



Statutory Guidance: Socially Responsible Procurement Duties - Procurement Investigations



The purpose of procurement investigations under the SPPP Act

1. Procurement investigations under the Social Partnership and Public Procurement (Wales) Act 2023 (“SPPP Act”) are intended to support relevant Contracting Authorities’ compliance with the SPPP Act. These investigations may, through the provision of recommendations, reports and guidance, help to ensure that the intended benefits of the legislation are realised.
2. Investigations may also assist Welsh Ministers in identifying where further guidance or training is needed to support Contracting Authorities as they implement the SPPP Act.

The legal framework for procurement investigations

3. Section 41 of the SPPP Act provides Welsh Ministers with powers to investigate how a Contracting Authority listed in Schedule 1 of the SPPP Act carries out its public procurement. A Contracting Authority may be required, via a notice, to provide documents and other information in order for Welsh Ministers to carry out their investigation. Ministers may also specify how the information is to be presented.
4. Contracting Authorities are required to provide reasonable assistance to the Welsh Ministers and to comply with the notice requesting information as soon as reasonably practicable.
5. Section 41(5) of the SPPP Act provides that, following an investigation, Welsh Ministers may make recommendations to the Contracting Authority, publish a report of the results of the investigation, and lay a copy of any report published before the Senedd.

What might trigger an investigation?

6. The SPPP Act does not specify under section 41 the circumstances that may trigger a Procurement Investigation, other than it must relate to “how a Contracting Authority carries out public procurement” either to a “specific procurement exercise” or “its public procurement activities more generally”.
7. The provision in section 41 is designed to address areas of weakness, for example a repeated failure to put processes in place to implement the SPPP Act, or a single procurement where significant opportunities to achieve well-being



goals through meeting Socially Responsible Procurement Objectives (SRP Objectives, or minimise risks to well-being, have been missed.

8. It is likely that an investigation would be initiated by evidence that comes to light from one or more of several sources.
9. For example, the procurement subgroup of the Social Partnership Council (SPC) may identify matters that need further investigation if it is asked to assist as part of the notifications processes, when Contracting Authorities do not include the social public works or workforce clauses in relevant contracts (Sections 30(2) and 36(2)). The subgroup may also identify issues, and provide advice to the SPC, in relation to the socially responsible procurement duties conferred on Contracting Authorities under Part 3 of the SPPP Act (section 10).
10. Other evidence that may lead to an investigation could arise from activities under the SPPP Act, such as Welsh Ministers reviewing adherence to model clauses for major contracts, and analysing annual reports published by Contracting Authorities.
11. The WPRU was established on 24 February 2025 to oversee public procurement compliance following legislative reforms in Wales.
12. Someone may raise a concern with Welsh Ministers about a specific public procurement exercise, or about a Contracting Authority's procurement activities more generally through the notification portal.
13. The Welsh Ministers will consider each concern on its merits and decide whether an investigation should be opened.
 - If an investigation is opened, it will proceed in accordance with the investigation process.
 - If a decision is taken not to open an investigation, the requester will be given 10 working days in which to request a review of that decision. Following that request, the Welsh Ministers will review the decision and either initiate an investigation or provide reasons where an investigation is not pursued, within a reasonable time.
14. The SPPP Act provides that Welsh Ministers **may** publish a report of the results of the investigation.

How the investigation will be carried out



15. If an investigation is being conducted, Welsh Ministers may, by notice, require a Contracting Authority to provide documents or other information. The notice will give details of the documentation or information, including how it should be sent.
16. A Contracting Authority that receives a notice as part of a procurement investigation must comply with it as soon as reasonably practicable, or within the timeframe specified in the notice, where such a timeframe is included.
17. The results of the investigation may be published, and a copy of any published report may be laid before the Senedd.

Recommendations following procurement investigations

18. If Welsh Ministers have conducted a procurement investigation and identified areas of non-compliance with the SPPP Act, they may issue recommendations to the Contracting Authority.
19. Such recommendations are intended to assist Contracting Authorities in complying more fully with the requirements of the SPPP Act and will specify the action(s) that the relevant Contracting Authority or authorities should take to achieve this, as well as the timing of these steps.
20. The recommendations will also help identify where further guidance and training is required to support the delivery of socially responsible procurement in Wales..