



# Procurement Policy

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## 1. Policy Statement

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 and Bribery Act.

The Trust's Scheme of Delegation outlines who has authority to select contractors and award contracts and/or raise orders. Failure to comply with the Procurement Policy, the Trust Finance Policy, Scheme of Delegation, Anti-Fraud and Anti-Corruption Policy, Data Protection Policy, Declaration of Interest Statement or the Modern-Day Slavery Statement may result in withdrawal of authority and disciplinary action.

As a publicly funded organisation the Community Inclusive Trust, its subsidiaries and Academies in accordance with procurement legislation are 'Contracting Authorities'. Subsequently any procurement activity is regulated by the UK public contracts regulations and procurement law.

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. Failure to comply with this policy and/or other Trust Policies could result in a breach of legislation, fines and litigation, claims for damages and loss of reputation.

## 2. Roles, Responsibilities and Implementation

The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This Board delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Governance and Operations.

Leaders and managers have a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

This policy aims to provide a clear and practical process to procure goods and services in a manner which is as fair and expeditious as possible as well as conforming to all relevant Government legislation and guidelines.

The Trust Procurement Policy is applicable to all purchasing activity regardless of value and should be followed by all staff involved in purchasing whether centrally or Academy based.

All procurement within the Trust and Academies shall be carried out in such a way to ensure compliance with legal requirements, including the 2015 Public Contracts Regulations, UK procurement legislation, Trust financial regulations and Scheme of Delegation and any other requirements of the DfE or ESFA.

This policy is intended to reflect and support the aims of the Trust by working with staff and suppliers to optimise value for money in the procurement of works, goods and services. It aims to balance efficiency against risk factors in achieving value for money whilst promoting quality, compliance and sustainability.

The Trust will work with Academies and all Central Hub departments either by providing

professional support in obtaining works, goods and/or services which are best suited to any application in a manner which is compliant with current legislation and best practice. Alternatively, where Academies are making independent purchases the Trust will provide a framework and procurement guides which Academy staff must follow.

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 practice procurement to achieve appropriate governance, value for money and suitable quality of goods and services to meet our business needs. To satisfy this requirement the Trust has provided appropriate procedure guides and templates which must be used.

### **3. Principles**

When purchasing and contracting for goods and services, the Trust, its Academies and subsidiary companies must demonstrate compliance with procurement legislation in light of changes following Brexit and the proper and effective 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. The following general principles must therefore be adhered to:

- Transparency and non-discrimination. In all purchasing activity the Trust must ensure that all contractors, suppliers and service providers are treated equally and without discrimination and must act in a transparent and proportionate manner. Procurement procedures must not be undertaken in a manner which artificially narrows competition, favours or disadvantages any contractor, supplier or service provider. All procurement activities with a value in excess of £50,000 but below legislative thresholds must go out to tender style quoting process called "Trust Board Approved High Value and Fully Documented Quoting Process" in accordance with the Trust's procurement process.
- All procurement activities with a value in excess of £177,897 (excluding VAT) for goods and services or £4,337,252 (excluding VAT) for capital works must be published on the UK Government Portal (Find a Tender Service [FTS]) and be put out to tender in accordance with the UK legislation.
- Probity. It must be demonstrable that all parties are dealt with on a fair and equitable basis and that there is no private gain, favouritism or corruption involved in any dealings with the Trust.
- Accountability. The Trust is publicly accountable for its expenditure and for the conduct of its affairs.
- Value for money. The achievement of value for money underpins the appropriate use of all public funds, therefore as well as striving to achieve the best price possible for all purchases, consideration should also be given to other factors such as quality, suitability, availability, reliability of the supplier, terms available, etc.

### **4. Procurement, Definitions**

Procurement is the process whereby goods, services and works are acquired. The procurement process spans a life cycle from identification of need and resources, through selection of suppliers, purchasing, contract management and disposal. Purchasing is the transactional process of buying the goods/services and is just one part of procurement.

