

# PROCUREMENT POLICY

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<b>Summary</b>	<p>The Trust's policy is to ensure any spend of Public money, regardless of value, is carried out in a transparent and non-discriminatory way and in compliance with the Public Contracts Regulations '15 and Bribery Act '10.</p> <p>This policy also outlines the formal purchasing strategy that aims to benefit the Trust in the procurement of all commodities and services.</p>			
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## VERSION CONTROL

Version No:	Type of change	Date	Revisions from previous version
0.1	New Document	April 2020	New Policy
1.0	Annual Review	Sept 2020	Corporate format only, no other changes.
2.0	Annual review	June 2022	Re-write of policy
2.1	Update from FAR mtg	June 2022	Section 8 added - CSR
2.2	Interim Review	Nov 2022	Section 9.c - threshold amounts updated Section 12.b.i , 12.b.ii and 12.b.iii - values updated Section 24.a & b - values updated.
2.3	Annual review	May 2023	Reviewed, date changes only.

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## **1. STATUS**

- a. Statutory.

## **2. INTRODUCTION**

- a. It is the Trust's policy to ensure that any spend of Public money, regardless of value, is carried out in a transparent and non-discriminatory way and in compliance with the Public Contracts Regulations 2015 and Bribery Act 2010. This policy also outlines the formal purchasing strategy aims to benefit the Trust in procurement of all commodities and services. Staff with responsibilities for purchasing within the City Learning Trust (CLT) should make themselves familiar with this policy.
- b. The Trusts Scheme of Delegation and specific job descriptions outline who has authority to select contractors and award contracts and/ or authorise orders. Failure to comply with either this Procurement Policy, the Trust Finance Policy or the Scheme of Delegation may result in withdrawal of authority and disciplinary action.
- c. As a publicly funded organisation, the CLT is a "Contracting Authority". Subsequently any procurement activity is regulated by the Public Contract Regulations 2015 and the Government Procurement Agreement (GPA). In particular, any procurement activity has to be carried out in a transparent and non-discriminatory manner.
- d. This policy sets out how the Trust will manage its procurement to ensure compliance with relevant legislation, it does not provide guidance on how to procure, which is covered in the CLT Finance Policy. Failure to comply with this policy and/or follow the procurement procedures could result in a breach of legislation, fines, litigation, claims for damages and loss of reputation.

## **3. AGENCY**

- a. When procuring, the CLT personnel are acting as "Agents" in creating binding terms and conditions of the Trust. A constituent Academy will not undertake any procurement independently of the Finance Director (FD) or the Executive Director (ED).

## **4. SCHOOL BUYING CLUB**

- a. The CLT has engaged in "Schools Buying Club" to provide professional procurement consultancy advice on key contracts across the Trust and to support with the development of a Trust wide procurement strategy.

## **5. COMPLIANCE WITH MODERN SLAVERY ACT 2015**

- a. The CLT is required to comply with the requirements of the Modern Slavery Act 2015 and, in doing so all suppliers to the Trust are required to fully comply also. The Trust reserves the right to exclude any bidder who has been convicted of an offence under section 1, 2 and 4 of the Act. The Trust also reserves the right to terminate contracts where bidders are found to have breached the legislation after contract award.
- b. Where the Trust deems that a procurement exercise is particularly high risk then it may be appropriate to require bidders to provide clarification of supply chains and ensure that suppliers demonstrate their methods of corporate social responsibility during the tendering and selection process, details of which may vary according to the project.

## **6. PURPOSE AND SCOPE**

- a. The purpose of this document is to make the Trust procurement policy clear and sign post staff undertaking procurement activity to the appropriate procedural guidance.
- b. Under this policy all goods and services should be acquired by competition, and all purchasing should be based on good practice, facilitating a centralised and coordinated system of purchasing as a mechanism for obtaining Value for Money (VfM), whilst ensuring compliance with the procurement directives, the Academy Trust Handbook (ATH) and the Trust Finance Policy.
- c. Further guidance on the use of this policy and the strategic objective of the Trust may be obtained from the FD or Executive Director who have overall responsibility for the strategic procurement across the Trust.
- d. This policy is in place to support with compliance to the GPA and tender thresholds.

