



Llywodraeth Cymru  
Welsh Government

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# Guidance on the new grading structure in the Agricultural Wages Order 2022

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Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

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## Introduction

The Agricultural Minimum Wage grading structure has been changed to ensure it remains relevant to the agricultural industry in Wales and fit for purpose.

The new grading structure is set out in Part 2, Articles 5 to 9 of the Agricultural Wages Order 2022 (2022 Order) as follows:

| Article | Job Title & Grade                         | Description   |
|---------|---|---|
| 5       | Agricultural Development Worker (Grade A) | An agricultural worker who:<br>(a) has less than 3 years practical experience which is relevant to their role in agriculture; and<br>(b) cannot provide documentary evidence to an employer that they have been awarded a main qualification, or qualifications, required for a Level 2 Apprenticeship*, in accordance with the Apprenticeship Framework** or equivalent* outside of Wales.   |
| 6       | Agricultural Worker (Grade B)             | An agricultural worker who:<br>(a) provides documentary evidence to an employer that they have been awarded the main qualification or qualifications required for a Level 2 Apprenticeship*, in accordance with the Apprenticeship Framework** or have met the requirements of a Level 2 or equivalent apprenticeship*, from outside Wales; or<br>(b) has at least 3 years of practical experience in agriculture at Agricultural Development Worker.   |
| 7       | Advanced Agricultural Worker (Grade C)    | An agricultural worker who:<br>(a) provides documentary evidence to an employer that they have been awarded the main qualification or qualifications required for a Level 3 Apprenticeship*, in accordance with the Apprenticeship Framework** or have met the requirements of a Level 3 or equivalent apprenticeship*, from outside Wales;<br>(b) has at least 2 years of practical experience in agriculture at Agricultural Worker Grade B or<br>(c) is employed as a Team Leader <sup>1</sup> . |

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<sup>1</sup> For the purposes of this article, a “Team Leader” is responsible for leading a team of agricultural workers and for monitoring the team’s compliance with instructions given by or on behalf of their employer but is not responsible for disciplinary matters.

| Article | Job Title & Grade                       | Description   |
|---------|---|---|
| 8       | Senior Agricultural Worker<br>(Grade D) | An agricultural worker who:<br><br>(a) provides documentary evidence to an employer they have been awarded the main qualification or qualifications required for a Level 4 Apprenticeship* in accordance with the apprenticeship framework** or have met the requirements of a level 4 or equivalent apprenticeship* from outside Wales; or<br><br>(b) has responsibilities including implementing management decisions independently or supervising staff. |
| 9       | Agricultural Manager<br>(Grade E)       | An agricultural worker who is required to have day to day responsibility, including hiring and managing staff where relevant:<br><br>(a) for the entire of the employer's holding; or<br><br>(b) for part of the employer's holding which is run as a separate operation or business.   |

\* All qualifications must be relevant to the agricultural worker's role in agriculture.

\*\* The apprenticeship framework means any of the current Apprenticeship Frameworks for the agricultural sector in Wales published by Lantra, or previous versions of the Apprenticeship Frameworks for the agricultural sector in Wales published by Lantra.

This revised grading structure aims to provide a skills and experience-based progression route through the grades for agricultural workers. It also aims to recognise and reward individuals who undertake an apprenticeship<sup>2</sup>.

This means agricultural workers now need to be moved on to one of the grades within the new structure. This requires employers to review the skills, experience and responsibilities of their agricultural workers in order to determine the appropriate grade in the new grading structure.

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2 An agricultural worker is an apprentice employed under an apprenticeship if they are employed under either a contract of apprenticeship or an apprenticeship agreement within the meaning of section 32 of the Apprenticeships, Skills, Children and Learning Act 2009(7) or are treated as employed under a contract of apprenticeship.

## What are equivalent qualifications? (Schedule 4)

| Equivalent Qualifications in England, Northern Ireland, Republic of Ireland and Scotland |                                     |                                     |                        |  |
|--|-------------------------------------|-------------------------------------|------------------------|--|
| Wales  | England                             | Northern Ireland                    | Republic of Ireland    | Scotland   |
| Level 2 Foundation Apprenticeship  | Level 2 Intermediate Apprenticeship | Level 2 Traineeships NI             | –                      | Level 5 Modern Apprenticeship                            |
| Level 3 Apprenticeship   | Level 3 Advanced Apprenticeship     | Level 3 Apprenticeship NI           | Level 5 Apprenticeship | Level 6 Modern Apprenticeship, Foundation Apprenticeship |
| Level 4 Higher Apprenticeship  | Level 4 Higher Apprenticeship       | Level 4 Higher Level Apprenticeship | Level 6 Apprenticeship | Level 7 Modern Apprenticeship                            |

| Equivalent Qualifications under the European Qualifications Framework (EQF) |                                   |
|---|-----------------------------------|
| Wales   | European Qualifications Framework |
| Level 2 Foundation Apprenticeship   | Level 3 EQF                       |
| Level 3 Apprenticeship  | Level 4 EQF                       |
| Level 4 Higher Apprenticeship   | Level 5 EQF                       |

This guidance aims to help employers undertake a grading review and provide guidance to agricultural workers on the process.

