

Agenda Item

2.7

Joint Commissioning Committee

Director of Commissioning for Mental Health, Learning Disabilities and Vulnerable Groups

Dyddiad y Cyfarfod / Date of Meeting	15/07/2025
Statws Cyhoeddi / Publication Status	Open/ Public
	Not Applicable
Awdur yr Adroddiad / Report Author	Adrian Clarke, Interim Director of Commissioning for Mental Health, Learning Disabilities and Vulnerable Groups
Cyflwynydd yr Adroddiad / Report Presenter	Adrian Clarke, Interim Director of Commissioning for Mental Health, Learning Disabilities and Vulnerable Groups
Noddwr yr Adroddiad / Report Sponsor	Huw George, Chief Commissioner

Pwrpas yr Adroddiad / Report Purpose	For Noting Choose an item.
---	-------------------------------

Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/Group)		
Committee / Group / Individuals	Date	Outcome
NWJCC Senior Leadership Team Meeting	02/07/2025	Noted

Acronyms / Glossary of Terms	
CIW	Care Inspectorate Wales
NWJCC	NHS Wales Joint Commissioning Committee
LSU	Low Secure Unit
NCCU	National Collaborative Commissioning Unit
NWSSP	NHS Wales Shared Services Partnership
PHW	Public Health Wales
PSR	Provider Selection Regime
SBUHB	Swansea Bay University Health Board
TSW	Traumatic Stress Wales

1. SITUATION

The purpose of this report is to provide Joint Committee (JC) members with an update on key issues of the Mental Health, Learning Disabilities and Vulnerable Groups Directorate that have arisen since the last JC meeting which took place on 20 May 2025.

2. BACKGROUND

2.1 Mental Health, Learning Disabilities and Vulnerable Groups Directorate

The Directorate is responsible for commissioning:

- High secure services for adults with a mental illness or learning disability
- Medium secure services for adults and children with a mental illness or learning disability
- Hospital services for children with mental illness
- Hospital services for adults and children with an eating disorder
- Eating Disorder outreach services
- Perinatal inpatient services
- Low secure single commissioner consideration project
- Forensic Adolescent Community Teams
- Hospital services for adults with a neuropsychiatric disorder
- Gender identity disorder services for adults and children
- Futures programme jointly with the Royal College of Psychiatrists Wales
- Hospital services for deaf persons with a mental illness
- Traumatic Stress Wales (TSW) Programme

2.2 Care Home Framework Agreement

In October 2016, NHS Wales Local Health Boards (HBs), in collaboration with Welsh Local Authorities, successfully concluded the procurement for a Framework Agreement for the provision of services by independent providers to younger adults (18+) in mental health and learning disabilities care homes and care homes with nursing.

A project team was formed for the creation and management of this Framework and consists of members from NHS Wales Shared Services Partnership (NWSSP) procurement services and the NHS Wales Joint Commissioning Committee (NWJCC), previously the National Collaborative Commissioning Unit (NCCU).

In October 2019 the Framework was extended by two years until 30 September 2022. At this point in time, a major refresh process was carried out by NWSSP and the NWJCC to incorporate a number of modifications to the existing agreement.

The Framework was further extended for an eighteen-month period to 31 March 2024. The Framework was due to expire on 31 March 2024 but included an option to extend for a further six-month period. The project team agreed that a further

24-month extension was required, six-month extension under the original framework agreement and an eighteen-month extension 'at risk'.

The decision to extend was made in light of a number of factors that could have impacted the success of a procurement exercise for the future provision; namely:

- Potential of Welsh Government (WG) plans to put in place a National Framework for Care and Support
- Department for Health and Social Care establishment of a Provider Selection Regime (PSR); role out of the Real Living Wage within care homes throughout Wales for social care workers and its implementation within establishments caring for residents on behalf of HBs and Local Authorities

As such, following the completion of internal governance processes, the Framework Agreement was extended until 31 March 2026.