- e. This policy should be read in conjunction with:
  - i. Academy Trust Handbook
  - ii. The Public Contracts Regulations 2015
  - iii. Scheme of Delegation
  - iv. Finance Policy
  - v. Conflicts of Interest Policy
  - vi. Gifts & Hospitality Policy
- f. The Trust procurement policy is applicable to all purchasing activity regardless of value and should be followed by all staff involved with purchasing.
- g. All procurement within the Trust will be carried out in such a way to ensure compliance with legal requirements and any other requirements deemed appropriate by the DfE or ESFA.
- h. The policy is intended to reflect and support the aims and ethos of the Trust by working with staff and suppliers to optimise VfM in the procurement of works, goods and services. It aims to balance efficiency against risk factors in achieving VfM whilst promoting compliance and sustainability.
- i. The Central Finance team will work with Academies and wider members of the Trust team by providing support in obtaining works, goods and/ or services.
- j. The procurement policy and associated guides/ policies will be reviewed every year or whenever required by a change in legislation.
- k. The Trust procurement policy does not provide detailed guidance on procurement or purchasing, this is covered by the Public Contracts Regulations 2015. Wherever possible the Trust will seek to use an appropriate public sector framework to ensure best value and compliance with the GPA.
- l. There is a duty on all staff who may be involved in any stage of the procurement process to apply the key principles of best practices procurement to achieve appropriate governance, VfM and suitable quality of goods and services to meet our business needs.

## **7. STRATEGIC OBJECTIVES AND GENERAL PRINCIPLES**

- a. The Trust believes that goods and services should be acquired by competition and that all purchasing should be based on good practice and is in accordance with the following objectives:
  - i. To supply the Trust with the right goods and services, at the right time, at the most advantageous cost.
  - ii. To promote the delivery of VfM through good procurement practice, utilising the most cost-effective methods for procuring goods and services.
  - iii. To facilitate the development of an effective and coordinated purchasing effort.
  - iv. To identify opportunities for working with others, in order to widen the scope for maximising purchasing power and identifying innovation.
  - v. To develop lasting relationships with contractors and suppliers, whilst ensuring VfM and demonstrating continuing high performance.
  - vi. To give due consideration to good financial governance and to ensure the transparency of arrangements.
  - vii. To consider sustainable, ethical, social and environmental policies.
  - viii. To comply with relevant UK legislation.
  - ix. To develop appropriate management information in order to measure the performance of value for money achieved in purchasing by the Trust.
- b. When purchasing and contracting goods and services, the Trust must demonstrate compliance with the procurement legislation and the proper and effect use of public funds at all times. Purchasing procedures should also ensure that the goods, services and works procured are for the correct quantity and quality, arrive on time and achieve best value.

- c. The following general principles must be adhered to:

### **7.1 Transparency and non-discrimination in all purchasing activity**

- a. The Trust must ensure that all contractors, suppliers and service providers are treated equally and without discrimination and must act in a transparent and appropriate manner. Procurement procedures must not be undertaken in a manner that artificially narrows competition, favours or disadvantages any contractor, supplier or service provider. All procurement activities with a value in excess of £50,000 (inclusive of VAT) must follow either a formal tender process or the use of an appropriate procurement framework.

## **7.2 Probity**

- a. The Trust must be able to demonstrate that all parties are dealt with on a fair and equitable basis and there is no private gain, favouritism or corruption involved in any dealings with the Trust.

## **7.3 Accountability**

- a. The Trust is publicly accountable for its expenditure and for the conduct of its affairs.

## **7.4 Value for Money**

- a. The achievement of value for money underpins the appropriate use of all public funds, therefore as well as striving to achieve best practice possible for all purchases, consideration should also be given to other factors such as quality, suitability, availability, reliability of the supplier and terms available etc.

