



Social Partnership and Public Procurement (Wales) Act 2023

2023 asc 1

PART 2

SOCIAL PARTNERSHIP AND SUSTAINABLE DEVELOPMENT

15 Overview of Part and interpretation

- (1) For the purposes of improving economic, environmental, social, and cultural well-being (including by improving public services) in Wales, this Part—
 - (a) imposes new social partnership duties as part of the well-being duty in section 3(1) of the WFGA 2015;
 - (b) amends the “A prosperous Wales” well-being goal to be pursued by public bodies when carrying out sustainable development under the WFGA 2015 so that securing fair work is part of the description of the goal.
- (2) For the purposes of this Part, “sustainable development” has the meaning given by section 2 of the WFGA 2015.
- (3) In this Part, a “public body” means a person listed as a “public body” in section 6(1) of the WFGA 2015, but for the purposes of sections 16 and 18 it does not include the Welsh Ministers.

Commencement Information

- I1** S. 15 not in force at Royal Assent, see **s. 48(1)**
I2 S. 15 in force at 1.4.2024 by **S.I. 2023/794, art. 3(a)**

Status: Point in time view as at 01/04/2024.

Changes to legislation: There are currently no known outstanding effects for the Social Partnership and Public Procurement (Wales) Act 2023, PART 2. (See end of Document for details)

16 Social partnership duty

- (1) In carrying out sustainable development, a public body must, in so far as is reasonable, seek consensus or compromise with its recognised trade unions or (where there is no recognised trade union) other representatives of its staff on—
 - (a) the well-being objectives to be set under section 3(2)(a) of the WFGA 2015;
 - (b) decisions of a strategic nature to be made about the reasonable steps the body takes (in the exercise of its functions) to meet those objectives under section 3(2)(b) of the WFGA 2015.
- (2) For the purposes of subsection (1), in order to seek consensus or compromise a public body must include its recognised trade unions or other representatives of its staff in the process of setting objectives or making decisions, by (in particular)—
 - (a) consulting them at a formative stage of the process, and
 - (b) otherwise involving them throughout the process by—
 - (i) providing sufficient information to enable them to properly consider what is proposed, and
 - (ii) providing sufficient time to enable them to adequately consider what is proposed and respond.
- (3) In considering what is reasonable under subsection (1) a public body must take into account guidance published by the Welsh Ministers.
- (4) The Welsh Ministers must consult with the SPC before publishing the guidance referred to in subsection (3).

Commencement Information

- I3** S. 16 not in force at Royal Assent, see [s. 48\(1\)](#)
I4 S. 16 in force at 1.4.2024 by [S.I. 2023/794](#), [art. 3\(b\)](#)

17 Social partnership duty: Welsh Ministers

When making decisions of a strategic nature about the reasonable steps the Welsh Ministers take (in the exercise of their functions) under section 3(2)(b) of the WFGA 2015 (to meet the objectives set under section 3(2)(a) of the WFGA 2015), the Welsh Ministers must consult with the SPC.

Commencement Information

- I5** S. 17 not in force at Royal Assent, see [s. 48\(1\)](#)
I6 S. 17 in force at 1.4.2024 by [S.I. 2024/343](#), [art. 2\(a\)](#)

18 Social partnership reports

- (1) A public body must prepare, in respect of each financial year, a report of what it has done to comply with the duty imposed under section 16.
- (2) The report must be agreed with the public body's recognised trade unions or (where there is no recognised trade union) other representatives of its staff, or contain a statement explaining why it was not agreed.

Status: Point in time view as at 01/04/2024.

Changes to legislation: There are currently no known outstanding effects for the Social Partnership and Public Procurement (Wales) Act 2023, PART 2. (See end of Document for details)

- (3) The public body must publish the report, and submit it to the SPC, as soon as reasonably practicable after the end of the financial year.

Commencement Information

- I7** S. 18 not in force at Royal Assent, see [s. 48\(1\)](#)
I8 S. 18 in force at 1.4.2024 by [S.I. 2023/794](#), [art. 3\(c\)](#)

19 Social partnership reports: Welsh Ministers

- (1) 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.
- (2) The report must be agreed with the SPC or contain a statement explaining why it was not agreed.
- (3) The Welsh Ministers must, as soon as reasonably practicable after the end of the financial year—
- (a) publish the report, and submit it to the SPC;
 - (b) lay the report before the Senedd.

Commencement Information

- I9** S. 19 not in force at Royal Assent, see [s. 48\(1\)](#)
I10 S. 19 in force at 1.4.2024 by [S.I. 2024/343](#), [art. 2\(b\)](#)

20 Fair work

In section 4 (well-being goals) of the WFGA 2015, in Table 1, in the description of the “A prosperous Wales” goal, for “decent work” substitute “fair work”.

Commencement Information

- I11** S. 20 not in force at Royal Assent, see [s. 48\(1\)](#)
I12 S. 20 in force at 1.4.2024 by [S.I. 2023/794](#), [art. 3\(d\)](#)

Status:

Point in time view as at 01/04/2024.

Changes to legislation:

There are currently no known outstanding effects for the Social Partnership and Public Procurement (Wales) Act 2023, PART 2.