living Wage is current Welsh Government policy and features

in the National Indicators, some misconceptions that the condition was mandatory for suppliers, and the measures planned to be implemented to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 9: Recognised trade union (included at regulation 5(2)(i) of the draft Regulations)**

Q12a: To what extent do you agree or disagree that condition 9 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q12b: If you answered disagree or strongly disagree to Question 12a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 22 of the 60 responses that strongly disagreed or disagreed to the question.

20 responses that strongly agreed or agreed to the question.

10 respondents neither agreed nor disagreed and eight left the answer blank.

29 comments were received.

Respondents generally believed that requiring information on trade union recognition as a reporting condition was disproportionate and risked imposing unnecessary burdens on suppliers, especially SMEs and sole traders. There was a strong consensus that such requirements could be difficult to implement, may not be relevant for all contracts or suppliers, and could inadvertently discourage participation in public procurement. The measure was perceived as being potentially political, with limited practical value for assessing well-being goals.

Many respondents highlighted their belief that trade union recognition is not relevant or practical for small businesses, which often do not have recognised trade unions or formal collective agreements.

There was concern that this requirement could exclude or penalise smaller suppliers, contrary to the intention of supporting SME participation.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time

The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 9. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of trade union recognition in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Due to a strong Welsh Government policy commitment to social partnership and to collective representation at work through trade unions, planned information documentation, some misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 10: Collective bargaining (included at regulation 5(2)(j) of the draft Regulations)**

Q13a: To what extent do you agree or disagree that condition 10 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q13b: If you answered disagree or strongly disagree to Question 13a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 22 of the 60 responses that strongly agreed or agreed to the question.

20 respondents disagreed and 10 neither agreed nor disagreed and eight did not provide a response

30 comments were received.

Respondents widely felt that requiring information on collective bargaining as a reporting condition was disproportionate and risked imposing unnecessary burdens on suppliers, particularly SMEs and sole traders. There was a strong view that such requirements could be difficult to implement, may not be relevant for all contracts or suppliers, and could inadvertently discourage participation in public procurement.

The measure was seen as potentially political, with limited practical value for assessing well-being goals.

### **Welsh Government Response**

While we acknowledge that responses to Q12 and Q13 were generally positive, some concerns were raised. Upon reflection, we agree there is a degree of overlap and duplication between these two conditions because trade union recognition and collective bargaining are closely related, since collective bargaining necessitates trade union recognition, and trade union recognition provides the foundation for collective bargaining. We have decided to remove condition 10 to avoid duplication.

The draft Regulations included with the consultation will be amended to reflect this decision.

### **Condition 11: Zero-hour contracts (included at regulation 5(2)(k) of the draft Regulations)**

Q14a: To what extent do you agree or disagree that condition 11 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q14b: If you answered disagree or strongly disagree to Question 14a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was split, with 26 of the 60 responses that strongly disagreed or disagreed to the question.

23 responses that strongly agreed or agreed to the question.

Three respondents neither agreed nor disagreed and eight left the answer blank.

31 comments were received.

The responses to question 14b showed that, while there was strong support for the principle of promoting fair work and reducing insecure employment, the proposed requirements were widely seen as potentially burdensome, not always relevant, and difficult to monitor effectively. Respondents consistently called for a more proportionate, outcome-focused approach, with robust guidance, integration with existing systems, and minimal barriers for SMEs.

There was concern about how compliance with zero-hours contract requirements would be verified and monitored throughout the contract lifecycle, and whether contracting authorities had the resources to do so. Some questioned the value of simply reporting on contract types without meaningful follow-up.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time.

The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 11. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of zero hours contracts in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Given the Welsh Government does not support the unfair use of zero hours contracts and encourages employers to offer staff the security of guaranteed hours as part of its wider approach to fair work, planned information documents, some misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Condition 12: Equality, diversity and inclusion policy (included at regulation 5(2)(I) of the draft Regulations)**

Q15a: To what extent do you agree or disagree that condition 12 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q15b: If you answered disagree or strongly disagree to Question 15a, please explain why you do not believe this information is required.

### **Summary of responses**

Overall, the response was positive, with 26 of the 60 responses that strongly agreed or agreed to the question.



22 respondents disagreed and five neither agreed nor disagreed and seven did not provide a response

28 comments were received.

Respondents generally felt that requiring all suppliers to have an equality, diversity and inclusion (EDI) policy as a condition for reporting was disproportionate, particularly for SMEs and sole traders. There was a strong consensus that such requirements could create unnecessary administrative burdens, potentially discourage smaller suppliers from bidding for public sector contracts, and may not meaningfully contribute to the well-being goals. Many highlighted that simply having a policy does not guarantee meaningful action or compliance, and that the focus should be on outcomes rather than box-ticking exercises.

### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time.

The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 12. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of equality, diversity and inclusion in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group, will provide the basis for the Welsh Minister's annual report on public procurement in Wales and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Due to broad support for this condition, Welsh Government commitment to Fair Work and our belief that having a policy for an inclusive workplace is the bedrock upon which employers can take meaningful action, planned information documents, some misconceptions that the condition was mandatory for suppliers, and the measures planned to be implemented to streamline the process to be put in place to allay concerns expressed, no changes are proposed to the Regulations.

### **Condition 13: Code of Practice on Ethical Employment in Supply Chains (included at regulation 5(2)(m) of the draft Regulations)**

Q16a: To what extent do you agree or disagree that condition 13 is information required by Welsh Ministers to assess the extent to which contracting authorities' socially responsible procurement objectives and public procurement generally contributes to the achievement of the well-being goals?

Q16b: If you answered disagree or strongly disagree to Question 16a, please explain why you do not believe this information is required.