## **8. CORPORATE SOCIAL RESPONSIBILITY**

- a. We will work with our business partners and suppliers to maximise the positive impact that we can have on the communities that we serve. We are committed to achieving this through:
  - i. Establishing Corporate Social Responsibility (CSR) as an intrinsic element within our procurement process. The Social values exhibited by potential suppliers will form part of our procurement decision-making process when selecting contractors.
  - ii. Where possible, we will seek to work with locally based Companies that are employing local people, that are impacting positively on the communities that we serve across the Trust and that show clear commitment to the Sustainable Development goals.
  - iii. We will encourage Suppliers and Business Partners to review their own approaches towards CSR and will actively seek to work with them on suitable CSR approaches and initiatives that will have mutual benefits.
  - iv. We are committed to sustainability in our business and operational activities, and across City Learning Trust we will investigate opportunities for good practice with regard to sustainability.

## **9. FIND A TENDER SERVICE (FTS)**

- a. As the UK is no longer a member of the European Union (EU), the Trust is not required to comply with European Procurement Directives when procuring supplies, works and services. From 1<sup>st</sup> January 2021 high value public contracts in the UK must be listed on the Find a Tender Service (FTS) which was introduced in November 2020 on policy procurement note PPN 08/20. Any high value procurement which started before 1<sup>st</sup> January 2021 will continue to be listed on the Official Journal of the European Union's Tender Electronic Daily platform (OJEU/TED).
- b. The PPN note sets out the legal framework for public procurement. The PPN must be applied when public authorities seek to acquire supplies, services or works. The PPN sets out the procedures which must be followed before awarding a contract when its value exceeds set thresholds.
- c. All UK contracting authorities, irrespective of the source of funding for a particular purchase, must comply with PPN 08/20. It is essential to plan early as FTS procedures are very lengthy and employees with an order or contract expenditure with lifecycle costs approaching the FTS thresholds (Goods and Services currently £213,477 inclusive of VAT and Works currently £5,336,937 inclusive of VAT) must consult with the Central Finance team as early as possible to avoid any delays. Breaches of the PPN may incur penalties from HM Treasury or the ESFA.

## **10. VALUE FOR MONEY, PURCHASING LIMITS AND AGGREGATION**

- a. Value for money is the optimum combination of whole life cost and quality to meet the user's requirements. This is rarely possible with the lowest price alone.
- b. Unless below the threshold for obtaining multiple quotations or tenders all procurement of goods, works and services should be acquired by effective competition, unless there are convincing and justifiable reasons to the contrary. Competition promotes efficiency and effectiveness in expenditure.
- c. The CLT has a duty to comply with PPN 08/20 and academy funding agreements, in order to do so the Central Finance team will review all proposed purchases over the FTS threshold in the context of total Trust expenditure to come to a decision whether the potential requirement to aggregate is complementary or contrary to the requirements to show value for money.

- d. The Central Finance team will review procurement plans and, where appropriate, will consult with academies on the potential to develop a range of Trust wide contracts in order to comply with the requirements around aggregation and value for money.

## **11. FINANCIAL AUTHORITY TO COMMIT EXPENDITURE**

- a. Any process which involves committing the Trust or an Academy to expenditure must be approved in accordance with the Trust's Scheme of Delegation. The Scheme of Delegation confirms who has the authority and to what financial level. No employee may approve purchases unless they have been given the authority to do so.
- b. Any member of staff placing a purchase order on behalf of the Trust or an Academy must be sure that they have the correct level of authority to do so in accordance with the Scheme of Delegation and where required must obtain approval from a more senior member of staff if necessary.
- c. The Trust operates a system of devolved financial responsibility. Headteachers/ Principals are responsible for the decision-making process and planning of purchasing decisions when expenditure is within the approved budget amount. The Central Finance team may provide support if requested, in these cases the Academy is still responsible for specifying the requirements, evaluation criteria and committing funding.
- d. No employee is authorised to commit the Trust or an Academy to expenditure without first ensuring that there is adequate budget provision.
- e. Schemes of work should not be artificially broken down in to smaller orders to circumvent either authorisation levels or the requirement to obtain further quotes/ tenders.

