

An interview with Paula Dumbill

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Here at Browne Jacobson we are fortunate to work with an array of fantastic clients all dedicated to serving the health and care sector. In our new 'In conversation with ...' series we spend half an hour with one of our lawyers getting a glimpse of the behind the scenes legal work we undertake to support our clients to achieve their aims and ambitions and deliver what are, at times, ground breaking and challenging projects.

In the third of the series we talk to Paula Dumbill, Partner in our Commercial team with responsibility for heading up our HealthTech strategy. Paula gives us the lowdown on what it's like to work at the forefront of digital transformation projects.

Our question: Paula, can you outline for us what a typical digital transformation project entails and the size of the challenge facing our clients?

Paula's response: It probably won't surprise you to hear that there is no "typical" digital transformation project! Each project has its own unique commercial objectives and the drivers for change can range from a simple scheduled timetable for re-procurement to the need for better processes, more advanced technology and more flexible ways of delivering services. Our projects generally involve the re-procurement of infrastructure, platforms or services that support the delivery of services, on a nationwide basis, to service providers delivering services to patients or other end users or to end users themselves.

Currently, the overwhelming challenge that our clients are facing with their digital transformation projects is the impact of Covid-19. Whilst for most of us Covid-19 may only have challenged us when the first lockdown took effect, for our healthcare clients the impact was felt much earlier.

On one of our projects, partway through the contract preparation stage the current pandemic hit. This presented a number of challenges for the project team:

- how to maintain the momentum of the project when members of the project team were pulled in different directions servicing more pressing health service priorities;
- how to capture and address the lessons that were being learned on a daily basis on the robustness of current contracts in dealing with the pandemic, particularly their ability to require speedier contract change responses as the gravity of the pandemic became clear; and
- how to structure their complex and growing service requirements in the context of an entirely new CCS framework agreement.

These were significant practical and legal challenges and it was vital that the project was managed in a way that supported the project team to deliver the contract whilst responding and managing the services' priorities in the unprecedented pandemic.

It's not only healthcare emergencies that throw our projects a curveball – policy changes have the same effect – requiring the whole project team to be nimble and adapt to changing commercial and political requirements.

Our question: What role do we play in supporting our clients to achieve their objectives?

Paula's response: We put together a team of experts covering a range of legal disciplines including: procurement, commercial contracting, commercial health, corporate governance, employment and pensions to ensure that our clients have access to specialists and advice on

all the key areas which needed to be considered. We also put in place a team of associates to ensure that day-to-day drafting tasks following project team input could continue in parallel whilst our clients attend to other “day job” service matters as required.

We approach the contract drafting aspects of our projects by first undertaking a full review of any chosen framework and we undertake a full gap analysis of the framework Call Off Terms and Schedules with the content of any current contract in place. This analysis enables us to develop a baseline contract for detailed review and discussion with the project team. In the early part of our projects, the project team generally meets in one of our five offices (the one nearest to where our clients are based) to review in detail the provisions of the Call Off Terms and Conditions and the Schedules and to update the content as service requirements are refined and updated.

This year, as the pandemic grew in size, the momentum of a few of our projects slowed temporarily whilst we adapted to having fewer people on the project teams and our way of working shifted to meeting via online applications. We adapted our project plans to give our client teams the space to support the current pressing service requirements whilst pressing ahead with the new procurement programme.

Our question: What does it feel like to be part of these projects

Paula's response: These are great projects to work on! I feel very privileged to be working on projects of national importance and this is always at the forefront of my mind. There is a huge responsibility on us to get the contract right. The purpose of the service behind some of our contracts is to protect the health of the nation and it is vital that we design a contract that delivers the solution required.

It is also a privilege to work as part of a close-knit team delivering to the same objective. A number of our biggest projects have been supported by a very talented strategic lead, [Anthony Nagle](#), who brings technical excellence, rigour and good humour to everything he touches. I am also proud to work alongside experts in the health sector and in their own area of specialism, including [Anja Beriro](#), another of our very talented lawyers, and for one current project, our project lead plugging into our client's telephony board meetings and majoring on the procurement side of things. And not to forget that these projects also serve as a terrific learning experience, particularly for our very able associates: [Joe Davis](#), who supports on the commercial contract side of things and [Louise Bennett](#) on the procurement side of things. We also have a number of other associates, trainees and paralegals, some of whom are at our side when the projects ramp up to completion. The teamwork and camaraderie are very rewarding.

Our question: Are there any particular highlights or stand out moments from these projects?

Paula's response: Yes definitely. A real highlight for me is the close teamworking that is required by the whole project team over a sustained period of time. When one particular project started, we were meeting in person with client personnel travelling from the south coast up to London and also from Yorkshire down to London. Latterly, the same clients were able to contribute to the project in the same way from the comfort of their own homes, so cutting out the exhausting travel that their roles previously demanded. The often intensive and long drafting sessions have meant that the whole team has gotten to know each other well – particular stand-out moments include sharing photos of badgers visiting gardens at night and a cat that has a penchant for appearing on camera!

Another is the elation I feel when we hear that ITT documents have been published or that long-discussed contracts have been signed. It feels good to hit a key milestone. The output is the output of not only the project team but also our shared services team who provide expertise when our documents corrupted at the last minute, when page numberings fell over and auto-numbering goes awry. I am really proud of the way our legal and support teams pull together to get contracts out to market and signed off.

Our question: Where do these projects rank on your list of career highlights?

Paula's response: One of our current projects has just gone out to market. This definitely ranks at the top of that list – it is the largest, most complex and nationally significant contract that I have worked on to date. It has also proved to be the most challenging, being drafted during a current pandemic, one of the very circumstances that the contract is designed to respond to. It feels as if this contract will play an important part in our efforts to combat Covid-19 going forward and I am proud to have played a role in supporting vital NHS work.

Our question: Do you have any top tips for other clients embarking on projects of this nature?

Paula's response: A project of this size and complexity needs a close-knit team working together to deliver it. It's important that the team works well together as they can spend long hours poring over documents and knitting the various strands of the commercial deal together.

A really solid set of project management documents is also vital to keep track of document development, issues arising, the progression of issues over time, who has the pen on each document, when documents are issued and when they are expected back and risk management. Our team has developed tools that enable us to track progression and to ensure that all issues arising are addressed in the contract documentation and any knock-on implications for other documents are dealt with.

A strategic project lead is also a must. Someone with experience of complex projects who sits above the weeds of the deal and ensures that the projects' objectives are being met – and someone who acts as a sounding board when complexities arise and impacts are being considered.

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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