**About UNISON Cymru Wales**

UNISON is the UK’s largest trade union organising and representing 1.3 million public sector workers UK wide, including 100,000 public sector workers across Wales.

Our members, 85 per cent of whom are women, work in the delivery of public services through direct public sector provision, private and voluntary contractors providing public services, and in the essential utilities. They include frontline staff and managers, working full or part-time in public administrations, local authorities, health and social care, the police and justice service, university, colleges and schools, the electricity, gas, environment and water industries, transport, and in the voluntary and community sectors.

Have your say

**1. What matters to you about the way Wales is run?**

1. Wales needs a vibrant democracy where decisions are taken at the lowest possible level (the principal of subsidiarity), and Welsh people are engaged and involved in those decisions.

2. A Welsh government and Senedd which are trustworthy and conduct business in a professional manner helps build people’s confidence in how their government is working for them. Similarly, a diverse Senedd membership which looks and sounds like the people of Wales is vital.

3. We want a Wales that reflects UNISON’s socialist values, where decisions are made on what is best for people rather than looking at the profit that can be made from them. This requires a government that has the power and resources to effectively tackle inequality and poverty, racism and all forms of discrimination, and to build the happier, healthier and fairer country we want to live in. We want a government able to take action to improve women’s rights.

4. This argument naturally leads us to seek more powers for Welsh people and the Senedd.

5. Although, the Welsh government has taken some steps to protect the public sector, there is no doubt important services that bind our communities and make them liveable places, have been badly damaged or disappeared entirely because of severe Westminster austerity measures lasting more than a decade. If the Welsh government is to have the power to intervene to invest and to redistribute wealth, it needs the funds to do so too and that means seeking further devolvement of tax powers.

6. Political realities are driving increased interest in devolution amongst the population and UNISON members in other ways too and have shown why changing the status quo is necessary. The shamelessness of a prime minister completely without morals contrasts starkly with the measured judgements of the first minister throughout the covid pandemic. More detail is provided on this in our response to Q.4.

7. Since 2010, Welsh voters have three times returned a Welsh Labour government or a Labour led coalition government, yet the weight of voters in England has four times delivered a UK Conservative government or Conservative led coalition in UK national elections. These Westminster governments have been ideological opposites of the Welsh governments which value investment in public services and yet Westminster controls the purse strings.

8. This Welsh government is to be commended for bringing forward a Social Partnership and Public Procurement Bill which acknowledges the vital importance of trade unions and ethical employment in supply chains. Going forwards, it is essential for trade unions to be involved at an early stage in the formulation of all Welsh government policies and strategy and for their opinions to be recognised by ministers and civil servants as holding weight. Trade unions articulate the voices and aspirations of millions of Welsh workers and their families and by listening to them, Welsh government will be strengthening democracy and civic society.

**2. What do you think the priorities for the commission should be?**

9. We’d like the commission to explore in detail what the greatest devolution of powers and taxation to Wales within a federalist UK would look like and how that might be achieved.

10. Further devolution of powers must be followed by enough money and funding to allow them to be properly utilised. There is no point providing Welsh government with increased responsibilities if it lacks the resources to invest as it wishes.

11. Devolution of certain powers and taxes should only take place if will deliver greater investment in our public services and in the workforce that delivers them.

12. Over the last 23 years, the various Welsh Labour governments and coalition partners have proved the value of devolution. Our Senedd has matured over that time and the recent proposals to expand its size will strengthen democracy and better hold the executive and its legislation to account. Now there is a desire for more decisions affecting Welsh people, to be taken by Welsh people in the Senedd.

13. Devolution though, has been regularly attacked by Conservatives MPs in Westminster and the UK Conservative government has (knowingly or otherwise) failed to grasp the concept of devolution and regularly works to undermine the Welsh Labour government. More detail on this is provided in our response to Q. 4. Devolution must be strengthened and more powers devolved.