## **12. PURCHASING THRESHOLDS**

- a. There are two types of threshold governing the procurement for the Trust. Firstly, authority to commit expenditure, which is covered in the Scheme of Delegation and secondly the procurement process which is governed by the anticipated cost of the procurement.
- b. The various transactional thresholds and procurement process required is covered in detail in the Finance Policy which must be followed, however they are outlined below:
- i. Purchases up to the value of £75,000 (inclusive of VAT) to be authorised by CFO
  - ii. Purchases up to the value of £125,000 (inclusive of VAT) to be authorised by CEO
  - iii. Purchases over £125,000 (inclusive of VAT) must be approved by the Board of Trustees
- c. Purchasing undertaken:
- i. Below £3,000 (inclusive of VAT) – obtain a written quotation from a suitable supplier/ contractor plus evidence of applying value for money principles.
  - ii. £3,001 - £49,999 (inclusive of VAT) – obtain three written quotations from suitable suppliers/ contractors.
  - iii. £50,000 - up to the relevant FTS threshold issue an invitation to tender (ITT) to suitable suppliers/ contractors. You can also use an appropriate framework, if available but ensure that the correct contract duration does not overrun the termination date of the framework.
  - iv. Above the FTS thresholds – Advertise an invitation to tender on the Find a Tender Service (FTS). An appropriate FTS framework may be used, if available but ensure that the correct contract duration does not overrun the termination date of the framework.
- d. For orders above £3,000 the Central Finance team can assist with the procurement process on behalf of the Academy, orders will not be raised without the approval from the budget holder in accordance with the Scheme of Delegation. Copies of the value for money evidence for these orders will be retained by the Central Finance team.
- e. Occasionally there may be a recommendation to award a contract or place an order with a company which has not submitted the lowest priced bid. If this is the case because the scheme has been evaluated using the most economically advantageous tender method (MEAT) then this is acceptable without further action, provided the evaluation scores are recorded and retained on file.

## 13. DISPENSATIONS

- a. In limited circumstances a dispensation from the requirement to obtain alternative quotes may be granted. This may include authority to solicit a single quotation, to award a contract or place an order without having obtained the requisite number of tenders or quotations or to directly award a contract.
- b. All dispensations require prior approval in writing from the Executive Director before progressing and must not result in a breach of procurement legislation or be contrary to the Trust's Scheme of Delegation.
- c. All approved dispensation requests will be reported to the Board of Trustees or the Trust Finance Scrutiny Committee. Staff may be called upon to attend the full Trustee Board meetings to explain the reasons for requesting a dispensation.
- d. Dispensations from the requirement for competitive quotations/tenders must not be used to avoid competition, or for administrative convenience, or to award fresh/further work to a supplier originally appointed through a competitive procedure.
- e. All dispensations will be subject to obtaining and documenting appropriate evidence for single quotation/tender action, obtaining authorisation for such action in accordance with the approved Scheme of Delegation and never breaching current Public Contract Regulations.
- f. A procurement dispensation must be completed and submitted to the Executive Director/ board for approval.
- g. Subject to approval as outlined with in the Trust's Scheme of Delegation, dispensations may be granted for the following reasons:
  - i. Unforeseen emergency requirement
  - ii. Goods/services are only available from one source and there is no other way to meet the Trusts requirements
  - iii. An extension is required to a current contract in order to allow sufficient time to complete a competitive tendering exercise (failure to have planned the procurement would not be justification for a single tender)
- h. Where the seeking of tenders and subsequent contract award could cause significant operational difficulties and where any potential savings may be outweighed by those operational issues (which along with VfM analysis must be documented) and only for use in circumstances to be approved in accordance with the Scheme of Delegation, under the specific advice of the FD in terms of compliance with UK legislation and subject to approval by the AO/ Executive Director and subsequently reported to the board of Trustees.
- i. The Central Finance team may develop a schedule of dispensations for specific areas which Academy staff may use under certain circumstances.
- j. A record of the reason(s) for seeking and granting/declining dispensations will be kept for at least three years.