### Assigning the new grade

As outlined above, in order to determine an agricultural worker's grade under the new grading structure it will be necessary for the employer to consider the following factors:

- The agricultural worker's level of experience (i.e. the number of year's practical experience they have in the sector).
- Any qualifications that the agricultural worker has.
- Any additional responsibilities that the agricultural worker undertakes (for example they supervise staff, hire staff, discipline staff or have management responsibilities).

It is important to note that the agricultural worker's grade under the old grading structure (that is the grading structure in the Agricultural Wages Order 2020 and previous orders) should not be a factor in determining the agricultural worker's grade under the new grading structure. The new grading structure is intended to stand alone without reference to the old grading structure.

## The Process

### 1. Inform the agricultural worker

Employers should involve the agricultural worker from the outset in the process of assigning the new grade. They should explain why the process is necessary and what it will involve.

### 2. Evaluation

Employers should use the Grading Evaluation Form at Appendix 1 to set out the agricultural workers:

- (a) Level of experience
- (b) Qualifications
- (c) Additional Responsibilities.

### 3. Seek additional information

The employer may need to request additional information from the agricultural worker e.g. evidence of qualifications they hold or references in relation to previous employment and experience.

### 4. Determine and communicate the outcome

Based on the information in the Grading Evaluation Form and any additional information obtained, the employer should, by reference to the new grading structure, determine the appropriate new grade for the agricultural worker.

The new grade and the reasons for allocating the grade should be discussed with the agricultural worker and both the employer and the agricultural worker should sign and date the Grading Evaluation Form as evidence of the change to the new grade.

The agricultural worker should be also be informed of the effect of their assignment to this new grade, for example what their hourly rate of pay will be and whether they will be eligible for pay protection (this is applicable if the rate of pay for the agricultural worker's new grade is lower than their rate of pay for their old grade). The agricultural worker should also be given the right to appeal the assignment of the new grade if they are unhappy with the outcome.

### 5. Consider any appeal

The employer should consider any appeal by the agricultural worker in relation to the assignment of the new grade. Where possible this should be done by someone other than the decision maker in Step 2. In all instances the appeal should be considered impartially.

The outcome of the appeal should be communicated to the agricultural worker in writing.

## Frequently asked questions

### 1. What if the evaluation of the new grade results in the assignment of a grade that has a lower hourly rate of pay than the agricultural worker's current hourly rate of pay?

If the new grade assigned to the agricultural worker has a lower hourly rate of pay than the agricultural worker's current rate of pay then the agricultural worker's pay will be protected in law at the current rate of pay<sup>3</sup> until the rate applicable to their new grade reaches or exceeds their current rate of pay, or they move up to the next grade.

#### Example:

If an agricultural worker aged 18 was a Grade 1 worker under the previous grading structure their rate of pay would be £7.84.

If they are evaluated as a Grade A Agricultural Development Worker (18-20 years) under the new grading structure the applicable rate of pay is lower at £6.56 (or £6.83 after 1 April 2022).

To ensure they do not suffer a reduction in pay as a result of the re-grading exercise their level of pay should be maintained at £7.84 until either:

- the rate of pay applicable to a Grade A Agricultural Development Worker (18-20 years) reaches that level (or higher); or
- they move to the next age band under Grade A (i.e. 21-22 years) provided that rate of pay is higher; or
- they move to Grade B and the applicable rate is higher than £7.84.

### 2. What if the agricultural worker does not agree with the new grade assignment?

It is advisable for the agricultural worker to be involved in the grading review from the outset to enable them to input into the process. The agricultural worker should be informed of the outcome of the grading review and the reasons why a particular grade has been deemed to be appropriate (by reference to the evidence considered).

If the agricultural worker does not agree with the new grade assignment, they should be given the option to appeal the outcome to their employer and provide any new information or evidence that they consider has not been taken into account in the grading review. The employer should review their grading decision in light of any new information provided.

