

Unit: CPC 404 Negotiate effectively in order to promote positive outcomes (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 404 A Plan and prepare for negotiations
CPC 404 B Undertake negotiations
CPC 404 C Review and evaluate the effectiveness of negotiations

About this unit

This unit is about the skills of negotiation needed throughout commissioning, procurement and contracting. Negotiation skills may be needed when reaching agreement about outcomes, strategies, planning for joint working, deciding priorities and managing risk as well as during contract negotiations. Agreeing budgets and resources also requires the use of good negotiation skills.

Similar skills will also be needed in effectively managing contracts and achieving successful changes. Negotiations may take place with individuals, families, communities, service providers or partners

Scope

The scope helps to make sure that you provide evidence related to the work you do. Terms in this section give you options related to the words in bold in the performance criteria. Your evidence for this unit should cover any option that is part of your work.

Parties: contracted service providers, service providers involved in a bidding or tendering process, funding partners, individuals, families or communities, commissioning partners
Negotiations: agreeing a commissioning strategy, agreeing individual programmes, tender negotiations, contract negotiations, de-commissioning negotiations

Indicators: agreed outcomes; financial; performance; best value; sustainability

Seek feedback: from individuals, families and communities who use services, from service providers, from partners, from agencies and organisations who have an interest in what you do. In written form, electronic feedback, by telephone, through forums, through public meetings and consultations, through individual contact.

Record (verb): formally; informally; officially; personally

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

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.**

Outcome: desired result of activities, interventions and / or services.

Scope: what will be included and what will not

CPC 404 A Plan and prepare for negotiations

Performance Criteria

You must show that you:

1. Identify clearly the **parties** to be involved in the **negotiations**
2. Identify and agree the **outcomes**, changes or revisions required from the negotiations

3. Agree the **scope** of the negotiations with all the parties involved
4. Establish and accurately **record** the personal authority of each party to carry out and commit to the results of the negotiations
5. Obtain any additional authority and agreement needed in good time to enable the negotiations to be completed
6. Establish and accurately record how the results of the negotiations will be implemented
7. Ensure that the timetable for negotiations is sufficient to enable discussion and reflection, but does not compromise the positive outcomes of a strategy, tender or contract
8. Determine and agree the **indicators** to be used to evaluate the effectiveness of the negotiations

CPC 404 B Undertake negotiations

Performance Criteria

You must show that you:

1. Carry out negotiations in a way that encourages an open exchange of views and maintains a spirit of goodwill and confidence
2. Make sure that the outcomes, actions, changes or revisions that result from the negotiations are realistic and can be delivered by the parties concerned
3. Make sure that agreement to the outcomes, changes or revisions resulting from the negotiations is within the personal authority of each of the parties
4. Make sure, by **seeking feedback**, that the outcomes, actions, changes or revisions resulting from the negotiations are in line with the requirements of the individuals, families and communities who use, or direct their own services
5. **Record** accurately any failures to agree and propose courses of action that will minimise the impact on the individuals, families and communities using or directing services
6. Record accurately any outcomes, actions, changes or revisions resulting from the negotiations and ensure that all parties have a record

CPC 404 C Review and evaluate the effectiveness of the negotiations

Performance Criteria

You must show that you:

1. Monitor the results of the negotiations using the agreed indicators
2. Measure the results of the negotiations using the agreed indicators
3. Reach conclusions about the effectiveness of the negotiations in achieving the required outcomes, changes or revisions
4. Identify and disseminate any personal or organisational learning that emerged from the negotiation process
5. identify and plan to manage any **risks** resulting from the outcomes of negotiations
6. Implement any changes identified in the evaluation within the agreed timescales
7. Reflect objectively on your own performance in negotiations and identify any areas for development

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 relating to negotiations that impact on confidentiality and sharing information and obtaining the best possible value
2. The importance of maintaining the safety and protection of children and vulnerable adults throughout any negotiations
3. Legal and organisational requirements in relation to openness and scrutiny of negotiations
4. How to manage ethical dilemmas that arise from negotiations

5. How to ensure that negotiations result in outcomes that are sustainable and have minimal impact on the environment

Legislation and organisation policy and procedures

6. Codes of practice and conduct, and standards and guidance relevant to your setting, and the roles, responsibilities, accountability and duties of others when undertaking negotiations.
7. Current local, UK and European legislation and organisational requirements, procedures and practices for:
 - Data protection
 - Safeguarding and protection
 - Pre-and post tender negotiations
 - Contract negotiations
8. How different policies, approaches and philosophies can affect negotiating positions and the ability to agree outcomes, changes or revisions

Theory and practice

9. Negotiating techniques and how and when to use them
10. The reasons why negotiation may be needed
11. The circumstances in which negotiations are possible, desirable or necessary
12. The limits of authority of specific people in the organisation to undertake negotiations
13. The aspects of bids, tenders and contracts that can be negotiated
14. The value of using a third party as an intermediary
15. How and when to use specialists
16. How and when to use arbitration
17. How to recognise the point at which negotiations are stalled, but can be re-started
18. How to recognise the point at which there is an irretrievable breakdown of negotiations
19. The ethical considerations that must be taken into account in negotiations
20. How to identify and manage risks
21. How to identify and access opportunities for professional development