## 14. RAISING ORDERS

- a. Following the raising of a requisition which must be approved in accordance with the Scheme of Delegation, official orders must be raised for all goods, works, services and/or consultancy required by the Trust using the finance system, unless specifically exempted. The Finance and Procurement policies document the purchasing process and must contain adequate controls to ensure that:
  - i. goods, services and works required by the Trust are actually ordered
  - ii. Competitive quotations or tenders are obtained for all orders where the value of goods, services or works, individually or for a series of contracts would exceed the relevant financial thresholds
  - iii. Orders for goods, services and works are placed with the most appropriate suppliers in terms of cost, quality and delivery.
  - iv. Goods, services and works received are in accordance with those ordered
  - v. Payments are made only in respect of invoices authorised in accordance with the Scheme of Delegation
  - vi. All payments are accounted for properly, promptly and in full
  - vii. Relevant timely and accurate management information on non-pay expenditure is produced and utilised
  - viii. Adequate physical and logical security is in place
- b. Specific exemptions to the requirements to raise an official purchase order are limited to:
  - i. Rent or business rates
  - ii. Utility costs



- iii. Works and services executed under a contract
  - iv. Petty cash purchases
  - v. Purchasing catering supplies (food and drink only)
- c. Details outlining the number of non-orders invoices paid on the finance system will be reported to the Board and the FD may be required to attend in order to explain any non-compliance.
  - d. In accordance with the Trust avoidance of gains/conflicts of interest policy, before raising any orders checks must be carried out to ensure that no one who has declared a conflict of interest in relation to the purchase or the supplier/service provider has been involved in the selection process.
  - e. No orders shall be placed, or contracts altered or extended, with the intention of avoiding the relevant thresholds applicable within the Finance policy. In the event that the terms of any purchase order or contract have to be amended, approval in accordance with the Scheme of Delegation must be obtained.

## **15. BUSINESS CHARGES CARDS AND PETTY CASH**

- a. The Trust recognises the benefits of card payment as a means of paying for goods and services. The advantages include reduced administration, provide the opportunity to make low cost online purchases and make emergency purchases to support business continuity.
- b. Business charge/debit cards must be kept in a locked safe or safety box on site and will be allocated to key users. Pin numbers must NOT be shared. All business charge/debit card purchases require a printed receipt and must be retained in a file for audit inspection.
- c. Full details governing the use of business charge/debit cards can be found in the Finance policy.
- d. A petty cash system is run by each individual Academy. The limit for petty cash is £250.00 with a maximum limit of £25.00 per single transaction. Petty cash must be balanced on a regular basis.

## **16. SUPPLIER MANAGEMENT**

- a. Purchase orders, contracts and payments should only be raised/made to suppliers which have passed the Trust vetting procedures and have been added to the finance system.
- b. New Suppliers may only be added to the finance system following requisite vetting procedures and will be added to the system by the central Finance team.
- c. All staff who may raise purchase orders for work should satisfy themselves that where required, contractors have appropriate DBS clearance before raising an order for work. The Trust's safeguarding policy must be followed at all times.

## **17. COMPETITION**

- a. Subject to the thresholds highlighted in section 6, competition should be proportionate to the level of expenditure, complexity and risk. To minimise procurement costs for the Trust and suppliers, avoid doubt and ensure compliance with legislation, best practice and the Trust's Finance policy, guidance documents for procurement at all levels has been provided which must be followed.
- c. Care should be taken to specify accurately the goods/services required in a way which is unambiguous, offer quality, removes barriers to participation by SME's and self-employed people without discriminating against others. Any minimum standards should be proportionate to the contract and not discriminatory other than where legally required.
- d. All requests for quotations must be made in writing and in accordance with the guidance most relevant to the estimated value of the expenditure.
- e. When estimating the value of a contract, unless it is a one-off cost, the actual cost of the works, goods or services must be for the whole life costs and include any on-going costs. If the whole life is unknown then four years would be a baseline. Once the whole life costs have been estimated the appropriate procurement procedure should be followed.