The Framework Agreement is due to expire on the 31 March 2026. NWSSP, in collaboration with the NWJCC, have reviewed options for the renewal of the Framework Agreement and have undertaken engagement with various stakeholders; this included:

- Continuing Healthcare Leads and HB Commissioners as part of the NWJCC Framework Intelligence Sharing Group
- Local Authorities
- Providers, including representatives from Care Forum Wales.

2.3 Changes to Procurement Regulations

The Health Services (Provider Selection Regime) (Wales) Regulations 2025 for purchased health services came into force on 24 February 2025. When procuring relevant health services all relevant authorities in Wales are removed from the scope of the Procurement Act 2023 and are required to follow the PSR Wales.

2.4 Impact on a future Framework Agreement

The current National Collaborative Care Home Framework Agreement is available to both Local HBs and Local Authorities in Wales to allow for jointly commissioned placements under the remit of the one agreement.

The PSR Wales does not apply to the procurement of goods or non-health services, such goods and/or services must not be arranged under PSR Wales (other than when procured as part of a 'mixed procurement'). The PSR Wales allows relevant authorities to arrange a contract comprising of in-scope health services and out of scope services (such as social care services) or goods when both of the below statements are true:

- the main subject-matter of the contract is in-scope health services
- the relevant authority is of the view that the other goods or services could not reasonably be supplied under a separate contract.

As such, a framework agreement procured under PSR Wales requires the main subject matter for any subsequent call off resident placements must be for in-scope health services. As a result of this requirement, placements which are 100% funded by Local Authorities (social care services), or joint placements (such as social care services and health services) where the main subject matter is for social care services, is not permissible under the application of a Framework Agreement procured under PSR Wales.

In light of the changes to the procurement regulations and the introduction of the PSR Wales, the way in which NHS Wales can procure such services has changed and means that there is a reduced opportunity to create a collaborative framework agreement for health services and social care services (unless as part of a mixed procurement).

- Any new framework agreement that is developed for implementation post March 2026 will exclude exclusive use by any Local Authorities
- Local authorities will only be able to commission services via the renewed National Framework Agreement if the majority of any package is Health Funded.
- Significant changes will be made to the monitoring and oversight of providers.

Due to the key issues identified in this paper, the NWJCC, NWSSP and other partners have concluded that the Current Care Home Framework Agreement will need to change significantly in any new iteration post March 2026. The key changes to the renewed Framework Agreement, post March 2026 are:

- Change to Quality Rating (NWJCC Q rating to be dropped as Care Inspectorate Wales (CIW) have initiated a new rating system from April 2025)
- Discontinuation of Commissioned Care Assurance Performance System as a mechanism for placement selection, quality oversight, pricing information, performance information and contract compliance etc.
- NWSSP procurement services will manage the agreement from a contractual perspective, this will include, but not be limited to, carrying out annual due diligence in relation to finances, insurances, uplift requests and contractual queries. Providing an approved list of providers/services of adult mental health/learning disabilities care homes.
- Commissioners in the HBs will be required to monitor the quality of the provider, in conjunction with CIW / Care Quality Commission, with ad hoc support from the Joint Commissioning Committee on an as required basis.

3. KEY RISKS

3.1 Traumatic Stress Wales (TSW)

TSW was established in April 2020, is funded by WG and was hosted by the predecessor organisation the Welsh Health Specialised Services Committee.

TSW defines itself as a 'national quality improvement initiative that works through a network of easily accessible, locally based services centred around the people they are trying to help with streamlined care pathways to avoid unnecessary repeated referral and assessment'. TSW aims to improve the health and wellbeing of people of all ages living in Wales who have been affected by traumatic events. It also aims to raise trauma-informed awareness and practice across Wales and has a particular focus on those at risk of developing or with post-traumatic stress disorder or complex post-traumatic stress disorder.

The initiative covers children, young people and adults and received £1.724 million of funding in 2024/25 from WG, of which £0.9 million is provided by the NWJCC to the HBs to fund the additional staff required to deliver the required services.

The creation of the NWJCC has led to the implementation of a new, overarching governance and accountability structure and it necessary to review the particular governance and reporting arrangements for a number of specific services. A review of TSW started in December 2024 to consider the optimum delivery mechanism for the national objectives of TSW and the adequacy of the systems and controls in place within the NWJCC in relation to the management of TSW.

