# Consultation: Health Service Procurement (Wales) Bill

**Background**

**Purpose of the consultation**

The Health Service Procurement (Wales) Bill has been referred to the [Health and Social Care Committee](http://www.senedd.wales/seneddhealth) for Stage 1 scrutiny of the general principles of the Bill.

If passed, the Bill will enable changes to the way in which NHS Wales procures healthcare services. The Bill itself does not introduce a new procurement regime; it includes regulation and guidance-making powers for Welsh Ministers to set out a new regime in subordinate legislation. The Welsh Government’s stated intention is to enable health bodies and local authorities to take advantage of opportunities for using procurement processes to better support the sector in Wales, and address inconsistencies with changes in health service procurement regimes that are being proposed in England.

The Committee is seeking views on the general principles of the Bill and the need for legislation to deliver the stated policy intention.

In particular, the Committee is seeking views about:

* The general principles of the Health Service Procurement (Wales) Bill, including the need for legislation to deliver the stated policy intention.
* The regulation-making power in the Bill to enable the Welsh Ministers to disapply the provisions of the UK Government’s Procurement Bill (once passed) that would otherwise apply to the procurement of health services in Wales.
* The regulation-making power in the Bill to enable Welsh Ministers to develop and implement a new procurement regime for health services in Wales through subordinate legislation.
* Any potential barriers to the implementation of the Bill’s provisions, and whether the Bill and accompanying Explanatory Memorandum and Regulatory Impact Assessment take adequate account of them.
* Whether there are any unintended consequences arising from the Bill.
* The Welsh Government’s assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum.
* The approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill, including the approach to engaging and consulting with stakeholders.

The closing date for submissions is **17:00 on Wednesday 15 March 2023**.

We recognise that the timescales are tight. This deadline has been set to enable written submissions to be taken into account when the Committee takes oral evidence from the Minister for Health and Social Services.

**We would encourage you to keep your submission brief and focused on the key points you would like to draw to the Committee’s attention. You do not need to answer all of the questions unless you want to.**

**Providing Written Evidence**

The Senedd has two official languages, Welsh and English.

In line with the Senedd’s Official Languages Scheme (<https://senedd.wales/commission/senedd-commission-policy/official-languages/>), the Committee welcomes contributions in both or either of our official languages, and we ask organisations that are subject to Welsh Language standards or schemes to respond in line with their own obligations. Please inform the Committee when submitting responses if you intend to provide a translation at a later date.

Please see guidance for those providing evidence for committees. (<https://senedd.wales/senedd-business/committees/getting-involved-with-committees/>)

**Disclosure of information**

Please ensure that you have considered the Senedd’s policy on disclosure of information (<https://senedd.wales/help/privacy/senedd-committee-privacy-notice/>) before submitting information to the Committee.

**Your opinion**

To assist with our scrutiny of the Health Service Procurement (Wales) Bill, the Committee would welcome your views on any or all of the following points.

Some helpful things to be aware of before you start answering the consultation questions:

* You do not need to answer every question, only those on which you wish to share information or have a view.
* If you provide any information that you feel is not suitable for public disclosure, please indicate which parts should not be published and give your reasons for this.

## General principles of the Bill

The Explanatory Memorandum for the Health Service Procurement (Wales) Bill states that “the Bill and potential subordinate legislation will seek to give organisations such as the NHS and local authorities in Wales the ability to implement more flexible procurement practices when sourcing services provided as part of the health service in Wales. This will support the delivery of Welsh Government’s strategic Programme for Government objectives; developing a health service procurement regime that meets the needs of health services in Wales and addresses inconsistency in health service procurement regimes that are being proposed in England”.

### 1. What are your views on the general principles of the Health Service Procurement (Wales) Bill? (we would be grateful if you could keep your answer to around 500 words)

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### 2. Is there a need for legislation to deliver the Welsh Government’s stated policy intention?

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|   | Yes |
|   | No |
|   | Don’t know |
|   | Don't have a view |

### 3. Please outline your reasons for your answer to question 2 (we would be grateful if you could keep your answer to around 500 words)

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## Regulation-making powers

The Bill includes two regulation-making powers:

* A ‘disapplication power’ in section 2 of the Bill will enable the Welsh Ministers to disapply the provisions of the UK Government’s Procurement Bill (once passed) that would otherwise apply to the procurement of health services in Wales.
* A ‘creation power’ in section 3 of the Bill will enable Welsh Ministers to develop and implement a new procurement regime for health services in Wales through subordinate legislation.

### 4. What are your views on the ‘disapplication’ regulation-making power in section 2 of the Bill?(we would be grateful if you could keep your answer to around 500 words)

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### 5. What are your views on the ‘creation’ regulation-making power in section 3 of the Bill? (we would be grateful if you could keep your answer to around 500 words)

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## Implementation and impact of the Bill

### 6. Are there any potential barriers to the implementation of the Bill’s provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment? (we would be grateful if you could keep your answer to around 500 words)

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### 7. Are any unintended consequences likely to arise from the Bill? (we would be grateful if you could keep your answer to around 500 words)

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### 8. What are your views on the Welsh Government’s assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum? (we would be grateful if you could keep your answer to around 500 words)

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## Development of the policy and legislative proposals

### 9. What are your views on the approach taken by the Welsh Government to develop the policy and legislative proposals reflected in the Bill? Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders. (we would be grateful if you could keep your answer to around 500 words)

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## Any other issues

### 10. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters? (we would be grateful if you could keep your answer to around 500 words)

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