|  |  |
| --- | --- |
| Overview | This standard addresses those situations where action needs to be taken to address concerns about non-compliance with legal requirements or contract specifications. It involves assessing and reporting non-compliance, agreeing and then implementing a plan of action to promote the achievement of outcomes.This NOS is relevant to an individual undertakingcommissioning, procurement and contracting in relation to care services. |

|  |  |
| --- | --- |
| Performance criteriaYou must be able to:You must be able to:You must be able to: |  **Assess compliance with contract specifications and legal requirements**1. identify how monitoring contract compliance supports the achievement of outcomes for individuals, key people and communities who use the service
2. assess the compliance of the contractor and the service they provide with the contract specification and any other legal requirements
3. promptly report non-compliance, or breach of the law, to relevant people
4. assess the implications of provider non-compliance with contract specifications and legal requirements, taking account of any identified concerns, issues and risks
5. provide a clear explanation of the implications to relevant people

 Agree actions to achieve the contract specification1. agree actions with individuals, key people and communities who direct their own support to address any concerns about their contracts
2. negotiate with the provider to agree a plan of corrective action that includes information about the nature and timing of follow-up arrangements
3. identify how to manage risks associated with the contract
4. prepare a statement that includes your assessment, proposals for corrective action and associated risks, in accordance with legal and work setting requirements
5. present your statement together with supporting evidence to decision makers, in accordance with legal and work setting requirements
6. share the decisions made about compliance with relevant people

 Monitor compliance through contractual procedures1. explain the process for securing contract compliance to individuals, key people and communities who use the service
2. explain the notice to be served, including options to challenge the notice, to the responsible person in the contracted service or their authorised representative, in accordance with legal and work setting requirements
3. serve the notice, in accordance with legal and work setting requirements
4. monitor the corrective action in line with the agreed plan in a way that protects vulnerable people and maintains working relationships with the contractor
 |
|  |  |

|  |  |
| --- | --- |
| Knowledge and understandingYou need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand: | **Specific to this NOS**1. how contract compliance can support the achievement of outcomes
2. theories of contract management and contract compliance
3. current research and developments about ensuring contract compliance
4. how to interpret different measures for contract performance
5. **Rights**
6. legal and work setting requirements for equality, diversity, discrimination and rights
7. legal and work setting requirements for complaints and whistle blowing
8. your role and the roles of others in promoting **co-productive** commissioning
9. the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals, key people** and communities
10. how to deal with and challenge discrimination
11. your duty to report any acts or omissions, poor or discriminatory practice, resources or operational difficulties that could infringe the rights of individuals and key people

**Safeguarding**1. legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of children, young people and adults
2. the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
3. factors that increase the risk of potential harm or abuse
4. the different types of harm or abuse, poor or discriminatory practice
5. indicators of potential harm or abuse
6. how and when to report any concerns about harm or abuse, including whistleblowing
7. what to do if you have reported concerns but no action is taken to address them

**Sustainability**1. why it is important to work in a **political, economic, sociological, technological, legal and environmentally sustainable** way
2. how you can develop sustainable new ideas in your work role

Partnership working1. the factors that can affect partnership working
2. techniques for working with individuals, key people and communities through co-productive commissioning, procurement and contracting
3. how to support the best interests of individuals, key people and communities
4. how to engage with social care and procurement professionals during commissioning, procurement and contracting activities
5. the **priorities, interests** and contributions of **stakeholders**
6. the **operational realities** of service providers
7. policies, procedures, guidance and protocols with others involved in partnerships
8. how to assess the effectiveness of partnership working

**Risk management**1. the types of risk involved in commissioning, procurement and contracting
2. methods of identifying, assessing and managing risk
3. your role in identifying, managing and reporting risk
4. principles of positive risk-taking

 **Your practice**1. European, UK and country specific legislation, statutory codes, standards, regulations, frameworks and guidance relevant to your commissioning, procurement and contracting role
2. European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies
3. how to access and work to procedures and agreed ways of working
4. lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions
5. how your role fits within your organisation and where you can go to for support
6. how to assess the impact of commissioning, procurement and contracting activities on individuals, key people and other stakeholders
7. how to measure the achievement of **outcomes**
8. the nature and importance of preventative and community based provision
9. factors that can cause conflicting demands
10. techniques for problem solving and innovative thinking
11. how to fulfil your role in managing resources, including your own time
12. how to cost and work with budgets
13. how and when to seek support with ethical conflicts and dilemmas in your work
14. your own background, experiences and beliefs that may have an impact on your practice
15. how to use **evidence-based practice** to justify your actions and decisions
16. how to contribute to the development of systems, practices, policies and procedures
17. how to challenge poor practice in your own and other organisations

 **Theory for practice**1. how the **social, medical and business** models impact on the achievement of outcomes
2. how commissioning, procurement and contracting can contribute to improved outcomes for individuals, key people and communities

 **Personal and professional development**1. principles of reflective, person centred, evidence based practice
2. your role in sharing and developing knowledge and practice with others, including , key people and communities
3. how to provide constructive feedback to others
4. how to identify and access opportunities for professional development
5. how to develop professional knowledge and practice through reflective supervision and appraisal
6. **Communication**
7. how to use communication as a foundation for co-productive commissioning
8. methods to promote effective communication with **colleagues**, individuals and other stakeholders
9. **Handling information**
10. legal requirements, policies and procedures for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice
11. legal and work setting requirements for recording information and producing reports within timescales
12. how to identify, collect, measure and assess data and present it as information
13. how information software products can help you collect information
14. how to record written information with accuracy, clarity, relevance and an appropriate level of detail
15. methods of making data and information accessible for individuals, key people and other stakeholders
16. how and where electronic communications can and should be used