14. We’d like the commission to consider how much greater tax powers could be further devolved to the Senedd, including more income tax, which would improve our ability to raise funds in Wales. We acknowledge full fiscal autonomy is not possible in a federalist structure, but the Welsh government needs greater powers to borrow, direct and invest in the Welsh economy, pay better wages and redistribute wealth and it should be able to introduce new taxes based on need.

15. Whilst the Barnett formula may currently be providing Wales with a block grant per head funding higher than, England, it certainly hasn’t always been that way and ‘fair funding for Wales’ has been a familiar rallying cry of Welsh government and trade unions for years. There are high levels of deprivation in Wales which form no part of the calculation of the Barnett formula. Similarly, it is blind to the fact large parts of Wales are rural and more money might be required to provide services over geographical distance, despite the smaller population.

16. Put simply, the Welsh government requires more money to intervene positively to invest in the services which help to alleviate poverty and make Wales a more socially just country. The commission could examine how a Welsh investment bank might work.

17. One of the most keenly felt problems in the current cost of living crisis is the lack of social housing, which has driven up private rents to unaffordable levels. A Welsh investment bank could transform Welsh government’s aim for a massive social housing building programme.

18. The commission should be looking to identify how more powers over policing and justice, welfare, equalities, employment law (including minimum wage enforcement), health and safety and industrial relations law and their enforcement could be devolved to Welsh government.

19. Welsh government has already published detailed proposals for the devolvement of justice and described this development as ‘inevitable’. Powers over policing should be devolved too. It is important to acknowledge here, the scale of reorganisation is likely to be substantial and any costs borne should not be from already stretched existing budgets, but from additional resource that Welsh government would have to provide in conjunction with Westminster.

20. We note that workplace protection and minimum wage enforcement is entirely devolved in Northern Ireland. Of course, there are unique political factors involved, however devolution of these powers has not led to pressures to drive down the levels of workplace protections.

21. Rather, devolution of employment law, health and safety and industrial relations law offers the chance for Wales to improve standards to help working people and their families.

22. For instance, it could better tackle incidences of industrial injury and death in Wales with tougher legislation, compared with Westminster’s deregulatory approach to health and safety. Devolution of the above powers could allow Welsh government to legislate to improve maternity and paternity rights and so develop a more progressive approach on childcare. Currently, trade unions face restrictions in securing access and bargaining rights in smaller employers. As a result, employment conditions for workers in places where there are fewer than 20 employees are often poorer. Welsh government could relax the tight restrictions on trade unions here and help transform the livelihoods of thousands of low paid workers. It could also promote sectoral bargaining and abolish tribunal fees amongst other things.

23. Defence and international treaties would remain at a UK national level, however, the commission should consider how the Welsh government can have more of a say on the latter and their ratification. In particular, Welsh government should be able to protect its public services from privatisation.

24. There needs to be a thorough review of what services should be delivered by councils in Wales (and by town councils) and how these services can be funded appropriately so they fully meet local need and aspirations. We think this goes beyond simply providing certain services just to the level of statutory duty (more detail is provided in our response to Q. 4).

25. We are already at a point where the services councils provide have been hollowed out and this has profound implications for local democracy and whether people actually have a say on their community services.

26. A decade or more of Westminster-driven austerity has left Welsh government and Welsh local authorities with even less money and that has had a terrible impact on the quality of services they can provide. The move of Welsh councils to outsourcing care, leisure and other important services to the private and third sector was driven by resource considerations and not the consideration of what was the best for clients, the local community or staff.

27. As we emerge from covid, we want councils to have the power to intervene to positively shape and improve the lives of local people. They won’t be able to take effective action if they don’t control services directly. Strong council services keep people healthier and out of hospital. Our local services ought to be funded properly and this means local councils being provided with greater resources.

28. The commission has the chance to evaluate the example of the greater devolution of powers to Scotland and learn what has worked and what hasn’t, so that the process of greater devolution here could function better.

