Social Partnership and Public Procurement (Wales) Act: Theory of Change

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Views expressed in this report are those of the researcher and not necessarily those of the Welsh Government

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Glossary

Acronym/Key word	Definition
The Act	The Social Partnership and Public Procurement (Wales) Act
APS	Annual Population Survey
ASHE	Annual Survey of Hours and Earnings
EA	Evaluability Assessment
IRP	Internal Research Programme
KAS	Knowledge and Analytical Services
LFS	Labour Force Survey
SPC	Social Partnership Council
SPD	Social Partnership Duty
SPEFW	Social Partnership, Employability and Fair Work Directorate
ToC	Theory of Change
TU	Trade Union
WFG Act	The Well-being of Future Generations (Wales) Act
WG	Welsh Government

1. Introduction

1.1   In November 2022, the Social Partnership, Employability and Fair Work Directorate (SPEFW) (Office of the First Minister, Welsh Government (WG)) commissioned the Internal Research Programme (IRP, Knowledge and Analytical Services (KAS), Welsh Government) to develop a Theory of Change (ToC) for what was then the Social Partnership and Public Procurement (Wales) Bill. The Bill gained Royal Assent on the 24th of May 2023, becoming the first Welsh Act passed by Charles III.[1]

1.2   The new [Social Partnership and Public Procurement (Wales) Act](#) (the Act) is described as an "uniquely Welsh way of working" by the government. The Act fulfils a [Programme for Government commitment](#) to place social partnerships on a statutory footing in Wales (WG, 2021). The Act provides a framework for improving well-being in Wales through social partnership working, promoting fair work, and changes to how public spending in Wales is allocated and the way goods and services are procured through socially responsible public procurement.

1.3   Wales' first piece of primary legislation on procurement is included in the Act, recognising procurement's capacity as a major lever for improving well-being outcomes.[2] The Act places a duty on certain public bodies to deliver socially responsible procurement.[3] This means in practice environmental, social, economic and cultural well-being must be core to public bodies decision-making when allocating their estimated £7bn annual procurement spend (WG, 2023a, pg. 25).

1.4   The Act also amends the wording of the [Well-being of Future Generations Act](#) (WFG Act), substituting "fair work" for "decent work" within the existing "A Prosperous Wales" goal. This will require specified public bodies, including Welsh

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[1] The record of passage of the Act through the Welsh Senedd is on the [Senedd Business webpages](#) [Accessed 8th June 2023].

[2] The Act's [Explanatory Memorandum](#) however notes it is important not to overstate this. In some sectors, such as food, the public procurement sector represents a small proportion of the overall market in Wales (pg. 15).

[3] For a list of in-scope public bodies, see pg. 140 of the Act's [Explanatory Memorandum.](#) [Accessed 7th of July 2023].

Ministers, to take into account the amended well-being goal when setting their well-being objectives.

1.5   The Act is intended to compliment other legislation, including the WFG Act and the socio-economic duty in section 1 of the Equality Act 2010. The new legislation specifically interacts closely with the WFG Act with the stated ambition of improving sustainable development through similar social, economic, environmental and cultural goals. The WFG Act's sustainable development principle requires those listed as subject to its provisions to take action in a way which seeks to ensure current needs are met without compromising future generations.

1.6   There are also several areas where the Act interacts with the UK Government's Procurement Bill; for example, in terminology and definitions, the bodies covered under the remit of the respective provisions and draft provisions, and in establishing processes for oversight and accountability.

1.7   The Act aims to improve well-being and public service delivery and is underpinned by the four key principles of social partnership, fair work, socially responsible public procurement and sustainable development. Social partnership is a well-established way of working, with examples of social partnership practice in Wales.[4]

1.8   The Act also creates a statutory framework responsible for overseeing the social partnership approach, through the introduction of a permanent Social Partnership Council for Wales (SPC).[5]

The Act

1.9   The overarching aims of the Act are outlined over the following paragraphs under the legislation's key provisions.

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[4] See Beyond Social Partnership? Devolved Levers to Support Trade Unions in Wales (Institute of Welsh Affairs, 2023) for more background information [Accessed 7th of July 2023].
[5] As noted in the Act's Explanatory Memorandum, many existing social partnership arrangements in Wales have developed voluntarily and organically. They were not however underpinned by a common framework or co-ordinated to maximise impact (pg. 17-16).

The Social Partnership Duty

1.10   Social partnerships are defined as a "way of working which aims to achieve mutually agreed outcomes, to the benefit of all involved groups" (WG, 2023a, pg. 9).

1.11   There are many social partnership arrangements between individual organisations, sector-wide representative groups and recognised trade unions in Wales, some with a long history. The Act does not replace these existing arrangements, but instead strengthens and formalises them to help resolve Wales' economic and social challenges.

1.12   The Act provides an opportunity for government, public bodies and trade unions (or employee representatives) to collaborate in areas of mutual interest, and together through joint planning and decision-making, strengthen policy-making and contribute to innovative solutions. As described in the Act's [Explanatory Memorandum](#), social partnership is primarily a process and a way of working which aims to achieve mutually agreed outcomes to the benefit of all involved groups.

1.13   Social partnership processes therefore are meant to support organisational behavioural and cultural change. The Act is designed with the intention of encouraging those engaging in these partnerships to adopt a range of values and behaviours, or social partnership principles, in their negotiations. These social partnership principles are described as Cooperation, Respect, Trust, Voice and Participation, and Mutual Gains (WG, 2023a, pg. 19-20), as summarised in Table 1.

1.14   The Social Partnership Duty (SPD) in the Act requires specified public bodies to seek consensus or compromise with their recognised trade unions (or other employee representatives if there is no recognised trade union) when setting and taking reasonable steps to meet their well-being objectives.[6] The SPD applies when public bodies are making decisions- about strategic issues, and in discharging the duty, public bodies must consider any relevant guidance published by Welsh Ministers.

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[6] As set out under section 3(2) Of the WFG Act.

Table 1: Social Partnership Principles

Social Partnership Principles	Shared Commitment
Cooperation	Success through joint problem solving, compromise and reaching consensus.
Respect	Mutual recognition of legitimate and potentially conflicting interests.
Trust	Relationships based on integrity, authenticity, transparency, openness and selflessness.
Voice and Participation	Proactive and timely information, consultation and engagement.
Mutual Gains	Achieving improvements in public services, social, economic, environmental and cultural well-being and fair work outcomes.

Source: Welsh Government (February 2023), Social Partnership and Public Procurement (Wales) Bill Explanatory Memorandum, pg's 19-20.

1.15   For the Welsh Ministers, the SPD also applies when they are making decisions of a strategic nature. However, the duty is more narrowly applied than for public bodies.[7] in recognition of the fact Welsh Ministers set well-being objectives immediately following each Senedd election.

1.16   In agreement with trade unions (or other employee representatives), public bodies specified in the Act will report annually detailing how they have complied with the SPD. The report must be published and submitted to the SPC. Welsh Ministers are also required to produce an annual report detailing compliance which must be submitted to the SPC and laid before the Senedd for scrutiny.

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[7] According to the Explanatory Memorandum: "This narrower application of the duty to the WFG Act 2015 (section 3(2)(b)) only is in recognition of the fact that the setting of well-being objectives by the Welsh Ministers takes place immediately following each Senedd election. It would not be appropriate for an incoming Welsh Government with a clear policy mandate from the people of Wales then to be required to seek compromise or consensus on those same matters either as an employer with its own recognised trade unions or with the social partners represented on the SPC" (WG 2023, pg.9). [Accessed 7th of July 2023].

The Social Partnership Council

1.17   The Act makes provision for a tripartite statutory advisory body, the SPC, chaired by the First Minister.[8] The tripartite structure refers to an understanding of social partnerships applied at a national government level. This provides for the participation of employers, workers through their representatives (e.g., trade union members) and the Welsh Government to work co-operatively on strategic issues of mutual interest. It is the focus on inviting perspectives from employers and workers representatives,[9] from across the public, private and third sectors, which differentiates the SPC from pre-existing, more narrowly focussed, cross-sector partnerships.

1.18   The function of the SPC is to provide information and advice to the Welsh Ministers in relation to the social partnership duties, the pursuit of the 'A Prosperous Wales' well-being goal by public bodies when carrying out sustainable development under the WFGA 2015, and the functions conferred on contracting authorities and the Welsh Ministers under Part 3 of the Act (socially responsible public procurement).

1.19   The SPC will be able to provide a leadership role on social partnership-related issues, seeking to encourage good practice, and support greater participation amongst workers and employers in policy-making approaches, to foster a more ambitious agenda towards delivering improved outcomes for Wales' populace.

1.20   The SPC also has a role in ensuring member engagement in its processes and an advisory role on monitoring non-compliance relating to public procurement; done through the creation of a procurement sub-group of the SPC which will advise Welsh Ministers on the application of the procurement duties.

Fair Work

1.21   Fair work is understood under the Act as a range of activities undertaken by employers in agreement with the workforce, which contributes to well-being and improved public service delivery.

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[8] The SPC will replace the Social Partnership Forum and build upon the practice of existing structures such as the Workforce Partnership Council and the Council for Economic Development.
[9] Rather than citizens, service users and service providers.

1.22   The Act contributes to a Programme for Government commitment to "build an economy based on the principles of fair work" (WG, 2021). The Act amends section 4 of the WFG Act, substituting 'decent work' with 'fair work within the latter's 'A Prosperous Wales' well-being goal. Public bodies and Welsh Ministers will need to take into account the change to the well-being goal in the setting of any new well-being objectives.

1.23   The Welsh Government's approach towards fair work is informed by the work of the Fair Work Commission's[10] [Fair Work Wales](link) (FWC, 2019) report. More recently, the Welsh Government published [A Guide to Fair Work](link), which outlines guidance and information on what fair work is, the benefits of promoting fair work and how organisations can progress their fair work journey (WG, 2022).

1.24   The devolved public sector is a substantial employer in Wales. An objective of the Act is to support the ability of devolved public bodies to contribute to fair work as part of the setting and pursuit of their well-being objectives.

Socially Responsible Public Procurement

1.25   Public procurement is a key lever to implementing principles of social partnership and fair work. However, the process of doing so is complex and detailed as, for example, contracts can be delivered by suppliers across multiple tiers, vary in scale and value, and contractors can be based outside of Wales.

1.26   The Act places a statutory duty on certain public bodies to consider socially responsible procurement when undertaking procurement; to set objectives in relation to well-being goals; and to publish a procurement strategy. The Act requires bodies to ensure that social public works clauses are delivered and are monitored throughout supply chains for large construction projects and not only by first tier suppliers and contractors. The Act also includes a requirement for those bodies to have regard to the public services outsourcing and workforce code when outsourcing services contracts. This will supersede the existing Code of Practice on

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[10] The FWC was a ministerial body set up by the First Minister in 2018 to make evidence-based recommendations on the promotion of fair work in Wales. The FWC collected evidence from a range of stakeholders on working practices, reward and representation to present a picture of fair work in Wales. It considered and provided recommendations on how Welsh Government could promote fair work employment practices across Wales.

Workforce Matters (known by some as the Two-Tier Workforce Code) and will be published by Welsh Ministers.

1.27 EU law set the broad legislative framework underpinning procurement regulations, currently being reformed by the UK Government in its Procurement Reform Bill. An agreement is in place whereby the UK Government will make provision for Welsh Contracting Authorities in its Bill. Broadly, the UK Government Bill covers the processes underpinning procurement whereas the Act focusses on policy priorities and outcomes.

1.28 A number of legislative and policy mechanisms already exist in Wales which look to maximise social, economic, environmental and cultural outcomes through procurement:

- The WFG Act and the Socio-Economic Duty include provisions for procurement in Wales for public bodies, with the Socio-Economic Duty designed to reduce inequalities of outcome from socio-economic disadvantage.

- The Community Benefits approach looks to build in social value and community benefits requirements when tendering contracts.

- Procurement Policy Notes prioritise fair work, setting out how procurement and contract management levers should be used to prevent unlawful and unfair practices.

- A voluntary Code of Practice on Ethical Employment in Supply Chains has been developed in social partnership which organisations receiving public funding are expected to sign-up, though the uptake in signatories has been low.

- There is cross-government commitment to support Welsh businesses and supply chains via procurement levers to strengthen the Foundational Economy in Wales.

- Many organisations use a Sustainability Risk Assessment tool to support environmental objectives (e.g., climate resilience, decarbonisation) during procurement processes.

- The Code of Practice on Workforce Matters (knows as the [Two-tier Workforce Code](#)) is a key part of the Welsh Government's approach to fair work, providing protection to workers when services are outsources to a third party and safeguarding the employment terms for new joiners to a contracted-out service. When adopting the code, contracting authorities commit to follow the principles of the [Transfer of Undertakings (Protection of Employment) Regulations 2006](#) even when they do not strictly apply, unless there are exceptional reasons not to.

1.29 Building from existing policy and procurement mechanisms, the Act's socially responsible procurement duties aim to clarify the Welsh Government's procurement agenda and their expectations. Socially responsible public procurement means purchasing goods and services in a way which improves economic, social, environmental and cultural well-being. Under the Act, contracting authorities are required to demonstrate their commitment to ensuring socially responsible procurement outcomes are linked to well-being goals.

