



## Contract Suspension Management Procedure

This procedure sets out the roles and responsibilities of the management of the Contract Suspensions in order to promote effective and joint working in relation to contract suspensions. This procedure works in accordance with the contract and alongside other internal policies and procedures such as adult safeguarding, child safeguarding and customer care.

Stage	Action	Accountability	Timescales
1.0	<p><b>Contract suspension consideration</b> Receipt of adverse information, Senior Procurement Officer/Deputy assesses level of risk using 'Suspension Triggers Risk Assessment' to activate the Suspension process:</p> <ul style="list-style-type: none"><li>• No/Low level risk<ul style="list-style-type: none"><li>○ No suspension action, but may refer to other processes e.g. CQC, Adult/Child Safeguarding Teams, Contract concern &amp; Access Assessment and Care Management Team</li></ul></li><li>• Medium level risk<ul style="list-style-type: none"><li>○ Commence information gather process</li></ul></li><li>• High Level risk<ul style="list-style-type: none"><li>○ Fast track key information gathered and forward recommendation to Heads of Service for an immediate decision</li></ul></li></ul>	Senior Procurement Officer	The same working day where possible
2.0	<p><b>Information gather</b> Contract Management Officer/Procurement Support Officer to gather information from a range of internal and external stakeholders. Once information has been gathered forward to Senior Procurement Officer or Deputy.</p>	Senior Procurement Officer	To be completed within 5 working days
2.1	<p>Senior Procurement Officer/Deputy reviews information gathered and forwards recommendation to Heads of Service for a decision to include service user reviews/multi agency monitoring visit/contract review meeting</p>	Senior Procurement Officer	The same working day where possible

<b>3.0</b>	<b>Suspension Decision</b> Head of Service considers suspension recommendation, makes a decision and communicates this to the Senior Procurement Officer/Deputy to follow up. <ul style="list-style-type: none"> <li>• Recommendation not to suspend agreed <ul style="list-style-type: none"> <li>○ No further action</li> </ul> </li> <li>• Recommendation to suspend agreed <ul style="list-style-type: none"> <li>○ Activate suspension</li> </ul> </li> <li>• Alternative action proposed <ul style="list-style-type: none"> <li>○ Follow up proposed action</li> </ul> </li> </ul>	Head of Service /Accountable Manager	The same working day where possible
3.1	Contract Management Officer communicates suspension decision to key stakeholders: <ul style="list-style-type: none"> <li>• Service provider to notify them of suspension and required remedial action by letter</li> <li>• Internal and external stakeholders by e-mail</li> <li>• Council Intranet</li> </ul>	Senior Procurement Officer	The same working day where possible
3.2	Update contract database and schedule suspension review for 4 weeks time	Contract Management Officer	The same working day where possible
3.3	Arrange Contract Review meeting with service provider and stakeholders if required (dependant on number of service users & activity)	Contract Management Officer	The same working day where possible
3.4	Co-ordinate a Multi Agency Monitoring visit with the service provision if required (dependant on number of service users & activity)	Contract Management Officer	The same working day where possible
<b>4.0</b>	<b>Service Provider Right to Appeal</b> Service Provider makes a decision on whether to appeal <ul style="list-style-type: none"> <li>• Service Provider makes a decision not to appeal <ul style="list-style-type: none"> <li>○ No appeal received</li> <li>○ Senior Procurement Officer follow up in accordance with suspension management procedure</li> </ul> </li> <li>• Service Provider makes a decision to appeal <ul style="list-style-type: none"> <li>○ Appeal received in writing to Executive Director outlining the grounds for the appeal: <ul style="list-style-type: none"> <li>▪ Factual inaccuracy</li> <li>▪ Suspension process failure</li> </ul> </li> </ul> </li> </ul>	Service Provider	7 days from the receipt of the suspension notification letter
4.1	Appeal acknowledged by Executive Director.	Executive Director	Within 3 working days

