



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# Agricultural Advisory Panel meeting: 28 February 2023

Minutes of the meeting held at the Welsh Government  
Pavilion, Royal Welsh Showground, Llanelwedd.

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# Present

Chair – Dr Nerys Llewelyn Jones

Independents – Steve Hughson

NFU Cymru – Simon Davies

FUW – Darren Williams

Unite – Ivan Monckton

Legal Adviser – Helen Snow (Geldards)

Welsh Government – Sian Hughes, Ryan Davies, Dave Thomas, Dan Ricketts (Secretariat)

## Apologies

Janatha Stout (Independent), Jo Galazka (Unite)

## Item 1 - housekeeping/apologies/conflict of interest

The Chair welcomed everyone to the meeting. Apologies had been received from Janatha Stout and Jo Galazka.

## Item 2 – chair’s update

The chair had no updates other than items to be discussed at the meeting.

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## Item 3 - outstanding actions/approval of minutes from AAP 39

An update was given on the following Action Points that were not on the agenda for the meeting:

- Helen Snow has commenced the work investigating legal arguments as to Welsh Ministers powers with regards to the setting of the overtime rate at 1.5 times the worker's actual hourly rate.

ACTION POINT 1 - Helen Snow to update the Panel at the next meeting with regards to legal arguments as to Welsh Ministers powers with regards to the setting of the overtime rate at 1.5 times the worker's actual hourly rate.

- Dan Ricketts gave an update regarding the horticultural and forestry publications. The main one for the horticulture sector is "Hortweek" – there are also organisation such as Tyfi Cymru and the Landworkers Alliance who could disseminate information through their networks. There are two main publications for the forestry sector – "The Forestry Journal" and "Forestry and Timber News". Information regarding the Wages Order will be sent to these organisations by Welsh Government.
- Sian Hughes gave an update regarding the PhD placement. Welsh Government have had a meeting with ADR Wales regarding the UK-wide project AD|ARC (Administrative Data | Agricultural Research Collection) to support the work that will be undertaken on obtaining agricultural data.

<https://adrwales.org/projects/adarc/>

The spec was amended accordingly and sent back – hopefully for distribution later this week (w/c 27<sup>th</sup> February).

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ACTION POINT 2 – Sian Hughes to distribute the revised PhD student specification and advert to all Panel members.

The following Action Points are to be carried forward to future meetings:

Nerys Llewelyn Jones to draft an interim response to the Minister with regards to the Fair Work Report for Panel approval before submitting to the Minister.

Sian Hughes to meet with Housing Policy officials with a view to developing guidance over the next 12 months with regards to the different types of housing and how the different legislation affects both employers and workers.

Dan Ricketts to test the online holiday calculator for accuracy and then distribute to the Panel.

The minutes were approved by the Panel and will be published on the AAP pages of the Welsh Government website.

## **Item 4 - update on Agricultural Wages Order 2023**

The final advice and accompanying documents will be submitted to the Minister for her consideration after the meeting today. Subject to Ministerial approval, the Order will then be signed next Monday (6<sup>th</sup> March), laid before the Senedd on Friday 10<sup>th</sup> March and come into force on 1<sup>st</sup> April 2023.

A Written Statement from the Minister will be issued to media organisations and published on the Welsh Government website. An article will also be published in the Spring Update booklet and in Gwlad magazine.

The Chair congratulated all parties in bringing forward an Order that will be made on time.

A draft “Press Release” from the Panel had been distributed to Panel members before the meeting. The Panel discussed the document and suggested some amendments. They agreed the main purpose of the press release document were to inform the industry about the wage levels from 1 April and what businesses need to do. It was also agreed the Chair would add a comment to the document before it was released.

**ACTION POINT 3** – Nerys Llewelyn Jones to add a “comment from the Chair” to the press release document.

**ACTION POINT 4** – Dan Ricketts to distribute updated document to Panel members for comment before sending to organisations / media outlets.

The draft guidance document with regards to the Wages Order 2023 had also been distributed to Panel members. Again, some amendments were discussed and agreed.

The Panel agreed a Glossary of Terms within the guidance document from 2024 onwards.

**ACTION POINT 5** – Dan Ricketts to update Agricultural Wages Order guidance document and distribute to Panel members for comment before publishing.

## **Item 5 – AAP Report 2022**

The report of the Agricultural Advisory Panel has been updated after the discussions at the previous meeting and distributed to all Panel members. After taking advice from the Public Bodies Unit Welsh Government costs will not be included in the report however it was agreed that a reference to the secretariat will be included to acknowledge the support given by Welsh Government to the Panel.

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ACTION POINT 6 – Dan Ricketts to distribute an amended version of the AAP report to Panel members to comment before publishing.