1.30 The Act specifies two specific contract management duties. Within specified contracts, these duties arise regarding the:

- consideration and inclusion of social public workforce clauses for outsourcing services contracts, including duties representing the strengthening of the Code of Practice on Workforce Matters (known as the Two-tier Workforce Code);[11] and

- social public works clauses for construction projects over £2m which will help achieve greater due diligence in applying socially responsible contract terms throughout supply chains. The initial focus here is on the construction industry, which tends to have long and complex supply chains where unfair and unlawful employment practices can be difficult to address, though Welsh Ministers may

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[11] The strengthening of the Two-tier Workforce Code stipulates: i). contracting and retendering processes involving staff transferring from public bodies should be carried out to ensure that terms and conditions are protected, and pensions remain broadly comparable; and ii). it also ensures that new joiners to a transferred-out workforce are employed on terms that are no less favourable (WG 2023, pg. 30).

extend this duty to other sectors in the future (see the Explanatory Memorandum (WG 2023a, pg's 29-31), for more information).

1.31 The contract management duties also aim to improve the transparency of contracting authorities through strengthening reporting requirements and contract management processes, with better demonstrated links between procurement processes and well-being outcomes. Contracting authorities, as defined by the Act, must set and publish objectives designed to achieve the socially responsible procurement goals; and in the case of those Authorities procuring contracts above the World Trade Organisation's Government Procurement Agreement threshold (currently in line with the existing OJEU threshold), must keep updated information on contracts, published via a contract register; and set out in existing annual reports information relating to the steps taken in order to meet its socially responsible procurement objectives.

1.32 For the social public works and workforce clauses, the Act also specifies terms for exception reporting. This refers to instances where, in circumstances reviewed by Welsh Government, contracting authorities cannot reasonably include model contract terms in large construction contracts, or apply social workforce clauses in relation to outsourcing service contracts.

1.33 Scrutiny of progress against the Act's procurement provisions will be through the SPC and its public procurement sub-group as part of its annual cycle. Outcomes will be reported to the SPC and the sub-group and published. A summary of the contracting authorities' annual reports described above will be published by Welsh Ministers within an annual procurement report presented to the Senedd in each financial year.

1.34 The Act also includes provisions for Welsh Ministers to investigate how contracting authorities undertake public procurement.

Aims and Objectives

1.35 Within the new Act's provisions, as described in the Explanatory Memorandum, at the end of the five-year post-implementation period Welsh Ministers must report to

the Senedd findings from an evaluation of the Act's process and impact.[12] The overarching aim of this research is to support the five-year post-implementation provision, by undertaking the first step in establishing a framework for evaluation purposes: producing a ToC to lay the foundation and provide a benchmark reference point for future evaluation work. Future research will explore the extent to which the Act has achieved what it intended.

1.36   IRP were tasked by the SPEFW Directorate with producing a ToC to capture details about why the Act is necessary and what it aims to achieve. Developing a ToC for the Act will help Welsh Government design realistic outcomes and establish a common understanding of the strategies to be used to achieve the goals. The ToC also identifies data requirements and potential data sources to monitor and evaluate how the Act is working for the assessment of actual achievements against anticipated outcomes.

1.37   The ToC presented in this report will provide an assessment of conditions before the Act began from which change and progress can be measured. The ToC will also inform the development of an evaluation framework, providing a basis from which future evaluators can assess how the Act is implemented and what outputs it produces (i.e., process evaluation); and robustly monitor and evaluate the impact of the legislation over the next 5 years.

1.38   The specific research objectives were to:

- Consult with WG policy leads to produce three logic models for the Act's provisions of social partnership, fair work and socially responsible public procurement; and a fourth logic model for the establishment of the SPC.

- Test and refine the logic models and underlying ToC with internal WG stakeholders and external stakeholders from a range of sectors.

- Inform the future evaluation framework, by providing suggestions on monitoring and evaluating the principles of the Act to measure its progress. This will include identifying data which would need to be collected and how they should be

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[12] See 'Chapter 11: Post-Implementation review' of the Explanatory Memorandum (pg's 119-121).

analysed to help address future evaluation requirements, likely to be undertaken by an external supplier.

1.39   It is anticipated the ToC will also be used as a communication tool, assisting with internal decision-making and policy development, and used as a tool to communicate clearly with stakeholders on what the Act intends to deliver.

Scope

1.40   The scope of the ToC was limited to covering three principles in one extended workshop with stakeholders, covering social partnerships, the SPC and fair work. No procurement workshop with stakeholders was conducted due to the low take-up of workshop invites. Further detail is provided in the methodology section below.

1.41   The ToC research was undertaken between November 2022 and June 2023, which overlapped for a period whilst the Bill was still undergoing Senedd scrutiny. The draft logic models developed with WG stakeholders were produced in December 2022, when the Bill was at Stage 2; the workshop with stakeholders was conducted in March 2023, after Stage 4 proceedings of the Bill.[13]

Report Structure

1.42   The remainder of this report is structured as follows:

- **Section Two** outlines the methodological approach to the research.

- **Sections Three**, **Four** and **Five** in turn detail the ToC findings for the SPD, the SPC and fair work.

- **Section Six** presents the internally produced logic model for socially responsible public procurement.

- **Section Seven** proposes an approach for the future monitoring and evaluation of the Act.

Section Eight summarises the key conclusions from the research and lists some recommendations in relation to the future evaluation framework.

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[13] See the Senedd Business webpages for a record of the Act's passage. [Accessed 19th September 2023]

2. Methodology

This section details the methodology used to develop the ToC for the Act.

Constructing a Theory of Change for the Act

2.1   A ToC is a common tool and methodological approach used to describe how and why an intervention (in this case, the Act) is expected to work. The ultimate aim of a ToC is to describe the change expected to happen; it describes the pathways to change and explains how an intervention's activities are understood to produce a series of desired results which contribute to achieving the final intended outcomes/impact. The logic models illustrate the underlying ToC in a logical sequence showing what the Act's intended outcomes and longer-term impact are.

2.2   The Magenta Book describes how evaluation should inform the development of an intervention at the earliest possible point. The accompanying logic models and data requirements should also ideally be created upfront and revisited during implementation and after a post-implementation period (2020, pg. 12).

2.3   A ToC is both a process and an output. Developing a ToC typically involves several steps. For the Act, the desired impacts first needed to be identified with internal stakeholders.[14] That is, identifying what results Welsh Government anticipated the Act to achieve. Next, the steps outlined below were considered with internal stakeholders to map a draft logic model of how the Act was expected to work to produce the desired impacts:

- **Context:** What is the need and context for the intervention?

- **Inputs:** What resources are needed for the Bill to be effective? (e.g., staff resources, expertise)

- **Activities:** What needs doing with the inputs to bring about change? (e.g., a specific policy or initiative)

- **Outputs:** What will the result of the inputs and activities be?

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[14] At this stage of fieldwork, the legislation was still in draft, as a Bill undergoing Senedd scrutiny.

- **Outcomes:** What are the desired and/or anticipated short or medium-term outcomes? What are the desired/anticipated longer-term impacts?

- **Risks:** What barriers, obstacles or challenges may prevent the outcomes being achieved?

- **Assumptions:** What do we assume to be true for the outcomes to be achieved? What underpins the intervention logic? What do we expect will happen?

The draft logic model was then tested and refined with stakeholders:

2.4 The key steps, or causal pathway or chain, described in a logic model are illustrated at Figure 1:

Figure 1: The key steps of a logic model

Context → Inputs → Activities → Outputs → Outcomes → Impacts
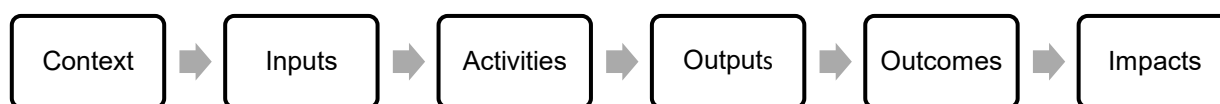
2.5 Developing the logic models helped uncover potential risks which may occur along the causal chain. When identified early, mitigation measures can be put in place to address the risks identified from the outset of the intervention.

2.6 Developing the ToC also provided an opportunity to identify, discuss and challenge established or unexamined assumptions through the process of constructing and testing the causal pathways. Data, monitoring and evaluation requirements were also explored during the process of developing the ToC.

2.7 Developing a ToC and the accompanying logic models for the Act was a participatory process facilitated via the workshops with internal and external stakeholders. The research sought to involve a diverse range of knowledge and achieve consensus by creating shared understandings and expectations. The workshops provided a forum for stakeholders to articulate their assumptions of the changes expected to take place as a result of the Act.

2.8 The resultant ToC and accompanying logic models provide a benchmark for future evaluation. The ToC analysis also informed IRP suggestions for the development of an overall framework for the process and impact evaluation requirement specified

within 'Chapter 11: Post-implementation review' of the Act's Explanatory Memorandum (WG 2023a, pg's 119-121).

Research Design

2.9 To address the overarching aim of the research, the qualitative approach described below was adopted using a ToC methodology and the method of workshops discussions, held separately with policy leads and stakeholders:

Initial Scoping

2.10 The project began with a review of key outputs published to date (e.g., Explanatory Memorandum) and scoping meetings with policy officials from the SPEFW Directorate. A Research Specification was developed which included the aims and research methodology and design, and accompanying key project management documentation (e.g., Gantt Chart, Risk Register). IRP were also participants in the then Bill's Project Board meetings.

2.11 Through membership of the Project Board, consultation with policy officials and a review of published materials on the Senedd Business's webpages, the IRP were kept updated on the Bill's progress through the Senedd.

Developing the Logic Models with Internal WG Stakeholders

2.12 Fieldwork commenced with the development of the draft logic models. Data was collected through discussions with key WG policy stakeholders and a documentary review to produce draft logic models.

2.13 Three internal workshops were held initially with policy leads: for social partnerships/SPC; fair work; and socially responsible public procurement. One IRP researcher facilitated each discussion via Microsoft Teams, sharing the relevant draft model with participants and using a topic guide to help structure the discussion, while two others took notes.

2.14 Based on feedback from policy's review of the initial draft logic models, a separate SPC model was produced, constructed from data previously collected, to better reflect the key role of the SPC as a mechanism for reporting and scrutiny of the Act's duties and fair work provisions. The draft SPC logic model was tested and refined internally in a later meeting.

2.15   The final four logic models produced internally for the ToC and presented in the
        Finding's section of this report are for the:

- SPD
- SPC
- Fair Work
- Socially Responsible Public Procurement Duty

2.16   Approaching the three principles and the SPC separately within the logic modelling
        allowed for the detail of each to be more fully mapped. The connections between
        each of them are described within the underlying ToC narrative in the Findings
        section.

Workshops with Stakeholders

2.17   The second fieldwork stage consisted of a workshop with internal and external
        stakeholders to test and refine the ToC constructed by internal WG colleagues.
        Originally, three workshops were to be held: on the SPD, fair work and the public
        procurement duty, with a section within each workshop dedicated to a discussion on
        the SPC. However, due to low response rates the research design had to reviewed
        and changed. The fair work and social partnership workshops were combined into
        one longer workshop and the procurement workshop was cancelled.

2.18   The aim of the workshop was to gather views from participants from different
        organisations and sectors on what the outcomes and longer-term impact of the Act
        should be and how best to achieve them, based on a review of the logic models
        developed with internal stakeholders.

2.19   To help address research objectives around developing an evaluation framework,
        the topic guides used to help structure the workshop also included specific
        questions on data, monitoring and evaluation. These questions were included within
        discussions to help identify with stakeholders' ways to measure the progress of the
        Act and evaluate its process and impact. The Topic Guide is at Annex A.

2.20   The list of invitees for fieldwork with external stakeholders was compiled by policy
        leads based on their expertise, prior engagement with the (then Bill, and relevance
        of the legislation's provisions to their organisation. The list of invitees comprised of

trade union representatives, public and third sector stakeholders and organisations representing business interests. The list had to expanded from an original 12 invitees to each workshop to include additional invitees given the low response rate.

2.21   Workshop invites were sent via email. A reminder email was sent a week before the workshop. A Privacy Notice and Participant Information sheet was included as an attachment to the invites. A more detailed Workshop slide pack was sent to participants who had accepted the invite before the workshop itself. The slide pack provided an overview of the questions and outcomes which would be asked and tested within the workshop discussion itself. This provided participants with an opportunity to reflect and prepare responses to the questions in the session, as the workshop attempted to cover a lot of ground and the matters being discussed were complex in nature.

2.22   The workshop took place in late March 2023 via Microsoft Teams and was recorded with participants' consent.

2.23   Table 2 provides an overview of the participant breakdown by sector and organisation. In total, nine participants attended: three participants from Welsh Government, one from local government, two from the business sector, and three from trade unions. Three policy officials from the Social Partnership Directorate of Welsh Government were also present to respond to any technical queries on the then Bill. The workshop was facilitated by two researchers from the IRP.

2.24   Microsoft Whiteboard was used to share the draft outcomes discussed with internal WG officials and simplify the discussion points for participants. These formed the starting point for discussion with stakeholders, in which they would critique the outcomes and suggest ways in which they may be edited to reflect external concerns.

