

Welsh Government: Consultation on Procurement Regulation in Wales

End of consultation: 28 June 2016	
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About Welsh Women's Aid

Welsh Women's Aid is the national charity in Wales working to prevent domestic abuse and all forms of violence against women and ensure high-quality services for survivors that are needs-led, gender-responsive and holistic.

Established in 1978, we are an umbrella organisation that represents and supports a national federation of 23 local independent charities delivering specialist domestic abuse and violence against women prevention services in Wales, as part of a UK network of provision. These specialist services constitute our core membership, and they provide lifesaving refuges, outreach, and community advocacy and support to survivors of violence and abuse - women, men, children, families - and deliver innovative preventative work in local communities. We also deliver direct services including the Welsh Government funded Live Fear Free Helpline; a National Training Service; refuge and advocacy services in Colwyn Bay and Wrexham; and the national Children Matter project which supports local services to help children and young people affected by abuse and to deliver preventative STAR group-work in every local authority in Wales.

We have been at the forefront of shaping coordinated community responses and practice in Wales, by campaigning for change and providing advice, consultancy, support and training to deliver policy and service improvements for survivors, families and communities. As a national federation, our policy work, consultancy, training and advocacy is all grounded in the experience of local specialist services and service users. Our success is founded on making sure the experiences and needs of survivors are central to all we do.

Welsh Women's Aid's Response

Welsh Women's Aid are pleased to see this consultation from Welsh Government as we and our members have seen differing procurement practices in different regions across the country. There is a need for a consistent and clear approach across all 22 local authorities in Wales. At the moment there are big disparities between local authorities which are leading

to some very widely differing approaches to procurement. It has been communicated to us that the current guidance is hard to navigate and interpret (and therefore apply for), especially for smaller organisations. This, in relation to the violence against women sector, has an impact on the services that are available to those who need support.

We are of the view that if any reporting duty is to be made legally binding, this must take into account lack of resources that many smaller organisations have, so reporting needs to be proportionate. Many smaller organisations have limited resources due to cuts which they have faced and local specialist services are often not funded for full cost recovery, which means that evaluation and reporting activities are not funded. It is not uncommon for services to have absorbed these cuts to the extent that many staff members are already over stretched. Any changes to procurement must take this into account. This is also relevant in relation to public bodies and their reporting requirements, as the reports from the public sector may draw on initial data reports from smaller third sector reports (who have secured funding via the public sector for example).

We would also recommend that the Public Contracts Directive¹ be referenced within any legislation or guidance which may follow from this consultation. This is especially in regards to "light touch services" which, as the EU has outlined, should have special considerations which need to be recognised. A key aspect of this is that not everything needs to be put out to tender.

The services covered by this 'light touch' regime are fully outlined in Schedule 3 of the directive, however those mentioned of particular relevance to the domestic abuse sector are:

- Health, social and related services,
- Administrative social, educational, healthcare and cultural services,
- Benefit services,
- Other community, social and personal services,
- Provision of services to the community.

There is recognition that these services are about 'people, not paperclips' and therefore need to be tendered for in a manner that is sensitive to the matters the services address within our local communities.

Most important for services and procurers to note is the threshold for the new light touch regime of €750,000 (approximately £560,000), which is higher than previous regulations. This means that contracts under this size do not need to go through a competitive tendering process and commissioners can be creative in their approaches including using grant funding if they wish. The new directives clearly state that member states are free to secure the types of services outlined above in ways other than contracts, for example through grant funding. Welsh Women's Aid would therefore advise that services with a value below the amount stated in the Directive on Sell2Wales are developed in partnership with third sector providers, where they are for 'light touch' service; this would include those working towards preventing and tackling violence against women.

Partnership and consortium models of delivery have been advocated for across not only Wales but the UK, as a solution to multiagency working and collaborations. These require extra time to organise, and time for collaborative working. In addition, we support Cymorth

¹ 2014/24/EU

Cymru's concerns that consortiums between smaller and larger organisations will mean that smaller organisations voices (and therefore expertise) will be lost. This is due to the limited resources and staffing that smaller organisations have, therefore, larger organisations will often take lead roles due to them having more resources, staff and time to dedicate to consortia working. This ultimately leads to smaller organisations having less say and control in areas where they hold the expertise. There is a danger that smaller organisations will face a loss of autonomy in the consortia process.

If consortiums are to be utilised, reporting needs to reflect this. Any reporting duty required as a result of successfully securing a contract through consortia must be flexible enough to allow reporting by different organisations in a way which reflects the level of work and involvement they have had, and in a way which allows collaboration. Timeframes for reporting must also be adapted to support this.

Welsh Women's Aid support Cymorth Cymru's suggestion for each contract offer to outline the amount of money which is available. It is our understanding, and experience, that many offers do not currently set out the maximum amount available for a project.. By adopting the approach advocated by Cymorth Cymru, contract offers will be fair and transparent to all interested in the funding, and it will also mean that the most innovative and quality projects are open to application. This will also remove pressures from smaller organisations to bid at a loss to themselves. It has come to our attention that some organisations, due to the passion and dedication they have in their work, short sell themselves in order to secure a bid, where as if Cymorth Cymru's approach was adopted, this underselling of skill and expertise would be less common, especially amongst smaller organisation. In addition, this approach does not harm competition.

Welsh Women's Aid would stress the importance of ensuring that the procurement process is focused on quality as the most important factor; what seems to be the most economically advantageous in the short term may not provide these results in the long term. The Wellbeing of Future Generations (Wales) Act 2015 also outlines the importance of public bodies acting in a sustainable way which takes into account the long term welfare of those residing in Wales. We would argue that funding based of quality and the expertise of services, not cost, will enable this goal to be achieved.

Welsh Women's Aid would like to thank the Welsh Government for the opportunity to comment on this important consultation and we look forward to working together in future.

Any comments or questions regarding our response can be directed to:

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