



Llywodraeth Cymru
Welsh Government

PUBLICATION

Agricultural Advisory Panel meeting: 12 May 2023

Minutes of the meeting held online.

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Present

Chair – Dr Nerys Llewelyn Jones

Independents – Steve Hughson, Janatha Stout

NFU Cymru – Simon Davies

FUW – Darren Williams

Unite – Ivan Monckton, Jo Galazka

Legal Adviser – Helen Snow (Geldards)

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

Item 1 - housekeeping/apologies/conflict of Interest

The Chair welcomed everyone to the meeting. All Panel members were present.

Item 2 – chair’s update

The Chair’s Update will be given when discussing the Real Living Wage Feasibility Study.

Item 3 - outstanding actions/approval of minutes from AAP 40

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

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

- AP 1 – Helen Snow had drafted a paper investigating the 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. It was currently being checked by colleagues and will be distributed as soon as possible to all Panel members.
- The “headline points” were discussed. It was felt a different interpretation was available to that of Welsh Government Legal Services which is already supported by the provision on holiday pay within the Order. This specifically refers to agricultural workers being paid their “normal rate of pay” when they are on periods of annual leave.

ACTION POINT 1 - Helen Snow to distribute the paper 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.

- Once the paper has been finalised and agreed it would be submitted to Legal Services asking for their view. A slight rewording of the article was suggested which would be included in the submission. It was stated it would be ideal to have the view from legal Services before the negotiations commence for the 2024 Order.
- AP 2 – Sian Hughes updated the Panel regarding the PhD student placement. The final spec had been sent to the team dealing with placements and was waiting for a response. Once finalised and advertised details would be sent to all Panel members.

ACTION POINT 2 – Sian Hughes to distribute advert details for PhD placement to all Panel members to be promoted through the organisation’s channels.

- AP 3 & 4 – Details of the 2023 Order had been published in various updates

from organisations – TFA, NFU etc. They would be in the May edition of the FUW magazine and an article had also been published in the Welsh Government's Spring Update

- Sian Hughes had also contacted Farming Connect regarding running some campaigns to raise awareness of the Panel and the Wages Order. Further updates would be given once more details were known.

ACTION POINT 3 – Sian Hughes to provide updates to the Panel regarding any Farming Connect campaigns to raise awareness of the Panel and the Agricultural Wages Order.

- AP 6 – The Panel's report had been published on the Welsh Government website for the period 2018 to 2022. Dan Ricketts was currently working on the report for the last financial year (2022/23)

ACTION POINT 4 – Dan Ricketts to produce a draft AAP Report for 2022/23 for the Panel to discuss at the next meeting (June 2023)

- AP 7 & 8 – Dave Thomas stated that advice on the “Panel Effectiveness Review” was going to be submitted to the Minister in the next week or so. She has indicated that a review should be done within the next couple of months and officials would seek her views on the discussions that have already taken place and the proposed two-stage review from the Panel.
- The Chair stated it was important to know what the Minister was envisaging with regards to the review, the resources allocated for undertaking this and what would be required of the Panel.

ACTION POINT 5 – Dave Thomas to update panel members on the “Panel Effectiveness Review” once the views of the Minister have been received.

ACTION POINT 6 – 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.

- AP10 – Helen Snow gave an update regarding the repealing of retained EU Law and how this may have implications for the Wages Order 2024 and beyond. The UK Government had now abandoned the sunset clause however they also announced there would be some changes to existing employment legislation. The only ones that were potentially relevant to the Order will be changes to the Working Time Regulations although no timescale had been set.
- Helen will include these in her paper outlining any legal changes required for the 2024 Order which will be discussed at the next meeting.

ACTION POINT 7 – Helen Snow to draft a paper regarding potential legal changes which will the Agricultural Wages Order to be discussed at the next Panel meeting.

ACTION POINT 8 – Dan Ricketts to send a blank “Proposed Amendments” Document to Panel members.

ACTION POINT 9 – NFU / FUW and Unite to propose any legal and technical amendments to the 2024 Order by Friday 16 June.

Item 4 - update on Agricultural Wages Order 2023

A copy of the report on the 2023 Order from the Legislation, Justice and Constitution Committee along with the Welsh Government response had been distributed to Panel members prior to the meeting. A copy of the Regulatory Impact Assessment for the 2023 Order had also been distributed.

Panel members stated that, although there were some gaps, the RIA was very helpful as it showed the information that was looked at and the options as set

out to the Minister. It will also help the NFU, FUW and Unite when producing their proposals for the 2024 Order.

Jo Galazka said the RIA stated there were minimal employers affected by the rise in the wage rates however all employers were subject to the agricultural minimum wage and so would be affected by any changes. Ivan Monckton added that every article in the Order applied to all agricultural workers so saying that not many employers used the Order was incorrect – whether they paid more than the minimum rates of pay or not.

Item 5 – Real Living Wage Feasibility Study

A scoping paper for conducting a feasibility study had been distributed to Panel members before the meeting.

The Chair had also received a letter from the Minister stating her disappointment the report had not been received or received updates from the Panel regarding their considerations. NLJ had started to draft a response which was shared with members.

ACTION POINT 10 – Nerys Llewelyn Jones to distribute the letter from the Minister plus the Chair's response to Panel members for comments by Tuesday 16 May.

The Panel discussed the Feasibility Study scoping paper. The following points were made:

How does the agriculture sector compare with other Welsh devolved sectors e.g. Health and Social Care?

What would the positive and negative impacts be on the sector as a whole if the Real Living Wage was introduced?

Does there need to be a comparison between England and Wales?

Amendments were suggested by the Panel – these will be made by the Secretariat and the paper will be re-distributed to Panel members for comment.

ACTION POINT 11 – Dan Ricketts to amend the Feasibility Scoping Paper and distribute to Panel members for comments by Tuesday 16 May

Due to the financial implications three quotes will need to be received in order for the Study to be undertaken.

ACTION POINT 12 – Panel members to pass on any suggestions for suitable people to undertake the Feasibility Study to the Secretariat.

A copy of the feasibility study paper will be sent to the Minister with the Chair's response along with minutes of the meetings where the Real Living Wage has been discussed previously.

Item 6 - any other business

Student loan repayments

Agricultural workers who are employees and making student loans repayments will have the money deducted be taken out of their salary at the same time as tax and National Insurance by their employer.

The Panel agreed that reference to this would be made in the Wages Order Guidance for the 2024 Order with signposting for help and guidance.

ACTION POINT 13 – Dan Ricketts to include information regarding the repayment of student loans within the 2024 Wages Order Guidance.

ACTION POINT 14 – All Panel members to look at AAP Pages of the Welsh Government website before the next meeting and suggest any ideas for “signposting” links they would like to see included.

Future meetings

Tuesday 27 June – 9am to 5pm

The legal and technical amendments to the Order would be discussed at this meeting followed by the “Panel Effectiveness Review Meeting” has discussed in the last meeting. This will look at:

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

The negotiations meeting scheduled for 11 & 12 September has needed to be rearranged and would now take place on Monday 4 and Tuesday 5 September.

ACTION POINT 15 – NFU / FUW and Unite to submit proposals to the Secretariat for the Wages Order 2024 by Monday 21 August.

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

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