Table 2: ToC Workshop Attendees

Sector	Organisation	Department	Number of attendees
Government	Welsh Government	Economic Policy	1
		Sustainable Futures	1
		Local Government	1
	Welsh Local Government Association	*n/a*	1
Business	Confederation of British Industry	*n/a*	1
	Chambers Wales	*n/a*	1
Trade Unions	RMT Union	*n/a*	1
	Unite	*n/a*	1
	Unison	*n/a*	1

2.25   The workshop lasted approximately two hours. Due to the limited time available in the session, the discussion focussed mostly on a selected range of outcomes from the draft SPD, SPC and fair work logic models. The final section of the workshop gathered views on measuring the success of the Act.

2.26   In the two days following the completion of the workshop, participants were sent a follow-up email inviting any additional feedback on the workshop questions. No responses were received to this email.

Analysis and Reporting

2.27   The video recording was downloaded securely and transcribed following the workshop with stakeholders. The transcript was analysed using MAXQDA software. The data was coded to analyse the key themes and messages which emerged from the workshop. The analysis included identifying what will need to be measured under the future evaluation framework to understand the extent to which the changes anticipated are happening, how and for whom.

2.28   The logic models were updated to reflect findings from the workshop. The final logic models for the SPD, the SPC and fair work are presented in the Findings section within the reporting of the underlying ToC.

2.29   The draft public procurement logic model is presented at the end of the Findings section and will require further exploration within the future evaluation work (discussed further at Conclusions).

Data Considerations

2.30   There are some key considerations and limitations to the research to keep in mind when interpreting the findings presented:

- The sample for the workshop with stakeholders was not representative. The list was produced by policy officials based on relevance of the Act to invitee's role/organisation, their expertise, knowledge-levels and prior engagement with the legislation.

- There was low take-up of the workshop invite for external stakeholders to participate in the research. This limited the overall coverage of the workshops. The workshops for social partnership, fair work and the SPC had to be combined into one longer workshop due to the low response rate, meaning it was not possible due to time constraints to comprehensively explore some key areas which should be further tested and refined in future research.

- Due to the low response rate to the workshop invite, it was not possible to undertake a key element of the analysis for the principle of socially responsible public procurement and test and refine the logic model with stakeholders. The procurement workshop had to be cancelled. This is a key gap to address in future research. The internally tested logic model is included within the findings section, with key caveats highlighted.

- The ToC methodology at 'Chapter 11 Post Implementation Review' in the Explanatory Memorandum (pg's 119-121) describes the original research approach. This had to be adapted following the low response rate from three to one workshop with external stakeholders.

- During fieldwork the Bill was progressing through Senedd. Fieldwork timings meant there was a risk further amendment would be required to the Bill at the time of the workshop with stakeholders. In practice however, no changes to the Bill were made at this stage before it was passed into law.

- The ToC is a flexible tool and methodology which can be revisited as new evidence emerges. The ToC presented in this report is based on snapshot data collected whist the Bill was in its latter stages, still progressing through the Senedd. There is scope to review and refine the ToC in future research.

3. Workshop Findings: The Social Partnership Duty

3.1   This section presents the findings from the ToC workshop discussion on the SPD. Workshop facilitators invited feedback from participants on the long-term outcomes listed in the logic models developed in-house with internal Welsh Government policy officials. Participants were then asked their views on other components of the model. The discussion concluded with suggestions from participants on how the SPD provisions within the Act could be monitored and evaluated.

3.2   The SPD logic model reviewed in the workshop is at Figure 2.

Long-term Outcomes

3.3   To begin the discussion, the IRP researchers facilitating the workshop introduced the five anticipated long-term outcomes of the SPD listed in the 'Long-term Outcomes' column at Figure 2 (references L01 to LO5 in the logic model). Participants were asked to deliberate on whether, in their view, these outcomes were the 'right' ones for the SPD, if they reflected the required level of ambition, and whether there were any gaps in the outcomes presented.

Views on the SPDs Long-term Outcomes

3.4   Participants were initially asked to feedback on the following anticipated long-term outcome from the Act's SPD provision (see Figure 2):

- "Fulfilment of softer social partnership principles: cooperation (a shared commitment to success); respect (mutual recognition of legitimate (and potentially divergent) interests and expertise); trust (openness, transparency); voice and participation (information, consultation and engagement); and mutual gains (fair work outcomes, increased well-being and improvement)" (LO3).

In addition to the examples provided alongside each of the softer partnership principles, participants suggested an outcome related to reducing inequalities within societies and workplaces could be added to "mutual gains".

3.5   Feedback was also asked on the longer-term outcome:

- "Meaningful and continuous engagement" (LO4).

Participants suggested this outcome would benefit from further clarity on who any engagement is expected to be between, and how various stakeholders would be involved in this process. One participant also felt collective engagement from all stakeholders should be ensured. More specifically, this participant suggested it may be useful to clarify between what is meant by engagement from employers or government, and engagement with the broader social partnerships policy. Another participant proposed categorising and defining outcomes at different levels, such as at the national or organisational level.

3.6   The following outcomes were also presented to workshop participants, but were uncontested (Figure 2):

- "A common vision / consensus among stakeholders on mutual areas of interest, what social partnership is, and how it can be implemented" (MO3).

- "All partners are equally valued and respected through social partnership structures" (LO5).

- "Public bodies able to demonstrate strength in social partnership arrangements, including acting upon SPC guidance beginning to implement social partnership objectives effectively" (MO2).

Additional Outcomes

3.7   Participants were asked whether there were any additional outcomes they would include aside from those developed internally with policy officials.

Integration between the Act and the WFG Act

3.8   Workshop participants suggested it would be useful for there to eventually exist a seamless integration between the Bill and the WFG Act, with a mutual understanding of how both pieces of legislation complement and coexist with one another amongst employers and other stakeholders. This understanding would need to exist between stakeholders when setting their wellbeing goals.

3.9   It was further discussed how there may be a gap in understanding the practical implications of the relationship between the Act and the WFG Act, such as, for example, how different departments may have to collaborate within an organisation

when setting well-being objectives. Another participant suggested there was already a good foundation for understanding these issues in businesses through similar concepts, such as the Environmental, Social, and Governance (ESG) Framework, which aims to help organisations manage risks and opportunities related to ESG factors, and the existing well-being goals, national indicators and milestones in Wales.

Activities and Outputs

3.10   Workshop participants suggested the activities and outputs which may be required to deliver or achieve the discussed outcomes:

Engagement

3.11   Relating to the outcome of more meaningful and continuous engagement, one participant suggested that this may require increased participation of the workforce in decisions that affect them, and in strategic decisions that they may be able to contribute to but which they have previously not been engaged in. It may also require more engagement from employers and the government, with policy, for example.

Guidance

3.12   A suggested route to achieving the listed outcomes was to make it very explicit to organisations as to what changes are expected of them, and as to what 'good' looks like. This fed into other participants suggestion of providing statutory guidance. This would include an easy-read main document, making it simpler to digest and understand amongst different organisations. Similarly, a base-level framework could be produced for future reporting, which is adaptable by different employers and sectors. There was not time in the workshop, however, to expand on what this framework may look like in practice.

Education and Training

3.13   Another participant suggested that education was required, such as around the principles of social partnership, the WFG Act, fair work, and the relationships between the economy, businesses, and trade unions.

3.14 Training was also suggested as a requirement, which could be both online and in person. Ongoing exchanges would also be required to gauge everyone's understanding, and that this would be required across all sectors.

Categorising Activities

3.15 One participant suggested that activities can fall under three categories: people, process, and policy. A combination of these will allow each of the bodies to discharge their duties effectively. Under each of these categories, activities can be described at the granular level. This would enable social partnership to be an embedded, inherent part of how they work throughout all of organisations' systems.

Risks

3.16 Participants were also asked to reflect on the outcomes discussed in the workshop so far for the SPD and consider whether there were additional risks to those already identified by policy leads which could prevent or obstruct the delivery of these outcomes. Workshop participants identified additional risks:

Distinguishing Between Activities and Outcomes

3.17 One risk related to potential trouble in disaggregating how an organisation works in relation to social partnership from the resulting consequences, such as improved conditions for business or wellbeing for citizens. The activities and the outcomes need to be made distinct and clear, otherwise aims and objectives of the Act could become confused.

Understanding of the WFG Act

3.18 Multiple participants highlighted risks relating to a lack of understanding of the WFG Act. The term 'well-being', for example, is frequently misunderstood, which can lead to issues when employers are setting their well-being goals. If the WFG Act is frequently misunderstood, according to these participants, there will then likely be knowledge gaps in how it will co-exist with the Act. These risks could be mitigated through some of the activities suggested in the prior section: statutory guidance, setting expectations, training, and education on the two pieces of legislation and how they interrelate. Additional work may be required to more clearly define, describe and explain key principles and terms. The 'well-being economy' was raised

within the workshop as an example of something which has not been clearly defined.

The Political Climate

3.19   Other risks raised by participants related to the broader political climate. One example given was the challenging industrial relations climate (e.g., strikes relating to pay, inflation, and the cost of living), which could affect the willingness of stakeholders to participate as social partners. There were also concerns raised about the legislative constraints of the current devolution settlement.

Token Engagement

3.20   Another risk highlighted was the potential for "token engagement", whereby organisations treat the Act's requirements as a tick-box exercise, rather than using the Act to make genuine progress. This was thought by participants to be a potential risk for all parties involved.

Resource and Time Commitments

3.21   Regarding resource and time commitments of the Act, there was concern that trade union representatives would be under pressure to demonstrate the efficacy of social partnership proceedings, as they are paid by members. This pressure may be relieved if tangible positive outcomes were felt by the membership.

Unequal Influence

3.22   There was also the concern of unequal influence amongst partners, with some participants raising concerns trade unions may not have the resources to be perceived an equal partner to the government and employers.

Data Monitoring

3.23   There was a short discussion in the workshop around what data should be used for monitoring and evaluation purposes. Participants suggested that other countries, such as New Zealand, could be used as case studies exploring how well-being outcomes could be defined and evaluated.

Figure 2: Social Partnership Duty Logic Model

Context	Inputs	Activities	Outputs	Short-term outcomes	Medium-term outcomes	Long-term outcomes
Current Situation and Needs	**What resources are required?**	**What is being done with the Inputs?**	**What is being produced by the activities?**	**What are the Short-term outcomes of the outputs?**	**What are the Medium-term outcomes of the outputs?**	**What are the Long-term outcomes of the outputs?**
C1: The economic impact of the COVID-19 pandemic, Brexit, and the 'cost of living' crisis, and the industrial relations climate, presents significant challenges for both public and private sector. These contribute towards the complexity in planning for sustainable growth and secure employment.	IN1: SPD on public bodies to seek consensus or compromise with their recognised trade unions (or where appropriate) other members of its staff, and to consider Welsh Ministers' guidance, when setting out and delivering their wellbeing objectives under the WFG Act.	A1: Public bodies reporting on what they have done to comply with the SPD.	OP1: Completion of training.	SO1: More attention paid to the issues of compliance partners and businesses.	MO1: Better understanding and working of the operation of social partnerships.	LO1: Progress in advancing fair work, good quality employment, effective policy delivery, improved public services, and productivity for the private sector.
C2: Private sector - separate arrangements through the Economic Summit. Businesses, trade unions, and local government leaders meet twice annually to discuss economic issues and the future of Wales's economy.		A2: Ongoing training and engagement work defining what social partnership means.	OP2: Public bodies must prepare, in respect of each financial year, a report of what it has done to comply with the duty imposed under section 16.	SO2: Strengthened and streamlined SP arrangements.	MO2: Public bodies able to demonstrate strength in SP arrangements, including acting upon SPC guidance & beginning to implement SP objectives more effectively.	LO2: Social partnership model operates at national, regional, and local levels across Wales.
C3: Public sector – Social partnership arrangements exist on a national basis through the Workforce Partnership Council and the SPF with supporting sectoral arrangements in health, education, local government, involving Welsh Government and sponsored bodies.	IN2: Social partners' time and commitment to the new social partnership system, including its aims and objectives.	A3: Early involvement with and between social partners.		SO3: Social partners are clear about social partnerships aims and boundaries.	MO3: Common vision/consensus among stakeholders on mutual areas of interest, what social partnerships are and how they can be implemented.	LO3: Fulfilment of softer social partnership principles: cooperation – a shared commitment to success; respect – mutual recognition of legitimate (and potentially divergent) interests and expertise; trust – openness, transparency; voice and participation – information, consultation and engagement; mutual gains – fair work outcomes, increased well-being and improvements to public services.
C4: Understandings of social partnership and fair work outcomes are different across stakeholder groups.	**Welsh Ministers**	A4: Relationship building between social partners through knowledge and information sharing, best practice, consultation.	**Ministers**			
C5: Relationships between social partners can be adversarial and do not always work towards consensus being achieved consistently or being routinely applied across all public bodies.	IN3: Welsh Ministers time and commitment to the new social partnership system, including its aims and objectives.		OP4: The Welsh Ministers must prepare, in respect of each financial year, a report of what they have done to comply with the duty imposed under section 17.		MO4: Strengthened relations and communication between industrial partners.	
C6: Social partnership models are not always agile or able to respond to issues quickly.		**Ministerial Activity**				LO4: Meaningful and continuous engagement.
Relevant Legislation	IN4: SPD for Welsh Ministers requiring them to consult with the SPC when taking steps to meet their well-being objectives under section 3(2)(b) of WFG Act (applies when they are making decisions).	A5: Welsh ministers issuing guidance to public sectors based on SPC advice, which public bodies will need to take account of.			MO5: Better leadership and governance across public services in Wales.	
C7: The WFG Act aims for a prosperous and inclusive economy and requires public bodies' decision-making processes to consider the long-term impact on social, economic, cultural and environmental wellbeing and improvement to public services.						LO5: All partners are equally valued and respected through social partnership structures.
C8: The Equality Act (2010) and the Public Sector Equality (PSED) Duty require public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.						
Needs						
C9: Need to increase access to, and prevalence of, fair work across Wales.						
C10: Need to formalise the social partnership model in Wales. Post-devolution, social partnerships have become the norm across Wales, but current non-statutory models lack coherence in approach and a clear strategic lead on social partnerships.						

