

Contract Concerns Management Procedure

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

Stage	Task	Accountability	Timescale
1.	<p>Receipt of Contract Management Concern Screen concern for eligibility and follow up as set out below:</p> <ul style="list-style-type: none"> • A serious, significant, or persistent concern regarding an independent sector service, that is purchased by the Council or NHS, through a Council Contract and <u>upon conclusion of a Safeguarding or Complaints investigation</u> <ul style="list-style-type: none"> • Activate concern management procedure if the concern is less than 6 months old • If a serious, significant, or persistent concern regarding an independent sector service, that is purchased by the Council or NHS, through a Council Contract, where an investigation has not taken place or is still under investigation <ul style="list-style-type: none"> • Notify the referring person and Service Manager that the concern will not be processed/investigated by the Contract Management Team and specify the grounds for not processing/investigating • Contract Management Team to <u>take no further action at this stage</u>, await outcome of investigation to determine any contractual breaches • A low level, operational concern that could be dealt with at an operational level between the service area and service provider <ul style="list-style-type: none"> • Return back to referrer informing them that the concern will not be processed under the concern management procedure advising them to manage this at an operational level <ul style="list-style-type: none"> ▪ Contract Management Team to <u>take no further action</u> • An isolated concern that has been raised by the service area manager and addressed by the service provider <ul style="list-style-type: none"> • Return the concern back to the referrer, informing them that the concern will not be processed under the concern management procedure in this instance <ul style="list-style-type: none"> • Contract Management Team to <u>take no further action</u> • A concern regarding an In-house service 	Contract Management Officer	The same working day where possible

	<ul style="list-style-type: none"> Forward concern to In-house Service Manager for them to investigate and inform referrer of this action Contract Management Team to <u>take no further action</u> 		
2.	Log concern onto Contract database <ul style="list-style-type: none"> Log on contract database and allocate to Contract Management Officer 	Contract Management Officer	The same working day where possible
3.	Dispatch concern to service provider <ul style="list-style-type: none"> Send letter to service provider with a copy of the concern requesting them to review, investigate and respond to 	Contract Management Officer	Within 2 working days from receipt of concern
4.	Dispatch Reminder letter to Service Provider <ul style="list-style-type: none"> If no response received from service provider within 14 days, send reminder letter to service provider progress chasing investigation outcome 	Contract Management Officer	On the 14 th day after step 3
5.	Service Provider response received <ul style="list-style-type: none"> When response received from service provider determine whether the service provider has accepted or disputed the allegations in the concern: <ul style="list-style-type: none"> If Service Provider accepts the allegations in the concern: <ul style="list-style-type: none"> Diarise concern review into work plan calendar 	Contract Management Officer	The same working day where possible
6.	If Service Provider disputes allegations in the concern <ul style="list-style-type: none"> Dispatch service provider response to referrer for review and comment 	Contract Management Officer	Within 2 working days after step 5
7.	If no response received within 7 days from the concern referrer <ul style="list-style-type: none"> Dispatch reminder e-mail to referrer and their manager 	Contract Management Officer	On the 7 th day after step 6
8.	Review of concern <ul style="list-style-type: none"> Review all responses from stakeholders, conclude concern based on the information available and make recommendation for conclusion and follow up remedial action 	Contract Management Officer	Within 5 working days after step 7
9.	Refer concern for closure Refer concern closure recommendation and follow up remedial action to Senior Procurement Officer for review and management decision.	Contract Management Officer	The same working day where possible after step 8
10.	Management Decision <ul style="list-style-type: none"> Senior Procurement Officer considers concern closure conclusion and follow up remedial action recommendation and makes a decision on whether to issue a default notice for this concern and communicates this to the Contract Management 	Senior Procurement Officer	Within 5 working days after step 9

	<p>Officer</p> <ul style="list-style-type: none"> ○ Recommendation agreed ○ Requirement for further information prior to concern closure conclusion ○ Alternative concern closure/follow up remedial action decision 		
11.	<p>Concern Conclusion letter sent to Service Provider</p> <ul style="list-style-type: none"> • Dispatch concern conclusion letter with a copy of the original concern and if necessary outlining required remedial action with timescales for completion to service provider. • Diarise follow up of remedial actions and follow through any remedial actions deemed appropriate 	Contract Management Officer	Within 2 working days after step 10
12.	<p>Concern Conclusion communicated to referrer and Operational Teams</p> <ul style="list-style-type: none"> • Communicate concern conclusion outlining follow up remedial action requested to Service Provider by email to concern referrer and Operational Teams for validation of remedial action(s) 	Contract Management Officer	Within 2 working days after step 10
13.	<p>Close concern on Contract database</p> <ul style="list-style-type: none"> • Close concern on Contract database and save closure report on shared drive. 	Contract Management Officer	The same working day where possible
13.1	If follow up action not received within 14 days send reminder letter to service provider progress chasing follow up action.	Contract Management Officer	On the 14 th day after step 11 or agreed deadline with service provider
13.2	When follow up action received from service provider / or confirmation of remedial action(s) validation from operational team(s) review response and close down on contract database.	Contract Management Officer	The same working day where possible
14.	<p>If no response received from Service Provider or remedial action not taken within the agreed timescales refer to Senior Procurement Officer</p> <ul style="list-style-type: none"> • Senior Procurement Officer to consider default notice 	Contract Management Officer	Within 2 working days from deadline
15.	<p>If the service provider has not disputed the outcome of the concern and a decision had been made by the Senior Procurement Officer at the point of review and sign off to issue a default notice for this concern</p> <ul style="list-style-type: none"> • Contract Management Officer to pass concern to Senior Procurement Officer for the issue of the default notice 	Contract Management Officer & Senior Procurement Officer	Within 2 working days from deadline
16.	<p>If the service provider disputes the outcome of the concern, refer this to the Senior Procurement Officer with the grounds for dispute of the outcome and supporting information submitted by service provider</p> <ul style="list-style-type: none"> • Contract Management Officer to acknowledge 	Service Provider / Contract Management Officer	The same working day where possible

	receipt of concern dispute and validate supporting information submitted by service provider. Then forward to Senior Procurement Officer		
16.1	<ul style="list-style-type: none"> Senior Procurement Officer / Head of Procurement to review and consider service provider's grounds for dispute and supporting information submitted by the service provider 	Senior Procurement Officer / Head of Procurement	Within 14 days of dispute receipt
16.2	<ul style="list-style-type: none"> Senior Procurement Officer to communicate outcome of concern to service provider and referrer 	Senior Procurement Officer	Within 2 working days of conclusion of concern