**3. Thinking about how Wales is governed, by the Welsh Government and the UK government, what are the strengths of the current system, what aspects do you most value and wish to protect? Can you provide examples?**

29. Since the time when Rhodri Morgan talked of “clear red water” between Wales and Westminster, Welsh governments have pursued a markedly different and more progressive agenda than UK governments.

30. The presence of a Labour government here has afforded Wales some limited protection against the severe austerity spending cuts from Westminster over the last twelve years.

31. We applaud that social partnership working and ethical procurement will be made law in Wales and this has huge transformative potential for thousands of Welsh workers and their families.

32. The Welsh government’s desire to work with trade unions and value their input was clear throughout the covid pandemic. In many key areas, the common endeavour meant the reaction to the health emergency in Wales was more effective than in England where the UK government was actively hostile to unions, did not seek to engage them in any planning and disregarded the safety concerns of their members.

33. A good example of partnership working between UNISON and Welsh government is how the serious problems with personal protective equipment (PPE) supply for the NHS were overcome in the early days of the pandemic. We set up a reporting line and were able to share data with government officials which meant deficiencies were addressed more rapidly.

34. Elsewhere during the emergency, Welsh government worked closely with trade unions representing school staff to plan how education might continue in lockdown and how children were best protected. Trade unions were able to share their knowledge and the experiences of school members with Welsh government, which may not otherwise have known exactly how things were running through the pandemic.

35. In social care staff, Welsh government recognising the unions’ argument, acted to introduce a fair sick pay scheme that allowed for care staff to isolate if they got covid and keep people safe. It also introduced covid bonus payments for care workers and NHS workers.

36. In this cost-of-living crisis, the Welsh government is making free school dinners available through the summer and school uniform grants, so helping people in dire need.

37. It is important to note the very significant steps Welsh government took to disapply elements of the UK Trade Union Act, which undermined what it saw as a ‘Welsh way of working’, in other words social partnership. More detail is provided on this in our response to Q4.

38. So, the Welsh government has shown a desire and will to intervene to the limit of its powers. We want the powers to be extended so they might go much further to help Welsh citizens.

39. Trade unions in Wales enthusiastically supported Welsh government’s publication of a Race Equality Action Plan last year as demonstration of its commitment to achieving racial equality. Although we urged Welsh government to go further around employability and apprenticeships and to bring forward legislation, we noted at the time that Wales was the only nation taking a proactive stance on race equality in the UK.

40. The Welsh government has actively promoted Welsh culture and the Welsh language including through Welsh medium schools.

41. The Senedd operates in a responsible and professional way, with integrity and honesty and has suffered none of the corruption scandals of Westminster. Welsh governments have worked in a more collegiate way with other parties where there is common ground; the co-operation agreement with Plaid Cymru being the latest example.

42. There is a general perception that Members of the Senedd have entered politics for the right reasons and people feel more affinity with the democracy of the Senedd than the House of Commons. Of course, this may be due to the proximity of Cardiff measured against the distance of London.

**4. Are there any problems with the current system, and if so, how could they be addressed? Again, please provide examples.**

43. Since 2010, Conservative or Conservative – Lib Dem coalition governments have dramatically shrunk the state by slashing public spending and this has tied the hands of the Welsh government from investing as they might wish. Indeed, Welsh ministers would likely say they lacked the fiscal powers to do much about it. The drastic cuts resulted in a huge number of job losses in Welsh councils and consequent devastating impact on local service provision.

44. A UNISON Cymru Wales Audit of Austerity investigation in 2018 recorded an enormous 28,000 job losses from local authorities in decade. This was equivalent to losing seven of the eight largest private sector employers in Wales. Council spending in 2017/18 it would have been £1.02 higher (£9.02bn) if it had kept pace with CPI since 2010/11 and £1.59bn higher (£9.59bn) if it had kept pace with RPI.

45. The Welsh Local Government Association agreed that local councils had borne the brunt of austerity and our investigation quoted their 2018 figures that Welsh local government core grant funding has reduced by 22% after adjusting for inflation by 2019-20. If school funding is not included, as is the case in England, core funding fell by 35%.