The Procurement Team is referred to throughout this document: they are any member or members of staff employed directly or indirectly by the Trust, assigned to undertake procurement or purchasing by the Trust only in accordance with the Scheme of Delegation and thresholds referred to in this Policy.

UK legislation and directives set out the legal framework for public procurement and must be adhered to by all public funded organisation and those private organisations working alongside them. Breaches of legislation and directives by contracting authorities including Multi-Academy Trusts may incur penalties from HM Treasury or the ESFA; employees should therefore notify the Director of Operations and Governance of anticipated high value expenditure at their earliest opportunity.

Value for money is the optimum combination of whole life cost and quality (or fitness for purpose) to meet the user's requirement. This is rarely possible with the lowest price alone. To ensure that all purchases obtain optimum Value for Money, a range of procurement procedure guides and templates outlining the steps to be taken for varying levels of procurement are available. All purchases must be made in accordance with these guides, except in exceptional circumstances where a dispensation may be granted if a case is put forwards to the Executive Leadership Team for consideration.

Value of goods are always given exclusive of VAT and the value refers to the total value of the contract being entered into between the Community Inclusive Trust and the prospective supplier, be it for a one-off purchase or a multi-year deal. If a contract has no defined end date and or has the option to extend or auto renew, the length of the contract shall be assumed as 10 years for any pricing relating to thresholds or criteria surrounding requirements relating to obtaining quotes.

The Community Inclusive Trust and all schools therein are considered to be one legal entity. If a school(s) within a MAT is looking at procuring goods and/or services that are the same as other school(s) in the Trust, one contract should be considered unless it can be proven with supporting documentation that the contract has not been split to a school level for any other reason than it being in the best interest of said school. That other schools in the Trust and the Trust as a whole are not detrimentally affected by this splitting of contracts and that the cost and value for money obtained by entering into individual contracts could not have been improved by entering into one single Trust-wide contract.

## **5. Authority to Procure**

Purchases over £25,000 should be investigated in order to determine if they should be managed by the Procurement Team appointed by the Director of Governance and Operations in accordance with the Scheme of Delegation and in these cases early involvement is recommended to ensure expectations are clear and timelines are achievable.

All purchases in excess of £15,000 (excluding VAT) will require pre-approval from the Procurement Team (to confirm the correct process) and the Central Finance Team (to confirm budget) before an order can be raised. The involvement of Central Finance happens automatically via the workflow in IRIS when raising purchase orders over

£15,000.

All procurement of goods, works, services or consultancy should be acquired by effective competition, including adequate publication of the contract opportunity, unless there are convincing and justifiable reasons to the contrary that can be proven through a full Cost Benefit Analysis (CBA). Competition promotes efficiency and effectiveness in expenditure. Awarding contracts on the basis of value for money following competition contributes to the competitiveness of supplies.

The Trust has a duty to comply with the requirements of all procurement legislation and Academy Funding Agreements; in order to do so the Procurement Team will review all proposed purchases over £25,000 in the context of total Trust expenditure to come to a decision whether the potential requirement to aggregate is complementary or contrary to the requirement to show value for money. Exceptions to this are listed in the dispensations section below.

In support of the above, the Executive Leadership Team will review Academy procurement plans and where appropriate will consult with Academies on the potential to develop a range of Trust-wide or regional contracts in order to comply with the requirements around aggregation and value for money.

Any process which involves committing the Trust or an Academy to expenditure must be approved in accordance with the Scheme of Delegation. The Scheme of Delegation confirms who has the authority and to what financial level.

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 with a higher approval limit if necessary.

The Trust operates a system of devolved financial authority under which Head Teachers are responsible for the decision-making process and planning of purchasing decisions. In accordance with this Procurement Policy for lower value purchases, the Central Procurement Team may provide technical and professional support if requested; however, where the value of purchases exceed £25,000, the Procurement Team will manage the process on behalf of an Academy. In these cases, an Academy is still responsible for specifying requirements, evaluation criteria and committing funding.

