



Statutory Guidance: Socially Responsible Procurement Duties - Procurement Investigations



The purpose of procurement investigations under the SPPP Act

1. Procurement investigations under the Social Partnership and Public Procurement (Wales) Act 2023 (“SPPP Act”) are intended to support relevant contracting authorities’ compliance with the SPPP Act. These investigations may, through the provision of recommendations, reports and guidance, help to ensure that the intended benefits of the legislation are realised.

The legal framework for procurement investigations

2. Section 41 of the SPPP Act provides Welsh Ministers with powers to investigate how a contracting authority listed in Schedule 1 of the SPPP Act carries out its public procurement. A contracting authority may be required, via a notice, to provide documents and other information in order for Welsh Ministers to carry out their investigation. Ministers may also specify how the information is to be presented.
3. Contracting authorities are required to provide reasonable assistance to the Welsh Ministers and to comply with the notice requesting information as soon as reasonably practicable.
4. Section 41(5) of the SPPP Act provides that, following an investigation, Welsh Ministers may make recommendations to the contracting authority, publish a report of the results of the investigation, and lay a copy of any report published before the Senedd.

What might trigger an investigation?

5. The SPPP Act does not specify under section 41 the circumstances that may trigger a Procurement Investigation, which means that there is no restriction other than it must relate to “how a contracting authority carries out public procurement” either to a “specific procurement exercise” or “its public procurement activities more generally”.
6. The provision in section 41 is designed to address areas of weakness, for example a repeated failure to put processes in place to implement the SPPP Act, or a single procurement where significant opportunities to achieve well-being goals and minimise risks to well-being have been missed.
7. It is likely that an investigation would be initiated by evidence that comes to light from one or more of several sources.



8. Firstly, the procurement subgroup of the Social Partnership Council (SPC) may identify matters that need further investigation if it is asked to assist as part of the notifications processes, when contracting authorities do not include the social public works or workforce clauses in relevant contracts. It may also identify issues, and provide advice to the SPC under section 10, in relation to the socially responsible procurement duties conferred on contracting authorities under Part 3 of the Act
9. Additional evidence that may lead to an investigation could arise from activities under the SPPP Act, such as Welsh Ministers reviewing adherence to model clauses for major contracts, and analysing annual reports published by contracting authorities, or from the Wales Procurement Review Unit (WPRU), which is part of the Welsh Government.
10. The WPRU was established on 24 February 2025 to oversee public procurement compliance following legislative reforms in Wales. The remit of the WPRU is extended, by virtue of the power provided in section 41 of the SPPP Act, to investigate on behalf of the Welsh Ministers in relation to the SPPP Act.
11. A summary of investigations may be published on the Welsh Government's website.

How the investigation will be carried out

12. The WPRU may carry out a procurement investigation on behalf of Welsh Ministers.
13. If an investigation is being conducted, Welsh Ministers may by notice require a contracting authority to provide such documents or other information as the Welsh Ministers may require for the purposes of an investigation under section 41 of the SPPP Act. The notice issued by the Welsh Ministers will provide details of the documentation or assistance required, including the form of the documentation.
14. A contracting authority that receives a notice as part of a procurement investigation must comply with it as soon as reasonably practicable, or within the timeframe specified in the notice, where such timeframe is included.
15. The results of the investigation may be published, and a copy of any published report may be laid before the Senedd.



Recommendations following procurement investigations

16. If Welsh Ministers have conducted a procurement investigation and identified areas of non-compliance with the SPPP Act, they may issue recommendations to the contracting authority.
17. Such recommendations are intended to assist contracting authorities in complying more fully with the requirements of the SPPP Act and will specify the action(s) that the relevant contracting authority or authorities should take to achieve this, as well as the timing of these steps.

Where can I go for more information?

[Wales Procurement Review Unit's Gov.Wales page](#)

[SPPP Act](#)