46. Local government is the economic bedrock of Wales. Councils spend £3.5bn a year on goods and services in national & local economies and councils employ over 10% of the Welsh workforce. Severe cuts here matter.

47. This unprecedented squeeze on funding has had a dramatic impact on local public services and the people that provide them. This cash cut happened at the same time as councils faced rising costs, a growing population, increasing demand for their services and extra responsibilities but without the extra funds needed to pay for them.

48. Our full report can be accessed via the link below and it contains this graphic from the Welsh Local Government Association illustrating how service spending reduced in the following areas between 2009/10 – 2018.

<https://cymru-wales.unison.org.uk/content/uploads/sites/9/2018/11/Wales-Austerity-Audit-2018-Final.pdf>



Source: Fair and Sustainable Funding for Essential Local Services; WLGA; 2018

49. Important services, like youth services, clubs and youth workers for example, have disappeared altogether from some councils, depriving young people of opportunities, particularly in disadvantaged areas. Austerity has stripped Wales of many of its libraries and public conveniences have disappeared. These are just a few examples of what we’ve lost as a result of the severe spending cuts and the costs to the health and well-being of our communities will be felt for years to come.

50. Elsewhere, local authorities reacted to severely diminished funds by outsourcing services which worsened service quality for the public and staff wages and employment conditions were squeezed. Nowhere was this more apparent than the care sector, where many in the overwhelmingly female workforce suffer in-work poverty, something that would never have happened had services continued to be provided directly by councils.

51. The introduction of profit-making possibility into a service like care, has led to corners being cut to improve profit margins. Staff are forced to rush client care when allocated too many clients and many are not paid for travel time between client appointments, despite this being working time. Vulnerable people in need of care therefore often receive only 15 minutes of a care workers’ time when they should be receiving 30 minutes. This impacts on the dignity and mental health of the care recipient and the worker. This is no way to run a public service and it is failing the needs of our communities and workforce.

52. As part of the Westminster squeeze on public spending, the wages of public sector workers across the UK have been deliberately suppressed over more than a decade with pay freezes and pay caps. Thousands of Welsh workers and their families have seen their quality of life shrink as a consequence and the lowest paid amongst them are really struggling to make ends meet. This is a scandal and Welsh government is on record saying it is powerless to do anything about it.

53. Most recently, Health Minister Eluned Morgan said this about the below-inflation 2022 pay award she was introducing for healthcare workers,

“I hope this pay award goes some way to recognise their hard work but without additional funding from the UK Government, there are inevitably limits to how far we can go in Wales. We continue to press them to pass on the full funding necessary for fair pay rises for public sector workers” (Ministerial written statement 22 July 2022).

54. It can’t be right for a Welsh government to be hostage to a Westminster austerity dogma it says it opposes. Austerity was not in the interests of the Welsh people. The Welsh government accepted this, but it did not have the fiscal powers to do redress it, aside from some limited measures of protection.

55. Funding is key to Welsh government autonomy on paying public service workers. Teachers’ pay is devolved in Wales, but the Welsh government is still completely reliant on Westminster to fund any award.

56. We would like the rates of pay and employment conditions of the biggest group in schools, teaching assistants, to be nationally agreed too. At present they are determined by each Welsh local authority, so there are 22 different pay grades and no common job description for this mainly female workforce.

57. UNISON is participating in a Welsh government task and finish group for teaching assistants, which we hope will result in consistent career grading structures and minimum rates of pay. However, we would like Welsh government to also drive change so that teaching assistants are employed on full contracts, not term-time only, to have parity with teachers, including non-contact and preparation time. Bringing their pay under national control, as for teachers, will need to be matched by additional funding.

58. Proportionally, more Welsh workers are employed in public services than in England. In fact, it comprises the largest section of the Welsh workforce. This means when there are cuts to public service spending, they have a disproportionately greater impact on the Welsh economy and remove money from local Welsh high streets, making us all poorer.