 **Health and Safety**1. legal and work setting requirements for health, safety and security in the work environment
 |
|  |  |

|  |
| --- |
| Additional information  |
| Scope / range related to performance criteria: | The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statements required for achievement of the NOS.Where an individual finds it difficult or impossible to express their own preferences and make decisions about their life, achievement of this standard may require the involvement of advocates or others who are able to represent the views and best interests of the individual. Where there are language differences within the work setting, achievement of this standard may require the involvement of interpreters or translation services**Outcomes** are the desired result of the activity for individuals, key people and communities. They move the focus from the processes, transactions and performance management to the differences that provision can actually make to people’s lives. It underpins citizen centred commissioning by placing individuals in a central role in evaluating the effectiveness of commissioning.The **individual** is the adult, child or young person receiving a service.**Key people** are those who are important to an individual and who can make a difference to his or her well-being. Key people may include family, friends, carers and others with whom the individual has a supportive relationship.A contract would be **non-compliant** if the service or contractor does not meet the requirements set out in the contract specification, such as achieving agreed outcomes, providing a specified quality and quality of service or meeting agreed milestones. A contract would also be non-compliant where a service or contractor fails to meet legal responsibilities, such as safeguarding or health and safety requirements.**Risks** can be influenced by a wide range of factors and include risks to people, property and organisations through reputation or ability to fulfil their roles and responsibilities.**Relevant people** can include individuals, key people, decision makers and other stakeholders and will vary depending on the issues and circumstances. Who the relevant people are can depend upon circumstances. **Corrective action** refers to the steps that need to be taken to address non-compliance and promote compliance with the contract.  |
|  |  |

|  |  |
| --- | --- |
| Scope / range related to knowledge and understanding:Values: | The details in this field are explanatory statements of scope and/or examples of possible contexts in which the NOS may apply; they are not to be regarded as range statement required for achievement of the NOS.**All knowledge statements must be applied in the context of this standard.**The process of **co-production** involves developing relationships with individuals, key people and communities, recognising the expertise that people have and the support that they offer to each other. It places individuals, key people and communities at the centre of decision making and control.The **individual** is the adult, child or young person receiving a service.**Key people** are those who are important to an individual and who can make a difference to his or her well-being. Key people may include family, friends, carers and others with whom the individual has a supportive relationship.The **political, economic, sociological, technological, legal and environmental** model (also known as the PESTLE model) is used to analyse the influences that an organisation has on its environment, both now and in the future. It is used to inform decisions and enable the organisation to respond to change.The **priorities and interests** of stakeholders encompass the outcomes sought and are influenced by different philosophies, principles, priorities and codes of practice and are affected by their differences in size, structure, governance and capacity. They may change over time in response to national and local factors.**Stakeholders** are individuals and other people who have an interest in or are in some way affected by your work. They include service providers from the statutory, third or business sectors; regulators; colleagues and other professionals whose work contributes to the individual’s well-being and who enable you to carry out your role; commissioning partners or those who commission services from the same provider, whether or not they are joint arrangements.The **operational realities** of service providers are the factors that impact on how they are able to run their other services, in particular where there is competition for funding and customers.An **organisation** is used to mean the organisation for which you work or volunteer, or which you own or run. For people funding their own services or using other self directed support, it means you and the people who may work for you.**Outcomes** are the desired result of the activity for individuals, key people and communities. They move the focus from the processes, transactions and performance management to the differences that provision can actually make to people’s lives. It underpins citizen centred commissioning by placing individuals in a central role in evaluating the effectiveness of commissioning.**Evidence based** **practice** uses systems, processes and ‘practice wisdom’ that has been proved to be effective in supporting the achievement of positive outcomes. Evidence may have been drawn from a variety of sources: research, both formal and informal, and the views and opinions of individuals, key people and other stakeholders involved in the delivery of care services.The **social model** describes disability as a series of barriers located in society and not an individual, for example attitudes towards people in need or physical barriers.The **medical model** described illness or disability as an inherent part of the individual, and as such would attempt to treat or cure the person. **Business models** refers to an organisation’s need to function as a business within financial constraints and in some cases to make profit, for example social enterprises and private businesses. **Colleagues** are people who you work with in your own or other organisations, including your team, managers, service providers, other teams, other departments and other organisationsAdherence to codes of practice or conduct where applicable to your role and the principles and values that underpin your work setting, including the rights of children, young people and adults. These include the rights:To be treated as an individualTo be treated equally and not be discriminated againstTo be respectedTo have privacyTo be treated in a dignified wayTo be protected from danger and harmTo be supported and cared for in a way that meets their needs, takes account of their choices and also protects themTo communicate using their preferred methods of communication and languageTo access information about themselvesAll aspects of commissioning, procurement and contracting should seek to build on these underpinning values and should:Respect the inherent worth and dignity of all peopleRespect the human rights of children, young people and adultsRespect people’s right to take positive risksBe transparentBe accountableBe proportionalBe consistentBe targetedBe impartialEnable providers |

|  |  |
| --- | --- |
| Developed by | Skills for Care and Development |
| Version number | 2 |
| **Date approved** | February 2014 |
| Indicative review date | February 2019 |
| **Validity** | Current |
| **Status** | Original |
| Originating organisation | Skills for Care and Development |
| **Original URN** | CPC306 |
| Relevant occupations | Childcare and Related Personal Services; Health and Social Care; Planning Officer; Strategy Officer |
| **Suite** | Commissioning, Procurement and Contracting for Care Services |
| **Key words** | Action; promote; contract; compliance; legal requirements; outcomes |