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| Overview | This standard is concerned with how you can use a range of tools, techniques and approaches during procurement and contract management processes. It involves working collaboratively to use tools, techniques and approaches in your work, in particular for tendering and contract management, and maintaining up-to-date information to inform your practice.  This NOS is relevant to an individual undertakingcommissioning, procurement and contracting in relation to care services. |
| Performance criteriaYou must be able to: You must be able to:  You must be able to: | Work collaboratively to agree a range of tools, techniques and approaches   1. research a range of evidence based **tools, techniques and approaches** 2. evaluate the impacts of introducing tools, techniques and approacheson the achievement of **outcomes**, including through **flexible and innovative ways of working** 3. analyse the impact of tools, techniques and approaches on **stakeholders** 4. analyse the **risks** associated witha range of tools, techniques and approaches 5. seek agreement to use tools, techniques and approachesin accordance with the values and requirements of your **organisation** 6. engage **individuals**, **key people** and stakeholders in planning how tools, techniques and approaches will be used 7. agree the use of tools, techniques and approaches with **commissioning partners** 8. ensure that small voluntary and micro- providers have the opportunity to access tenders that use tools, techniques and approaches 9. explain clearly to individuals, key people and stakeholders how tools, techniques and approaches will operate, including how information will be secured 10. maintain up-to-date **information** about tools, techniques and approaches relevant to your area of work   **Use procurement tools, techniques and approaches**   1. use **information systems** to support procurement 2. use tendering tools to keep all providers informed about tendering opportunities 3. use tools, techniques and approaches at relevant stages of the procurement process in accordance with your organisation’s values, policy, legislation and directives and those of commissioning partners 4. analyse feedback from stakeholders, colleagues and commissioning partners on the experience of using the tendering tools, techniques and approaches 5. reflect on the effectiveness of tendering tools, techniques and approaches to identify areas for improvement   Work collaboratively to use contract management tools, techniques and approaches   1. ensure that service providers are familiar with all aspects of how contracts will be managed 2. respond promptly to alerts that agreed contractual **criteria** might not be met 3. analyse whether concerns over contractual performance are a result of using new systems 4. offer support to providers whose performance is giving cause for concern, either through direct contact or using the new contract management system 5. analyse feedback from stakeholders, colleagues and commissioning partners on their experiences of using contract management tools, techniques and approaches 6. reflect on the effectiveness of contract management tools, techniques and approaches to identify areas for improvement |
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| Knowledge and understandingYou need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand:You need to know and understand: | **Specific to this NOS**   1. how to ensure that the working relationship with service providers is not lost through new procurement techniques 2. how to challenge information, documents, systems, structures, procedures and practices that are discriminatory when using new procurement techniques 3. how to access, evaluate and influence organisational and workplace policies, procedures and systems for new procurement techniques 4. how to access literature, information and support to inform your own and colleagues’ practice in new procurement techniques 5. theories and models of new procurement techniques 6. an up-to-date knowledge of best practice in new procurement techniques   **Rights**   1. legal and work setting requirements for equality, diversity, discrimination and rights 2. legal and work setting requirements for complaints and whistle blowing 3. your role and the roles of others in promoting **co-productive** commissioning 4. the role of service providers and partner agencies in promoting the rights, choices, wellbeing and active participation of **individuals**, **key people** and communities 5. how to address conflicts and dilemmas about rights and discrimination 6. 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**   1. legislation, national policy, frameworks, local systems and multi-disciplinary procedures relating to the safeguarding and protection of children, young people and adults 2. the responsibility that everyone has to raise concerns about possible harm or abuse, poor or discriminatory practices 3. indicators of potential harm or abuse 4. how and when to escalate any concerns about harm or abuse, including whistleblowing 5. how to support others who have expressed concern about harm or abuse 6. what to do if you have reported concerns but no action is taken to address them   **Sustainability**   1. how to evaluate the benefits of working in a **politically, economically, sociologically, technologically, legally and environmentally** sustainable way 2. how to promote your **organisation**'s political, economic, sociological, technological, legal and environmental responsibilities 3. how to evaluate thesustainability of commissioned services 4. how to develop sustainable new ideas in your area of responsibility   Partnership working   1. how **collaborative and integrated working** can be used to maximise resources 2. how to promote co-productive commissioning 3. how to work with individuals, key people and communities through co-productive commissioning, procurement and contracting 4. how to support the interests of individuals and other stakeholders 5. how to engage with social