4. Workshop Findings: Social Partnership Council

4.1   This section outlines findings from the ToC workshop discussion on the SPC. Workshop participants were asked to review and feedback on various aspects of the SPC logic model produced in-house with Welsh Government policy leads.

4.2   Findings from the workshop informed the update of the SPC logic model presented at Figure 3, which is a diagrammatic representation of the Act's ToC as it relates to the SPC.

Long-term Outcomes

4.3   This sub-section firstly outlines views on the five suggested long-term SPC outcomes presented to workshop participants, listed in the 'Long-term Outcomes' column at Figure 3 (references L01 to L05 in the logic model). Then, the additional outcomes participants felt should also be included in the logic model are presented.

Views on the SPCs Long-term Outcomes

4.4   Workshop participants were asked their views on the following anticipated long-term outcome from the Act (see Figure 3):

- "Social partnership model operates at national, regional and local levels across Wales" (LO4).

4.5   For participants, it was important the Act provided for specific definitions on the responsibilities of various groups at the different levels of the national, regional and local. Participants discussed whether the regional or local structures would be implementing decisions made at the national level, whether the opposite would be the case, or if the relationship between these levels would be more circular.

4.6   When asked for feedback, the following outcomes were uncontested by workshop participants (Figure 3):

- "Improvement in public service delivery & social, economic, cultural, and environmental wellbeing in line with Wellbeing for Future Generations Act" (L01).

- "The creation of a tripartite structure which gives equal voice to workers, employers and government, ensuring the views of social partners actively help shape policy delivery" (L02).
- "Culture change driven by collective focus (attitudes and behaviours) and involvement with partners" (L03).
- "A system of social partnership which facilitates engagement of collective worker representation for the purpose of improving public services and to support strategic aims to improve the well-being of people in Wales" (L05).

Other Criticisms

4.7   However, there were some broader non-specific criticisms of the listed outcomes. Firstly, there was concern amongst participants the listed outcomes were too 'high-level', making it unclear what the specific expectations were of organisations within the SPC.

4.8   Workshop participant also felt a clearer distinction between the SPC and SPD was needed, based on the overlap between the listed outcomes.

4.9   There were also concerns raised amongst participants around how some of the outcomes seemed broader than the scope of the SPC. As a result, they felt some refinement of the outcomes may be required.

Additional Outcomes

4.10   Participants also suggested additional outcomes could be included in the SPC logic model, aside from those raised initially within the workshop by the facilitators.

4.11   Participants suggested the social partnership principles listed under the SPD were relevant, and as such, should also be incorporated within the anticipated SPC outcomes. In addition, including more specific, 'lower-level' outcomes was viewed as useful, to help pinpoint exactly what was to be achieved via the SPC. For workshop participants, these lower-level outcomes should include more specifics on values and anticipated behaviours, and further detail aimed at managing stakeholders' expectations.

4.12   Participants also thought several outcomes should be made clearer and expanded upon in more detail for the SPC. This included providing further information on how the SPC aims to contribute towards improved understanding between different sectors and stakeholders and create a "safe space" for discussions.

Activities and Outputs

4.13   Workshop participants suggested some additional activities and outputs to help deliver or achieve the SPC outcomes. Findings are reported below:

Time and Resource Commitments

4.14   To support the SPCs structures and interactions amongst its stakeholders and partners, participants highlighted the time and other resource commitments potentially required from social partners. For example, participants expected key stakeholders would need to allocate resource towards separating any work required as a result of the Act from employers and trade union representatives day-to-day responsibilities. This was considered a potentially pertinent issue for some stakeholders given the number of pre-existing forums and structures at the local, regional and national level.

Prioritisation

4.15   One participant suggested some streamlining or prioritisation of the range of social partnership structures, calling for more attention and resources to be invested into those structures demonstrated to deliver the best outcomes.

Education, Training and Guidance

4.16   Participants also felt partners could benefit from education and training activities designed to increase knowledge and understandings of the Act. Participants felt this would present challenges, around partners needing to learn about and then operationalise complex legislation, but also opportunities for partners to then exploit the benefits of the legislation.

4.17   To assist with the operation of the SPC and to support the delivery of outcomes, making them more achievable, some participants suggested developing further guidance for stakeholders.

Risks

4.18   Participants were also asked to reflect on the outcomes discussed in the workshop so far for the SPC and consider whether there were additional risks to those already identified by policy leads which could prevent or obstruct the delivery of these outcomes. Workshop participants identified additional risks:

Quality of Advice

4.19   Participants were concerned the stretched resources and limited capacity of partner organisations could make it difficult for the SPC to provide good quality advice.

Productivity of Discussions

4.20   Participants also raised concerns the SPC could end up being overly "polite" resulting in perceptions of "phoniness", rather than a council which facilitated frank and honest conversations between partners. Similarly, some participants raised concerns the SPC could turn into a "talking shop", facilitating unproductive discussion rather than effective action.

4.21   Some participants also expressed fears trade unions, if part of the SPC, could lose access to the mechanisms they currently use to enter into formal disputes with employers. Further, these participants were concerned those with vested interests could suggest trade unions had lost their ability to enter formal disputes as a result of the changes brought about by the Act, even if in actual fact, trade unions still could.

Changes to the Previous Shadow Social Partnership Council

4.22   One participant was concerned changes from the previous Shadow Social Partnership Council, which according to them, had demonstrated itself to be effective in its purpose and function during the COVID-19 pandemic, might make the SPC less effective.[15]

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[15] The Welsh Government's Shadow Social Partnership Council was established as an initial channel for Welsh Ministers to connect to social partners and wider stakeholders, creating a voluntary partnership to provide for the voice and participation of social partners, in response to the COVID-19 pandemic. For more information, see the Explanatory Memorandum (pg. 34).

Understandings of the WFG Act

4.23   Another risk discussed by participants was a lack of understanding of the WFG Act and what this implies for the operation of public services, and how limited understandings of the WFG Act could obstruct the operation of the SPC.

4.24   Conversely, participants suggested an unintended positive outcome may be, through the process of delivering the Act, more people are educated on the principles of social partnership, the WFG Act, and the relationship between the economy, fair work, businesses, and trade unions.

Capacity

4.25   Another risk identified by workshop participants focussed on capacity issues. Issues identified included stakeholders needing sufficient time to review papers and formulate opinions ahead of SPC meetings; the demands participating in the SPC could place on all social partners, in addition to any work from other forums partners may be engaged in; and concerns the SPC could find it difficult to provide advice in a quick, flexible and responsive manner within the timeframes set by of policy development processes.

Figure 3: Social Partnership Council Logic Model

Context	Inputs	Activities	Outputs	Short-term outcomes	Medium-term outcomes	Long-term outcomes
Current Situation and Needs	**What resources are required?**	**What is being done with the inputs?**	**What is being produced by the activities?**	**What are the Short-term results of the outputs?**	**What are the Medium-term results of the outputs?**	**What are the Long-term results of the outputs?**

Context

Current Situation and Needs

C1: The Social Partnership Forum (SPF), chaired by the Deputy Minister, has superseded the Shadow Social Partnership Council.

C2: Economic impact of the COVID-19 pandemic, Brexit, and the 'cost of living' crisis and the industrial relations climate presents significant challenges for both public and private sector and adds to complexity in planning for sustainable growth and secure employment.

C3: Private sector: separate arrangements through the Economic Summit, which meets twice annually.

C4: Public sector: SP arrangements exist on a national basis through the Workforce Partnership Council and the SPF with supporting sectoral arrangements in health, education, local government, involving Welsh Government and sponsored bodies.

C5: Understandings of SP and FW outcomes are different across stakeholder groups.

C6: Relationships between social partners can be adversarial and do not always work towards achieving consensus consistently or being routinely applied across all public bodies.

C7: Current? SP models are not always agile or able to respond to issues quickly

Relevant Legislation

C8: The Wellbeing of Future Generations Act 2015 aims for a prosperous and inclusive economy and requires public bodies' decision-making processes to consider the long-term impact on social, economic, cultural and environmental wellbeing and improvement to public services.

C9: The Equality Act (2010) and the Public Sector Equality Duty (PSED) require public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.

Needs

C10: Need to increase access to, and prevalence of, fair work across Wales.

C11: Need to formalise social partnership model in Wales. Post-devolution, social partnerships have become the norm across Wales, but current non-statutory models lack coherence in approach & a clear strategic lead on SP.

Inputs

What resources are required?

IN1: Statutory SPC; funding estimated as £36,340 per annum.

IN2: SPC members / sector representatives appointed by the First Minister through nominations from Wales TUC Cymru and employer bodies.

IN3: Sub-groups, which are chaired by at least one member of the SPC; funding estimated at £8,660 per annum.

IN4: Procurement subgroup.

IN5: Support from Secretariat.

Welsh Ministers

IN6: Welsh Ministers time and commitment to the new social partnership system, including its aims and objectives.

IN7: Social partnership duty for Welsh Ministers requiring them to consult with the SPC when taking steps to meet their well-being objectives under section 3(2)(b) of WFG Act (applies when they are making decisions).

Activities

What is being done with the inputs?

A1: SPC assessing its own effectiveness.

A2: SPC meetings, whereby members advise & support ministers in their work on improving public services, promotion of SP, and fair work.

A3: Voluntary participation by social partners SPC cannot enforce action, but there are expectations upon appointment of SPC members / representatives.

A4: SPC monitoring and compliance with other SP duties.

A5: Secretariat supporting SPC, preparation for meetings with/between social partners.

A6: Sub-groups reporting (with exception of procurement sub-group); groups have not been specified yet but will be expected to report on their activity.

A7: Procurement sub-group reporting and advising Ministers about public bodies meeting procurement policy expectations, reviewing WG's overarching Annual Procurement Report and identifying recommendations for policy investigations.

Ministerial Activity

A8: Welsh ministers issuing guidance to public sectors based on SPC advice, which public bodies will need to take account of.

Outputs

What is being produced by the activities?

O1: Reports on effectiveness of SPC.

O2: Providing information and advice (including advice reports) for ministers on complex and straightforward matters.

O3: Sub-group reports.

O4: Procurement reports advising on public body compliance and reviewing WG's overarching Annual Procurement Report.

O5: Guidance to ministers on non-compliance. (include diamond)

O6: Documentation with clear definitions and terms of partner involvement in social partnership in Wales.

O7: Evaluation report of SPC's effectiveness. (every 3 years)

Ministers

O8: New reporting duty for Welsh ministers.

Short-term outcomes

What are the Short-term results of the outputs?

SO1: Setting expectations / standards / shared commitments.

SO2: A formal channel whereby social partners are involved in a partnership and dialogue with Welsh ministers on policy implementation and development.

SO3: Sufficient capacity within the SPC to prepare advice which is robust, authoritative, costed, appraised for risk and fully assessed for its potential impacts.

SO4: Social partners are clear about SP's aims and its boundaries.

SO5: SPC is reviewed regularly and strengthened where appropriate.

Medium-term outcomes

What are the Medium-term results of the outputs?

MO1: Better understanding and working of the operation of social partnerships and the SPC.

MO2: Common vision/consensus among stakeholders on mutual areas of interest, what SP is and how it can be implemented.

MO3: Strengthened relations and communication between industrial partners.

MO4: Better leadership and governance across public services in Wales.

Long-term outcomes

What are the Long-term results of the outputs?

LO1: Improvement in public service delivery & social, economic, cultural and environmental wellbeing in line with Wellbeing for Future Generations Act.

LO2: The creation of a tripartite structure which gives an equal voice to workers, employers and governments, ensuring the views of social partners actively helps shape policy delivery.

LO3: Culture change driven by collective focus (attitudes and behaviours) and involvement with partners.

LO4: SP model operates at national, regional, and local levels across Wales.

LO5: A system of social partnership which facilitates engagement of collective worker representation for the purpose of improving public services and to support strategic aims to improve the well-being of people in Wales.

Source: Quoted estimated figures at IN1 and IN3 from the Explanatory Memorandum, paragraph's 215 and 220. (pg's 66, 67).

