

GUIDANCE ON SUSPENSION OF CONTRACTING ARRANGEMENTS

INTRODUCTION

The purpose of this guidance is to set out the process for the temporary suspension of commissioning arrangements with a provider.

This covers temporary arrangements only and any formal termination of services would either be via the ceasing of an individual service agreement for a particular service user or within the contract termination clause. This termination would be conveyed in writing under the terms of the contract.

REASONS FOR TEMPORARY SUSPENSION

In some instances the Authority should temporarily cease making new commissions from a provider. The purpose of the suspension is to protect service users whilst allowing time for either an investigation to take place or for a provider to put right areas in which weaknesses have been highlighted. In some instances the provider may themselves request that they take no new work for an agreed period because they have identified some difficulties in providing a service.

The provider should be formally notified of the suspension arrangements and the reasons for this. If they wish to contest the decision they can use the disputes procedure set out in the contract.

Suspension does not automatically mean that the contract ceases only that there would be no new placements or commission of services and in some circumstance consideration may need to be given for existing services.

CRITERIA FOR SUSPENDING NEW PLACEMENTS/COMMISSIONS

The decision to suspend a service will be the result of an assessment of the risks to current and potential service users if the service remains unchanged.

The criteria for suspension would be:

- Reasonable grounds for considering a provider cannot provide services that are at the normal expected standards and as a result may materially prejudice the health, safety or wellbeing of a service user.
- Reasonable grounds to consider the provider cannot comply with and are in breach of the terms and conditions of the contract that they have signed.
- There is no written contract with the provider which may be for a number of reasons, one of which could be if the business is sold to new owners.

CRITERIA FOR ENDING SERVICES TO EXISTING SERVICE USERS

In some instances there may be more serious risks to service users and consideration be given to transfer of work to a new provider.

The criteria would be:

- Reasonable grounds for considering that to continue to use the provider would endanger the safety and leave service users vulnerable due to ineffective operation of the service.

PROCEDURE FOR THE SUSPENSION OF SERVICES

When suspension of services is considered to be the most appropriate way of dealing with the concerns and issues raised in relation to the service provided, the forms in appendix 1 should be completed and the following actions should be taken:

- A report to the Head of Service, Patient Safety and Safeguarding and the Head of Service with budgetary responsibility for the service, setting out the following:
 - Description of the situation.
 - Assessment of risks for continuing of work.
 - Assessment of risk for ceasing use of provider.
 - Recommendation for action including proposed timescale of the suspension.
 - Be presented in circumstances where a suspension has been seriously considered but not recommended
- Action by Contracts Manager (operations and delivery)
 - Following liaison with the budget holder, confirmation and signing off of the suspension agreement by Head of Service, patient safety and safeguarding

Once suspension is agreed the action to be taken as follows:

- Letter signed by Head of Service, PSS to provider setting out the areas where the contract has been breached and the actions required to rectify the position and including timescales if appropriate.
- Information sharing protocol to be used to pass information to other local authorities.
- Confirmation of suspension sent to Contracts staff, care navigation and Commissioners and any other staff who need to be aware of the position.
- Notification to service users, carers or next of kin if appropriate to the circumstances of suspension and to include alternative arrangements provision of the service.
- Once an investigation has been completed and a review of the suspension indicates that this can be lifted then all the above need to be notified of the change in the position.

Ann Smith, Head of Service – Patient Safety and Safeguarding.
Amended November 2016

Report for the Approval of the Suspension of Services



Report	Summary
<p data-bbox="353 507 719 544">Description of Situation</p>	
<p data-bbox="264 847 804 914">Assessment of risks for continuing of work</p>	
<p data-bbox="264 1198 804 1265">Assessment of risk for ceasing use of provider</p>	

Recommendation for action including proposed timescale of the suspension	
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Approved	Not Approved	
Head of Service, Patient Safety and Safeguarding		Date:

Record of Action Taken for Suspension of Services

Action List	Tick Box	Actioned By?
<ul style="list-style-type: none"> Letter signed by Head of Service, patient safety and quality improvement to provider setting out the areas where the contract has been breached and the actions required to rectify the position and including timescales if appropriate. 		Contract Management or Health and Residential Team
<ul style="list-style-type: none"> Local Authorities to be informed via Information sharing protocol 		Contract Management or Health and Residential Team
<ul style="list-style-type: none"> Request to provider to share information regarding out of county funded SUs 		Contract Management or Health and Residential Team
<ul style="list-style-type: none"> Confirmation of suspension sent to Contract Unit staff and Commissioners and any other staff who need to be aware of the position. 		Contract Management or Health and Residential Team

<ul style="list-style-type: none"> • Confirmation of suspension sent to CQC where appropriate. 		<p>Contract Management or Health and Residential Team</p>
<ul style="list-style-type: none"> • Notification letter to service users, carers or next of kin if appropriate to the circumstances of suspension and to include alternative arrangements provision of the service. • SU and NOK contact list to be compiled and verified with provider. 		<p>Social Care, Learning Disability and Autism</p> <p>Contract Management or Health and Residential Team</p>
<ul style="list-style-type: none"> • Once an investigation has been completed and a review of the suspension indicates that this can be lifted then all the above need to be notified of the changes in the position 		<p>Contract Management or Health and Residential Team</p>