The review has now been completed and is due to be approved at the NWJCC Audit, Risk and Assurance Committee. During the review the reviewer spoke to over 25 stakeholders, including TSW staff, HBs, WG and the NHS Executive Strategic Programme for Mental Health. The review recommended that discussions take place to see if there was a more appropriate delivery organisation for TSW.

Advanced discussions are now underway between NWJCC and Public Health Wales (PHW), with a view to TSW being hosted by PHW in the future. It is felt that PHW could host TSW, alongside the Adverse Childhood Experiences' hub. Further work is being undertaken to provide PHW with staffing and finance arrangements of the service before a final decision on hosting the service is made via the PHW Board.

3.2 Caswell Clinic/Taith Newydd Units

In October 2024 a significant fire at the Taith Newydd Low Secure Unit (LSU) at Glanrhyd Hospital resulted in the patients being decanted to the Caswell Clinic NHS Medium Secure Unit. This has impacted on the availability medium secure beds for South Wales. Indications from Swansea Bay University Health Board (SBUHB) are that the remedial actions to make the LSU safe and usable, will take between 12 and 18 months to complete. The remedial works are yet to commence. This has had a significant impact on availability of Medium Secure beds for Welsh patients and has resulted in patients being admitted to alternative (usually independent) hospitals, at significant cost to the NWJCC.

The NWJCC and SBUHB met on 9 July 2025 to discuss the issues that have occurred since the initial fire in 2024.

4. ASSESSMENT

Objectives / Strategy	
Dolen i Amcan (au) Strategol CBC / Link to JCC Strategic Objectives(s)	Maximise Value
	Ensure Quality
Dolen i Ddeddf Llesiant Cenedlaethau'r Dyfodol – Nodau Llesiant / Link to Wellbeing of Future Generations Act – Wellbeing Goals 150623-guide-to-the-fg-act-en.pdf (futuregenerations.wales)	A Healthier Wales
	If more than one applies please list below:
Dolen i Hwyluswyr Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Enablers of Quality (Duty of Quality Statutory Guidance (gov.wales))	Whole-systems Perspective
	If more than one applies please list below:
Dolen i Feysydd Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Domains of Quality (Duty of Quality Statutory Guidance (gov.wales))	Effective
	If more than one applies please list below:
Effaith Amgylcheddol/ Cynaliadwyedd (5R) / Environmental /Sustainability Impact (5Rs)	No - Not Applicable
	If more than one applies please list below:
Impact Assessment	
Ansawdd <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Ansawdd? /</i>	Yes: <input type="checkbox"/>
	No: <input checked="" type="checkbox"/>
Outcome:	If no, please include rationale below:

Quality <i>Have you undertaken a Quality Impact Assessment Screening?</i>		Update report to the JCC
Cydraddoldeb <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Gydraddoldeb? /</i> Equality <i>Have you undertaken an Equality Impact Assessment Screening?</i>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
	Outcome:	If no, please include rationale below: Update report to the JCC
Cyfreithiol / Legal	There are no specific legal implications related to the activity outlined in this report.	
Enw da / Reputational	There is no direct impact on the reputation of the Joint Committee as a result of the activity outlined in this report.	
	However, many of the areas within MH, LD and VG have specific areas of interest and have additional public scrutiny	
Effaith Adnoddau <i>(Pobl /Ariannol) /</i> Resource Impact <i>(People / Financial)</i>	There is no direct impact on resources as a result of the activity outlined in this report.	

5. RECOMMENDATIONS

The Joint Committee is asked to:

- **Note** the report.

6. NEXT STEPS

- The NWJCC in partnership with NWSSP, will continue to liaise with relevant stakeholders whilst developing and introducing a new framework for HBs to commission residential/nursing care homes for adult mental health/learning disability services.
- NWJCC will continue to work on staffing/finance documentation so that PHW have a clearly detailed hosting request to take to their next Board meeting
- NWJCC/SBUHB will meet in the coming weeks in order to try and resolve occupancy issues at Caswell Clinic that have been caused by the fire at SBUHB LSU.