5. Workshop Findings: Fair Work

5.1   This section outlines findings from the ToC workshop discussion on fair work. Workshop participants were asked to review and feedback on various aspects of the fair work logic model produced in-house with Welsh Government policy leads.

5.2   Findings from the workshop informed the update of the fair work logic model presented at Figure 4, which is a diagrammatic representation of the Act's ToC as it relates to fair work.

Long and Medium-term Outcomes

5.3   This sub-section firstly outlines views on the suggested long and medium-term fair work outcomes presented to workshop participants, listed in the 'Medium-term Outcomes' and 'Long-term Outcomes' columns at Figure 4 (references M01 to MO4; and LO1 to L08 in the logic model). Then, the report presents those additional outcomes participants felt should also be included in the logic model.

Views on the Outcomes

5.4   Participants generally thought the fair work outcomes listed at Figure 4 were the correct ones, with changes only suggested for one of the outcomes:

- "Improvements in workforce equality, diversity, and inclusion" (LO3)

5.5   Participants suggested embedding the Anti-racist Wales Action Plan (ARWAP) into the Act to improve accountability, and proposed using ARWAP to aid reporting, similar to how reporting on the gender pay gap is required on a routine basis.

5.6   The following outcomes were uncontested by workshop participants (Figure 4):

- "An engaged and informed workplace as a result of strengthened social partnerships" (LO2).

- "Concept of fair work embedded in procurement processes, with improved indicators to measure the wider integration of fair work practices across Welsh organisations, businesses, and institutions" (LO8).

- "Strong buy in to social partnership system and commitment to fair work from social partners and other stakeholders" (MO1).

- "Development of a stronger evidence base exploring the well-being benefits of fair work, with systems of accountability delivered through the SPC and the procurement sub-group" (MO3).

Additional Outcomes

5.7   Additional long-term outcomes were suggested by workshop participants, as follows:

Integration with the WFG Act

5.8   One participant felt more seamless integration between the Act and the WFG Act was required, to help support mutual understandings amongst employers and other stakeholders of how both laws complement and coexist with each other. Discussions between the participants focussed on the ways in which the WFG Act was currently understood differently for some organisations.

Assessing the Achievement of Outcomes

5.9   Another outcome suggested within the workshop focussed on the people affected by the Act (e.g., workers) having a direct voice when assessing whether the fair work outcomes of the Act have been achieved.

Activities and Outputs

5.10   Workshop participants suggested some additional activities and outputs to help deliver or achieve the fair work outcomes. Findings are reported below:

Sharing Best Practice

5.11   Participants felt it could be useful for different sectors and organisations to share best practice, which could be facilitated by forums, as there may be principles relating to the Fair Work agenda which private sector businesses, for example, could usefully adopt. Private sector organisations could also share knowledge and expertise with the public sector, leading to mutually beneficial gains for both sectors.

Understanding Workforces

5.12   A few participants suggested organisations needed to better understand their own workforces within the context set by the Act, with these participants describing how each individual organisation will be starting from a different place when it comes to fair work, such as having different gender, racial, or disability recruitment numbers and pay gaps. Potentially, organisations will also be contributing in different ways towards advancing fair work principles. For these participants therefore, organisations had to be responsible for understanding their own barriers and opportunities in relation to fair work; and from this understanding, organisations would know the specific appropriate actions to take. Participants described a role for Welsh Government in offering analytical support, to help organisations better understand their own workforces, with advice tailored for individual organisations on ways to improve fair work outcomes.

Education

5.13   Again, increasing knowledge and understandings of the Act through educational activities was highlighted by participants as key, including when working towards achieving fair work outcomes. For example, some organisations would need to learn more on what fair work is, and how the underlying values and principles could be adopted within their work-place settings. For participants, this could help mitigate risks around the Act's processes feeling like a tick-box exercise for employers. The [Retail Action Plan](#) (WG, 2023b) and its accompanying case studies was highlighted within the workshop as an useful example on how educating organisations on fair work could be achieved.[16]

Risks

5.14   Participants were also asked to reflect on the outcomes discussed in the workshop so far for fair work and consider whether there were additional risks to those already identified by policy leads which could prevent or obstruct the delivery of these outcomes. Workshop participants identified additional risks:

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[16] Available at: [Together for Retail: A Wales Retail Forum Action Plan [HTML] | GOV.WALES.](#) [Accessed 7th of July 2023].

Broader Economic Context

5.15   A few participants felt economic conditions could shape perceptions on what a 'fair' work outcome is. For example, what might be regarded as 'fair' during a period of austerity could be viewed differently during a period of economic growth. Pressures on public sector budgets and increased demands on public services were described as potential obstacles to improving pay terms and conditions within the public sector workforce.

Co-existing Legislation

5.16   Participants raised concerns around how businesses could find it difficult to balance fair work goals with those around sustainability, the WFG Act, and Net Zero goals in procurement.

Costs

5.17   Participants were also concerned the Act might add extra stipulations on businesses and drive-up costs from added workload and time commitments, resulting in, for example, increases to the price of contacts. Some participants were worried these costs would be an additional burden to businesses already struggling financially in the current economic climate. However, it was counter-argued within the workshop discussion how there are also costs to unfair work and unsustainable development practices, which are carried by workers, employers and wider society. Participants felt the Act would enable a longer-term assessment on costs and benefits. It was also noted that, whilst the price of contracts may increase, this could result in the government, for example, procuring fewer public contracts, rather than individual businesses absorbing the costs.

Tick-box Exercise

5.18   Another risk highlighted by participants centred on concerns around how addressing the Act's provisions could become a "tick-box exercise" for governments or employers, perhaps resulting in workers perceiving they are not experiencing a genuine 'fair work environment'.

Figure 4: Fair Work Logic Model

Context	Inputs	Activities	Outputs	Short-term outcomes	Medium-term outcomes	Long-term outcomes
Current Situation and Needs	**What resources are required?**	**What is being done with the inputs?**	**What is being produced by the activities?**	**What are the short-term results from the outputs?**	**What are the Medium-term results from the outputs?**	**What are the Long-term results from the outputs?**
C1: Inconsistent evidence that public bodies in Wales have considered fair work in their approach to well-being.	IN1: Social partners and representatives from different sectors.	A1: Build understanding of fair work, share information and disseminate best practice.	OP1: Improved knowledge and understanding of fair work.	SO1: Dissemination of information.	MO1: Strong buy in to social partnership system and commitment to fair work from social partners and other stakeholders.	LO1: Positive trends against the FW outcome measures.
C2: Desire for public bodies in Wales to lead by example in promoting fair work as employers, policymakers, and funders and procurers of other organisations.	IN2: Wales-level labour-market and workforce data and intelligence supplied by social partners.	A2: SPC to provide advice in relation to the pursuit of the 'A Prosperous Wales' well-being goal.	OP2: Case studies and good practice guides.	SO2: Diffusion of best practice. Learning and advice, including organisation to organisation peer learning in helping to spread fair work practices.	MO2: Strengthened and existing SP structure.	LO2: An engaged and informed workplace.
Relevant Legislation	IN3: Communications resources and funding.	A3: Public bodies will review their well-being objectives with the amended 'A Prosperous Wales' well-being goal in mind.	OP3: Exemplars and champions of fair work.	SO3: Strong relationships with social partners and others based on trust, mutual benefits, and shared goals.	MO3: Development of a stronger evidence base which explores the well-being benefits of fair work.	LO3: Improvements in workforce equality, diversity, and inclusion.
C3: The Well-being of Future Generations Act, and the "A Prosperous Wales" goal, which the Social Partnership and Public Procurement Act amends.	IN4: SPC members.	A4: Production of statutory guidance of procurement and non-statutory guidance on fair work which will improve awareness and understanding of fair work, its relationship to well-being, and practical steps public bodies can take to promote fair work.	OP4: Procurement guidance on how to procure fair work.	SO4: Mainstreaming fair work as an element of wellbeing in procurement.	MO4: Routine procurement data collected aimed at measuring progress, with systems of accountability delivered through the procurement sub-group of the SPC.	LO4: Improved mental and physical health and reduced sickness levels.
C4: The Equality Act (2010) legally protects people from discrimination in the workplace and wider society.	IN5: Existing social partnership arrangements.					LO5: SPC has a long-term and established influence on government priorities on FW and SP.
Needs	IN6: Devolved public services.					LO6: Benefits for employers; improvements in the H&S data, fewer days lost to illness; fewer days lost to stress; increase productivity; reduced costs associated with staff turnover.
C5: Need to explain and demonstrate the relationship between fair work and well-being.	IN7: Welsh Ministers time and commitment to discharge investigatory powers and address advice from the Procurement Sub-group.	A5: Routine collection and reporting of fair work data relating to procurement outcomes.				LO7: Workers doing the same job are paid the same/similarly regardless of which sector they work in.
C6: Need to provide public bodies in Wales with a framework for promoting fair work within their own organisations and in their work with others.	IN8: Co-ordination between policy officials and procurement experts, working towards supporting a more equal, sustainable and prosperous Wales.					LO8: Concept of fair work embedded in procurement processes, with improved indicators to measure the wider integration of fair work practices across Welsh organisations, businesses, and institutions.
C7: A need to build a 'movement' for fair work, encompassing social partners and civic society organisations with the purpose of advocating and 'normalising' fair work.	IN9: Procurement duties.					
C8: There is a need for Welsh Ministers to promote and pursue fair work in Wales.						

6. Workshop Findings: Data Monitoring

6.1 The closing section of the workshop focussed on how data can be used to evidence outputs and outcomes.

Including Workers Views in Evaluation

6.2 Following from concerns raised within the workshop on delivery of the Act becoming a "tick-box exercise" for the Welsh Government and employers, participants felt workers should be included in assessing whether or not, or the extent to which, outcomes had been achieved. Data collection exercises should therefore include workers views when monitoring and assessing fair work.

Broader Economic Context

6.3 One participant suggested monitoring and evaluating fair work outcomes against the broader economic context, to track and measure progress towards fair work outcomes against broader macro-economic indicators, such as, for example, economic growth and the cost of living.

Anti-Racist Wales Action Plan

6.4 Workshop participants also proposed using the ARWAP to help develop a reporting tool or framework for employers.

Well-being Outcomes

6.5 Participants felt the ToC and accompanying logic models (presented in this report) would describe the pathway to change the Act is expected to bring about; with outcomes ultimately focussed on improving wellbeing outcomes through, for example, interventions aimed at improving public services and embedding social partnerships within the operation of public bodies. For participants therefore, assessments on how successful the Act's has been should include evaluating the extent to which it has contributed towards improving well-being outcomes in Wales. Participants described how separating the effects of the Act from the other factors influencing the wellbeing goals' delivery could be difficult.

6.6 Participants described how a mixture of data sources was needed to help measure and inform the success of the Act. For example, participants proposed using

evaluation approaches developed for the WFG Act to help inform evaluating the SPD aspect of the Act. For example, national indicators as set out under the WFG Act could be used to measure progress against the Act's anticipated nation-level outcomes. Key stakeholders, such as the Auditor General for Wales and the Future Generations Commissioner for Wales, were identified as having a role in collecting, reporting and disseminating information on what is happening inside public bodies. Staff surveys were described as a tool for collecting data from within Welsh Government, and reference was made to there being other internal assurance mechanisms within organisations which could be used as data sources for exploring progress against the Act's intended well-being outcomes.

Partnership Working and Reporting Requirements

6.7   Participants discussed how a way in which the Act's success could be observed was if partnership working at the organisational, local, and regional levels was embedded. For participants, this would be demonstrated through mutual respect between parties, including on what they each contribute towards addressing the Act's provisions.

6.8   At the local and organisational levels, participants thought progress against the Act's anticipated outcomes could be measured using the formal reporting requirements for those public bodies in-scope of the Act. For example, public bodies will be required to produce and publish reports on the operation of the SPD, setting out how they worked with their staff to discharge the duty. This report must be agreed with by trade unions or other staff representatives.

6.9   The procurement duties also have reporting requirements attached. According to participants, another indicator of success would be more reports being agreed between employers and trade unions over time.

6.10   It was also discussed within the workshop how some of the Act's anticipated benefits may mitigate or prevent negative outcomes from occurring. Participants however felt this may be difficult to capture in an evaluation.

7. Socially Responsible Public Procurement Logic Model

7.1 The procurement workshop was cancelled due to the low response rate to the workshop invite. The logic model at Figure 5 is based on data collected through discussions with Welsh Government procurement reform policy leads only; it has not been tested and refined with internal external stakeholders.

Figure 5: Procurement Logic Model

Context

Current Situation and Needs

C1: Despite existing procurement guidance, unfair practices persist for employees of contractors in Wales' supply chains. This can contribute towards persistent in-work poverty, the gender pay gap, and the use of Zero Hours contracts, which are widely and often unfairly used. These issues have a negative effect on employee wellbeing.

C2: Throughout the procurement process, opportunities are missed in addressing environmental concerns and developing local economies.

C3: Current implementation of socially responsible procurement practices is patchy. There is a need to embed socially responsible procurement practices throughout supply chains in Wales.

C4: Existing guidance on socially responsible procurement (e.g., procurement advice notes and organisation-level policies) do not currently have central co-ordination or statutory underpinning to enable the regulations to be applied consistently and fairly across all public bodies.