care and procurement professionals during commissioning, procurement and contracting activities 6. how to analyse the **priorities, interests** and contributions of **stakeholders** and their impact on partnership working 7. how to analyse the drivers and constraints that impact on businesses and third sector organisations 8. the **business processes** and **operational realities** of service providers 9. how to influence the work of the partnership to meet agreed **outcomes** 10. how to use and develop integrated policies, procedures, guidance and protocols with others involved in partnerships 11. the statutory and financial constraints for **agreeing budgets** to support partnership working 12. how to evaluate effective partnership working   **Risk management**   1. how to analyse the risks involved in commissioning, procurement and contracting for your area of responsibility 2. methods of managing and mitigating the risks involved in commissioning, procurement and contracting for your area of responsibility 3. how to develop practice that facilitates positive risk-taking   **Your practice**   1. 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 2. European, UK and country specific legislation, statutory codes, standards, frameworks and guidance relevant to service providers and partner agencies 3. how to access accurate interpretations of legal and regulatory requirements 4. 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 5. how your role fits within your organisation and where you can go to for support 6. how to identify priorities and contribute to priority setting 7. how to evaluate the impact of commissioning, procurement and contracting activities on individuals, key people and communities 8. how to evaluate different methods and approaches of measuring the achievement of outcomes 9. how to evaluate the importance of preventative and community based provision 10. how to manage agreed transformations for service provision 11. techniques for problem solving and innovative thinking 12. how to manage budgets and resources 13. how to identify and manage ethical conflicts and dilemmas in your work 14. your own background, experiences and beliefs that may have an impact on your practice 15. how to use **evidence based practice** to justify your actions and decisions 16. how to contribute to the development of systems, practices, policies and procedures   **Theory for practice**   1. how to evaluate the impact of  **social, medical and business models** on the achievement of outcomes 2. how to evaluate the impact of organisational structure and culture upon how flexibly and innovatively resources can be used 3. how to evaluate theories and approaches to management relevant to your area of responsibility   **Personal and professional development**   1. how to promote reflective, person centred, evidence based practice 2. your role in sharing and developing knowledge and practice with others, including individuals, key people and communities 3. how to manage time and workload 4. how to provide constructive feedback 5. how to identify and access opportunities for professional development 6. how to develop professional knowledge and practice through reflective supervision and appraisal   **Communication**   1. how to use communication as a foundation for co-productive commissioning 2. how to manage and promote effective communication with **colleagues**, individuals and other stakeholders   **Handling information**   1. legal requirements, policies, procedures and protocols for the security and confidentiality of information, taking account of commercial sensitivity and procurement practice 2. legal and work setting requirements for recording information and producing reports within timescales 3. how to identify, collect, analyse, measure and assess data 4. methods of making data, information and analysis accessible for individuals, key people and other stakeholders including decision makers 5. how and where electronic communications can and should be used   **Health and Safety**   1. 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.  **Tools, techniques and approaches** are new ways to carry out the processes involved in procuring and contracting services to achieve outcomes. They include the use of technology, such as e-procurement and e-contract management tools.  **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.  **Flexible and innovative ways of working** incorporate a range of options that emphasise the need to work towards outcomes rather than be governed by established practice or processes which may be inflexible. They can be that way that services are provided, such as preventative, personalised and community based services, self directed support, personal budgets or social enterprises; they can also relate to commissioning arrangements, such as working within a collaborative arrangement.  **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.  **Risks** can be influenced by a wide range of factors and include risks to people, property and organisations through reputation or ability to fulfil their roles and responsibilities.  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.  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.  **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 other stakeholders as well as organisations with whom you undertake joint commissioning activities or who deliver services.  **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.  **Information systems** are technological ways to collect and manage data such as e-procurement provider databases, e-sourcing and e-contract management tools.  **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. | |
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| Scope / range related to knowledge and understanding:Values: | 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.  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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| **Suite** | Commissioning, Procurement and Contracting for Care Services |
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