

HSP9 Marie Curie

Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Caffael y Gwasanaeth Iechyd (Cymru) | Health Service Procurement (Wales) Bill

Ymateb gan Marie Curie | Evidence from Marie Curie

Briefing note to the Health & Social Services Committee on the Health Services Procurement (Wales) Bill

Marie Curie welcomes the opportunity to provide evidence to the Health & Social Services Committee inquiry into stage 1 of the Health Services Procurement (Wales) Bill. The Bill provides a positive opportunity to realign how services are delivered through third sector partnership working and regulations could serve to create a more dynamic environment for commissioning the third sector.

Key issues in this briefing:

- Marie Curie would welcome a greater emphasis on the role of patient and carer involvement in the design and review of services. A recognition of the role of patients in co-designing services through procurement would be a welcome addition on the face of the Bill.
- Marie Curie would welcome the committee's consideration of how the third sector can effectively participate in the procurement process and how they could be differentiated from private providers. The majority of third sector organisations providing services are small and potentially lacking in capacity to take part in lengthy procurement processes. Any future commissioning arrangement for the third sector should be built on the basis of consistency and simplicity.
- The Bill and subsequent regulations must continue to create a supportive environment for critical cross-border services such as ShropDoc to continue in an effective way.

Recognising the role of the third sector

The third sector plays a crucial role in delivering care and support services in partnership with health boards and trusts in Wales.

In Marie Curie, we work in partnership with 6 of the 7 health boards to deliver care and support at the end of life, this is on a commissioned basis. As a charity, we drive significant additional investment through our fundraising activities to deliver services on behalf of the NHS in Wales. The total operating costs for services in Wales by Marie Curie in 2021/22 was £9.8m, with NHS bodies providing us with £4.4m and Marie Curie contributing the remaining £5.4m from charitable activity.

With recognition that this Bill provides only provides an enabling framework for regulations that will follow, but there is a need to emphasise the distinct nature of the third sector and our role as service delivery partners with the NHS in Wales. We would welcome the introduction of a blueprint through regulations and guidance for how service delivery relationships with the third sector can be made more consistent across commissioning bodies in Wales and develop a more empowering environment for the third sector to work with the NHS.

We also need to acknowledge that the majority of the third sector in Wales may not have the capacity to participate in large and cumbersome procurement activity. For Marie Curie, due to our relative size in the sector, we historically have more capacity to be able to take part in procurement exercises, but there needs to be a recognition that our role in service delivery is distinct from the private sector.

Involvement of people who use services and their carers

The procurement of health and care services can have a profound impact on the quality and experiences of the people who use those services and their carers. To best meet the needs of

communities and ensure services are fit for purpose, we would welcome the opportunity to embed involvement and voice in the design and procurement process for any new service.

Drawing citizen involvement and voice into this design and review process of procurement can drive improvement to the quality of services and ensure the local communities have services that fully match their needs.

Marie Curie would also welcome a greater role for lived experience involvement in the review of services after they have been awarded and before decisions on re-contracting take place. While a service might work effectively for the commissioning health body, there may be a disconnect from the experiences of the people using the service.

The Scottish Government published an update to their 'Procurement of care and support services: best practice guidance' in 2021. Under this guidance, Scottish Government outlines some of the key attributes that should take place as part of tendering for health and care services.

8.19 As a matter of best practice, a public body should have a local commissioning strategy and/or service(s) plan which establishes strategic and individual needs and determines what type of service should be put in place to meet those needs and deliver the intended outcomes. A public body should ensure that there is clarity about:

- the needs to be met and the outcomes to be delivered by the service taking into account requirements of the public sector equality duty
- **how people who use services and their carers will be involved in defining their needs, expressing their wishes and choices and influencing the design of the service**
- what positive outcomes the service is intended to deliver
- what choice and control the service will provide for people who use services
- how the service will meet the [National Care Standards](#)
- how the service will contribute to the public body's organisational objectives

'Procurement of care and support services: best practice guidance'
Scottish Government, 2021¹

We welcome the approach the Scottish Government has taken in emphasising the importance of involving people who use services and their carers in defining needs and shaping the design of a service. Marie Curie believes there is an opportunity to recognise the importance of this approach on the face of the Bill and would welcome the committee's consideration of this.

