
Overview

This standard is about promoting and encouraging the fulfilment of your organisation's legal, regulatory, social, economic, environmental and ethical responsibilities. It includes fulfilling responsibilities in your own role, including the work that you do in partnership, and evaluating current arrangements to support organisational responsibility.

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

Performance criteria

Fulfil legal, regulatory, social, economic, environmental and ethical responsibilities

You must be able to:

- P1 identify the **legal** and **regulatory** requirements relevant to your area of work, including your organisation's responsibilities for commissioned services
- P2 obtain accurate interpretations of legal and regulatory requirements from specialists
- P3 identify the **social, economic, environmental and ethical responsibilities** for your area of work
- P4 identify the lines of accountability for legal, regulatory, social, economic, environmental and ethical responsibilities in your own and partner organisations
- P5 identify any financial implications of fulfilling your organisation's responsibilities for your area of work
- P6 identify the risks involved in non-compliance
- P7 analyse how **co-productive** and **sustainable** commissioning can help to fulfil your organisation's responsibilities
- P8 provide **accessible** information to decision makers about the benefits of co-productive and sustainable commissioning
- P9 agree with decision makers, **colleagues, individuals, key people** and **stakeholders** how organisational responsibilities will be demonstrated in practice
- P10 develop clear and accessible plans for how your area of responsibility will comply with its legal, regulatory, social, economic, environmental and ethical responsibilities
- P11 ensure that partnership working incorporates compliance whilst reflecting the **diversity** and **capacity** of **partner organisations**
- P12 negotiate with others to develop **criteria** for measuring compliance
- P13 ensure that systems are developed to monitor compliance

Evaluate organisational responsibility arrangements

You must be able to:

- P14 evaluate information and feedback about how your area of work performs in complying with responsibilities
- P15 reflect on your contributions to fulfilling organisational responsibilities
- P16 provide **information** to decision makers about how your area of work complies with its responsibilities
- P17 make recommendations about any changes and adjustments required
- P18 provide feedback on the evaluation to your own and partner organisations, individuals, key people and stakeholders

Knowledge and understanding

Specific to this NOS

You need to know and understand:

- K1 how to manage ethical dilemmas and conflicts resulting from promoting organisational responsibilities
- K2 how to analyse the impact of sustainable governance and organisational responsibility on obtaining best possible value from services
- K3 how to assess the impact of organisational practice
- K4 how to obtain accurate and timely reports of your own and partner organisations' performance in complying with responsibilities
- K5 how to develop strategies to ensure compliance
- K6 how to use commissioning activities to promote compliance with organisation responsibilities
- K7 how to evaluate systems for monitoring compliance

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 address conflicts and dilemmas about rights and 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, key people and communities

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 indicators of potential harm or abuse
- K17 how and when to escalate any concerns about harm or abuse, including whistleblowing
- K18 how to support others who have expressed concern about harm or abuse
- K19 what to do if you have reported concerns but no action is taken to address them

Sustainability

You need to know
and understand:

- K20 how to evaluate the benefits of working in a **politically, economically, sociologically, technologically, legally and environmentally** sustainable way
- K21 how to promote your **organisation's** political, economic, sociological, technological, legal and environmental responsibilities
- K22 how to evaluate the sustainability of commissioned services
- K23 how to develop sustainable new ideas in your area of responsibility

Partnership working

You need to know
and understand:

- K24 how **collaborative and integrated working** can be used to maximise resources
- K25 how to promote co-productive commissioning
- K26 how to work with individuals, key people and communities through co-productive commissioning, procurement and contracting
- K27 how to support the interests of individuals and other stakeholders
- K28 how to engage with social care and procurement professionals during

commissioning, procurement and contracting activities

- K29 how to analyse the **priorities, interests** and contributions of **stakeholders** and their impact on partnership working
- K30 how to analyse the drivers and constraints that impact on businesses and third sector organisations
- K31 the **business processes** and **operational realities** of service providers
- K32 how to influence the work of the partnership to meet agreed **outcomes**
- K33 how to use and develop integrated policies, procedures, guidance and protocols with others involved in partnerships
- K34 the statutory and financial constraints for **agreeing budgets** to support partnership working
- K35 how to evaluate effective partnership working

Risk management

You need to know and understand:

- K36 how to analyse the risks involved in commissioning, procurement and contracting for your area of responsibility
- K37 methods of managing and mitigating the risks involved in commissioning, procurement and contracting for your area of responsibility
- K38 how to develop practice that facilitates positive risk-taking

Your practice

You need to know and understand:

