WELSH GOVERNMENT SOCIAL PARTNERSHIP AGREEMENT

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1. Introduction

This Welsh Government Social Partnership Agreement is between Welsh Government Management and its three recognised trade unions: the Public and Commercial Services Union (PCS), Prospect and FDA. These trade unions are formally recognised under the Trade Union and Labour Relations Act 1992 for the purposes of collective bargaining. The purpose of this Agreement is to enable Management and TUs to work together closely on matters of common interest, and wherever possible to reach mutually acceptable solutions on decisions that affect staff.

Management's engagement with its legally recognised trade unions is the principal route for staff engagement in the organisation and this Partnership Agreement is intended to further embed partnership working within the culture and practice of the organisation at all levels. It describes the principles of partnership, and the processes and structures to deliver the principles. It outlines how the partners will work together to promote effective partnership working on the workforce implications of strategy and policy and sets out agreed working arrangements to support the effective operation of partnership working throughout the Welsh Government.

The parties to the Agreement are committed to working together to promote a positive and effective relationship and to encourage a partnership approach in all activities, in line with the values of the organisation.

2. Aims and Purpose of Social Partnership

The Welsh Government is committed to involving staff in matters affecting their jobs and working lives. It does this principally, but not exclusively, through its recognised trade unions. Social partnership refers specifically to the bilateral working between management and trade unions. The Welsh Government's trade unions are committed to supporting a fair, effective and efficient organisation to support Ministers in delivering their priorities for Wales. This agreement sets out how Welsh Government Management and trade unions will work together to define and deliver their shared objectives, ensuring that trade union members' voices are heard.

Social partnership will:

- contribute trade union and employer perspectives to the development of workforce strategy, policy and implementation.
- provide for constructive, discussion on emerging strategy and policy at a formative stage.
- promote effective communications between partners.

Social partners may not completely agree on everything, but the structures and principles provide a basis to work through issues and ensure that in the event of

disagreement, management will proceed on the basis of a clear understanding of unresolved issues.

3. Principles of Partnership Working

Whilst both sides acknowledge that decision making is ultimately the responsibility of the Welsh Government Management, management and trade unions recognise their interdependence and agree that matters affecting their respective interests shall be considered in partnership through timely consultation and negotiation. Both sides undertake to respect the Civil Service Code and to promote the organisation's values and behaviours[1]:

- **Creativity.**
- **Fairness.**
- **Partnership.**
- **Professionalism.**

Both sides agree that their objectives can best be achieved through a spirit of collaboration and co-operation, based on the following ways of working:

- **Trust and respect -** partners will endeavour to understand each other's, perspectives, priorities and the limitations of what can be delivered.
- **Shared values -** this social partnership approach will reflect shared values of co-operation, respect, trust, equal voice, and mutual gain.
- **Building lasting relationships** - within structures and protocols agreed through this agreement, wherever possible parties commit to a continuity of representatives to ensure that personal relationships can reinforce a way of working.
- **Transparency –** all parties will operate in an environment of openness, shared information and on a basis of 'no surprises', respecting confidentiality as covered in section 8.
- **Engagement, involvement and co-production -** all parties agree to focus on early engagement to help develop options and solutions to delivery and policy challenges.
- **Diversity of views** – the parties recognise that they will not always agree, that there can be differences of views between the parties to this agreement, and the three recognised trade unions represent a diverse range of interests. All parties undertake to respect differences and continue to behave with respect and integrity.

[1] As currently set out in the 2023 Values and Behaviours Framework

4. Benefits of Partnership Working

Working together based on co-operation, transparency and mutual trust is acknowledged by both sides as the best way to enable the organisation to adapt to changing circumstances and ensure the continued success of the organisation.

Effective partnership working has the potential to produce important benefits for all parties. These include:

- high standards of employment rights and practices, including fair and equitable treatment for all staff and a positive working environment;
- better decision making;
- improved mutual understanding of challenges faced and their impact on the workforce;
- a wide pool of experience and ideas to develop workforce strategy and policy;
- more effective implementation of workforce strategy and policy;
- improved workforce engagement and commitment;
- supporting a culture of continuous improvement.

