



Llywodraeth Cymru
Welsh Government

MEETING

Agricultural Advisory Panel Meeting: 25 May 2021

Summary of the meeting held online due to Covid-19 restrictions.

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Contents

Present

Item 1 – Introduction

Item 2 – Chairs Update

Item 3 - Approval of Minutes from AAP 25 and AAP 26

Item 4 – Update on the 2021 Order

Item 5 - Terms of Reference for Agricultural Advisory Panel

Item 6 - Agenda for Skills Development and Training Sub-Committee

Item 7 – Any Other Business

Present

Chair – Dr Nerys Llewellyn-Jones

Independents - Steve Hughson, Janatha Stout

Unite – Brian Troake, Ivan Monckton

FUW – Nick Fenwick

NFU Cymru - Will Prichard

Panel Legal Adviser - Helen Snow

Welsh Government (WG) - Ryan Davies (Panel Manager), Sian Hughes

Apologies

Darren Williams (FUW)

Item 1 – Introduction

Apologies had been received from Darren Williams – Nick Fenwick was attending in his place for this meeting.

Item 2 – Chairs Update

This would be covered under Item 4 (Update on the 2021 Order).

Item 3 - Approval of Minutes from AAP 25 and AAP 26

The minutes from both meetings were approved. An update was given on the outstanding action points (that would not be discussed later in the agenda):

- Ryan Davies would draft a form of words around Student Agricultural Workers which would be sent to Helen Snow and then forward to Panel members. A question was raised with regards to how this would sit with sandwich courses – this would be addressed within the document
- A brief overview of the legislative process was given to the Panel. As a result it was stated the draft Agricultural Wages Order needed to be submitted before 1 October in order to maintain the 1 April deadline for coming into force.
- The more detail submitted with the Order up front reduces the likelihood of any questions coming back to the Panel.

It was also stated the AAP does not just advise the Minister - it drafts the legislation, which the Minister may then only accept or refer back to the Panel for consideration and resubmission. These are the biggest changes the AAP have put forward hence the level of scrutiny so provided the evidence base is there for future years, the process should be a lot easier.

Item 4 – Update on the 2021 Order

Since the last meeting the document discussed had been populated with reference to previous meetings.

A relatively minor change was needed to incorporate terminology within the bereavement leave definitions in the Order.

The other change required was the definition of “equivalent qualifications”. The Chair and Helen Snow had put together a generic form of words:

“Equivalent qualification means a qualification, course, certificate, award or diploma that the employer and employee agree to be equivalent to the qualification being described, depending on the grade of that worker or which the panel determine to be the equivalent time to time”.

It was also stated that if parties cannot agree on what is “equivalent” and no compromise can be found dispute resolution through the normal procedures would need to take place.

The Panel agreed for the document to be submitted to Welsh Government

A comment was raised with regards to retrospection of pay and the effect it may have if the Order comes into force on 1 October and retrospection is applied to 1 April. What would happen to those employed between these dates? There could be a situation where somebody could be now paid less money and potentially having to pay back money that they had received between April and October.

The Pay Protection provisions were drafted as if the Order would come into force on 1 April and protect anybody who was in employment on the 31 March 2021. The problem can be resolved by changing the wording of the Pay Protection provision so they come into effect for anybody who is employed on the day before the order takes effect.

It was commented that it is unfair for businesses to be landed with a retrospective wages bill without any warning, as this could be a substantial amount. A suggestion was made to issue a press release on the proposed changes for 2021 so that businesses are aware of the pending change.

Work would also be undertaken to establish how the retrospection of the 2017 Order was communicated to the public.

Item 5 - Terms of Reference for Agricultural Advisory Panel

A discussion was held regarding the current terms of reference and whether it required updating to reflect the direction of the Panel.

One issue not covered with the current Terms of Reference was the inclusion of Welsh Government within discussions and the specific role of the AAP Secretariat. The Panel agreed having an official from WG around the table would be of great benefit in order to provide a real time WG view on the Panel's proposals.

Any changes to the Terms of Reference would need to be approved by Welsh Government but the Panel were content with the proposed amendments.

Discussions were also held with regards to the Agricultural White Paper. Caution was expressed as to the Panel's capacity to undertake the work. However, it was suggested a presentation from Welsh Government on the current direction of travel for agricultural support may be beneficial.

Item 6 - Agenda for Skills Development and Training Sub-Committee

The Chair stated it was important the sub-committee operated and achieving its remit was an important part of the effectiveness of the AAP.

It was stated it was important the subcommittee works under a Terms of Reference so members know what to discuss and achieve. There also needs to be more work across other streams currently in operation which may have an impact on the working of the subcommittee, for example Regional Skills

Partnerships. It is important the subcommittee do not duplicate the work of other groups or spend time on subjects that have no real impact on the upskilling of employees.

Mapping out other groups which have a remit in to skills and development groups and committees would allow the Skills Development subcommittee to identify key players who may wish to present what they are working on and where synergies could be found.

Item 7 – Any Other Business

A date for the next meeting was discussed – as members had conflicting diary commitments, it was agreed that a Doodle Poll would be sent around to gauge availability.

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