- K39 European, UK and country specific legislation, statutory codes, standards, regulations, frameworks and guidance relevant to commissioning, procurement and contracting relevant to your area of responsibility
- K40 European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies
- K41 how to access accurate interpretations of legal and regulatory

requirements

- K42 how to use analysis from lessons learned from government reports, research and inquiries into serious failures of health or social care practice and from successful interventions
- K43 how your role fits within your organisation and where you can go to for support
- K44 how to identify priorities and contribute to priority setting
- K45 how to evaluate the impact of commissioning, procurement and contracting activities on individuals, key people and communities
- K46 how to evaluate different methods and approaches of measuring the achievement of outcomes
- K47 how to evaluate the importance of preventative and community based provision
- K48 how to manage agreed transformations for service provision
- K49 techniques for problem solving and innovative thinking
- K50 how to manage budgets and resources
- K51 how to identify and manage ethical conflicts and dilemmas in your work
- K52 your own background, experiences and beliefs that may have an impact on your practice
- K53 how to use **evidence based practice** to justify your actions and decisions
- K54 how to contribute to the development of systems, practices, policies and procedures

Theory for practice

You need to know
and understand:

- K55 how to evaluate the impact of **social, medical and business models** on the achievement of outcomes
- K56 how to evaluate the impact of organisational structure and culture upon how flexibly and innovatively resources can be used
- K57 how to evaluate theories and approaches to management relevant to your area of responsibility

Personal and professional development

You need to know
and understand:

- K58 how to promote reflective, person centred, evidence based practice
- K59 your role in sharing and developing knowledge and practice with others, including individuals, key people and communities
- K60 how to manage time and workload
- K61 how to provide constructive feedback
- K62 how to identify and access opportunities for professional development
- K63 how to develop professional knowledge and practice through reflective supervision and appraisal

Communication

You need to know
and understand:

- K64 how to use communication as a foundation for co-productive commissioning
- K65 how to manage and promote effective communication with **colleagues**, individuals and other stakeholders

Handling information

You need to know
and understand:

- K66 legal requirements, policies, procedures and protocols for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice
- K67 legal and work setting requirements for recording information and producing reports within timescales
- K68 how to identify, collect, analyse, measure and assess data
- K69 methods of making data, information and analysis accessible for individuals, key people and other stakeholders including decision makers
- K70 how and where electronic communications can and should be used

Health and Safety

You need to know

- K71 legal and work setting requirements for health, safety and security in

and understand

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.

Legal requirements are those specified in the laws, which apply to your organisation, such as employment, health and safety, workplace and contract laws.

Regulatory requirements are those regulations laid down by a statutory regulator or a non-statutory authority that supervises the conduct of organisations in your sector; these will provide standards for your sector.

Social, environmental and ethical responsibilities are part of your organisation's culture and value base and could include policies on sustainability and 'green' issues, as well as fair-trade purchasing and valuing diversity and equality. All of this is delivered through the governance arrangements, i.e. the decision-making and accountability structure of your organisation.

The process of **co-production** involves developing relationships to collaborate with individuals, local people, community groups and organisations. It involves using and developing people's skills and abilities throughout all commissioning, procurement and contracting activities, including designing and delivering services. It places individuals, key people and communities at the centre of decision making and control, taking account of the roles that people want to take.

For services to be **sustainable**, they must deliver the current specified outcomes and be able to meet longer term desired social outcomes. This means taking account of any factors that might limit the outcomes that services can deliver in the future, in particular financial, social or environmental factors. It is particularly important in a climate where social care needs are forecast to increase more than available funding.

For something to be **accessible**, it should be able to be used by all people whatever their levels and types of ability. In this instance, it is something that people can understand regardless of the level or way in which they communicate.

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.

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.

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.

Diversity is the concept that people are valued as individuals and that different ability, perspectives and approaches are a positive benefit to organisations and communities.

Capacity refers here to the amount that services can deliver and will depend on several factors such as the number of providers and their staffing levels, staff

expertise, management ability, service support or physical capacity.

Your organisation may work with a range of **partner organisations** to support the achievement of outcomes for individuals, key people and communities. They may be involved in joint planning, contracting or procuring, delivering and/or reviewing services with your organisation using various methods.

Criteria are factors that can be used to measure and make a judgement about whether or not an outcome has been achieved, how much progress has been made or how well something has been done.

Information may be any form of communication from and about individuals, key people and other people and organisations. Information might be about legislation or working practices which should be passed on and for which your organisation may have procedures set in place. It includes performance information, previous contractual information, confidential and public information.

**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.

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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.

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.

Collaborative and integrated working describes a range of ways in which two or more organisations can work together, for example health and social services working together or regional collaboratives. They can be formal or

informal, temporary or permanent and may include the agreement of budgets.

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.

Business processes describe the systems and tasks that organisations undertake to be able to provide the required service.

The **operational realities** of service providers are the factors that impact on how they are able to run their services, in particular where there is competition for funding and customers.

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.

Agreeing budgets involves combining or pooling budgets within or between organisations, for example using local authority and continuing healthcare funding, for joint commissioning or regional/collaborative purchasing.

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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