5. Roles and Responsibilities

All partners are committed to partnership working at all levels in the organisation. This agreement predominantly covers the structures to support partnership working at group level and above, but reflects a shared ambition to embed social partnership principles across the whole of the organisation. Everyone has a responsibility to support this approach.

Welsh Government management is responsible for:

- Developing a culture where managers involve staff at all times, and as soon as possible, in decision making and where staff feel able to contribute and be confident that their contribution is valued.

- Developing and implementing a structure that enables Welsh Government trade unions and managers to input into the formulation of Welsh Government people strategy, policy and organisational decision making.

- Appraising and discussing in partnership with Welsh Government trade unions the financial performance of the Central Services and Administration MEG on a regular basis.

- Informing the Welsh Government trade unions at the formative stages of any proposals which affect the general welfare, terms, conditions, or working practices of staff and agreeing an appropriate approach to engagement or negotiation, including formal consultation where appropriate.

- Ensuring that all levels of management are familiar with agreements and arrangements relating to partnership working / staff involvement including the facilities time agreement.

- Encouraging staff to join a recognised trade union to widen the staff directly represented by this agreement.

- Recognising and acknowledging the trade unions' right and responsibility to represent the interests of their members and to work for improved conditions of employment for the employees covered by this agreement.

- Recognising that there will be instances where Welsh Government trade unions will need to share and consult with their members and will organise work to make this possible.

- Recognising the role that the National Officers have in supporting the work of the recognised trade unions' Welsh Government branches.

- Ensuring trade union Representatives are afforded reasonable paid time, in line with the Facilities Time agreement to undertake their duties and activities and that these are recorded and reported.

- Ensuring that the working principles which underpin the partnership process are observed.

Trade unions will be responsible for:

- Recognising and acknowledging that it is ultimately the responsibility of the Welsh Government's management to determine the most effective way of planning, organising, and managing its activities.

- Accepting that management has a responsibility to keep all employees directly informed on matters concerning the activities of the organisation, whilst committing to operate within the terms of this agreement.

- Ensuring that their representatives operate in an open and participative style and reflect the values and behaviours of the organisation.

- Ensuring that facility time and resources are used appropriately and cost effectively.

- Ensuring that where the outcome of joint working has produced agreement on both sides, implementation will be supported.

- Communicating effectively with their members to ensure that they fully represent their views.

- Agreeing to maintain confidentiality regarding sensitive issues, as set out in section 8.
- Promoting membership of a trade union
- Ensuring that representatives are elected and accredited in accordance with trade union constitutions.
- Provide appropriate training and support for representatives and members.
- Committing to working constructively with other recognised trade unions
- Ensuring that the working principles which underpin the partnership process are observed.

Managers will be responsible for:

- Ensuring that their teams undertake appropriate communication and engagement with trade union representatives on a regular basis and keeping them informed of local developments.
- Keeping trade unions abreast of staff engagement work that they are undertaking.
- Ensuring that trade union representatives have access to all relevant information to support involvement in decisions – sharing of confidential information will be governed by the relevant provisions in section 8.
- Ensuring that trade union representatives are released to support social partnership work, in line with facility time agreements.
- Encouraging staff to engage in social partnership work.
- Recognising the value of trade union work to individuals and teams and ensuring that trade union representatives are treated fairly for their trade union involvement and their careers are not prejudiced.
- Ensuring that the working principles which underpin the partnership process are observed.

6. Recognition

The Welsh Government recognises the independent trade unions identified for the purposes of collective bargaining, negotiation, consultation, and individual staff representation on behalf of the workforce.

- PCS
- Prospect
- FDA

Formal recognition of trade unions is covered by a statutory framework, governing collective bargaining and statutory consultations. There is also a statutory framework around health and safety. This agreement covers voluntary negotiation, involvement and consultation.