## Item 6 - AAP Practices and Processes (Review)

A paper from the Secretariat had been distributed to Panel members prior to the meeting outlining the possibility of a two-stage review:

- Stage 1 – Panel workings and processes
- Stage 2 – A wider review of the Panel

Stage 1 could acknowledge and recognise the changes the Panel has made to date, as well as further potential improvements, including identifying the key aims and tackling any process based barriers preventing the Panel from working towards these.

Stage 2 could be a broader review if needed, including legislative barriers and the remit of the Panel.

The Panel held a discussion, and the following points were raised, to be factored into the review:

- Given there is no agricultural wages board in England, does the assumption that one is needed for Wales need to be challenged?
- What have been the key achievements of the Panel and what should be its aims going forward?
- Are there barriers within the existing legislation that prevent the Panel from best representing and acting for the industry?
- The review should take a constructive aspect and focus on what the Panel is capable of doing, rather than what it cannot do.

The Panel agreed to the two-stage process for the review.

The suggestion was made to hold an initial “interactive” session to look at Stage 1. Helen Snow volunteered to facilitate this session which had unanimous agreement from the Panel.

Dave Thomas suggested the crucial elements to be established from the start are:

- What is the Panel’s understanding of their remit?
- Does this match their statutory functions?
- What does the Panel want to do?

The Chair emphasised that all parties need to come prepared for that session so the session is as constructive as possible.

**ACTION POINT 7** – Nerys Llewelyn Jones to pinpoint a date for the facilitated “Panel Effectiveness Review Meeting” to be undertaken.

**ACTION POINT 8** – Secretariat to prepare an “information pack” including the remit of the Panel / SDT sub-committee and the Establishment Order 2016 in preparation for the Stage 1 review session.

## **Item 7 - Real Living Wage Feasibility Study**

A paper setting out the options for a feasibility study regarding the Real Living Wage for agricultural workers had been distributed to Panel members prior to the meeting. The options as laid out were:

1. Commission ADAS through the Agricultural Advice and Monitoring Contract to deliver a feasibility study;
2. Commission an external independent expert;
3. Another PhD placement.



Dave Thomas emphasised the Minister has asked for the opinion of the Panel as to whether it is feasible to pay the Real Living Wage for agricultural workers. The question is not “how can I make it feasible?” but rather “is it feasible?” This is the Panel’s opportunity to give their message to the Minister.

The options in the paper were just initial propositions.

Steve Hughson said the Panel considered paying the Real Living Wage every year as part of the negotiation process but, for various reasons, it was deemed that this could not be done.

The Chair stated that the Panel did not have the capacity to undertake the study internally so external assistance would be required. Everybody would be able to input information into a central point and for a report to be produced to bring it all together. The methodology and remit of the study would be governed by the Panel and the authors would need to answer to the Panel.

Steve Hughson pointed out that workers in the Social Care Sector in Wales already receive the Real Living Wage and Welsh Government have made available extra money to the sector to ensure this happens. Perhaps therefore, this review could also consider what would be required to make payment of the Real Living Wage feasible e.g. extra financial support for the agriculture sector.

The Panel agreed that Option 2 was the best way forward and that a procurement exercise would take place to commission an external independent expert to undertake a feasibility study on behalf of the Panel.

**ACTION POINT 9** – Sian Hughes to draft a scoping paper for the feasibility study to be presented to the Panel at the next meeting.

## Item 8 – draft calendar of meetings for 2023

A paper had been circulated to Panel members prior to the meeting on this topic. In terms of enforced legislative changes for the 2024 Order the main issue would be the implications of repealing all retained EU Law by the UK Government on 31<sup>st</sup> December 2023 – the outcome of this may not be known until October. This could affect UK employment legislation but may not have a direct impact on the Wages Order.

ACTION POINT 10 – Helen Snow to investigate instances where the repealing of retained EU Law may have implications for the Wages Order 2024 and beyond.

The following timetable was agreed:

- Tuesday 27<sup>th</sup> June - All day face-to-face meeting to discuss and agree upon all legal changes for the Order, clarification of wording etc and a review of all articles of the Order (except wage rates and allowances). This would also include the outstanding overtime issue if that has not already been resolved. The Order can then be drafted and the consultation written bar the new rates. The Panel could, if they wish, write to the Minister at this stage regarding any proposed changes for the Order in advance of formally submitting with the proposed minimum rates following consultation.
- Monday 11<sup>th</sup> September (keep Tuesday 12<sup>th</sup> September free) - All day face-to-face meeting to discuss and negotiate new wage rates and allowances only. These can then be “dropped” into the consultation document.
- There will need to be an additional meeting at the end of October to confirm details after consultation responses have been considered.

ACTION POINT 11 – Dan Ricketts to send out confirmation of meeting dates to all Panel members.

The Chair thanked everyone for their attendance and contributions and closed the meeting.

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