C5: The quality of contract management across different sectors and organisations is patchy. Prescriptive regulations and processes are required to address inconsistent practices and establish clear roles and responsibilities for contract managers.

Legislation

C6: Approaches towards socially responsible procurement need to interact, align and integrate with relevant legislation, regulations and policy (including, but not limited to, the WFG Act, the Environment Act, the Equality Act and public sector equality duties, the Socio-economic Duty, healthcare procurement, and public contract regulations); existing guidance, including procurement advice notes; and upcoming legislation (e.g., the UK Procurement Bill).

Needs

C7: Existing procurement policies need streamlining to avoid duplication and ensure coherence.

C8: There is insufficient capacity and resource to implement socially responsible procurement practices across all sectors.

C9: The challenging overarching economic context (e.g., inflation rises, 'cost of living crisis') emphasises the need for government to show it is making the best use of public money.

Inputs

What resources are required?

IN1: Statutory underpinning to address the need to take account of social, economic, environmental, and cultural wellbeing when carrying out procurements.

IN2: Public Bodies required to implement the measures of the duty.

SPC

IN3: The formation of a Procurement Sub-group, as a function of the SPC. (funding and resource tbc)

Accountability

IN4: A transparent function for addressing complaints (which is not within the Act itself and aligns with changes emerging from wider procurement reforms) aimed at modernising and unifying systems (i.e., bottom-up compliance).

Welsh Ministers

IN5: Time and commitment to discharge investigatory powers and address advice from the Procurement Sub-group.

Welsh Government Officials

IN6: Co-ordination with officials, including those involved in equality, diversity, and inclusion; environment and climate change; inclusive growth and strengthening Wales' economy, including local economies; Fair Work and workers' rights; and the promotion of the Welsh language. Alignment with Welsh Government priorities.

IN7: Reviewing exception notifications before consideration by the Procurement Sub-group of the SPC.

Procurement specialists / contract managers

IN8: Capacity and capability to enable implementation of procurement contract management duties.

Activities

What is being done with the inputs?

A1: Alignment of procurement policy and strategy with the Act; and in response to the statutory guidance, requirements such as the Code of Practice for Ethical Employment in Supply Chains updated and embedded within public procurement priorities and contract management.

SPC - Sub-group

A2: Where required to do so, a review of annual reports and exception reports.

A3: Review summaries of the outcomes of complaints process (which is not within the Bill itself) and feedback services (i.e., bottom-up compliance).

Contract Management Duty

A4: Contract management duty for a relevant body to inform Welsh Ministers, in advance, whenever it does not intend to include socially responsible contract clauses in major contracts

A5: Changes to the Social Public Workforce Clauses (Two Tier Code of Practice) to include a requirement to send Exception Notifications.

Ministerial Activity

A6: Responding to advice from the SPC, and? review of annual reports and exception reports.

Other Activities

A7: Developing and implementing guidance and support for contracting authorities.

A8: Developing and implementing ongoing awareness and training sessions for suppliers to support implementation of the statutory duty.

Outputs

What is being produced by the activities?

OP1: The updated guidance, including mandatory requirements, embedded within supply chains.

OP2: Annual reports from Public Bodies on their procurement activity and delivery of procurement strategy, including data to evidence alignment with the WFG Act's wellbeing goals.

SPC - Sub-group

OP3: Advice to Ministers, exception reports, and feedback service reports.

OP4: Investigation reports into non-compliance published and discussed with the SPC.

Contract Management Duty

OP5: Construction contracts incorporate clauses that deliver socially responsible outcomes and monitor and manage these through supply chains.

OP6: Exception Notification issued to Welsh Ministers if the body does not intend to apply the contract clauses.

OP7: A revised Two-Tier Code with a new reporting mechanisms.

Short-term outcomes

What are the Short-term results of the outputs?

SO1: Collecting new evidence and addressing evidence gaps to monitor & measure progress.

SO2: Public bodies and contractors include socially responsible outcomes in all their procurement and can demonstrate these, for larger procurement and construction projects. Greater focus is placed on these outcomes.

SO3: Increased transparency, consistency and clearer procurement process for suppliers, making it easier for them to compete, with contractual standards being enforced through contract management.

SPC - Sub-group

SO4: Annual overview of socially responsible procurement compliance within each public body.

SO5: Identification of poorer performance and advice given to Public Bodies / suppliers to improve.

Contract Management Duty

SO6: Greater focus on socially responsible procurement in outsourcing contracts entered by public bodies and for construction-related procurement.

Medium-term outcomes

What are the Medium-term results of the outputs?

MO1: Wider adoption of policies, by public bodies covered under the Bill, and by other sectors.

MO2: More organisations involved in procurement embedding fair work principles and practices (e.g., employees paid above the Real Living age, fairer use of ZHCs by suppliers to public sector).

MO3: Improvements in contract management across Public Bodies and suppliers.

MO4: Synthesis of organisation-level reporting to determine overall compliance of public bodies and trends over time. Advice and levers applied to encourage compliance.

MO5: Targeted advice and support provided to public bodies to address any areas of weakness and are advised on how to address barriers to implementing Socially Responsible Procurement clauses.

MO6: More local jobs and training opportunities, prompt payment, reduced risk of labour exploitation, and improved environmental outcomes on construction sites.

MO7: Current barriers to delivering socially responsible outcomes are exposed and addressed.

Long-term outcomes

What are the Long-term results of the outputs?

LO1: Procurement supports economic growth in Wales and improves the extent to which economic benefits are retained in Wales.

LO2: Improved public services, better serving end users whilst ensuring long-term sustainability.

LO3: Improved social, economic, environmental, and cultural wellbeing of locality and more focus on ethical supply chains elsewhere.

LO4: Wider integration of Fair Work practices across Welsh organisations, businesses and institutions.

8. Future Monitoring and Evaluation of the Act

8.1 This section draws on information from the ToC to address a key research objective; developing suggestions for a robust monitoring and evaluation framework to measure the Act's progress. Some key actions for supporting monitoring and evaluation preparations are outlined, potential future evaluation objectives are identified, and an assessment on ways in which these objectives could be met credibly in line with UK Government guidance (Magenta Book, HM Treasury 2011) is provided. Data collection requirements and potential data sources to help address future evaluation objectives are also discussed. Overall, the section proposes an outline monitoring and evaluation strategy for further refinement during future research.

8.2 In the Explanatory Memorandum, baseline, process, and impact evaluation requirements are identified as key stages for the post-implementation review of the Act. Suggested activities for each stage of the proposed framework are outlined below. This research does not provide a detailed description of the methodological requirements. This was beyond the scope of the ToC presented in this report. As an impact planning tool, the ToC aids in the identification of what to measure to understand whether the Act's anticipated or desired changes are happening, how and for whom. However, evaluation feasibility and research requirements should be explored fully as part of specifying and awarding any future research.

8.3 With the range of future evaluation requirements suggested, it is advised the research is procured, with external contractors appointed to provide independence from government and the capacity (e.g., resource, expertise) required to undertake the work within the constraints of time and cost.

8.4 In terms of evaluation timings, accordance with the Act's provisions, "the Welsh Ministers will lay before the Senedd a report on the operation and effect of the [Act] at the end of a five-year period" (WG 2023a, pg.119). The Explanatory Memorandum also proposed a mid-term evaluation. With the Act in place since late May 2023, the mid-term evaluation should take place in the first 2 to 3 years of the

Act becoming law, with the report specified published and presented to the Senedd by May 2028.

Stage One: Evaluability Assessment and Baseline Study

Evaluability Assessment

8.5   As a recognised and tested systematic approach to developing evaluation projects,[17] an evaluability assessment (EA) could be undertaken as an early step in scoping, planning and conducting the post-implementation review. The overarching aim of an EA is to inform evaluation decisions, providing an assessment of the extent to which an intervention (i.e., the Act) can be evaluated reliably and credibly; it is not to measure or determine the effectiveness of the intervention being considered. High-level objectives of an EA are to identify whether an evaluation should be undertaken, and if so, what research questions can and should be addressed, and how should the research be designed.

8.6   Developing a ToC is a key component of an evaluability assessment, so in this regard, the information presented in this report (including this section) represents a key element of any future EA. The EA approach outlined here aims to consolidate finding to date within a systematic methodological approach to support robust evidence-based decision-making. Whist there is a legal provision to undertake research activity under the post-implementation review and resources have been identified to support evaluation requirements, there is still uncertainty. Uncertainties include the feasibility of certain evaluation components, the usefulness and quality of existing data sources and monitoring and data gaps, and what methods would work best to address future research objectives.

8.7   The specific methods used in evaluation assessments vary, but in addition to developing a ToC, the core components of an EA are:

- from the outset, systematic engagement with stakeholders. This helps ensure findings about what form a future evaluation should take reflect priorities, are

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[17] See, for example, the Welsh Government's Scoping Study for the Evaluation of the Curriculum and Assessment Reforms Wales (WG 2022); Health Weight Wales Strategy: Evaluability Assessment (WG 2022). [Accessed 7th of July 2023].

jointly-owned, and account for the practical and methodological constraints on research design.

- The further development, testing and refinement of an agreed ToC. For the Act, this should include addressing a key limitation of this research and testing and refining the internally produced public procurement logic model with external stakeholders. For the social partnership and public procurement duties, fair work and the SPC, this research has produced a set of agreed outcomes, enabling discussions with external stakeholders around evaluating the Act.

- The identification and review of existing literature and data sources, to comprehensively understand the evidence base and potential issues (e.g., data access). A key objective of the review would be to determine how sources, such as administrative data and annual reporting functions for example, could be used by evaluators to measure the Act. As a very new intervention with a range of provisions across various principles (social partnerships, fair work, socially responsible public procurement; and the role of the SPC), a key issue with measuring the success of the Act may be which of a variety of monitoring and evaluation options to focus on moving forwards.

- As a final output, a clear set of recommendations should be produced, based on the intended outcomes and longer-term impacts of the Act identified through the ToC component, for or against particular monitoring and evaluation approaches.

Baseline Study

8.8 Findings resulting from an EA should feed into the baseline study, which should be undertaken as soon as possible following the EA, as part of the same suite of work The aim of a baseline study would be to measure the situation at the start of the Act, to help confirm data requirements for the evaluation and take 'before' measures of appropriate metrics by which trends can be measured and impact estimated at a later stage.

8.9   Data should be collected as close as possible to the Act's implementation date to provide a reliable historical reference point and sufficient time lag between measurements of the Act's progress.[18]

8.10   The baseline data will be a measurement of the actual conditions at the start of the Act's implementation; the ToC provides the benchmark. Benchmark and baseline information can be used to help set a specific indicator target. The information from the baseline and the benchmark can also be used to compare with and assess indicator performance. The benchmark however, as set out in the ToC in this instance, is the desired outcome.

8.11   It is recommended a baseline study be undertaken to ensure data collection protocols are set up and impact can be more accurately measured over the initial years of the Act. The objectives of the study would overlap with the EA as both will help inform decision-making (for example, providing a reference point to measure progress and adjust the implementation of the Act's provisions if required); assess measurability of the selected indicators; and inform the later impact evaluation stage of the research, as the point from which to compare and measure the Act's success. The following activities are advised, which either support or can be undertaken as part of an EA:

- Identify what is to be measured. This will include making decisions on what is necessary and sufficient to measure, within the constraints of the post-implementation review an available resource. Decisions will be required on the appropriate data sources and methods for the baseline indicators. The established EA and baseline study processes account for identifying a mix of qualitative and quantitative indicators; secondary and primary data; the triangulation of sources; examining the views of a range of stakeholders; and sampling requirements (for both qualitative and quantitative analysis), avoiding research burden for participants and the duplication of efforts (e.g., with the SPC

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[18] It can be possible to approximate or reconstruct baseline conditions after the prior or early stages of an intervention using a variety of methods. The Better Evaluation guidance on Baseline Basics provides further information [accessed 14th June 2023].

reporting requirements); and data disaggregation by appropriate characteristics of interest[19].

- A review and update of the data sources listed at Annex B (and discussed later in this section) to establish their suitability for as metrics for demonstrating impact to evidence the outcomes identified in the ToC. The review should include appropriate caveats, such as on attribution for example.[20]

- In addition to confirming which data metrics will be used to evidence impact, the approach to data collection and collation should also be established. This would include confirming the frequency and mode of reporting. Arrangements should align with annual reporting by the SPC and Welsh Ministers as far as possible, to reduce duplication.

- The EA can identify outcomes which could be evaluated to demonstrate effectiveness. For some of the outcomes identified in the ToC, qualitative measures will be more appropriate. An assessment on the appropriate qualitative methods and data collection approaches would be explored as part of EA, but options could include in-depth interviews, case studies and/or deliberative methods. A research exercise with the private and third sectors could be undertaken, for example, to capture a baseline understanding of the Act's principles within these sectors. This could help capture information on social partnerships for example, on associated constructs such as building relationships and implementing culture change which are not easily quantifiable.

- The overall approach and timings of the process and impact evaluation requirements should be confirmed.

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[19] The Government Social Research Profession's A Guide to Inclusive Research Practices (GSR 2023) includes guidance on understanding and representing a diverse range of experiences from different groups [accessed 14th June 2023].