No member of staff may approve purchases unless they have been given authority within the Scheme of Delegation to do so. No employee is authorised to commit the Trust or an Academy to expenditure without first ensuring that there is adequate budget provision which should be confirmed with the School Operations Manager. Schemes of work should not be artificially broken down into smaller orders to phase the issue of purchase orders and thereby circumvent either authorisation levels or the requirement to obtain further quotes/tenders. Any breach of these provisions may result in disciplinary action against any individual(s) responsible.

## 6. Purchasing Thresholds

There are two types of threshold governing the procurement for the Trust and Academies. Firstly, authority to commit expenditure, which is covered in the Scheme of Delegation and secondly the procurement process which is governed by the anticipated lifecycle cost of the procurement.

The various transactional thresholds and procurement process required are covered in detail in the Finance Policy which must be followed; however, they are outlined briefly below:

- Below £1,000 (excluding VAT) a single written quotation from a suitable supplier confirming price and the ability to fulfill the desired order in the required time frame meeting the quality requirements of the Academy and or Trust.
- £1,000 to £3,500 (excluding VAT) a minimum of two written quotations from suitable suppliers confirming price and the ability to fulfill the desired order in the required time frame meeting the quality requirements of the Academy and or Trust.
- Above £3,500, but below £50,000 (excluding VAT) a minimum of three written quotations from suitable suppliers confirming price and the ability to fulfill the desired order in the required time frame meeting the quality requirements of the Academy and or Trust.
- £50,000 and above (excluding VAT) a tender in line with the requirements detailed in the finance policy.
- £177,897 and above (excluding VAT) a full tender publishing on the government portal FTS in line with current UK public sector procurement legislation.

A suitable supplier is deemed to be one that has been approved by the Trust and sits on their approved suppliers list. The supply must at all times conform to the following requirements:

- UK legislation and directives set out for public procurement.
- Relevant sections of the Trust Finance Policy.
- The Community Inclusive Trust's Anti-Fraud and Anti-Corruption Policy.
- The Community Inclusive Trust's Data Protection Policy.
- The Community Inclusive Trust's Modern-Day Slavery Statement.
- Completed the Community Inclusive Trust's annual Declaration of Interest Statement.

If a supplier is deemed to be in breach of the above or fails to provide evidence of conformity then they will be removed from the list with immediate effect with any and all existing contracts and purchase orders subject to immediate review and potential cancellation. No new contracts or purchase orders may be entered into unless the suppliers can prove beyond any doubt that there is no breach or has demonstrated that the breach has been rectified for a period of no less than twelve months. This removal shall be communicated to all staff and any member that ignore this may be subject to disciplinary action.

No purchase order shall be raised without consultation with the budget holder.

There may be a recommendation to award a contract to or place an order with an organisation which has not submitted the lowest priced bid. If this is the case because all the quotations have been evaluated using the most economically advantageous method then this is acceptable without further action, provided that the evaluation scores are recorded and retained on file. However, if this is for any other reason approval must be sought before confirming award or raising an order in accordance with the scheme of delegation and the dispensations as given in section 7.

## 7. Dispensations

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.

All dispensations require prior approval from the Director of Operations and Governance for contracts below £10,000, from at least two members of the Executive Leadership Team for all contracts over £10,000 but below £25,000, from a two thirds majority of the Executive Leadership Team for contracts above £25,000 but below £50,000 and from the Trust Board for all contracts over £50,000 before progressing and must not result in a breach of procurement legislation or be contrary to the Trust's Scheme of Delegation.

