

Procedural Note: Breach of Contract Standing Orders

NOTE: This Procedural Note provides support to the Contract Standing Orders and shall be read in conjunction with the Contract Standing Orders and any associated Procedural Notes.

Background

- 1) This Procedural Note outlines the steps to be taken where a perceived breach of the Contract Standing Orders (the Rules and associated Procedure Notes) has taken place.
- 2) Steps to be taken to investigate in the event of a suspected breach will be proportionate to value, risk and taking into relevance to significance and seriousness of the issue.
- 3) Where an Officer (or Officers) does not act in accordance with the Contract Standing Orders (either wilfully or unintentionally) this may result in a formal Disciplinary and Capability Procedure.
- 4) An awareness of any failure to comply with the Contract Standing Orders is essential for the Council to appropriately manage and mitigate any resultant risks.
- 5) A breach of the rules can occur at any stage in the commercial cycle.

General

- 6) Where a suspected breach of the Contract Standing Orders has taken place, that may represent a significant and serious failure to comply with the Contract Standing Orders, or an individual has become aware that they themselves have breached the Contract Standing Orders, initial referral is made to the Head of Procurement as soon as practically possible.
- 7) In raising a suspected breach of the Contract Standing Orders sufficient information shall be provided to enable the allegations to be suitably investigated, an opinion formed around the seriousness of the breach, and a decision taken as to the actions which shall be taken.
- 8) Suspected breaches of the Contract Standing Orders can be raised by anyone, either internal or external to the Council.
- 9) When notified of a suspected breach the Head of Procurement shall be required to instigate an initial investigation into the matter. The intent, the individual circumstances and the impact of the alleged breach shall be considered.
- 10) The Head of Procurement shall endeavour to reach a formal decision around the investigation within 20 working days from initially being brought to their attention.

- I1) The Head of Procurement shall record the matter and the overall findings from any investigation for auditing and accounting purposes, and report the number of breaches raised (along with those upheld or not) to the CMT on a monthly basis and to the S151 Officer and Monitoring Officer on a quarterly basis.

Findings of Initial Investigations

- I2) Where the Head of Procurement considers the matter to be a significant and serious failure to comply with the Contract Standing Orders, then the matter shall be referred to the Line Manager of the Officer responsible for the breach for further consideration. This may involve conducting the Council's Disciplinary and Capability Procedure as applicable. This will also be the case for persistent non-compliance.
- I3) Where it is suspected that fraud, corruption and / or financial irregularity have taken place, Internal Audit shall be notified immediately.
- I4) The Line Manager of the Officer who was responsible for the breach shall be required to inform the Head of Procurement as to any and all actions taken to rectify the breach.