## **18. CONTRACT AGREEMENT / TERMS & CONDITIONS**

- a. Any departure from the Trust terms and conditions must be approved by the Board of Trustees before any agreement is made.

- b. Any agreement or contract with a supplier which requires a signature by a member of the Executive, should be forwarded to the central Finance team for review prior to signature. All lease agreements must be signed by the Executive Director and a copy of the agreement retained centrally. The Trust is forbidden to enter into financial lease agreements without the prior approval of the ESFA.
- c. Any signature on an agreement or contract, or even an email response, indicates that the Trust accepts the supplier's terms and conditions which may not be favourable.
- d. Following the identification of the most favourable offer for the Trust, whether by best value, quotation or tender, consistent with the thresholds identified above, contracts may only be awarded by those officers to whom the Board of Trustees has delegated such authority within the Scheme of Delegation. The required authority to accept other than the lowest quotation or tender is also included within the Scheme of Delegation.

## **19. PAYMENT AND PAYMENT TERMS**

- a. Unless a credit card has been used to make a payment, all invoices from suppliers should be entered onto the finance system and paid either by BACS once approved.
- b. The Trust standard payment terms are 30 days following receipt of a correct invoice, unless alternative arrangements have been agreed at purchase order stage.
- c. Where purchases are made using established frameworks, the payment and other terms and conditions are likely to be those of the framework. Before purchasing from any framework, it should be confirmed that it is permissible for the Trust to use the framework and where required an appropriate access agreement has been approved by the Accounting Officer.
- d. Payment should only be made on receipt of goods. Where services are being procured then payment for work in progress or agreed interim stages may be appropriate in accordance with the approved guidance and subject to sign off from the Executive Director.

## **20. AGGREGATION**

- a. EU legislation sets out how and when multiple orders and contract values for the same type of work should be added together for the purposes of deciding what procurement process is applicable.
- b. Academies within the Trust manage their own budgets and purchasing decisions within the value stipulated in the Scheme of Delegation, seeking advice and support when necessary from the central Finance team including the procurement of goods and services on their behalf where appropriate.
- c. The Trust needs to consider aggregation when expenditure reaches certain thresholds, to ensure that the Trust does not fall foul of this, a procurement plan for each Academy and the Trust will outline all procurement activities within a 12-month cycle. This enables the Central Finance team to identify activities such as contracts being rolled over and take the appropriate action to re procure on behalf of the Academy.
- d. If specific expenditure is identified as reaching or has exceeded EU threshold then action should be taken to procure the goods/services in a compliant manner as a matter of urgency. The Central Finance team will monitor this on a half termly basis.
- e. The Central Finance team may identify opportunities to establish corporate contracts on behalf of Academies. Academies will be invited to participate however, the Central Finance team will work on the basis that this expenditure does aggregate and procure accordingly.

## **21. ANNUAL PROCUREMENT PLANS**

- a. The Finance Director will complete an annual procurement plan setting out key tender activity and milestones. The plan will include the use of the contract list to plan the requirement for future tenders, ongoing reviews of contracts, strategic areas for development and any policy and procedural developments that are required.
- b. Academies may be required to complete an annual procurement plan detailing key purchases with a lifecycle cost in excess of £10,000. This then gives visibility to the Central Finance team and an opportunity to exploit value for money opportunities and identify any opportunity potential aggregation or breaches to thresholds.

- c. The Trust is committed to the preparation and continued development of the procurement plan. The Central Finance team will continually review the procurement requirements for the Trust and ensure compliance with legislation.
- d. The practice of renewing annual contracts is not permissible unless specific provision has been made within the original procurement process for contract extensions. Re-procurement should feature on the annual procurement plan and be commenced in a timely manner to ensure completion and transfer to a new contract is managed effectively.
- e. To avoid the inefficiencies of re-procuring services annually, the Central Finance team will work with Academies to review procurement plans and develop multi-year contracts regionally.