Subject to approval as outlined in the Trust's Scheme of Delegation, dispensations may be granted for the following reasons:

- Unforeseen emergency requirement.
- The goods or services are only available from one source and there is no possibility of the Trust's requirements being met in any other way.
- An extension is required to a current contract in order to allow sufficient time to complete a competitive tendering exercise (but failure to have planned the re-procurement would not be justification for a single tender).
- Where the seeking of tenders and subsequent contract award could cause significant operational difficulties and where any potential savings would be outweighed by those operational issues (which along with a cost benefit 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 Director of Governance and Operations, in terms of compliance with the EU and UK legislation and subject to approval by the Chief Executive and subsequently reported to the Finance, Audit and Estates Committee (FAEC).
- Where it can be proven that a Local Authority or public sector framework already exists that covers the required area of spend and provides value for money of a level that is the same or better than can be achieved by the Trust.

All dispensation requests, whether approved or rejected will be reported to the FAEC. Staff may be called upon to attend the FAEC to explain the reasons for requesting a dispensation.

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.

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 or the relevant FTS thresholds.

A record of the reason(s) for the seeking and granting/declining of dispensations will be kept for at least three years

## **8. Raising Orders**

Following the raising of a purchase order request which must be approved in accordance with the scheme of delegation, (to enable the Finance Team to raise an order) official orders must be raised for all goods, works, services and/or consultancy required by the Trust or an Academy using the IRIS Financials system, unless specifically exempted. This Procurement Policy documents the purchasing process and must contain adequate controls to ensure that:

- Official orders are raised in respect of all goods, services and works required by the Trust, its Academies and subsidiary companies, except for those specifically exempted.
- Only goods, services and works required by the Trust, its Academies and subsidiary companies are actually ordered.
- 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.
- Orders for goods, services and works are placed with the most appropriate suppliers in terms of cost, quality and delivery.
- Goods, services and works received are in accordance with those ordered.
- Payments are made only in respect of invoices authorised in accordance with, the Community Inclusive Trust's Terms and Condition of Purchase, the approved Scheme of Delegation and the Trust's funds are adequately safeguarded.
- All payments are accounted for properly, promptly and in full.
- Relevant, timely and accurate management information on non-pay expenditure is produced and utilised.
- Adequate physical and logical security is in place as and where required.

Specific exemptions to the requirement to raise an official purchase order are limited to those as detailed in the Finance Policy.

Details outlining the number of non-order invoices paid on the IRIS Financials system will be reported to the FAEC and School Operations Managers may be required to attend in order to explain any non-compliance.

In accordance with the Trust avoidance of gain/conflicts of interest policy as defined by the declaration of interest, before raising any order 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.

No orders shall be placed, or contracts altered or extended, with the intention of avoiding the relevant thresholds applicable within these Financial Regulations. In the

event that the terms of any purchase order or contract have to be amended, any variation to the order must be approved in accordance with the Scheme of Delegation and issued by the Academy Finance Team/Central Procurement Team as appropriate.

## **9. Charge Cards**

The Trust recognises the benefits of charge cards as an alternative means of paying for goods and services. The advantages include reduced paperwork, reduced administration time and costs, opportunity to make on line purchases and seek discounts from suppliers on the basis that they receive immediate payment.

Charge cards are particularly suitable for high volume, low value purchases, booking off site visits and for site staff to order building materials, etc. Full details governing the distribution and use of debit cards is subject to the Finance Policy and associated procedures.

## **10. Supplier Management**

Purchase Orders, Contracts and Payments should only be raised/made to suppliers which have passed Trust approval procedures and have been added to the IRIS Financials system. New suppliers may only be added to the IRIS Financials system by a member of the Central Finance Team following completion of a new supplier form and the requisite approval procedures.

All existing suppliers will be vetted on a three-year cycle in accordance with the Trust guidance on approved suppliers.

All staff who may raise purchase orders for work should satisfy themselves that where required, contractors have the appropriate DBS/CRB clearance before raising an order for work. The Trust has issued guidance for the safeguarding of pupils whilst contractors are on site which must be followed.

