
Overview

This standard is about working with commissioning partners, providers and relevant people in your own organisation when performance needs to be improved in order to meet the requirements of the contract. This may have been as the result of regular outcome monitoring, or as the result of concerns or complaints. It includes agreeing areas for improvement and how improvements will be made, then evaluating the progress that has been made in improving contract performance.

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

Performance criteria

Identify opportunities for improving contract performance against outcomes

You must be able to:

- P1 provide a clear explanation to **commissioning partners**, the provider and **relevant people** in your own **organisation** of why performance needs to be improved
- P2 act promptly to address concerns about danger, harm, abuse or promotion of individual rights
- P3 work with commissioning partners, the provider and relevant people in your own organisation to identify reasons where contract requirements are not being met
- P4 discuss in detail the areas of performance giving most concern to identify areas of potential learning and improvement
- P5 identify possible options for resolving performance concerns
- P6 agree with commissioning partners, the provider and relevant people in your own organisation the preferred option to improve performance
- P7 agree a series of performance measures that enable progress to be monitored against the achievement of **outcomes**
- P8 maintain clear records of agreements and discussions, in accordance with legal and organisational requirements

Agree the implementation of improvements

You must be able to:

- P9 agree a proposed action plan with commissioning partners, the provider and relevant people in your own organisation that includes actions and timescales for the provider, your organisation and commissioning partners
- P10 agree a process for monitoring progress, including monitoring intervals and **criteria** against which you will evaluate improvements
- P11 maintain clear records of agreements and discussions, in accordance with legal and organisational requirements

Evaluate progress in improving contract performance

You must be able to:

- P12 monitor performance at agreed intervals

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- P13 use performance monitoring information to evaluate progress towards meeting contract requirements and outcomes
 - P14 share your evaluation promptly with commissioning partners, the provider and relevant people in your own organisation
 - P15 revise the action plan in the light of your evaluation and feedback from commissioning partners, the provider and relevant people in your own organisation
 - P16 reflect on the process of improving contract performance to identify any recommendations for further action

Knowledge and understanding

Specific to this NOS

You need to know and understand:

- K1 how provider performance relates to the achievement of outcomes
- K2 the importance of working alongside providers to try to improve performance
- K3 factors that can cause a provider to under-perform and how to address these
- K4 how to access support for providers that need to improve their performance
- K5 how to analyse the implications of contract type and structure for managing performance

Rights

You need to know and understand:

- K6 legal and work setting requirements for equality, diversity, discrimination and rights
- K7 legal and work setting requirements for complaints and whistle blowing
- K8 your role and the roles of others in promoting **co-productive** commissioning
- K9 the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals, key people** and communities
- K10 how to address conflicts and dilemmas about rights and discrimination
- K11 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:

- K12 legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of

children, young people and adults

- K13 the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices
- K14 indicators of potential harm or abuse
- K15 how and when to escalate any concerns about harm or abuse, including whistleblowing
- K16 how to support others who have expressed concern about harm or abuse
- 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 how to evaluate the benefits of working in a **politically, economically, sociologically, technologically, legally and environmentally** sustainable way
- K19 how to promote your **organisation's** political, economic, sociological, technological, legal and environmental responsibilities
- K20 how to evaluate the sustainability of commissioned services
- K21 how to develop sustainable new ideas in your area of responsibility

Partnership working

You need to know
and understand:

- K22 how **collaborative and integrated working** can be used to maximise resources
- K23 how to promote co-productive commissioning
- K24 how to work with individuals, key people and communities through co-productive commissioning, procurement and contracting
- K25 how to support the interests of individuals and other stakeholders
- K26 how to engage with social care and procurement professionals during commissioning, procurement and contracting activities
- K27 how to analyse the **priorities, interests** and contributions of **stakeholders** and their impact on partnership working
- K28 how to analyse the drivers and constraints that impact on businesses

and third sector organisations

- K29 the **business processes** and **operational realities** of service providers
- K30 how to influence the work of the partnership to meet agreed **outcomes**
- K31 how to use and develop integrated policies, procedures, guidance and protocols with others involved in partnerships
- K32 the statutory and financial constraints for **agreeing budgets** to support partnership working
- K33 how to evaluate effective partnership working

