

Agenda Item

2.6

Joint Commissioning Committee

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

Dyddiad y Cyfarfod / Date of Meeting	16/09/2025
Statws Cyhoeddi / Publication Status	Open/ Public
	Not Applicable
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Pwrpas yr Adroddiad / Report Purpose	For Noting For Noting
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**Engagement (internal/external) undertaken to date
(including receipt/consideration at Committee/Group)**

Committee / Group / Individuals	Date	Outcome
NWJCC Senior Leadership Team	04/09/2025	Noted

Acronyms / Glossary of Terms	
CIW	Care Inspectorate Wales
JC	Joint Commissioning Committee
NCCU	National Collaborative Commissioning Unit
NWJCC	NHS Wales Joint Commissioning Committee
NWSSP	NHS Wales Shared Services Partnership
PSR	Provider Selection Regime
RLW	Real Living Wage
SBUHB	Swansea Bay University Health Board

1.0 SITUATION/BACKGROUND

1.1 Care Home Framework Agreement

The purpose of this report is to update Members of the Joint Commissioning Committee (JC) on changes to the commissioning arrangements for adult mental health and learning disabilities care homes via the National Framework Agreement (the Framework).

In October 2016, NHS Wales Local Health Boards, in collaboration with Welsh Local Authorities successfully concluded the procurement for a Framework 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 the 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 NCCU to incorporate a number of modifications.

The Framework was further extended for an 18-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 6-month period. The project team agreed that a further 24-month extension was required, this included a 6-month extension under the original Framework and an 18-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, including:

- Potential of Welsh Government 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 (RLW) within care homes throughout Wales for social care workers and its implementation within establishments caring for residents on behalf of Health Boards and

Local Authorities.

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

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

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

2.0 SPECIFIC MATTERS FOR CONSIDERATION

2.1 Changes to Procurement Regulations

The Health Services (Provider Selection Regime) (Wales) Regulations 2025 (PSR Wales) 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.

2.2 Impact on a future Framework Agreement

The current Framework is available to both Local Health Boards 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 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 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 for health services and social care services (unless as part of a mixed procurement).

3.0 KEY RISKS / MATTERS FOR ESCALATION

3.1 Framework Agreement

The key risks/matters for escalation are as follows:

- Any new Framework 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 Framework if the majority of a 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 Framework will need to change significantly in any new iteration post March 2026. The key changes to the renewed Framework, post March 2026 include:

- Change to Quality Rating (NWJCC 'Q' rating to be dropped, Care Inspectorate Wales (CIW) initiating a new rating system from April 2025)
- Discontinuation of the NWJCC's 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 Health Boards will be required to monitor the quality of the provider, in conjunction with CIW/Care Quality Commission, with ad-hoc support from the NWJCC on an as required basis.

During the JC meeting in July 2025, it was noted that more information was required regarding this issue and that the Director of Commissioning should meet with Health Board Directors of Planning and Directors of Finance in order to share more in-depth information.

This meeting was held on 1 August 2025 and Health Board representatives felt that there may be some risks to their organisations due to the overall value of the Framework. It was agreed that the NWJCC and NWSSP procurement services would prepare a report for each Health Board, underlining the value of the Framework for each individual organisation and explaining the changes from the current F. This has been completed and papers sent to each Health Board **(Appendix 1)**.

In order to effect the changes to the Framework and to ensure that the new

Framework is in place by April 2026, approval of the changes are required from each Health Board that wish to continue to use the Framework to commission services, by the end of August 2025. Any further delay would jeopardise the tender being issued on time and the Framework not being in place by April 2026.

In conjunction with this report, discussions will also commence with regards to the potential to extend the existing Framework "at risk" as a contingency measure. However, this would need agreement from NWSSP and would also result in a considerable amount of additional work by NWJCC and NWSSP as an additional price refresh would need to be run to cover the additional extension period.

3.2 Caswell Clinic/Taith Newydd units

Members will recall previous updates regarding a significant fire at the Taith Newydd low secure unit at Glanrhyd Hospital in October 2024. This 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 Taith Newydd safe and usable, will take between 12 and 18 months to complete. The remedial works are yet to commence.