## **11. Competition**

Subject to the thresholds in the Purchasing Thresholds section, 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 Trust Financial regulations, procedure documents and templates for procurement at all levels have been provided which must be followed. Care should be taken to specify accurately the goods/services required in a way which is unambiguous, offers equality, removes barriers to participation by SMEs 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.

All requests for quotation must be made using the appropriate templates and in accordance with the guidance most relevant to the estimated value of expenditure.

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 ongoing

costs. If the whole life is unknown then four years should be the baseline. Once the whole life cost has been estimated the appropriate procurement procedure should be followed.

All procurement over £25,000 must be reviewed and/or carried out by the Procurement Team in accordance with relevant UK legislation by either undertaking a compliant tender process or by using an established, relevant and accessible compliant framework.

## **12. Contract Agreement/Terms and Conditions**

All procurement should be carried out using the standard Community Inclusive Trust Terms and Conditions of Purchase. There may be certain exceptions to this where the use of an established framework or access to specific software requires it. In any case any departure from Trust Terms and Conditions must be approved in all cases by the Director of Operations and Governance before any agreement is made.

Any agreement, contract or lease with a supplier which requires a signature by a member of Trust or Academy staff (not including general orders for goods and services) should be forwarded to the Procurement Team for review prior to signature.

A signature on an agreement or contract, or even an email response indicates that the Trust or Academy accepts the supplier's terms and conditions which may not be favourable. Therefore, if you do not have authority through the Scheme of Delegation, you must not sign the document or renew any terms via an email response.

Following the identification of the most favourable offer for the Trust, its Academies or subsidiary companies, whether by best value, quotation or tender, consistent with the thresholds identified above, contracts may only be awarded by those officers to whom the Trust Board has delegated such authority within the approved Scheme of Delegation. The required authority to accept other than the lowest quotation or tender is also included within the Scheme of Delegation.

## **13. Payment and Payment Terms**

Unless a charge card has been used to make a payment, all invoices from suppliers should be entered on to the IRIS Financials system once approved and then paid by BACS.

The Trust's standard payment terms are month end plus 30 days following receipt of a valid VAT invoice, unless alternative arrangements have been agreed at purchase order stage.

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 or an Academy to use the framework, and where required an appropriate access agreement has been approved by the Director of Operations and Governance.

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 Director of

Governance and Operations.

## **14. Aggregation**

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.

As Academies manage their own budgets and purchasing decisions independently, seeking advice and support of the Central Hub to procure goods and service on their behalf where necessary and appropriate, Academy expenditure in this instance does not aggregate across the Trust.

Where an Academy or the Trust does need to consider aggregation is when expenditure reaches certain thresholds. To ensure that the Trust or Academies do not fall foul of this, a procurement plan will be required for the Trust and Academies outlining all procurement activities within a twelve (12) to thirty-six (36) month cycle. This will enable the Procurement Team to identify where activity such as contracts being rolled over are proposed and take appropriate action to re-procure on behalf of an Academy or the Trust as a whole.

Should an Academy or the Trust identify that specific expenditure is reaching or has exceeded the current threshold then action should be taken to re-procure the goods or services in a compliant manner as a matter of urgency. The Procurement Team will review half termly reports from the IRIS Financials system to ensure that this is the case.

In appropriate circumstances, the Procurement Team may identify opportunities to establish regional or corporate contracts on behalf of Academies. Academies will be invited to participate, however in such cases the Procurement Team will work on the basis that this expenditure does aggregate and procure accordingly.

## **15. Procurement Plans**

The Director of Governance and Operations 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, on-going reviews of contracts, strategic areas of development, and any policy and procedural developments that are required.

Academies are required to assist with the annual procurement plan detailing key purchases for the year with a lifecycle cost in excess of £5,000. This is to enable the Procurement Team to identify any opportunity to procure similar services either regionally or Trust wide, exploit value for money opportunities and identify potential aggregation or breaches to thresholds.