Under Section 3 (2) 10A, the Welsh Government gives provision for when regulations might be developed. We would welcome this to be extended in order to include an additional clause emphasising that regulations must make provision for 'ensuring the involvement of people whom the services are intended to benefit'. This could take the following form:

¹ Scottish Government. Scottish Procurement and Property Directorate (2021). Procurement of care and support services: best practice guidance - updated June 2021. Available at: <https://www.gov.scot/publications/procurement-care-support-services-best-practice-guidance/pages/7/> (Accessed: 10 March 2023)

Part 3 (2)

(3) Regulations under subsection (1) must, in relation to the procurement of the services or goods to which they apply, make provision for the purposes of— (a) ensuring transparency; (b) ensuring fairness; (c) ensuring that compliance can be verified; (d) managing conflicts of interest **(e) ensuring the involvement of people whom the services are intended to benefit.**

Cross-border procurement issues

The legislation and subsequent regulations will have to address harmony on cross-border procured services.

Services such as ShropDoc, which is the main provider of out of hours support for people at the end of life in Powys via a 24/7 advice line (based in Shropshire) will need to continue being procured on a cross-border basis. There is a need to ensure these complex cross-border services can be maintained and any regulatory divergence from the system in England will need to account for this.

The committee may wish to consider keeping ShropDoc as an example at the front of their mind as this Bill progresses.

Transparency in procurement practices across Wales

In addition to good practice in terms of publishing the results from procurement exercises, we would welcome any move that allows health bodies to publish their roster of third sector commissioned organisations each year.

Historic challenges with health and care service procurement

A critical part of delivering services in partnership with the NHS is based on the funding relationship that takes place. Agreements between commissioners and third sector providers can be constrained by a reluctance to provide reasonable funding uplifts each year. In recent years, there has been a significant pressure on the third sector to shoulder a large proportion of inflationary and salary costs, often where they won't have the same level of resilience. This is particularly acute for smaller providers.

There is also relative inconsistency with how the third sector is engaged to deliver services across Wales; most agreements to deliver services take place because an organisation is in the sole position to be able to deliver it or the need has been identified by a third sector organisation.

We have seen some health boards introduce procurement approaches into their practice of engaging the third sector, however, these have often been unwieldy and created unnecessary challenges for the smaller partner to fully participate. Any new procurement arrangement will need to create a supportive and collaborative environment for consistent partnership working across Wales.

About Marie Curie in Wales

Marie Curie provides support for nearly 4,000 people at the end of life in Wales. We deliver care and support through a number of services:

- Marie Curie Nursing Service covering 6 of the 7 Health Boards in Wales. Services include a mixture of 24 hour care, overnight services, Out of Hours rapid response and dementia support. This service supported 2,291 people in 2021/22 through 28,198 visits.
- Our Cardiff & Vale Hospice commissioned by Cardiff & Vale University Health Board provides 20 specialist palliative care beds, including a multidisciplinary team of doctors, registered nurses, healthcare assistants and allied health professionals. In 2021/22 there were 275 individual inpatients supported.
- Community Specialist Palliative Care within the Vale of Glamorgan provides specialist advice and support, with patients being offered regular contact and face-to-face reviews. The support is provided by a multi-professional team including Clinical Nurse Specialists and other key professionals. In 2021/22, 584 people were cared for through the community.
- The Wales Bereavement Information and Support Service (BISS) funded by Welsh Government established in 2022 provides a dedicated Bereavement Counsellor in Wales and works in partnership with Diverse Cymru to co-design bereavement support across Wales.
- Our information and support service, with its UK operation based in Pencoed, received 389 known calls from Wales.

Marie Curie also funds the Cardiff University Marie Curie Research Centre, which leads internationally recognised research into death, dying and bereavement.