[20] As described in the Tavistock Institute's Guidance for Transport Impact Evaluations: Choosing and an Evaluation Approach to Achieve Better Attribution: "Approaches to evaluation design should be determined by the purpose of the evaluation as well as the nature of, and circumstances around, the specific intervention. However, it is important that the evidence produced by an impact evaluation demonstrates, as far as possible, that the observed findings have been caused by the intervention. This is known as attribution" (2010, pg. 9).

8.12   Published outputs from Stage One could include an EA report and baseline study report, published together.

8.13   The suggested approach for Stages Two and Three over the following paragraphs should be reviewed and revised based on Stage One findings.

Stage Two: Process Evaluation

8.14   For the mid-term evaluation referenced in the Explanatory Memorandum, a process evaluation is proposed. Process evaluations aim to explain how complex interventions work (or do not work). Undertaking a process evaluation would enable a detailed understanding of how the Act and its multiple interacting components are operating to produce the shorter-term outcomes identified in the ToC (Magenta Book 2020, p.15).[21]

8.15   The process evaluation should be undertaken during year 2 or 3 year (2025/2026) post-implementation.

8.16   Key objectives for a process evaluation could include an examination of:

- The Act's delivery and implementation. This will be particularly important when measuring outcomes which relate to behavioural and cultural change around the SPD, for example, and in assessing the SPCs effectiveness.

- The ToC of the Act, to review, for example, whether activities have been implemented as anticipated and the causal mechanisms and assumptions on how change is produced. The underlying theory of how the Act's expected to work outlined in this report and the proposed Stage One findings provides a structure for the process evaluation design, data collection and analysis.

- How the Act is affecting those parties, organisations and sectors who fall under its remit, including their response to the Act and its provisions and how this influences the achievement of outcomes.

- The impact of context on how the Act is working for each of its principles.

- The relationship between the different principles and provisions of the Act.

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[21] For more information, see for example the UK Government's Process evaluation: evaluation in health and wellbeing guidance and the Magenta Book [accessed 14th June 2023].

8.17   Undertaking a mid-term process evaluation can uncover how change is being implemented, what is working effectively and where adjustments may be required to the underlying ToC or to the intervention itself.

8.18   Based on the range of outcomes listed in the ToC, mixed-method approach which integrates different types of data should be implemented, with quantitative and qualitative analyses building upon one other. For example, qualitative methods can be used to explore processes in more depth (e.g., stakeholder perceptions; the interactions between the intervention and context; unanticipated or complex causal pathways; to generate new theory); quantitative methods can be used to measure key process variables and provide descriptive quantitative information (e.g., on the Act's reach), integrate quantitative process data into outcomes datasets, or test theories generated by qualitative data.

8.19   Stage Three: Impact Evaluation

8.20   To address the overall reporting requirements and present information on both the Act's process and impact to the Senedd by May 2028, an impact evaluation is proposed as the final stage of the evaluation strategy. In an impact evaluation, the observed changes (i.e., the impacts) are examined to understand the role of a particular intervention (i.e., the Act) in producing these changes.[22]

8.21   An impact evaluation can be undertaken to help demonstrate the extent of the effectiveness of the Act and determine if, and how well, its various provisions have worked in practice to create change.

8.22   A theory-based approach to impact evaluation, based on the underlying ToC, would be adopted. Here, the approach towards measuring causal attribution would be dependent on testing the validity of the assumptions underlying the causal pathways of the ToC. The ToC will enable future evaluators to explore the mechanisms and contexts which generate different outcomes.

8.23   The impact evaluation should constitute the final evaluation of effectiveness and update the mid-term process evaluation. It will make conclusions about the overall

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[22] An impact evaluation must establish the cause of the observed changes. Identifying the cause is known as 'causal attribution' or 'causal inference'. See Better Evaluation's Impact Evaluation guidance for more information [accessed 12th June 2023].

impact of the Act, taking into account external factors acting on the outcomes and the degree of attribution which the Act has relative to other activity.

8.24   The impact evaluation should be undertaken during year 4 post-implementation (2027) to ensure the analysis is completed to deadline and a report is finalised by year five.

8.25   Key objectives for an impact evaluation could include an examination of:

- An update of the process evaluation undertaken at years 2-3, evaluating whether action taken on the recommendations of the mid-term review have been acted upon, and what the impact of those changes have been.
- A review of data availability, including administrative data, annual reporting from the SPC (including the Procurement Panel) and from other sources to determine the most up to date information that can evidence the outcomes.
- The use of primary research methods, both quantitative and qualitative, to gain additional insight through the collection of primary data which secondary data sources (e.g., administrative data, project management information) cannot evidence.
- The impact evaluation should also undertake primary qualitative research to evaluate the outcomes relating to behaviour change, particularly around the cultivation of social partnership principles in bipartite and tripartite relationships.
- You may also want to include recommendations to improve effectiveness in the future, given that this will probably be the last evaluation of the Act.

Data Monitoring

8.26   To accompany the logic models, an exercise was also undertaken to match the confirmed long-term outcomes of each component of the Bill with indicators and data sources to evidence the outcomes. These should be explored in more detail during the EA, to establish their suitability and potential for monitoring and measuring change from the Baseline Study onwards within the overall evaluation strategy. The data sources identified are listed at Annex B.

8.27   The types of data sources presented in Annex B include open data via government statistical sources (e.g., Labour Force Survey and associated data tables),

administrative data sources, and trend information (e.g., [WFG Act Future Trends reporting](#)). These sources are managed by a variety of organisations, including Welsh Government, and many are badged as official statistics, meaning they are fully compliant with the [Code of Practice for Statistics](#). For many of the quantitative data sources identified, regular data, reports and/or statistical bulletins are published.

8.28   Future evaluation work will need to explore existing relevant sources more fully to examine the extent to which they can address monitoring and evaluation requirements, including any scope for boosting and linking data. Data linking for example can lead to efficiencies, avoiding repeat data collection across multiple studies, and could also offer additional insight into the factors which support outcomes. The EA would examine the feasibility of testing the ToC empirically using existing sources of secondary data and identify what 'new' research needs commissioning. The objectives of the EA would include a consideration of how collection processes for existing sources such as those listed at Annex B could be potentially used or amended to gather data aligned with the ToC pathways.

8.29   The data sources identified at Annex B relate to the principles of Act and individual provisions. Further work is also required to identify the extent to which existing sources can be used to explore the connections between the principles.

8.30   There may also be opportunities to use linked data sets; boost existing tools; conduct evidence reviews of published research on the principles listed in the Act; and draw from best evaluation practice elsewhere (e.g., countries which already have legislation on social partnership).

8.31   When established in early 2024, the SPC will provide information and advice to Ministers on issues and duties dealt with in other parts of the Act, including the SPD, the pursuit of the "A prosperous Wales" well-being goal by public bodies and socially responsible public procurement. Public bodies named in the WFG Act must produce an annual report to evidence how they have complied with the SPD, which must be submitted to the SPC for scrutiny. The SPD will commence on 1 April 2024, with public bodies required to submit their first annual report by 31 March 2025.

9. Conclusions and Recommendations

Conclusions

9.1 This section provides a summary of the key conclusions of the workshops and the main risks common to all main components of the Act that were identified by stakeholders. It then makes a set of recommendations to policy around the monitoring and evaluation of the Act.

Social Partnership Duty

9.2 Workshop participants generally agreed with the outcomes presented. It was suggested outcomes reducing inequalities within societies and workplaces could be considered an additional mutual gain. 'Meaningful and continuous engagement' could be further clarified around who the engagement is expected to be between and how they would be involved. Collective engagement from all stakeholders should be ensured. An additional outcome suggested was to achieve seamless integration with the WFG Act.

9.3 To achieve the discussed outcomes, stakeholders suggested there may need to be more increased participation of the workforce in decisions that affect them, and more engagement from employers and government. Statutory guidance could help make explicit to organisations the changes expected from them, and a base level framework could be developed for future reporting. Education and training could help employers and workers learn the principles of social partnership and how to work towards it.

9.4 Stakeholders identified risks including a lack of understanding of the WFG Act amongst employers and workers, the broader political climate (e.g., inflation, cost of living, and strikes) impeding engagement between stakeholders, devolved powers limiting how successfully the Act could be carried through, token engagement from stakeholders, resource and time pressures, and the potential for unequal influence between partners.

Social Partnership Council

9.5 There was broad agreement with the outcomes presented. However, there was concern that the outcomes were too 'high-level'. Stakeholders suggested that the

Act should more clearly delineate the tasks different groups are responsible for at the national, regional, and local levels across Wales. It was also thought that there needs to be a clearer distinction between the SPC and the SPD, as outcomes overlapped. Including 'lower-level' outcomes could help clarify the goals of the SPC, including values and expectations of the various stakeholders. It could also be made more explicit as to how the SPC is expected to lead to improved understanding between stakeholders.

9.6   Suggested activities and outputs included time and resource commitments to support the structures and interacting between social partners, education and training for all partners to learn about the legislation and the role of the SPC, and guidance to make the operation and outcomes of the SPC achievable.

9.7   Discussion of risks in delivering the stated outcomes centred on ensuring quality of advice from the SPC, losing the benefits of adversarial conversations, not having sufficient resources within Welsh Government, and a potential lack of understanding of the legislation.

Fair Work

9.8   Stakeholders generally agreed with presented outcomes, although it was suggested that the Anti-racist Wales Action Plan could be embedded into the Act to improve accountability and improve reporting. Participants also suggested that greater integration with the WFG Act could be considered another outcome, and that people affected by the legislation have a direct voice in whether they think outcomes have been achieved.

9.9   Suggested activities and outputs included sharing best practice between different sectors and organisations, organisations developing a greater understanding of their own workforces (which could be facilitated by analytical support from Welsh Government), and education around Fair Work.

9.10   Identified risks included how what is considered 'fair' may be affected by broader economic conditions, businesses may find it difficult to balance the Act with existing legislation (e.g., sustainability and Net Zero goals), token engagement from

stakeholders, and extra costs for businesses due to increased workload and time commitments from the Act.

Recommendations

9.11   As a conclusion to the ToC research, the following is recommended for further consideration as part of developing and evaluation framework for the Act's five-year post-implementation review:

1. The overall approach to the evaluation should be agreed by Welsh Government officials when reasonably possible after the Act's implementation. This will allow sufficient time for the procurement of the first stage of the evaluation. Funding for each stage of the evaluation and in which financial year it will be required should also be confirmed.

2. External evaluators should be appointed, as soon as possible now the Act is in force, to undertake an EA and a baseline study. External evaluators should have both the required capacity and sufficient perceived impartiality to evaluate the Act. Timely completion of the EA and baseline study would support the implementation of appropriate monitoring and evaluation process, including the collection of early implementation data. This would allow evidence of progress to be measured over the course of the five-year post-implementation review period. Undertaking an EA and baseline study would support the identification, development and use of data sources which could be used to evidence impact.

3. The three-stage evaluation approach outlined in Section 8 is recommended. This will allow a robust approach to evaluation, taking into account a post-implementation review and assessment of impact at the end of the five-year implementation period. Evaluation of the softer outcomes of the Act will also be possible using qualitative methods, such as interviews or case studies, as part of the overall approach to assessing impact.

4. The logic models produced as part of the ToC should be revisited regularly as the Act develops. As a minimum, it is advised the logic models are reviewed and amended at the mid-term evaluation stage, to understand how the delivery of policy under the Act is evolving, and to support the usefulness of the logic models when assessing the process and impact of the Act.

5. The logic model for the socially responsible public procurement element of the ToC should be revisited as part of the EA and baseline study. The limited engagement from external partners on this provision of the Act within this research study needs to be addressed at an early stage within the post-implementation review. This is to ensure relevant perspectives feed into the public procurement duty element of the ToC when it is revisited, similarly to how the other provisions have been consulted on during this research study.

6. The post-implementation review should, where possible, reduce burden and avoid duplication when it comes to data collection. A collaborative and systematic approach to data collection should be developed. The post-implementation review should use established reporting cycles (e.g., via the SPC) as much as possible. The EA and baseline study should set out these reporting processes alongside considerations on how the data can be best shared with evaluators.

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Annex A: Topic Guide for the Stakeholder Workshop

Section	Questions / Issues to cover
1. Introduction (5-10 mins)	- Welcome - Introductions - We are internal social researchers working independently with policy in government - We have been working to provide support to the Social Partnership and Fair Work directorate to develop an evaluation framework for the implementation of the Social Partnership and Public Procurement (Wales) Bill. - We are therefore helping the Bill Team to construct a theory of change for the Bill. - What is a ToC? – an approach used by researchers to (i) fully understand the intervention i.e., the Bill; (ii) the outcomes of the Bill, and (iii) to produce an evaluation framework through which effectiveness of the Bill can be measured. - Purpose of the session: to provide views on the outcomes of the Bill as provided in the slides circulated before the session, and how we might achieve those outcomes. - When we refer to an outcome, we mean any beneficial result of an intervention based on the resources and activities that go into it. These can be measured as short, medium or longer term. - We will also spend time discussing the risks to delivery of these outcomes, and data required to evidence delivery of outcomes. - House rules on Teams – - mics off if not speaking, - use of hands up to comment, - happy to discuss additional comments following the session, can we keep chat comments to a minimum in the chat bar. - The session will be recorded on Teams for analytical purposes - TURN ON RECORD

	• Outline of key sections of the session-
	
	    o 45 mins – OUTCOMES
	    o 15 mins – RISKS
	    o 20 mins - DATA
	
	• We understand the timings for each section are tight. We will have to be strict with timings to ensure we cover all material. We welcome additional comments and feedback following the session via email.
	
