



Contract Management Review Group

Terms of Reference

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Drafted By: Chris Wimhurst, Commissioning Standards Manager
 Jess Brittle, Commissioning Standards Programme Officer
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1. Role and Purpose

The Contract Management Review Group (CMRG) has been in operation since September 2016, following agreement through the Policy and Resources Cabinet Committee to implement a Member Chaired forum to review strategically important contracts. CMRG's key objectives are as follows:

- a. To provide assurance as to good practice in the management of KCC contracts, as this will improve outcomes, value for money and management of risk.
- b. To provide challenge and an opportunity to identify potential improvements in the management of the contract where appropriate.

The CMRG meets on a monthly basis to look in depth at specific contracts; asking contract managers to review the maturity of their contract management practice against a set of criteria based on National Audit Office guidance (Appendix 1).

2. Membership

Membership of the CMRG is drawn from Members and Officers from across KCC and recognises the critical role of Members in providing oversight and governance around the commissioning cycle. The Chair of the CMRG is appointed by the Leader and is currently the Cabinet Member for Finance. The Chair is responsible for identifying two further Members to sit on the panel.

Members

- Chair – Deputy Cabinet Member for Finance.
- Member 1 – Member from an Opposition Group
- Member 2 – Member from an Opposition Group

Officers

- Interim Strategic Commissioner
- Head of Finance Operations or Corporate Accountant
- Commissioning Standards Managers
- Commissioning Standards Programme Officer
- Commissioning and Commercial Assistant

For each meeting, additional invitees would be:

- Presenting Contract Manager/s (mandatory)
- Head of Service for the Contract and/or Commissioning Manager (mandatory)
- Operational Director for the Service (optional)
- Cabinet Member for the Service (optional)

3. Functions and responsibilities

- The CMRG reviews contracts using the National Audit Office (NAO) Good Practice Contract Management Framework (see Appendix 1) and the associated maturity assessment template (Appendix 2).
- The CMRG will have a forward plan of contracts to be reviewed for the next 6 months and contract managers will be given at least 6 weeks' notice of when their contract will be reviewed.
- Each contract manager completes the template and provides supporting evidence for submission prior to meeting with the CMRG. The expectation is that contract managers should have the information required to complete the template readily available as part of a day-to-day good practice approach to contract management. As required, the Commissioning Standards Manager may also have discussions with the contract manager to clarify issues or queries prior to the meeting.
- Unlike an audit, the review process relies on a self-assessment by the contract manager and the CMRG does not itself verify evidence and check source material. However, contract managers do sign to attest that the information that is provided to the CMRG is accurate and that they are accountable for it.
- Within the CMRG meeting, the Member-led group provides a robust level of challenge and questioning to determine where improvements can be made in contract management practice. It also provides advice and guidance to managers for areas to consider in their future practice, or when they are looking at re-commissioning services, in order to achieve greater value for money through the contract and its management.
- Where appropriate, the Chair will discuss contract details and issues with the contractor or service user/s in order to gain a wider perspective on contract performance. This will be decided on a case-by-case basis. On occasion, it may also be appropriate for the contractor to attend, if agreed as part of the forward plan.
- Following the CMRG, the Chair will issue a letter of findings and recommendations regarding the specific contract reviewed to the relevant Corporate Director, Cabinet Member and, where necessary, Committee.
- The Commissioning Standards Manager is responsible for following up with contract managers after each meeting to review progress against the recommendations put forward by the CMRG and to clarify what the outcomes have been from those reviews.
- When appropriate, Contract Managers will be asked to return to CMRG after a defined time period to account for the actions requested, and to provide assurance that change has been embedded within contract delivery.
- The CMRG is responsible for capturing the lessons learned from contract reviews and sharing best practice across the Council, in order to identify common themes and to improve standards across KCC.
- CMRG will refer matters to KCC's internal audit term if the need arises.

4. Governance

- The CMRG is a part of the Council's established Informal Governance Arrangements and meets on a monthly basis.
- P&R Cabinet Committee requires half yearly reports on lessons learned and the forward look for reviews.
- As and when required, the CMRG is able to provide an independent opinion on existing contracts for the Strategic Delivery Board (SDB).

5. Meetings, Communication and Timelines

- As standard, the CMRG will meet monthly for 1½ to 2 hours, reviewing either one or two specific contracts at each meeting. Whilst standard practice will be to review two contracts at each meeting, where a particular contract is highly politically sensitive or strategically important, it may be appropriate to allot the full session to that individual contract.
- The Contract Manager and relevant Corporate Director and Cabinet Member are invited to attend CMRG a minimum of six weeks prior to meeting, with the master slide deck and timelines for completion provided.
- The Commissioning Standards Manager will have a pre-meet with the contract manager to talk them through what needs to be completed, explain format of the meeting and to understand what the contract is.
- Officers are required to provide a completed set of the maturity slides and, where appropriate, supporting evidence, a maximum one week in advance of the meeting date.
- The agenda, the completed slide deck and supporting evidence will then be issued to the CMRG one week before the CMRG meeting.
- The Chair and the Strategic Commissioner will be briefed on the contract by the Commissioning Standards Manager five to seven days before the CMRG.
- The Commissioning Standards Manager will arrange a post-CMRG meeting between three and six months after the presentation with the Contract Manager, so that observations and the outcomes from agreed actions can be discussed.
- The minutes and actions will be circulated to the CMRG, contract managers, Corporate Director and Cabinet Member within four weeks after the date of CMRG, with a letter of findings and recommendations from the Chair.
- The CMRG is responsible for capturing the lessons learned from the contract reviews for future reference and sharing of best practice. This will be used to update procedural and policy guidance maintained by the Commissioning Standards Team to ensure that it is swiftly embedded within daily practice.

6. How contracts are selected for review

Contracts are selected for review by using the Contract Register produced by the Commissioning Standards Team. This will be made available to the Chair, the Interim Strategic Commissioner and the Commissioning Standards Manager, who will meet on a six-monthly basis to agree to the ensuing six months' forward plan. The Chair, in liaison with the two supplementary Members, can request contracts of particular political or strategic interest, or where there are expressed concerns. Otherwise, contracts should be selected according to the following criteria.

- High value or politically sensitive.
- Complexity – i.e. are there factors that would make contract management more difficult? For example, demand led activity-based contracts.
- Risk – is the service one that carries inherent risks? E.g. safeguarding risks associated with social care contracts.
- Stage of commissioning cycle – will the contract be coming to an end in the next one to two years?
- Synergy with audit – is a review of the contract on the timetable for audit or have audit recently conducted a review?
- Strategically important – contracts that may not fulfil the above criteria but recognised as important to the Council fulfilling its strategic objectives.

- Has been identified internally as not working well.
- Where Strategic Commissioning can add value or get a better deal.
- Synergy with Strategic Delivery Plan.

Appendix 1

National Audit Office (NAO) Good Practice Contract Management Framework

The CMRG adopted the National Audit Office (NAO) good practice contract management framework as the reference standard for its reviews. This framework identifies eight key contract management activities as follows.

- Planning and governance – preparing for contract management and providing oversight
- People – ensuring the right people are in place to carry out the contract management activities
- Administration – managing the physical contract and the timetable for making decisions
- Managing relationships – developing strong internal and external relationships that facilitate delivery
- Managing performance – ensuring the service is provided in line with the contract
- Payment and incentives – ensuring payments are made to the supplier in line with the contract and that appropriate incentive mechanisms are in place and well managed
- Risk – understanding and managing contractual and supplier risk
- Contract development – effective handling of changes to the contract
- Supplier development – improving supplier performance and capability

Appendix 2

Maturity Assessment Slides