7. Scope of Agreement

The Welsh Government Social Partnership agreement provides the formal mechanism for voluntary consultation, negotiation and communication between the Trade Unions and Management. It aims to reach agreement between parties, but all parties recognise that there are occasions when agreement will not be possible and it is the responsibility of management to determine a way forward, building on discussions.

The agreement covers issues related to the culture, capability and capacity of the Welsh Government and specifically resultant changes to terms and conditions and HR policy. Non exhaustive example areas where the partners commit to work together are set out below.

<u>Culture</u>

Civil service reform
Behaviours and values
Welfare
Working practices
Use of digital, data and technology including AI

<u>Capability</u>

Workforce strategy
Organisational restructuring
Learning and development
Promotion policy
Estates policy

Capacity

Financial issues
Recruitment policy
Redeployment of staff

Arrangements for collective bargaining on pay settlements and statutory consultation are governed elsewhere.

8. Working and Engagement

Section 9 outlines the key structures that will take forward this Agreement. Each structure will have its own terms of reference, however in order to effectively deliver this agreement, all parties agree to an overarching approach to working in partnership.

- Early and planned engagement – trade union and management representatives will agree a forward work programme which will be subject to review at each meeting.

- Time for preparation and informal consultation – agendas will be agreed by representatives of management and trade unions and papers will be circulated to members five working days in advance of each meeting, except where meetings are called on an urgent or exceptional basis.

- Record of discussions and agreements – the secretariat will produce a note of each meeting, recording key points of discussion and actions within ten working days of meetings. Members will agree what can be shared with trade union members and what should have its circulation limited to meeting attendees.

- Consistency of attendance – effective social partnership rests on the relationship between partners. Named members are expected to attend all meetings. Deputies can attend, but this should be the exception and subject to the agreement of both sides.

- Handling disagreements – where agreement cannot be reached, any member will have the opportunity to present their argument and their dissent will be recorded. Ultimately all parties recognise the right of management to determine policy for the organisation. Where there is disagreement, all parties will continue to treat one another with respect and exhibit the organisational behaviours and values.

- Declarations of interest – members will be required when submitting proposed agenda items and at the start of each meeting to disclose any relevant interests.

- Confidentiality - there may be circumstances where some information or documents are sensitive or confidential and cannot be disclosed or distributed without prior consent or agreement. In such cases, the party providing the information or document will clearly indicate the level of confidentiality and the reasons for it. The party receiving the information or document will respect the confidentiality and ensure that it is not shared further without permission or authorisation. This applies to both verbal and written communication, and to any copies or records of the information or document.

- Appropriate engagement – this agreement does not mean that trade unions must be involved in every detail or decision. It is important to recognise that TUs have limited resources and capacity to engage in multiple issues at the same time. Therefore, TUs will need to prioritise their involvement and decide what level of engagement is appropriate and effective for each issue.

- Informal engagement – formal social partnership arrangements are important to embed partnership working and provide a framework for effective partnerships. However proactive and constructive informal working between meetings is crucial to ensuring ongoing engagement and a 'no surprises' approach.

9. Operating Model

In order to deliver this Agreement, all parties commit to the establishment of and engagement in formal partnership structures. Each forum or committee will ratify its own terms of reference to govern its operations, but also to reflect the principles of social partnership and to enshrine the equal voice of all members.

Strategic Social Partnership Board

Purpose

Jointly chaired by the Permanent Secretary and a representative of the trade union leads (on rotation), this overarching Board will govern this Agreement and provide leadership to other partnership structures. It will keep this Agreement under review and consider issues with the practice of social partnership in the Welsh Government, including updates from the Group fora.

Membership will include senior management and trade unions. The Board will also consider strategic organisation-wide issues – such as restructuring, civil service reform and behaviour and values.

Frequency

The Board will meet twice a year with an agreed rolling work programme. With the agreement of both sides, additional meetings can be called. Where business dictates, it can establish sub committees to undertake specific pieces of work.