The Trust is committed to the preparation and the continued development of the procurement plan. The Director of Governance and Operations will continually review the procurement requirements of the Trust and Academies whilst complying with all relevant legislation.

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.

To avoid the inefficiencies of re-procuring services annually, the Director of Governance and Operations will work with Academies to review procurement plans and develop multi-year contracts regionally.

## **16. Tenders and Trust Board Approved High Value Quotes**

Any expenditure over £50,000 must be completed in accordance with Trust Financial Regulations and UK Public Contracts Regulations 2015 and if the anticipated value is over the current threshold then also in accordance with updated UK legislation post-Brexit.

All tendering where the anticipated lifecycle costs are in excess of £50,000 must be undertaken by the procurement team.

The Director of Governance and Operations 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, Dynamic Purchasing systems, or bespoke tenders.

Tendering procedures may take up to six (6) months depending on lifecycle cost and compliance with legislation, failure to programme sufficient time for procurement will not be a reason to grant a dispensation.

All current and future tenders can be advertised using the Trust website or alternative more appropriate means if necessary or legally required. It is the responsibility of the Procurement Team as guided by the Director of Operations and Governance to carry out tenders for Goods, Services and Works on behalf of the Trust and Academies.

Any post-tender bid clarification with suppliers will be led by the Director of Governance and Operations.

Any communication with the suppliers involved in the tender process will be facilitated by the Central Procurement Team.

## **17. Standards of Business Conduct**

In limited circumstances, with the approval of the Chief Executive Officer and the Chief Financial Officer, the Director of Governance and Operations may directly award certain contracts without the need to conduct a competitive process, provided that all such instances are compliant with UK procurement legislation and the circumstances are subsequently reported to the FAEC or Trust Board (depending on value) with a record of the justification for the direct award being retained for three (3) years.

## **18. Reporting requirements**

For contracts between £25,000 and £177,897 (excluding VAT) the decision and criteria should be reported to the FAEC. For all contracts in excess of £177,897 (excluding VAT) a report shall be prepared for the Trust Board, highlighting the relevant issues and recommending a decision.

All contracts whose value is over £177,897 (excluding VAT) must be authorised by the Trust Board. In cases where, due to the timing of the Board meetings, this would not be practicable and any undue delay would cause significant operational issues, the Chief Executive Officer and Chief Financial Officer acting jointly with the Chair or Vice Chair of the Trust Board may accept a tender in excess of £177,897 (excluding VAT) but this must be reported to the next meeting of the Trust Board.

The Director of Governance and Operations is required to complete a tender report for all tenders in accordance with all procurement legislation. The tender report should be completed with the assistance of the procurement team designated for the tender and within ten working days of completion of the tender.

## **19. Contracts Register**

The Director of Governance and Operations will maintain a contract register detailing all procurement activity undertaken, with a value over £25,000, which records all related documentation, details of prospective suppliers invited to tender, all tenders submitted, the winning bidder, rationale for selection, price, duration of contract and the procurement process followed.

## **20. Equal Treatment of Suppliers**

One of the key principals 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.

Evaluation criteria should be decided in advance and made available in full to suppliers to show they will be treated fairly. These should be included in the Invitation to Tender document or request to submit a quote depending of value and lifecycle cost of the contract. The templates provided for Invitation to Tender and evaluation criteria should be used wherever possible in order to maintain consistency in approach for all procurement across the Trust. Where templates are not being used, a record of dispensation from the Director of Governance and Operations should be included within all of the procurement documents which should be retained for audit purposes.

All bidders are entitled to be debriefed at the end of a process and informed of the winning bidder along with the reasons why they have or have not been successful in their bid to obtain the contract in question.

Any discussions and or correspondence prior to the conclusion of procurements 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.

## **21. The Bribery Act 2010**

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 the policy.