4.2	<p>Executive Director considers appeal, makes a decision and communicates decision to Senior Procurement Officer/Lead Procurement Officer to follow up:</p> <ul style="list-style-type: none"> <li>• Appeal not upheld <ul style="list-style-type: none"> <li>○ Senior Procurement Officer to dispatch communication to Service Provider informing them of the outcome of the appeal and follow process of continuing the suspension</li> </ul> </li> <li>• Appeal upheld <ul style="list-style-type: none"> <li>○ Senior Procurement Officer to dispatch communication to service provider informing them of the outcome of the appeal and follow the process of lifting the suspension</li> </ul> </li> <li>• Further investigation requested <ul style="list-style-type: none"> <li>○ Senior Procurement Officer to dispatch communication to Service Provider outlining the reasons for the delay with projected timescales for conclusion <ul style="list-style-type: none"> <li>▪ When further investigation completed, Senior Procurement Officer to forward outcome to Executive Director for re-consideration</li> </ul> </li> </ul> </li> </ul>	Executive Director & Senior Procurement Officer	The same working day where possible
5.0	<p><b>Progression of Remedial Action</b> Service Provider response/action plan received as requested in suspension notification letter</p>	Service Provider	Within 14 days
5.1	<p>Contract Management Officer to circulate Service Provider remedial action plan to internal stakeholders for review and comment to ensure that the action plan addresses all the areas of non compliance. Responses to be received within 7 days (If Walsall Council is the Host Authority for this service provider, consider and arrange an internal meeting with stakeholders to review action plan and agree ownership of the validation of the actions).</p>	Contract Management Officer	The same working day where possible
5.2	<p>Once responses obtained from internal stakeholders, Contract Management Officer to communicate with Service Provider to accept remedial action plan or share any gaps identified and request a revised action plan.</p>	Contract Management Officer	The same working day where possible
5.3	<p>Contract Management Officer, internal and external Multi Agency Teams follow up remedial actions if appropriate:</p> <ul style="list-style-type: none"> <li>• Multi Agency visit</li> <li>• Contract Management Team visit</li> <li>• Service specialist intervention</li> </ul>	Contract Management Officer & Internal stakeholders	Within 7 days

<b>6.0</b>	<b>Internal Suspension Review</b> 3 weeks after suspension has been in place, Contract Management Officer to commence gathering information from a range of internal and external stakeholders to conduct 4 week review. Once information has been gathered forward to Senior Procurement Officer or Deputy.	Contract Management Officer	Same day as when information received from all stakeholders
6.1	Senior Procurement Officer/Deputy reviews information gathered and forwards recommendation to Heads of Service for a decision.	Senior Procurement Officer	The same working day where possible
6.2	Head of Service considers information gathered and recommendation, makes a decision and communicates this to Senior Procurement Officer/Deputy to follow up: <ul style="list-style-type: none"> <li>• Continue suspension</li> <li>• Lift suspension</li> <li>• Lift suspension with a restriction</li> </ul>	Head of Service	The same working day where possible
6.3	Contract Management Officer communicates suspension review decision to key stakeholders <ul style="list-style-type: none"> <li>• Service Provider to notify them of suspension review outcome by letter</li> <li>• Internal and external stakeholders by e-mail</li> </ul>	Senior Procurement Officer	The same working day where possible
6.4	Update contract database of any changes and schedule next 8 week review for the services still suspended or restricted <ul style="list-style-type: none"> <li>• If suspension remains active at next 8 week review, but satisfactory progress of remedial actions are evident continue with the suspension review procedure until suspension is lifted or enforcement action taken.</li> <li>• If suspension remains active at 8 weeks, but satisfactory progress of remedial actions is not evident, Contract Management Officer to arrange formal Contract Review Meeting</li> </ul>	Senior Procurement Officer	Within 7 days

7.0	<p><b>Contract Review Meeting</b>  Contract Review Meeting arranged with service provider and follow up actions undertaken as agreed with key stakeholders. To be scheduled for a further review or further Contract Review Meeting as required.</p> <ul style="list-style-type: none"> <li>• If suspension remains active at 6 months and satisfactory progress is evident continue suspension until lifted.</li> <li>• If suspension remains active at 6 months and there is evidence of unsatisfactory progress, suspension referred to Lead Procurement Officer for consideration and recommendation for further enforcement action or alternative action</li> </ul>	Senior Procurement Officer	3 months after the suspension start date
8.0	<p><b>Contract Termination Consideration</b>  Lead Procurement Officer/Deputy in consultation with Legal Services makes recommendation to Heads of Service.</p>	Lead Procurement Officer/Senior Procurement Officer	6 months after suspension start date
8.1	<p>Head of Service considers recommendation and communicates decision to Lead Procurement Officer/Deputy for follow up.</p> <ul style="list-style-type: none"> <li>• Further enforcement action not agreed <ul style="list-style-type: none"> <li>○ Alternative action communicated to Lead Procurement Officer/Deputy to follow up in accordance with suspension process</li> </ul> </li> <li>• Further enforcement action proposed <ul style="list-style-type: none"> <li>○ Proposed enforcement action communicated to Lead Procurement Officer/Deputy to seek authority from Executive Director</li> </ul> </li> </ul>	Head of Service	2 working days after receipt of step 8.0 recommendation
8.2	<p>Executive Director makes decision on enforcement action recommendation and communicates this to Lead Procurement Officer/Deputy to follow up.</p> <ul style="list-style-type: none"> <li>• Further enforcement action not agreed <ul style="list-style-type: none"> <li>○ Alternative action communicated to Lead Procurement Officer/Deputy for follow up in accordance with suspension process</li> </ul> </li> <li>• Further enforcement action agreed <ul style="list-style-type: none"> <li>○ Lead Procurement Officer/Deputy ensures follow up of agreed enforcement action</li> </ul> </li> </ul>	Executive Director	2 working days after receipt of step 8.0 recommendation