Risk management

You need to know
and understand:

- K34 how to analyse the risks involved in commissioning, procurement and contracting for your area of responsibility
- K35 methods of managing and mitigating the risks involved in commissioning, procurement and contracting for your area of responsibility
- K36 how to develop practice that facilitates positive risk-taking

Your practice

You need to know
and understand:

- K37 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
- K38 European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies
- K39 how to access accurate interpretations of legal and regulatory requirements
- K40 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

- K41 how your role fits within your organisation and where you can go to for support
- K42 how to identify priorities and contribute to priority setting
- K43 how to evaluate the impact of commissioning, procurement and contracting activities on individuals, key people and communities
- K44 how to evaluate different methods and approaches of measuring the achievement of outcomes
- K45 how to evaluate the importance of preventative and community based provision
- K46 how to manage agreed transformations for service provision
- K47 techniques for problem solving and innovative thinking
- K48 how to manage budgets and resources
- K49 how to identify and manage ethical conflicts and dilemmas in your work
- K50 your own background, experiences and beliefs that may have an impact on your practice
- K51 how to use **evidence based practice** to justify your actions and decisions
- K52 how to contribute to the development of systems, practices, policies and procedures

Theory for practice

You need to know
and understand:

- K53 how to evaluate the impact of **social, medical and business models** on the achievement of outcomes
- K54 how to evaluate the impact of organisational structure and culture upon how flexibly and innovatively resources can be used
- K55 how to evaluate theories and approaches to management relevant to your area of responsibility

Personal and professional development

You need to know
and understand:

- K56 how to promote reflective, person centred, evidence based practice
- K57 your role in sharing and developing knowledge and practice with

others, including individuals, key people and communities

- K58 how to manage time and workload
- K59 how to provide constructive feedback
- K60 how to identify and access opportunities for professional development
- K61 how to develop professional knowledge and practice through reflective supervision and appraisal

Communication

You need to know
and understand:

- K62 how to use communication as a foundation for co-productive commissioning
- K63 how to manage and promote effective communication with **colleagues**, individuals and other stakeholders

Handling information

You need to know
and understand:

- K64 legal requirements, policies, procedures and protocols for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice
- K65 legal and work setting requirements for recording information and producing reports within timescales
- K66 how to identify, collect, analyse, measure and assess data
- K67 methods of making data, information and analysis accessible for individuals, key people and other stakeholders including decision makers
- K68 how and where electronic communications can and should be used

Health and Safety

You need to know
and understand:

- K69 legal and work setting requirements for health, safety and security in 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.

Commissioning partners are individuals or representatives of groups and organisations who are involved in making commissioning decisions for your organisation. They can include individuals, key people and community representatives as well as organisations with whom you undertake joint commissioning activities or who deliver services.

Relevant people include decision makers, individuals, key people, communities, service providers and others and will vary depending on the issues and circumstances.

An **organisation** is the agency, company or local authority for whom you work, volunteer, own or run; if you receive direct payments or fund your own services, it means you and the people who 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.

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.

**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 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.

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

SCDCPC424
Improve contract performance



Developed by	Skills for Care and Development
Version number	2
Date approved	February 2014
Indicative review date	February 2019
Validity	Current
Status	Original
Originating organisation	Skills for Care and Development
Original URN	CPC424
Relevant occupations	Contract Manager; Managers and leaders with responsibility for interagency working; Childcare and Related Personal Services; Health and Social Care; Planning Officer; Strategy Officer
Suite	Commissioning, Procurement and Contracting for Care Services
Key words	Contract; performance; commissioning; improving