59. This underlines the need for the Welsh government to have more fiscal powers to intervene where necessary to ensure its citizens welfare. Receiving consequential money only when the UK government decides to act is not sufficient. Too much is dictated by Westminster and Wales is in effect shackled by stealth.

60. A Welsh government with these powers, backed by a Welsh investment bank could direct more funds at deprived areas and invest in the massive social house and affordable house building programme Wales needs.

61. It would allow the government to forge a deeper economic strategy which prioritises developing manufacturing so there is less reliance on the service sector. Money would remain in the Welsh economy through jobs, rents and purchases.

62. If Westminster refuses to deal effectively with the big issues of the day such as combatting climate change or the cost-of-living crisis and show UK leadership, Wales and the other nations can be hamstrung in how they might want to individually respond, because they lack the necessary funds.

63. We have talked about how successive Welsh governments have acknowledged the importance of worker and trade union voices in policy making and public life. The government of Carwyn Jones disapplied key parts of the UK Trade Union Act with the Wales Trade Union Act, 2017, to protect public services in Wales and because it undermined the legitimate role of unions in Welsh workplaces.

64. However, the Welsh government did not have the power to completely throw out the UK Act (which it would have liked to do) and there are concerns it will be powerless to respond as the UK government amends the Conduct of Employment Agencies and Employment Business Regulations, 2003, to allow companies to bring in temporary agency labour to break strikes. This runs contrary to Welsh government’s promotion of social partnership and would amend legislation passed by the Senedd.

65. UNISON at a UK level has advised the UK business secretary Kwasi Kwarteng, it will seek a judicial review of the new regulations and that the Westminster government is in breach of Article 11 of the European Convention on Human Rights​, which protects the right to strike, and international labour standards.

66. There’s no doubt people feel let down by the dishonesty of the current Conservative government and personified in the prime minister. From ‘Partygate’ to financially lucrative PPE contracts going to Tory donors and friends bypassing parliamentary scrutiny, there is a real danger the behaviour has damaged people’s trust in democracy.

67. Wider than present irritations, people have been turned off politics by the squabbling of Westminster and the adversarial, often macho nature of how government business is done at a UK level. People lose patience with politicians when policies such as the limited windfall tax on energy companies presented by Labour, is condemned for months by the Conservatives, only for them to introduce the measure, called by another name.

68. The covid pandemic highlighted the different priorities of the governments when Mark Drakeford was firmly focused on public health, but the Westminster Conservatives prioritised opening up the economy. According to the first minister, Wales was frequently left out of covid planning decisions by a prime minister willing to repeatedly undermine the devolution settlement and his Welsh Labour opposite number for party political reasons.

69. One recent example was how the UK government unilaterally determined money that would be given to the Ukrainian cause, without consulting home nation partners. Welsh government was told that it would be contributing £30m from existing funds and already allocated spending. This is not a mature functioning devolution settlement.

70. There is a general perception that Wales is getting a raw deal. People have been frustrated as the UK government has assumed greater powers at the expense of Welsh government in controlling the distribution of what was formerly EU funding for deprived areas, as well as the disparity between money promised and that received.

71. Westminster has unjustly determined there is no High Speed 2 consequential for Welsh public transport, despite the billions of pounds being spent and no benefit to Welsh people travelling in Wales.

**5. Thinking about the UK government, the Welsh Government and Welsh local government (your local council), what do you think about the balance of power and responsibility between these 3 types of government – is it about right or should it change and if so, how? For example, who should have more power, or less?**

72. We have discussed why it is important for more key powers to be devolved to Welsh government and why they must be followed by enough money and funding to allow them to be properly utilised.

73. Local government was asked to do much more through the covid pandemic and its services should be at the heart of our communities. However, council service provision has been so hollowed out through outsourcing and austerity there is a democratic deficit.

74. Outsourcing services gives a council very limited control if service quality decreases and it is UNISON’s experience that it leads to lower paid jobs and increased charges for the public over time.

75. Insourcing of services is an absolute priority, particularly in social care. This is fundamental to democracy. If the local council is not providing what the local community needs, you can vote it out.

