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**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 undertaking commissioning, procurement and contracting in relation to care services.

## Performance criteria

### Assess compliance with contract specifications and legal requirements

- You must be able to:
- P1 identify how monitoring contract compliance supports the achievement of **outcomes** for **individuals, key people** and communities who use the service
  - P2 assess the compliance of the contractor and the service they provide with the contract specification and any other legal requirements
  - P3 promptly report non-compliance, or breach of the law, to relevant people
  - P4 assess the implications of provider **non-compliance** with contract specifications and legal requirements, taking account of any identified concerns, issues and **risks**
  - P5 provide a clear explanation of the implications to **relevant people**

### Agree actions to achieve the contract specification

- You must be able to:
- P6 agree actions with individuals, key people and communities who direct their own support to address any concerns about their contracts
  - P7 negotiate with the provider to agree a plan of **corrective action** that includes information about the nature and timing of follow-up arrangements
  - P8 identify how to manage risks associated with the contract
  - P9 prepare a statement that includes your assessment, proposals for corrective action and associated risks, in accordance with legal and work setting requirements
  - P10 present your statement together with supporting evidence to decision makers, in accordance with legal and work setting requirements
  - P11 share the decisions made about compliance with relevant people

### Monitor compliance through contractual procedures

- You must be able to:
- P12 explain the process for securing contract compliance to individuals, key people and communities who use the service
  - P13 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
  - P14 serve the notice, in accordance with legal and work setting requirements

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P15 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 understanding

You need to know and understand:

### Specific to this NOS

- K1 how contract compliance can support the achievement of outcomes
- K2 theories of contract management and contract compliance
- K3 current research and developments about ensuring contract compliance
- K4 how to interpret different measures for contract performance

### Rights

You need to know and understand:

- K5 legal and work setting requirements for equality, diversity, discrimination and rights
- K6 legal and work setting requirements for complaints and whistle blowing
- K7 your role and the roles of others in promoting **co-productive** commissioning
- K8 the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals, key people** and communities
- K9 how to deal with and challenge discrimination
- K10 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:

- K11 legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of children, young people and adults
- K12 the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
- K13 factors that increase the risk of potential harm or abuse
- K14 the different types of harm or abuse, poor or discriminatory practice
- K15 indicators of potential harm or abuse

K16 how and when to report any concerns about harm or abuse, including whistleblowing

K17 what to do if you have reported concerns but no action is taken to address them

### Sustainability

You need to know and understand:

K18 why it is important to work in a **political, economic, sociological, technological, legal and environmentally sustainable** way

K19 how you can develop sustainable new ideas in your work role

### Partnership working

You need to know and understand:

K20 the factors that can affect partnership working

K21 techniques for working with individuals, key people and communities through co-productive commissioning, procurement and contracting

K22 how to support the best interests of individuals, key people and communities

K23 how to engage with social care and procurement professionals during commissioning, procurement and contracting activities

K24 the **priorities, interests** and contributions of **stakeholders**

K25 the **operational realities** of service providers

K26 policies, procedures, guidance and protocols with others involved in partnerships

K27 how to assess the effectiveness of partnership working

### Risk management

You need to know and understand:

K28 the types of risk involved in commissioning, procurement and contracting

K29 methods of identifying, assessing and managing risk

K30 your role in identifying, managing and reporting risk

K31 principles of positive risk-taking

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**Your practice****You need to know  
and understand:**

- K32 European, UK and country specific legislation, statutory codes, standards, regulations, frameworks and guidance relevant to your commissioning, procurement and contracting role
- K33 European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies
- K34 how to access and work to procedures and agreed ways of working
- K35 lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions
- K36 how your role fits within your organisation and where you can go to for support
- K37 how to assess the impact of commissioning, procurement and contracting activities on individuals, key people and other stakeholders
- K38 how to measure the achievement of **outcomes**
- K39 the nature and importance of preventative and community based provision
- K40 factors that can cause conflicting demands
- K41 techniques for problem solving and innovative thinking
- K42 how to fulfil your role in managing resources, including your own time
- K43 how to cost and work with budgets
- K44 how and when to seek support with ethical conflicts and dilemmas in your work
- K45 your own background, experiences and beliefs that may have an impact on your practice
- K46 how to use **evidence-based practice** to justify your actions and decisions
- K47 how to contribute to the development of systems, practices, policies and procedures
- K48 how to challenge poor practice in your own and other organisations

### Theory for practice

You need to know  
and understand:

- K49 how the **social, medical and business** models impact on the achievement of outcomes
- K50 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:

- K51 principles of reflective, person centred, evidence based practice
- K52 your role in sharing and developing knowledge and practice with others, including , key people and communities
- K53 how to provide constructive feedback to others
- K54 how to identify and access opportunities for professional development
- K55 how to develop professional knowledge and practice through reflective supervision and appraisal

### Communication

You need to know  
and understand:

- K56 how to use communication as a foundation for co-productive commissioning
- K57 methods to promote effective communication with **colleagues**, individuals and other stakeholders

### Handling information

You need to know  
and understand:

- K58 legal requirements, policies and procedures for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice
- K59 legal and work setting requirements for recording information and producing reports within timescales
- K60 how to identify, collect, measure and assess data and present it as information
- K61 how information software products can help you collect information
- K62 how to record written information with accuracy, clarity, relevance and an appropriate level of detail

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K63 methods of making data and information accessible for individuals,  
key people and other stakeholders

K64 how and where electronic communications can and should be used

### **Health and Safety**

You need to know  
and understand:

K65 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

**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,

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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:**

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 organisations

**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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