

Summary of the Minutes of the Agricultural Advisory Panel (AAP)

Meeting 3 – 24 October 2016

Welsh Government, Spa Road East, Llandrindod Wells

Attendance

Lionel Walford – Chair

Peter Rees – Independent Member

Darren Williams – FUW

John Davies - NFU

Daryl Williams - UNITE

Ivan Monckton - UNITE

Helen Snow - Geldards

Kevin Austin – Welsh Government

Paula Whitfield – Welsh Government

Medwyn Roberts – Welsh Government

Apologies

Steve Hughson – Independent Member

Item 1 - Welcome

The Chair welcomed attendees to the meeting noting one apology.

Item 2 – Conflicts of interest

No new conflicts of interest had arisen since the previous meeting.

Item 3 – Minutes of meetings

The minutes of the previous meeting were discussed and approved.

Item 4 - Consultation Responses

The Chair circulated the responses received to members.

Response 1 suggested that the Panel should act solely in accordance with employment law and that the Orders should rely only on the legal requirements of the National Minimum Wage (NMW) and National Living Wage (NLW) for all workers. The NMW/NLW relationship had been discussed in detail at the previous meeting where the Panel had decided against solely relying on them. The Panel considered the response and agreed to uphold the decision made at the earlier meeting.

Response 2 presented a few questions.

Full-time and part-time rates. It was agreed that there needed to be clarity in the guidance detailing this.

Flexible workers. The Panel had agreed to abolish the flexible worker category. Flexible workers already using this provision would continue to operate under their agreed terms.

The question of workers currently earning more than was set out in the Order for their Grade was raised. It was clarified that the order set **minimum** rates. It was suggested that the rate to include the NMW uplift (NMW+1) could be expressed more clearly and that this should be addressed in the future. The Panel wanted there to be an uplift and held that that no one should suffer a decrease in their minimum entitlement due to the introduction of the NMW rate.

Clarification on holiday pay was sought as to whether it would include guaranteed and non-guaranteed **overtime payments**. The Panel agreed that if the rates are paid on a consistent basis then they should be included in holiday calculations.

Extending the **holiday accrual** reference period from 12 weeks to a longer period, possibly a year, was also discussed. It was considered that there may have been a misunderstanding as to how the 12 week reference period works. The Panel discussed the need for a reckoning at the end of the annual leave year to deal with over/under accrual issues. A supplementary advice note was supplied which addressed the concerns directly.

On-call allowance. There was a question as to why a 'one-off payment' rather than an hourly rate had been introduced. It was stated that this was based on practise elsewhere in industry which was a one-off payment for *being available* coupled with a payment per hour for time actually worked.

Having carefully considered the responses the Panel decided that the original proposals should be used as the basis for the draft Order for submission to the Cabinet Secretary.

Item 5 - The Sub-Committee and Skills Development and Training

The Chair informed the Panel that the first meeting of the Sub-committee will be on 11 November in Llandrindod Wells. He asked for comments on the draft agenda which was circulated ahead of the meeting. The Chair said that the Sub-committee would be asked to agree their ways of working at their first meeting. That they would be presented with Farming Connect (FC) paper, detailing the purpose, experience and results of FC, and also a paper on Labour Market Intelligence (LMI) issues. The second would be an independent assessment of Welsh Education. It was agreed that the author of the second paper would be invited to the Panel/Sub-committee meeting in order to answer any questions raised.

Circulation of the available papers for this meeting as soon as possible was advised in order to allow time for people to prepare.

Item 6 – Expenses and Communications

The Chair indicated that a paper on reimbursement of fees and expenses had been circulated, as well as a draft communications plan and invited comments on this.

Item 7 – Panel Website

The Panel Manager informed the Panel that work had been undertaken on getting a website set up for the Panel. It would act as a platform for presenting the Panel's work. It would become operational early in 2017.

Item 7 – Any Other Business

The Panel discussed potential dates and timings for future meetings. All would be contacted in due course.

The Chair thanked everyone for attending and the meeting was closed.