76. UNISON is campaigning for a National Care Service as the only way to solve the current care crisis. This Service would set industry standards, ensure consistency in the quantity and quality of social care across Wales. It could provide a framework for monitoring and scrutiny and could help to more closely integrate social care with health care.

77. Industry standards would be best implemented and monitored under the democratic control and scrutiny of local councils and most social care should rest within local government and come under the local government budget. Creating statutory minimum standards for care, professional development and employment would organically return social care to where it should be: under local government’s direct control.

78. Given that council service provision has been so hollowed out, Welsh government should work with councils to conduct a thorough review of what services should be delivered by authorities (as well as by town and community councils), and how they should be funded which goes beyond simply providing certain services just to the level of statutory duty. For example, the duty on a council to provide library services could consist of just one library, which would obviously not be sufficient. We need to clearly identify how best local government can meet people’s needs.

79. Local government desperately needs the assurance longer term funding can provide. So many council employees, such as the thousands of school support staff, are employed on 12-month contracts, because of the short-term nature of how councils are funded by Welsh government. These hard-working staff start to receive redundancy notices with three months of the year remaining. That is not fair.

80. We have talked elsewhere of the need for a Barnett formula which takes full account of our deprived communities and the same is true when Welsh government funds our local councils.

81. Reinvigorating local councils needs councillors of calibre who are prepared to intervene. We know of authorities, which lacking councillors who are active, are instead run by the chief executive. Concentration of power in an unelected chief executive is not democratic and it is essential the priorities in local government are set by local councillors.

**6. As a distinct country and political unit, how should Wales be governed in the future? Should we:**

* broadly keep the current arrangements where Wales is governed as part of the UK, and the Westminster Parliament delegates some responsibilities to the Senedd and Welsh Government, with those responsibilities adjusted as in Q5, OR
* move towards Wales having more autonomy to decide for itself within a more federal UK, with most matters decided by the Senedd and Welsh Government, and the Westminster Parliament decides UK-wide matters on behalf of Wales (and other parts of the UK) OR
* move towards Wales having full control to govern itself and be independent from the UK OR
* pursue any other governance model you would like to suggest
* alongside any of these options, should more responsibilities be given to local councils bringing decision making closer to people across Wales and if so, please provide examples.

82. UNISON supports the second listed option: a move towards Wales having more autonomy to decide for itself within a more federal UK, with most matters decided by the Senedd and Welsh government, and the Westminster Parliament decides UK-wide matters on behalf of Wales (and the other parts of the UK).

83. We have discussed there is an appetite for more decisions to be taken in Wales and for the Welsh government to be able to raise more income. Wales should be a federal partner of sister nations and not have things imposed on us by a bigger neighbour.

84. In this new structure, we see a key role for a revitalised local government delivering the high-quality community services our population desperately needs. However, more money needs to flow as well, otherwise service delivery will be inhibited.

**7. Overall, what is most important to you in about the way in which Wales should be governed in the future? Is there anything else you want to tell us?**

85. As we have set out in our first answer, building a fairer country starts by ensuring decisions are made at the lowest possible level and better engage the communities they affect.

86. We want a Wales that protects the equal rights of its citizens, actively working to combat racism and all forms of discrimination.

87. To better intervene and improve the lives of its citizens, not least through sustained investment in public services, Welsh government needs increased powers and tax raising powers.

88. The government is to be commended for actively promoting and encouraging the Welsh language and we don’t envisage any adverse impact through these changes. Welsh language rights are in a strong position, equal to English and are well protected for whatever happens in future.

In responding to these questions, we would welcome views on how the current forms of governance, and any proposals to change governance in the future, might impact on the Welsh language.

Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Submit your comments by 31 August 2022

email to: [ConstitutionCommission@gov.wales](mailto:ConstitutionCommission@gov.wales)

or post to:

The Independent Commission on the Constitutional Future of Wales

Cathays Park

Cardiff

CF10 3NQ