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<sup>3</sup> Article 15 The Agricultural Wages (Wales) Order 2022.

## Enquiries and further assistance

If an employer or an agricultural worker has a query related to assigning grades under the new grading structure they should consult a relevant professional in the first instance (e.g. their accountant, trade union or legal advisor) – see **Appendix 3 – Useful Contacts**.

If this does not resolve the issue they can contact Welsh Government:

Email: [SLMEnquiries@gov.wales](mailto:SLMEnquiries@gov.wales)

Post: Agricultural Minimum Wage Team  
Welsh Government  
County Hall  
Spa Road East  
Llandrindod Wells  
Powys  
LD1 5LG

Telephone: 0300 060 4400

Your complaint/enquiry will be treated as confidential.

## Appendix 1: Grading Evaluation Form

| Factor              | Assessment & Record of Evidence Provided   | Appropriate Grade & Reasons   |
|---------------------|--|---|
| Skills & Experience | Note the number of years' experience that the agricultural worker has, and any evidence provided to demonstrate e.g. references from previous employment.  | Consider the descriptions of the grades under the new structure and determine the appropriate grade according to the evidence provided. |
| Qualifications      | Note any qualifications the agricultural worker has, and any evidence provided.  | Consider the descriptions of the grades under the new structure and determine the appropriate grade according to the evidence provided. |
| Responsibilities    | Note any responsibilities currently held by the agricultural worker e.g. are they a team leader, do they implement management decisions or do they manage the holding or part of the holding run as a separate business. | Consider the descriptions of the grades under the new structure and determine the appropriate grade according to the evidence provided. |
| Grading Outcome     | Based on the information above determine the appropriate grade.  |   |

Additional evidence or information considered (if applicable)

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\_\_\_\_\_  
(Employer)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Agricultural Worker)

\_\_\_\_\_  
Date



## Appendix 2: Grading Evaluation Form (Blank)

| Factor              | Assessment & Record of Evidence Provided | Appropriate Grade & Reasons |
|---------------------|--|-----------------------------|
| Skills & Experience |  |                             |
| Qualifications      |  |                             |
| Responsibilities    |  |                             |
| Grading Outcome     |  |                             |

Additional evidence or information considered (if applicable)

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\_\_\_\_\_  
(Employer)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Agricultural Worker)

\_\_\_\_\_  
Date

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## Appendix 3: Useful contacts

### **National Farmers' Union (NFU Cymru)**

Agriculture House  
Royal Welsh Showground  
Llanelwedd  
Builth Wells LD2 3TU  
Tel: 01982 554200  
Email: [nfu.cymru@nfu.org.uk](mailto:nfu.cymru@nfu.org.uk)

### **Farmers' Union of Wales (FUW)**

Llys Amaeth  
Plas Gogerddan  
Aberystwyth  
Ceredigion SY23 3BT  
Tel: 01970 820820  
Email: [head.office@fuw.org.uk](mailto:head.office@fuw.org.uk)

### **Country Landowners Association (CLA Cymru)**

Orbit Business Centre  
Rhydycar Business Park  
Merthyr Tydfil CF48 1DL  
Tel: 01547 317085  
Email: [wales@cla.org.uk](mailto:wales@cla.org.uk)

### **Unite the Union (Wales)**

Regional Office  
1 Cathedral Road  
Cardiff CF11 9SD  
Tel: 02920 394 521  
Fax: 02920 390 684  
Email: [wales@unitetheunion.org](mailto:wales@unitetheunion.org)

### **Lantra (Wales)**

Royal Welsh Showground  
Llanelwedd  
Builth Wells  
Powys LD2 3WY  
Tel: 01982 552646  
Email: [wales@lantra.co.uk](mailto:wales@lantra.co.uk)

### **YFC**

Royal Welsh Showground  
Llanelwedd  
Builth Wells  
Powys LD2 3NU  
Tel: 01982 553502  
Email: [information@yfc-wales.org.uk](mailto:information@yfc-wales.org.uk)

For wider employment issues contact:

### **Citizens Advice Bureau**

Citizens Advice consumer helpline:  
**03444 77 20 20**  
Monday to Friday, 9am to 5pm  
[www.citizensadvice.org.uk/wales](http://www.citizensadvice.org.uk/wales)

### **ACAS**

Advisory, Conciliation and Arbitration Service  
ACAS Helpline: **0300 123 1100**  
Monday to Friday, 8am to 6pm  
[www.acas.org.uk](http://www.acas.org.uk)