## **22. TENDERS**

- a. Any expenditure over £50,000 (inclusive of VAT) must be subject to tendering in accordance with Trust finance policy and UK Public Contracts regulations 2015.
- b. All tendering where the anticipated lifecycle costs are in excess of £50,000 must be overseen by the Central Finance team.
- c. The Central Finance team will select and manage the most appropriate procurement process in accordance with the anticipated value, any potential aggregation and Trust tendering guidelines which are compliant with current procurement legislation. This may include the use of frameworks or bespoke tenders.
- d. Tendering procedures may take up to six months depending on lifecycle costs and compliance with legislation, failure to programme sufficient time for procurement will not be a reason to grant a dispensation.
- e. All current and future tenders are advertised using the Trust's website or alternative more appropriate means if necessary or legally required. It is the responsibility of the Central Finance team to oversee the tenders for goods, services and works to support the Trust with procurement matters.
- f. Any communication with a supplier involved in a tender process or any post tender bid clarification from a supplier will be supported by the Central Finance team.

## **23. STANDARDS OF BUSINESS CONDUCT**

- a. In exceptional circumstances, with the approval of the CEO, the Executive Director may directly award certain contracts without the need to conduct a competitive process, provided that all such incidences are compliant with UK and the circumstances are subsequently reported to the Board of Trustees with a record of the justification for the direct award being retained for three years.

## **24. REPORTING REQUIREMENTS**

- a. All contracts above £125,000 (including VAT) must be authorised by the Board of Trustees. In cases where, due to the timing of the Board meeting, this would not be practicable and any undue delay would cause significant operational issues, the CEO acting jointly with the Chair or Vice Chair of the Board of Trustees may accept a tender in excess of £125,000 but this must be reported at the next Board meeting.
- b. For contracts above £125,000 (including VAT) criteria should be reported to the Board of Trustees.

## **25. CONTRACTS REGISTER**

- a. The Central Finance team will maintain a contracts register detailing procurement activity undertaken, with a value over £50,000 which records all related documentation, details of the winning bidder, price, duration of the contract and the procurement process followed.

## **26. EQUAL TREATMENT OF SUPPLIERS**

- a. One of the key principles of procurement legislation is that all suppliers are treated equally in any competitive process regardless of value. They should have the same availability of access to specifications, plans, Trust staff time, facilities etc.
- b. Evaluation criteria should be decided in advance and made available in full to suppliers to show they will be treated fairly.

- c. All Bidders are entitled to be debriefed at the end of the process and informed of the winning bidder.
- d. Any discussions and/or correspondence prior to the conclusion of the procurement should be on a 'without commitment' basis and this phrase should be clearly stated on any such correspondence. The contract offer or purchase order should be the only point at which commitment is made.

## **27. THE BRIBERY ACT 2010**

- a. All staff should also be aware of the Bribery Act 2010, which came into force in April 2011, the Trust, its employees and contractors/bidders are all covered by the Act. To meet our obligations under the Act, the Trust has an Anti-Bribery and Corruption policy and all employees involved in procurement should be familiar with its contents.

## **28. GIFTS AND HOSPITALITY**

- a. The Trust policy is not to accept any form of gift or hospitality from suppliers, full details can be found in the Trust's Gift and Hospitality policy.

## **29. CONFIDENTIALITY / FREEDOM OF INFORMATION (FOI)**

- a. The Freedom of Information Act 2000 gives the public and potential suppliers the right to request certain information regarding Academy and Trust purchasing. All such requests should be handled in accordance with the Trust policy and referred to the Executive Director.
- b. As part of the process for providing quotations and tenders, the Trust requires all bidders to identify confidential information which they would not want the Trust to disclose in response to a freedom of information request.