Other issues relating to low occupancy on the remaining medium secure wards at Caswell Clinic include the lack of appropriate extra care/seclusion facilities. This has resulted in a number of patients being referred and admitted to independent sector provision. Although capital investment was made available to provide seclusion areas, there has been no progress beyond planning stages as yet. When the work commences it is likely that a further 4 beds will need to be closed for the duration of the work.

Some JC Members visited the Caswell Clinic on 28 July 2025, meeting with the heads of each clinical professional group and looking around the environment. Some significant issues were noted, the patient garden areas were unkempt, clinical leads voiced concerns relating to there being no personal alarms available for staff and it was stated that no clinical team would be available should the low secure patients move out Caswell Clinic because staff had not been replaced following departures.

Due to the concerns raised by the continued use of medium secure unit beds by SBUHB low secure patients and the long-standing issue of the Caswell Clinic's ability to admit/manage patients who have complex and challenging presentations, the NWJCC will undertake service reviews of the Caswell Clinic in order to obtain a full picture of the service and the patients that are cared for within the service.

During the JC meeting in July 2025, Members were advised that the NWJCC had met with SBUHB on 9 July 2025, in relation to this matter and had suggested possible alternative commissioning arrangements. At that meeting SBUHB were

asked by JC to consider their own options relating to the overall occupancy at Caswell Clinic and how that could be optimised in a short timescale. These options were to be presented and considered at the NWJCC's Collaborative Commissioning Leadership Group meeting 26 August 2025. Unfortunately, SBUHB were unable to present any options at that meeting.

A meeting was held with NWJCC, SBUHB and Welsh Government on 27 August 2025 to discuss the plan for repair of Taith Newydd and the development of extra care areas at Caswell Clinic. These options looked at different options and scenarios over the next 2 years whilst building work is undertaken but did not give options as to how the Health Board would optimise occupancy in the meantime.

At the time of writing this report, the NWJCC have not received any options for maximising occupancy (and value) at Caswell Clinic or any options relating to future potential commissioning arrangements from SBUHB.

Due to the urgent need to ensure that Welsh patients are cared for in the least restrictive level of security and in services that are of certain level of quality and safety, the NWJCC have started to undertake individual patient reviews of all inpatients on medium secure wards within the clinic. The NWJCC will also commence a review of the service delivered at the Caswell Clinic in September 2025. This review will help the NWJCC to consider the best approach to commissioning a service which offers good quality and safety alongside value for money.

3.3 Traumatic Stress Wales

A verbal update will be provided at the meeting on the work being undertaken by the NWJCC with Cwm Taf Morgannwg University Health Board and Public Health Wales colleagues.

4.0 ASSESSMENT

Objectives / Strategy	
Dolen i Amcan (au) Strategol CBC / Link to JCC Strategic Objectives(s)	Reduce Duplication
	Maximise Value Ensure Quality
Dolen i Ddeddf Llesiant Cenedlaethau'r Dyfodol – Nodau Llesiant / Link to Wellbeing of Future Generations Act – Wellbeing Goals	A Resilient Wales
	If more than one applies please list below:

150623-guide-to-the-fg-act-en.pdf (futuregenerations.wales)	
Dolen i Hwyluswyr Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Enablers of Quality <i>(Duty of Quality Statutory Guidance (gov.wales))</i>	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 <i>(Duty of Quality Statutory Guidance (gov.wales))</i>	Efficient
	If more than one applies please list below: Effective Person Centred Timely Safe
Effaith Amgylcheddol/ Cynaliadwyedd (5R) / Environmental /Sustainability Impact (5Rs)	Yes - Refine
	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> Quality <i>Have you undertaken a Quality Impact Assessment Screening?</i>	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
	Outcome:	If no, please include rationale below:
Cydraddoldeb <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Gydraddoldeb? /</i> Equality	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>
	Outcome:	If no, please include rationale below:

<i>Have you undertaken an Equality Impact Assessment Screening?</i>		
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.	
Effaith Adnoddau <i>(Pobl / Ariannol) /</i> Resource Impact <i>(People / Financial)</i>	Yes (Include further detail below) As this framework was managed without additional resources. JCC will now use full resources to manage Hospital Framework Agreement	

5. RECOMMENDATIONS

The members of the Joint Commissioning Committee are asked to:

- **Note** the report

6. NEXT STEPS

The NWJCC in Partnership with NWSSP, will continue to liaise with Health Boards in order to obtain approval to proceed with proposed changes within a new Framework, within relevant timescales.