SCDCPC304
Facilitate the resolution of issues or conflicts in commissioning, procurement and contracting

Overview

This standard is about your role in supporting all parties involved in delivering outcomes are able to resolve any problems or disagreements. In involves establishing the basis of the issue or conflict, escalating concerns where necessary and facilitating discussion to reach agreement.

This NOS is relevant to an individual undertaking commissioning, procurement and contracting in relation to care services.

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Performance criteria	**Establish the basis of the issue or conflict**

You must be able to:

P1   use communication skills to establish an environment in which effective negotiation can take place

P2   clarify the issue or disagreement with all parties

P3   clarify the involvement of other agencies in addressing the issue or disagreement

P4   **escalate concerns** where there may be issues relating to safeguarding or poor practice

P5   select an **approach** to resolve the issue or conflict

P6   negotiate agreement of all parties to the **ground rules** for any discussion

Facilitate discussions of the issues

You must be able to:

P7   ensure that all parties observe the agreed ground rules

P8   encourage all parties to communicate effectively in sharing their views

P9   periodically summarise the points made by each party and check understanding

P10   establish any areas of common ground or potential agreement

P11   encourage all parties to look for and offer **opportunities for resolution**

P12   ensure that discussions meet the timescales agreed in the ground rules

P13   summarise progress to all parties

Support parties to reach agreement

You must be able to:

P14   encourage parties to consider options for resolution

P15   suggest **compromises** from all parties in order to reach an agreement

P16   acknowledge the difficulty of the compromises parties have made

P17   agree how any agreements reached will be recorded

P18   identify any **risks** associated with the agreement reached

P19   make recommendations to manage risks

P20   summarise clearly the learning that has emerged from the process

P21   seek views from all parties on how the learning can be applied

Knowledge and understanding	**Specific to this NOS**

You need to know and understand:	K1	the other agencies that might be involved in addressing issues or conflicts
	K2	how to escalate concerns
	K3	approaches and techniques of conflict resolution
	K4	methods for managing the dynamics of groups, including conflict resolution
	K5	how to use strategies for identifying potential resolutions
	K6	different methods to encourage compromises
	K7	how to select and operate within ground rules

Rights

You need to know and understand:	K8	legal and work setting requirements for equality, diversity, discrimination and rights
	K9	legal and work setting requirements for complaints and whistle blowing
	K10	your role and the roles of others in promoting **co-productive** commissioning
	K11	the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals, key people** and communities
	K12	how to deal with and challenge discrimination
	K13	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

You need to know and understand:	K14	legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of children, young people and adults
	K15	the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
	K16	factors that increase the risk of potential harm or abuse

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K17 the different types of harm or abuse, poor or discriminatory practice

K18 indicators of potential harm or abuse

K19 how and when to report any concerns about harm or abuse, including whistleblowing

K20 what to do if you have reported concerns but no action is taken to address them

Sustainability

You need to know and understand:

K21 why it is important to work in a **political, economic, sociological, technological, legal and environmentally sustainable** way

K22 how you can develop sustainable new ideas in your work role

Partnership working

You need to know and understand:

K23 the factors that can affect partnership working

K24 techniques for working with individuals, key people and communities through co-productive commissioning, procurement and contracting

K25 how to support the best interests of individuals, key people and communities

K26 how to engage with social care and procurement professionals during commissioning, procurement and contracting activities

K27 the **priorities, interests** and contributions of **stakeholders**

K28 the **operational realities** of service providers

K29 policies, procedures, guidance and protocols with others involved in partnerships

K30 how to assess the effectiveness of partnership working

Risk management

You need to know and understand:

K31 the types of risk involved in commissioning, procurement and contracting

K32 methods of identifying, assessing and managing risk

K33 your role in identifying, managing and reporting risk

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K34   principles of positive risk-taking

Your practice

K35   European, UK and country specific legislation, statutory codes, standards, regulations, frameworks and guidance relevant to your commissioning, procurement and contracting role

K36   European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies

K37   how to access and work to procedures and agreed ways of working

K38   lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions

K39   how your role fits within your organisation and where you can go to for support

K40   how to assess the impact of commissioning, procurement and contracting activities on individuals, key people and other stakeholders

K41   how to measure the achievement of **outcomes**

K42   the nature and importance of preventative and community based provision

K43   factors that can cause conflicting demands

K44   techniques for problem solving and innovative thinking

K45   how to fulfil your role in managing resources, including your own time

K46   how to cost and work with budgets

K47   how and when to seek support with ethical conflicts and dilemmas in your work

K48   your own background, experiences and beliefs that may have an impact on your practice

K49   how to use **evidence-based practice** to justify your actions and decisions

K50   how to contribute to the development of systems, practices, policies and procedures

K51   how to challenge poor practice in your own and other organisations

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Theory for practice

You need to know
and understand:

K52 how the **social, medical and business** models impact on the
achievement of outcomes

K53 how commissioning, procurement and contracting can contribute to
improved outcomes for individuals, key people and communities

Personal and professional development

You need to know
and understand:

K54 principles of reflective, person centred, evidence based practice

K55 your role in sharing and developing knowledge and practice with others,
including , key people and communities

K56 how to provide constructive feedback to others

K57 how to identify and access opportunities for professional development

K58 how to develop professional knowledge and practice through reflective
supervision and appraisal

Communication

You need to know
and understand:

K59 how to use communication as a foundation for co-productive
commissioning

K60 methods to promote effective communication with **colleagues**, individuals
and other stakeholders

Handling information

You need to know
and understand:

K61 legal requirements, policies and procedures for the security and
confidentiality of information, taking account of commercial sensitivity and
procurement practice

K62 legal and work setting requirements for recording information and
producing reports within timescales

K63 how to identify, collect, measure and assess data and present it as
information

K64 how information software products can help you collect information

K65 how to record written information with accuracy, clarity, relevance and an

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appropriate level of detail

K66 methods of making data and information accessible for individuals, key people and other stakeholders

K67 how and where electronic communications can and should be used

Health and Safety

You need to know and understand:

K68 legal and work setting requirements for health, safety and security in the work environment

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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.

Escalating concerns is where issues or concerns have accumulated and key agencies such as commissioners, service providers, regulators, the police, individuals, key people or others need to work together to address those issues or concerns.

The **approach** that you take should begin with negotiation and collaboration, but could also include more formal approaches such as the use of disciplinary action, grievance procedures, legal action, industrial dispute, external mediation, arbitration, appeals process,; complaints process or criminal Proceedings.

To support the effective functioning of a group, **ground rules** can be used to specify the timescales, level of confidentiality, expected behaviour, people present and distribution of any report or feedback.

There may be **opportunities for resolution** through compromise, admission of mistakes or being wrong, changing views or opting out.

Compromises aim to meet most of the wishes of those involved, with an expectation that all parties are willing to negotiate and concede in order to gain a

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common agreement.

Risks can be influenced by a wide range of factors and include a wide range of risks to people, property and organisations.

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Scope / range related to knowledge and understanding:	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

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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 organisations.

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Values:

Adherence 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 individual

To be treated equally and not be discriminated against

To be respected

To have privacy

To be treated in a dignified way

To be protected from danger and harm

To be supported and cared for in a way that meets their needs, takes account of their choices and also protects them

To communicate using their preferred methods of communication and language

To access information about themselves

All aspects of commissioning, procurement and contracting should seek to build on these underpinning values and should:

Respect the inherent worth and dignity of all people

Respect the human rights of children, young people and adults

Respect people's right to take positive risks

Be transparent

Be accountable

Be proportional

Be consistent

Be targeted

Be impartial

Enable providers

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