#### **Summary of responses**

Overall, the response was positive, with 32 of the 60 responses that strongly agreed or agreed to the question.

19 respondents disagreed and four neither agreed nor disagreed and five did not provide a response

24 comments were received.

The responses to question 16b showed that, while there was strong support for the principle of promoting ethical employment in supply chains, the proposed requirements were widely seen as potentially burdensome, duplicative, and difficult to monitor effectively. Respondents consistently called for a more proportionate, outcome-focused approach, with robust guidance, integration with existing systems, and minimal barriers for SMEs.

#### **Welsh Government Response**

This condition is about collecting information about characteristics of suppliers to the Welsh public sector and looking for improvements over time. The draft Regulations will require Contracting Authorities to provide in their annual reports the percentage value of contracts awarded to suppliers who meet condition 13. The Regulations do not require Contracting Authorities to require their suppliers to meet each condition. It is acknowledged that not all suppliers will meet all of the conditions.

Contracting Authorities can provide additional information on how their socially responsible procurement objectives and public procurement generally contribute to the achievement of the well-being goals in terms of the Code of Practice on Ethical employment in supply chains in their annual reports should they so wish, in addition to the percentage required by the Regulations.

It is intended that the supplier registration question set on Sell2Wales will be updated with optional questions on each of the conditions, requiring a simple yes/no response by the supplier, thereby allowing the data to be captured centrally. This means Contracting Authorities will be able to extract information on suppliers that meet each condition, enabling them to calculate the information required in the annual report.

It is acknowledged that the Code's current content overlaps with some of the other conditions set out in these Regulations. However, the Code, which has been in place

since 2017, focuses attention on global responsibility, and this is not covered by other conditions.

The information included in Contracting Authority annual reports will be published and considered by the Welsh Ministers and the Social Partnership Council procurement sub-group and provide the basis for the Welsh Minister's annual report on public procurement in Wales that year and will help to measure the impact that our procurement (generally) is having on achieving well-being goals. This report in turn will be published and a copy laid before the Senedd.

Due to a strong Welsh Government commitment to global responsibility as a key wellbeing goal, and to encourage suppliers to think about global responsibility, planned information documents, some misconceptions that the condition was mandatory for suppliers, and the planned measures to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Welsh Language**

Q17a: What, in your opinion, would be the likely effects of the secondary legislation on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. Do you think that there are opportunities to promote any positive effects? Do you think that there are opportunities to mitigate any adverse effects?

### **Summary of responses**

Overall, the response was positive, with 43 of the 60 responses providing a comment to the question.

The responses to question 17 indicated that the secondary legislation was widely seen as having the potential to promote the Welsh language and support national well-being goals, provided that requirements were proportionate, clear, and supported by practical guidance. Respondents consistently called for flexibility, integration with existing standards, and a focus on meaningful outcomes rather than bureaucracy.

Many respondents believe this will have a positive effect by raising profile of the Welsh Language in public procurement, encouraging its use in contracts, and supporting the goal of Cymraeg 2050.

### **Welsh Government Response**

Due to a strong Welsh Government commitment to the Welsh Language, planned bilingual statutory guidance, and the bilingual digital measures planned to be implemented to streamline the process and allay concerns raised, no changes are proposed to the Regulations.

### **Question 18**

Q17b: In your opinion, could the secondary legislation be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

### **Summary of responses**

Overall, the response was positive, with 37 of the 60 responses providing a comment to the question.

The responses to question 18 indicated that the secondary legislation could have more positive effects on the use of the Welsh language if requirements were proportionate, clearly communicated, and supported by practical guidance and resources. Respondents consistently called for flexibility, integration with existing standards, and a focus on meaningful outcomes rather than bureaucracy.

Many respondents emphasised that Welsh language requirements should be proportionate to the contract's subject matter, value, and the supplier's capacity. There was a call for flexibility, especially for SMEs and contracts where Welsh language use is not directly relevant.

There was a strong call for clear, accessible guidance and practical support (such as templates, training, and translation services) to help suppliers and authorities understand and meet Welsh language requirements. Respondents also suggested that clear communication of expectations would help prevent inadvertent non-compliance.

### **Welsh Government Response**

There are already existing legislative obligations and best practice in terms of the Welsh Language. The Act is also published in Welsh and English and the Regulations and Statutory guidance will be published bilingually.

Due to a strong Welsh Government commitment to the Welsh Language, planned bilingual statutory guidance, and the bilingual digital measures planned to be implemented to streamline the process and allay concerns expressed, no changes are proposed to the Regulations.

## **Question 19**

Q17c: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

### **Summary of responses**

46 of the 60 responses provided a comment to the question.

The responses to question 19 demonstrated that, while there was strong support for the aims of socially responsible procurement and the Well-being of Future

Generations Act, the proposed reporting requirements were widely seen as potentially burdensome, duplicative, and insufficiently focused on meaningful outcomes. Respondents consistently called for a more streamlined, proportionate, and outcome-focused approach, with robust guidance, integration with existing systems, and ongoing engagement with stakeholders.

### **Welsh Government Response**

There has been some confusion regarding this question, as it related to the Welsh Language questions above. However, respondents have provided general comments and feedback on the Regulations as a whole under this section.

All these comments were raised in relation to questions 1-16 above and have been responded to in detail.

### **Next steps**

The Welsh Government is grateful to everyone who took the time to respond to this consultation. As a summary document, not all the issues raised in responses will have been reflected fully, but each response has been considered carefully. It is the intention to make The Social Partnership and Public Procurement (Wales) Regulations 2026 largely as proposed. In addition, where comments have been made that need to be addressed but would not require changes to the proposed 2026 Regulations, they will be addressed in guidance and information that will be published to support implementation.