Group Social Partnership Fora

Purpose

Each Group, or Department not formally sitting within a Group, will have a Social Partnership Forum to consider operational issues affecting that group. Each forum will be jointly chaired by the Director General and a representative of the leads of the trade unions. The purpose of these forums is to raise and resolve issues involving staff within the Group. Issues may include directorate or divisional level restructuring, the establishment of new arms length bodies; themes arising from the People Survey or trends in attendance and the staffing implications of emerging priorities. Each forum will report up to the Strategic Social Partnership Board, which will take a view on emerging organisation wide issues.

Frequency

Each forum will meet three times a year with agreed themes including emerging issues, budgets, staff survey, wellbeing. Meetings will be scheduled so that Group fora meetings are spread across the quarter, to ensure the most effective contribution. With the agreement of both sides, additional meetings can be called

People Forum

Purpose

Established as a standing sub-committee of the Strategic Social Partnership Board, this forum can be remitted to consider the wider organisational policy effects on staff of issues arising from the Strategic Social Partnership Board as well as creating additional items for its work programme. Jointly chaired by HR and a representative of the trade unions, its membership will also include DDaT, HR People and Places. The People Forum reports to the Strategic Social Partnership Board and will have a rolling forward work programme covering a twelve-month period.

Frequency

The forum will meet at least six times a year. With the agreement of both sides, additional meetings can be called

Union Representation on Non Social Partnership Structures

The structures outlined above are the core social partnership structures to deliver this agreement. Additionally, on the basis of agreement between management and

the trade unions, a representative of the three trade unions or may be invited to become a member of boards that are a core part of the governance of the organisation. These governance boards and committees are not constituted on the basis of social partnership with equal representation from management and the trade unions. However, they are committees where all parties to this agreement recognise the value of a trade union representative voice amongst other recognised parties.

In attending these meetings, management will make every effort to reflect the spirt of this agreement, with early access to paper and agendas. Trade union representatives endeavour to meet and discuss the papers or items before the event. The trade union representative will reflect areas where the trade unions are in agreement, but also clarify where individual trade unions have different or individual views.

Meetings where a trade union representative will be invited to attend as an observer are:
Exco
Finco
Board
PremCom in strategic operation
It will be for the recognised trade unions to select their representative and to determine their input.

There may be circumstances when the chair of the meeting asks the trade union representative to temporarily withdraw – for example if the meeting is discussing the response to industrial action. There may also be occasions when the trade union representative feels conflicted by the discussion and can also ask to absent themselves from a particular agenda item.

In addition, there will be occasions where managers at all levels in the organisation wish to engage staff voices in their work, via trade union representatives and in the spirt of this agreement. It will not be possible for trade unions to engage in all work. However, where they do engage it will be important to agree at the outset the basis on which they will be engaged, whether the work will be the subject of consultation, and on which issues their views and expertise will be sought.

10. Disagreements

While every effort will be made to proceed by agreement, both parties recognise that there may be occasions when agreement cannot be reached. If the issue is one for consultation rather than negotiation, management may decide to proceed without agreement, but they will in such circumstances provide an explanation in writing to trade unions as to why their input has not been accepted. Disagreements shall, in all instances, be recorded and a joint statement issued where appropriate and agreed by both parties.

Any disagreement on an issue which is for negotiation, and which cannot be resolved through the usual channels (HR People Forum, Group Partnership Forums) will be referred to the Strategic Social Partnership Board. Depending on the nature of the issue, an extraordinary meeting of the Strategic Social Partnership Board may be

required. If that does not result in resolution, consideration may be given to involving a third party (e.g., ACAS) in a final attempt to reach agreement.

All parties undertake to continue to work within the highest standards of conduct and the expected behaviours of the organisation at all times.

11. Collective Dispute Resolution

There may be occasions when collective disputes arise and will need to be addressed. In such circumstances, the aim will be to resolve disagreements as speedily and as close to the source as possible within all individual business areas of Welsh Government. There may be situations, however, where trade union officers may wish to raise wider issues which are clearly significant in the context of the application of national agreements. In the first instance, the Director of Social Partnership will address any disputes. In the event that the issue cannot be resolved, the matter will be escalated to the Permanent Secretary.

12. Review

This agreement will be subject to review six months after signing and within twelve months after that.