

Unit: CPC 306 Take action to secure contract compliance (Commissioning, Procurement and Contracting)

Key Purpose

The key purpose identified for those working in commissioning, procurement and contracting is to: "Specify, shape and secure quality services, responses and projects that deliver improving outcomes for individuals, families and communities within the strategic objectives of the organisation"

Elements of competence

CPC 306 A Agree actions to achieve the quality of service and outcomes specified in the contract
CPC 306 B Report on compliance issues
CPC 306 C Secure compliance through contractual procedures

About this unit

This unit addresses those situations where explanation and negotiation are necessary because of concerns about non-compliance, poor quality or lack of progress towards outcomes. The approach is always to first provide support and advice to contractors about how to improve delivery and quality, but in some situations the deficit or lack of progress is of sufficient concern to warrant action by the commissioning organisation to secure compliance. Where explanations, support and negotiation fail to secure a satisfactory outcome, the commissioning organisation may have to take further action.

Scope

The scope is here to give you guidance on possible areas to be covered in this unit. The terms in this section give you a list of options linked to the words highlighted in bold in the performance criteria. You need to provide evidence for any option related to your work area.

Risks: risks to people; risks to property; health and safety risks; actions that may make adults or children vulnerable to harm from others; risks of legal action; risks to reputation; risks of poor performance; risk of financial loss

Provide an explanation: written (electronic or paper);, verbal (face to face or telephone); directly to decision makers; or indirectly via a line manager or other person.

Directly to those concerned; or indirectly through website, forum, newsletter, etc.

Non-compliance: with achieving agreed outcomes; with the specified quality of service; with quantity of service; with meeting milestones

Implications: for the families and communities using the services; for the contractor; for the commissioning organisation

Information: raw data; processed data; from primary sources; from secondary sources; written; verbal; electronic; quantitative information; qualitative information

Evidence: observed evidence; documentary evidence; evidence reported by others; evidence from inspectors or regulators

Values

The values underpinning this unit have been derived from the key purpose statement, the values and principles statement, relevant service standards and codes of practice for health and social care in the four UK countries. The values and principles statement is at the start of these units:

Key words and concepts

This section provides explanations of the key words and concepts used in this unit. In occupational standards it is quite common to find familiar words or phrases used, which, in the detail of the standards, may be used in a very particular way. **Therefore we would encourage you to read this section carefully before you begin working with the standards and to refer back to this section as required.**

Non-compliance: failure to meet the specifications contained in a contract

Relevant people: people to whom a particular issue or incident is important or who are affected by it. Who the relevant people are can depend upon circumstances

Corrective action: steps to improve on areas that have not complied with requirements

Self-directed support: individuals, families and communities that are in receipt of direct payments or individual budgets and making all the decisions in relation to their own care-service provision

CPC 306 A Agree actions to achieve the quality of service and outcomes specified in the contract

Performance criteria

You need to show that you:

1. Immediately alert any individuals, families and communities that are directing their own support about issues of concern on quality or outcomes in relation to their contract and gain their agreement to any further actions
2. Assess the **risks** presented by non-compliance with quality or outcomes specified in a contract and identify the best ways to manage them
3. Provide a clear and concise **explanation** of the concerns and issues about **non-compliance** with contracts and/or breaches of the law to the **relevant people**
4. Make a clear and accurate explanation of the **implications** of continued non-compliance or legal breaches to the relevant people, in accordance with organisational policies and procedures
5. Propose an action plan with reasonable timescales for corrective action by the contractor
6. Carry out the negotiation and agreement of **corrective action** and follow-up arrangements in a way that promotes co-operation and understanding
7. Provide clear and accurate **information** of the nature and timing of any proposed follow-up to the relevant people and gain agreement and co-operation
8. Follow-up as agreed and check that the agreed actions are taken

CPC 306 B Report on compliance issues

Performance criteria:

You need to show that you:

1. Report non-compliance, or breach of the law, to relevant people promptly, as soon as you become aware of it
2. Make a balanced and fair assessment of the contractor and the service, based on the type and extent of non-compliance
3. Prepare a full and accurate statement including proposals for corrective action and associated risks, in line with legal and organisational requirements
4. Select and present the appropriate **evidence** and advice to those taking decisions about corrective action, in line with legal and organisational requirements
5. Follow-up to ensure future compliance with the decisions about corrective action

6. Ensure relevant people are informed about why the corrective action is being taken and the outcomes
7. Reflect objectively on your own performance when ensuring compliance with contracts and identify areas for development

CPC 306 C Secure compliance through contractual procedures

You need to show that you:

1. Provide a clear explanation to individuals, families and communities that use the service about the process that will be followed to secure compliance
2. Where individuals, families or communities are **directing their own support** ensure that they are in agreement with the action to be taken and the corrective steps proposed
3. Give a clear and complete explanation of the notice to be served to the responsible person in the contracted service, and to any other appropriate people, in line with organisational procedures
4. Serve the correctly prepared notice, in line with contract or organisational procedures
5. Explain fully, clearly and concisely to the contracted person, or their authorised representative, the process by which the proposals and decisions of the commissioning organisation can be challenged
6. Carry out monitoring of corrective action in a way that protects vulnerable adults and/or children, whilst maintaining an effective working relationship with the contractor

Knowledge specification for the whole of this unit

Competent practice is a combination of the application of skills and knowledge informed by values and ethics. This specification details the knowledge and understanding required to carry out competent practice in the performance described in this unit.

When using this specification **it is important to read the knowledge requirements in relation to the expectations and requirements of your job role**

You need to show that you know, understand and can apply in practice:

Values

1. Legal and organisational requirements on equality, diversity,

- discrimination, rights, confidentiality and sharing of information when ensuring compliance with contracts
- 2. How to manage ethical dilemmas and conflicts which can arise when ensuring compliance with contracts
- 4. The importance of working with individuals, families and communities who are directing their own support
- 5. How differing values and perspectives of service providers can have an impact on contractual performance
- 6. The impact of organisational structure and culture upon how flexibly and innovatively resources can be used

Legislation and organisational policy and procedures

- 7. Relevant regulation, codes of practice and conduct and the roles, responsibilities, accountability and duties of others when ensuring compliance with contracts
- 8. Current local, UK and European legislation and organisational requirements, procedures and practices for:
 - a. procurement of services
 - b. contract compliance
 - c. termination of contracts
 - d. transfer of undertakings
 - e. risk assessment and management
- 10. Key government initiatives which affect the organisation's practices when ensuring compliance with contracts

Theory and practice

- 11. Research and current thinking about ensuring contract compliance
- 12. Theories of contract management and contract compliance
- 13. The different measures for contract performance and how they can be interpreted
- 14. Methods of communicating effectively throughout the process of ensuring contract compliance
- 15. The use of evidence-based practice to:
 - a. justify your actions and decisions
 - b. record and report processes and outcomes of your work
- 16. Methods of identifying, assessing and managing risks
- 17. Methods of reflecting on your own performance
- 18. How to access personal and professional development opportunities