	• Introductions – facilitators and participants

2. Outcomes (45 mins)	SHARE SLIDES
	• Outline key aspects of Fair Work / Social Partnership / Socially Responsible Procurement from the slide pack
	• We have also included some outcomes associated with each aspect of FW/SPD/SPC as a starting point for discussion.
	
	SHARE WHITEBOARD
	o Do you think these long-term outcomes are the right ones for fair work / social partnership / socially responsible procurement?
	
	o Do you think the outcomes are too ambitious / not ambitious enough?
	
	o What do you think about the wording of [each outcome]?
	
	o Are they the right terms to be using?
	
	o What alternative concepts / definitions would you use?
	
	o Are there any outcomes missing? What are they?
	
	o Of those outcomes discussed, what needs to happen along the way to enable us to achieve them?
	
	    - What resources do we need?
	    - What are the steps we need to take to get to these ultimate outcomes?

3. Risks and unforeseen outcomes (15 mins)	Thinking about the outcomes we have discussed so far, we would now like to move on to talk about how achievable the outcomes are, and whether there are any risks or unintended consequences associated with these outcomes.

	o What do you consider the most critical resource issues for delivering these outcomes?
	o What other challenges and risks can you see in delivering these outcomes?
	o What would need to change to minimise or remove these risks and by whom?
	o Are there any unintended consequences of the policy on outcomes?
	o What in your view are these consequences? Are they positive or negative and how will they effect the delivery of the intended outcomes?
4. Outcomes and data monitoring (20 mins)	This section will discuss how data can be used to evidence outputs and outcomes. o What data monitoring indicators could be used to measure the outputs in the logic model? o Where could we source the data? Would there be any difficulties accessing these data? o How best can the data be reported and collated? o Are there any data that would not be available currently? o To support the availability of these data, what would we need to consider?
5. Summing up (5-10 mins)	• Thanks all for attendance and contributions. • Content of the discussion will be used to develop a new ToC for social partnership. This will be published in a full report, alongside suggestions around data monitoring and options for a full evaluation of the Bill during and post-implementation. This will be published on the Welsh Government website. • Questions?

Annex B

Table B.1: Fair Work Data Monitoring

Outcome	Indicator	Data Source
Positive trends against the FW outcome measures	-	Achieved through ongoing monitoring from administrative data, annual reporting and bespoke evaluation approaches.
An engaged and informed workforce	Membership of TUs: Totals and % of workforce	Labour Force Survey (LFS) / Annual Population Survey (APS)[23]
	How good / poor managers are at involving employees and reps in decision making	LFS / APS Can also be explored using a case study approach in the evaluation to explore the implementation of social partnership arrangements to achieve shared goals
	Employee awareness of rights	Employee Rights & Experiences Survey[24] Evaluation of the Know Your Rights Campaign in Wales as part of overall evaluation.

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[23] The LFS and APS are currently being transitioned to the TLFS, this is due for publication from spring 2024. The full extent of the changes are not yet known; however, it is expected that several questions could be removed and added, which may impact the ability to measure some of the indicators.

[24] At the time of publishing this report, it is not clear if the data from the Employee Rights and Experiences Survey is published online, and there is limited information online regarding the survey itself. However, the survey is included here as a source to explore further during the post-implementation review period.

	% employees with pay set by collective bargaining	ASHE
Greater gender equality in working arrangements; stigma and discrimination is removed from the workplace	Equalities pay gaps – gender, ethnicity, disability	ASHE, LFS/APS
	Equalities employment rates (gender, ethnicity, disability)	LFS / APS
	% employers with equal opportunities policy	Employer Skills Survey
Improved mental health and reduced sickness levels; stigma and discrimination is removed from the workplace	Rate of / number of workplace related injuries	RIDDOR / LFS
	Mental health / wellbeing of employees	Drawn from sectoral workforce surveys, although attribution of change over time to the implementation of the Bill will be challenging. Methodologies of surveys will also vary. This could potentially be measured at the organisation level by evaluators using bespoke approaches, including surveys.
Increased amount of high-quality jobs	% employees earning at least the Real Living Wage	Annual Survey of Hours and Earnings (ASHE)/APSI[25]

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[25] APS has been added here. WG publish data on the percentage of people earning over the real living wage who are on permanent contracts and not seeking permanent employment (Percentage of people in employment, who are on permanent contracts (or on temporary contracts, and not

	'My job offers good opportunities for career progression' self-report statement	LFS / APS Qualitative methods can also be used to explore this issue and wider issues of development and opportunities in the workplace, in more depth in the evaluation.
	% workforce trained	Employer Skills Survey
	Training days per person	Employer Skills Survey
	% employers offering flexible working (biennial)	Employer Skills Survey
	% underemployment (employees want more hours)	LFS / APS
	% employees whose employers support Welsh Language	National Survey / Welsh Language Use surveys
Benefits for self-employed: able to pay	Median weekly earnings (by region: Wales)	Family Resources Survey/ASHE[26]

seeking permanent employment) and who earn at least the real Living Wage (gov.wales)). This breakdown is not available via ASHE.

[26] ASHE is for employees, not the self-employed.

themselves fair wage, personal assets that are leveraged against the business are better protected		
Fair Work objectives are clearly defined, prioritised by public bodies and more widely in Wales. There is widespread buy-in to achieve Fair Work objectives as a result of the duty on Welsh Ministers	Public Bodies have policy on how they will achieve Fair Work / defining their Fair Work objectives.	Public bodies self-reporting – via survey or qualitative data as part of an evaluation.
	Public Bodies' engagement with the SPC; co-operation in the reporting process and actions taken based on SPC advice	Public bodies self-reporting – via survey or qualitative data as part of an evaluation.
Improvements in social partnership outcome measures	-	Will draw upon measures indicated in the social partnership table (see above)
SPC has a long-term and established influence on government priorities on Fair Work and Social Partnership	Public Bodies' engagement with the SPC; co-operation in the reporting process and actions taken based on SPC advice.	Public bodies self-reporting – via survey or qualitative data as part of an evaluation. Mandatory annual reporting from public bodies.
Long term governance: continuous dialogue and action on progress towards Social Partnership and Fair Work outcomes	Nature and quality of engagement between SPC, Welsh Ministers, Public Bodies, contractors and any other parties in improving social partnership arrangements	Drawing upon annual reporting data and qualitative methods as part of an evaluation, including qualitative

	and in achieving Fair Work objectives.	interviews and case studies.
Benefits for employers; improvements in Health & Safety data, fewer days lost to illness; fewer days lost to stress; increased productivity; increase profit, reduced costs associated with staff turnover	Rate of / number of workplace related injuries	RIDDOR / LFS
	Days lost to physical ill health	LFS The UK Working Lives Survey
	Days lost to mental ill health	The UK Working Lives Survey/LFS[27]
	Productivity measures in businesses (GVA)	ONS (regional and sub-regional breakdowns)
	Staff turnover (%) and staff turnover costs (£)	Sector-specific data is produced by respective representative bodies, data collection approaches and quality may vary.
Workers doing the same job are paid the same/similarly regardless of which sector they work in	Pay equalisation measures	
All workers in all sectors across Wales receive fair pay and/or reward from their employer	Non-compliance with NMW	Low pay (using ASHE/LFS)

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[27] ONS output on sickness absence in the UK labour market also includes some breakdowns for mental health, with the data from LFS.

	% employees earning at least the RLW	ASHE /APS[28]
	Equalities pay gaps – gender, ethnicity, disability	ASHE, LFS/APS
	Workplace pensions o % jobs with employer contributions at least equal to employee contributions	ASHE
Rates of non-compliance reduce	Non-compliance on the following metrics could be monitored:[29] o Equalities pay gaps o Equalities employment rates o % of appropriate ZHCs o National Minimum Wage	ASHE LFS APS
Increased level playing field re: relationships with employers	Improved relationships between employers and employees	Qualitative work, including case studies, to understand if and how increased compliance and social partnership arrangements leads to

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[28] As above, could include APS as well depending on whether the published StatsWales dataset is useful.
Percentage of people in employment, who are on permanent contracts (or on temporary contracts, and not seeking permanent employment) and who earn at least the real Living Wage (gov.wales)
[29] Issues to explore during the post-implementation review period include a consideration of what the rates of non-compliance will be based on (e.g., population, businesses etc.). The data sources listed are appropriate to use if non-compliance is based on population, but will not be useful from a business perspective, with the latter requiring further consideration on if and how this could be measured.

	- Consistency in compliance with fair work principles	improved relationship and dispute resolution.

Table B.2: Social Partnership Data Monitoring

Outcome	Indicator	Data Source
Improvement in public service delivery & social, economic, cultural and environmental wellbeing in line with Wellbeing for Future Generations Act	WFG Indicators	WFG Commissioner Report / Wellbeing of Wales: national indicators[30]
Progress towards achievement of Fair Work standards, good quality employment, effective policy delivery, productivity for private sector	Agreed Fair Work indicators as indicated in table 2.	Administrative data as outlined in the fair work table, annual reporting and bespoke evaluation approaches.
Tripartite structure which gives an equal voice to workers, employers and governments, ensuring the views of social partners are closely reflected	Exploring the extent to which the values of social partnership have become embedded within tripartite structures.	Quantitative measures are not appropriate for measuring these outcomes due to their subjective nature. This can be most effectively explored through qualitative research, including case studies, as part of an evaluation.
Culture change driven by collective focus (attitudes and behaviours) and involvement with partners	Defining and exploring culture change within social partnership arrangements and the extent to which the Bill has facilitated this.	
Social Partnership model operates at national, regional and local levels across Wales	Exploring the integration of social partnership principles in bipartite and tripartite relationships at	

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[30] The national indicators dashboard Wellbeing of Wales: national indicators | GOV.WALES [Accessed 2nd October 2023], could be useful here.

	national, regional and local levels.	
A system of social partnership which facilitates engagement of collective worker representation for the purpose of improving public services and to support strategic aims to improve the economic and social well-being of people in Wales .	Degree and nature of worker representation Improving public services Economic and social wellbeing measures	ONS data[31] WFG Outcomes

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[31] Issues around attribution likely to prove difficult to address.

Table B.3: Socially Responsible Public Procurement Data Monitoring

Outcome	Indicator	Source of Data
Improved conditions for the workforce that align with Fair Work goals e.g., fair pay from subcontractors, improving skills in workforce.	Number of businesses who have embedded the Code of Practice on Ethical Employment in due diligence process	Public bodies monitoring data – annual reporting
	Reduction in rate of use of inappropriate ZHCs	Public bodies monitoring data – annual reporting
	% of employees paid RLW	
	Fair pay from sub-contractors	
	% increase in adoption of the CoP on Ethical Employment across public bodies	
Support economic growth in Wales & ensure economic benefits are retained in Wales	Improved contracting processes – efficient delivery e.g., to time & budget, due diligence carried out	Public Bodies' Procurement Platform data e.g., Sell2Wales
	% of locally awarded contracts	Public Bodies' Procurement Platform data e.g., Sell2Wales TOMS Data (where available) Outcome: More opportunities for Local Businesses and MSMEs
	% of local jobs	TOMS data on procurement exercises (where available) Outcome: More people in employment
	No. of job training schemes	TOMS Data Outcome: Improved skills for people; Improved skills for a low carbon transition

	% of contracts awarded to Welsh firms complying with the CoP on Ethical Employment	Public Bodies' Procurement Platform data e.g., Sell2Wales
Improve public services to serve end users whilst ensuring long-term sustainability.	Public Bodies' record of compliance with SPC advice	Annual reporting from SPC
	No of exemption reports received Actions taken as a result of decisions on exemption reports Discuss with Sue how we measure 'long term sustainability'	
	Data on exemption report advice and decision-making	SPC monitoring
Improved economic, social and environmental wellbeing of locality and more focus on ethical supply chains elsewhere	Environmental Ethical procurement is promoted globally Innovation to support a globally responsible Wales Sustainable procurement is promoted Economic[32] More people in work Fair Work Improved skills for people Improved skills for a low carbon transition	TOMS

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[32] The could be some useful sources: Levels of highest qualification held by working age adults: 2022 | GOV.WALES [Accessed 2nd October 2023] and "Green jobs" update, current and upcoming work - Office for National Statistics (ons.gov.uk) [Accessed 2nd October 2023

	More opportunities for local businesses and MSMEs	
	Ethical procurement is promoted in Wales	
	Social	
	Social value embedded within the supply chain	
	Improving staff wellbeing	
Wider integration of Fair Work practices across Welsh organisations, businesses and institutions (CoP on Ethical Employment)	Indicators outlined in table 2 (Fair Work)	
	Compliance with the Code of Practice on Ethical Employment	Annual reporting