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## **Subcontracting Policy and Procedure**

### **Background**

The purpose of this document is to define the basis on which any subcontracting arrangements will be managed.

Where appropriate, Healthwatch will sub-contract with other parties to deliver programmes and activities funded by the government through its funding bodies, or other non-governmental organisations. The organisation with which it subcontracts will be subject to the requirements set out below.

### **Legal Framework**

Healthwatch shall act in accordance with the following legislation:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Equalities Act 2010

### **Policy**

The management of subcontractors will be based upon the application of the risk principle. All subcontractors will be risk assessed in relation to the performance standards set in the quality framework. Information about the performance standards can be obtained from the respective Healthwatch Manager.

All subcontractors will have a risk rating. This rating will determine the frequency and scope of the quality audits undertaken by Healthwatch staff.

As a first step in assessing suitability and risk, all potential subcontractors will have completed an Application Form for review by the respective Healthwatch Manager.

Further due diligence checks may be made proportionately.

### **Procedures**

#### **1. Due Diligence**

Subcontractors will supply Healthwatch with all relevant information requested to protect customers and to ensure the subcontractor is a legally, financially and fit

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for purpose organisation, prior to a contract being signed.

## **2. Performance Data**

Subcontractors will provide a range of data, at the frequencies specified in the contract schedules. Should subcontractors fail to deliver the data consistently, Healthwatch will impose penalties as specified in the contract.

## **3. Delivery Quality**

Subcontractors must ensure that appropriate staff attend Healthwatch best practice events and any training organised by Healthwatch which has been put in place to address issues identified in quality or compliance post audit action plans. Failure to attend such events will result in the organisation's risk assessment rating being increased. This action is likely to increase the frequency of quality and/or compliance audits undertaken. Other penalties may also be applied.

## **4. Health and Safety**

Subcontractors must provide details on request to Healthwatch, of how they ensure that facilities used to deliver services meet all Health & Safety regulatory and legislative requirements, including where required specific health & safety reports, audits and risk assessments.

Subcontractor staff must be capable of and must undertake activity risk assessments at a frequency consistent with the type of activity and the nature of any facility being used.

Subcontractors must ensure that appropriate staff attend Healthwatch's best practice events and any organised by Healthwatch which has been put in place to address issues identified in quality or compliance post-audit action plans relating to Health & Safety. Failure to attend such events will result in the organisation's risk assessment rating being increased. This action is likely to increase the frequency of quality and/or compliance audits undertaken. Other penalties may also be applied.

## **5. Facilities and Resources**

All facilities and resources used must be "fit for purpose" and comply with all current Health & Safety legislation.

## **6. Self Assessment**

All subcontractors will be required to undertake a self-assessment process in relation to the Healthwatch Service Quality Assessment and produce Key Performance

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Report (KPI) which clearly and specifically identifies and evaluates the programmes which they are contracted to deliver.

The KPI report and any resulting action plan must be submitted as specified in the contract where appropriate.

## **7. Service Standards**

All subcontractors will be required to demonstrate how they will meet Healthwatch's contract service standards in relation to providing a high quality service at all points of a customer journey and how they will communicate these standards to customers.

Subcontractors will be required to meet the performance targets set out in individual contracts Schedules.

Healthwatch staff will support subcontractors that require further development to reach the required standard in the expectation that subcontractor staff will subsequently maintain this standard.

## **8. Safeguarding**

Subcontractors will be required to have in place safeguarding arrangements which are consistent with the standards advised by Healthwatch.

## **9. Recruitment Profiles and Delivery Locations**

Subcontractors may be required to ensure that programmes are delivered in specific localities, depending upon the nature of the contract. They may be required to target customers from a specific profile e.g. age, ethnicity, gender, and disability, NEET consistent with the purposes of the commission, best practice and legal requirements.

## **10. Audit Procedures**

Healthwatch will conduct audits of subcontractors as specified in the arrangements in Contract Schedules

Healthwatch will provide reasonable advance notice in writing of proposed visits to the subcontractor of the scope and date of each audit.

Post-audit action plans will be produced where necessary and subcontractors will be supported to achieve the aims set out in the action

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plans. Subcontractors that consistently fail to attend or engage in the support provided scheme will be penalised under the terms of the contract.

## **11. Policy and Procedures**

Subcontractors will be required to demonstrate that they have robust quality audit arrangements, consistent with the requirements related to the audit activities undertaken by Healthwatch as specified above.

They will be required to maintain, review and update policies and procedures in line with national legislation and as appropriate to the nature of their contract in the following areas:

- Health & Safety
- Equality & Diversity
- Safeguarding
- Sustainability
- Quality Assurance, including performance monitoring and development of:
  - Practice
  - Initial assessment
  - Additional support
  - Self-assessment
  - Service standards
  - Performance management information
  - Data protection
  - Staff recruitment and development
  - Financial management

## **12. Contract Monitoring and Review**

Subcontractor performance will be monitored on an ongoing basis.

Feedback on performance will be provided in writing, by phone or e-mail.

The methods used will depend upon the circumstances at any point in time. Feedback will also be provided at periodic contract performance review meetings. The frequency of these meetings will depend upon the performance of the subcontractor.

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Where performance falls below the standard required, subcontractors will be issued with a Notice to Improve (Ntl). Support will be provided to help subcontractors develop and enhance the quality of their delivery. If a subcontractor fails to meet the necessary improvements within the agreed timescales, it may be necessary to implement contract termination procedures.

### **13. Contract Termination**

Healthwatch will work with its subcontractors to ensure that all customers receive high quality, safe services with all the necessary support for Healthwatch to achieve its aims and progress where appropriate.

Should a subcontractor consistently fail to improve any element of its performance which is deemed to be unsatisfactory or inadequate, or consistently fail to engage in or with the quality support systems which are in place, Healthwatch reserves the right to terminate the contract to protect the customers.

If contract termination procedures are implemented, subcontractors are contractually required to co-operate fully with this process. Failure to comply with the requirements will result in penalties under the terms of the contract.

### **14. Services Provided**

Healthwatch as prime provider will take responsibility for reporting, data & performance management, relationship management, quality assurance and risk management for all contracts.

### **15. Payment Terms**

Payment terms are set out in contracts and are dependent upon terms and conditions. This is paid via BACS into bank accounts. An invoice is produced and agreed with Healthwatch and subcontractor.

### **Published Information**

In addition to publishing this policy on our website, sub-contractors name, contract start and end date and provision will also be published.

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## References

### Related Policies and Procedures

| <u>Healthwatch</u>   | <u>Parkwood</u>         |
|----------------------|-------------------------|
| Data Protection      | Quality Assurance       |
| Health & Safety      | Staff Recruitment       |
| Equality & Diversity | Performance Development |
| Safeguarding         | Data Protection         |
|                      | Health & Safety         |
|                      | Safeguarding            |
|                      | Sustainability          |
|                      | Equality & Diversity    |