## **30. INFORMATION SECURITY**

- a. All suppliers or third parties that require access to the Trust information systems as part of their service they provide must comply with the requirements of the Trust I.T. team.
- b. Staff responsible for agreeing maintenance and support contracts where access is required must ensure that prior to the contracts being signed the supplier/Contractor meets the requirements of the Central I.T. team and comply with the Trust's safeguarding and security policies.
- c. In the event of the contract being transferred appropriate provisions must be in place to ensure the continued security to information systems. Suppliers/Third parties will be asked, where appropriate, to demonstrate their compliance with the policies.

## **31. LEASES**

- a. Academies should not enter into any finance lease as this would be in contravention of the Academy Trust Handbook.
- b. Academies may enter into operating leases subject to the approval of the Executive Director who will arrange for legal advice where appropriate. Headteachers/Principals are not authorised to sign or enter into lease agreement (s) on behalf of the Trust.
- c. All lease agreements must be signed by the Accounting Officer of the Trust or a designated Trustee and a copy held centrally.

## **32. PAYMENT IN ADVANCE**

- a. With the exception of some software licences, payment should not be made in advance of the receipt of goods, services, works or consultancy. If a supplier requests payment in advance, this should be discussed and approval sought from the Executive Director.

## **33. HEALTH AND SAFETY**

- a. When procuring any goods, services or works employees must ensure that checks are made to confirm that suppliers are suitably experienced and qualified to undertake the work required.
- b. Where building or maintenance work is planned, suitable risk assessments and method statements must be in place.

- c. All services, supply and works procured by the Trust must comply with the relevant UK and EU health and safety legislation in force at the time the items are procured.
- d. Where required by legislation, products (including used or refurbished) must comply with the relevant UK and EU laws relating to design, supply and operation of products.

### **34. SEPARATION OF DUTIES**

- a. There are a number of processes in purchasing goods and services etc. There must be adequate separation of duties to ensure that the process and ordering of goods, services and works, checking receipt/completion and authoring payment is not the responsibility of one person.
- b. Where the Central Finance team undertake tendering exercises, the receipt and custody of tenders prior to opening must be separated from the specification, selection and evaluation. Contract awards subject to tendering will be subject to the approval of the procurement method and must be in accordance with the Scheme of Delegation.

### **35. PROCEDURAL GUIDANCE NOTES AND TEMPLATES**

- a. To ensure consistent compliance, the Central Finance team have provided a range of procedure documents, guides and templates outlining the process all staff must follow when undertaking procurement.
- b. The guides are reviewed and updated from time to time to ensure compliance with legislation and best practice.

### **36. RETENTION OF DOCUMENTS**

- a. Tender or quotation documentation should be retained for a minimum of five years from the date of the end of the contract. Documentation may be retained electronically or in hard copy, however it must be easily accessible for audit purposes.
- b. The Central Finance team are required to maintain a contract(s) register for all purchases with a life cycle cost of over £50,000.
- c. Where procurement is undertaken on behalf of the Academy, the Central Finance team will retain all documentation related to the procurement process centrally. Academies need not hold local copies and can rely on notification from Executive Director/ Finance Director that the Trust Finance policy and relevant procurement legislation has been complied with. Records held centrally will also be available for audit purposes.

### **37. TRAVEL AND ACCOMMODATION**

- a. All travel and accommodation should be purchased in line with the Staff Expenses policy.

### **38. DISPOSAL OF REDUNDANT EQUIPMENT**

- a. Where possible where equipment is no longer required by the Academy/Trust, alternative internal uses should be sought, however where this is not possible or there is no interest then it is permissible to dispose of the equipment by sale or the general public.
- b. In all cases where external disposal is proposed this must be carried out with the approval of the Executive Director/Finance Director. Disposals must also be in accordance with the Fixed Asset procedures stated within the Trust Finance policy.
- c. Any proposed disposal/sale must comply with current waste regulations.

### **39. MONITORING AND AUDIT**

- a. This policy has been approved by the Board of Trustees. It will be reviewed by the Policy and Procedures Working Group on an annual basis to ensure continuing compliance.
- b. The Trust is subject to scrutiny by internal and external auditors as well as the ESFA and other Government departments.