The Trust policy is not to accept any form of gift or hospitality from suppliers; full details are included in the Anti-Fraud and Anti-Corruption Policy.

## **22. Confidentiality/Freedom of Information**

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 subsequently referred to the Director of Governance and Operations.

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.

## **23. Information Security**

All suppliers or third parties that require access to the Trust or Academy information systems as part of the service they provide must comply with the requirements of the Central IT Team.

Staff responsible for agreeing maintenance and support contracts where access is required must ensure that prior to the contracts being signed the supplier/third party meets the requirements of the Central IT team and will comply with the Trust safeguarding and security policies.

In the event of the contract being transferred or terminated appropriate provisions must be in place to ensure the continued security to information and systems. Suppliers/third parties will be asked where appropriate to demonstrate their compliance with the policies.

## **24. Leases**

Academies should not enter into any finance lease as this would be contravention of the requirements of the Academies Financial Handbook and the Finance Policy.

Academies may enter into operating leases; however, this is subject to the approval of the Chief Financial Officer.

## **25. Payments in Advance**

With the exception of some software licenses, payment should not be made in advance of receipt of goods, services, works or consultancy. If a supplier requests payment in advance then this should be discussed with and approval sought from the Chief Financial Officer.

## **26. Health and Safety**

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.

Where building or maintenance works is planned, suitable risk assessments and/or method statements must be in place and if required Academy change approval must be sought.

All services, supply and works procured by the Trust must comply with the relevant UK health and safety legislation in force at the time the items are procured.

Where required by legislation, products (including used or refurbished products) must comply with the relevant UK Laws on the design, supply and operation of products.

## **27. Separation of Duties**

There are a number of processes in purchasing goods and services etc. There must be adequate separation of duties to ensure that the process of ordering goods, services and works, checking receipt/completion and authorising payment is not the responsibility of one person. In some smaller academies this may be difficult; however, in all cases the appropriate guidance must be followed.

Where the Procurement Team undertake tendering exercises, either on behalf of an Academy or for the Trust, 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 approval of the procurement procedure undertaken and in accordance with the Scheme of Delegation.

## **28. Procedural and Guidance Notes and Templates**

To ensure consistent and compliant processes, the Procurement Team have provided a range of procedure documents, guides and templates outlining the process all staff must follow when undertaking procurement and purchasing.

The guides are reviewed and updated from time to time to ensure compliance with legislation and best practice.

The following procedure documents are applicable:

- Obtaining quotations – up to £3,000
- Obtaining quotations – £3,001 - £49,999
- Obtaining tenders and Trust Board Approved High Value Quotes - £50,000 - £177,897 (excluding VAT)
- Publishing tenders on the FTS UK Government portal in line with UK legislation for all contract's current thresholds.
- Seeking dispensations
- Raising requisitions and orders
- Goods receipting
- Invoice approval
- Suppliers vetting and approval
- Setting suppliers up on the IRIS system
- Disposal or sale of Trust or Academy property/goods
- Verbal or emergency orders
- Works (including Payments, Variations, Certification, etc.)
- Specification drafting

The following policies are relevant to this Procurement Policy:

- Avoidance of Gain Policy (Staff handbook section 21)
- Anti-Fraud and Anti-Corruption Policy
- Conflicts of Interest Policy
- Health and Safety Policy
- Disclosure and Barring Service (DBS) Checks

- Modern Slavery Statement
- Finance Policy

## **29. Retention of Documentation**

All documentation and communication (including emails) relating to purchases or tenders with a value over £3,000 should be referenced with the three letter Trust or Academy identifier, the academic year (four numbers with no spaces), the project title and a chronological numbering system (for example, CIT-2021-Procurement Title-001). This will enable easy location of all electronic records relating to a purchase for audit purposes.

Tender or quotation documentation should be retained for a minimum of five (5) years from the date of the end of the contract. Documentation may be retained electronically rather than in hard copy, however it must be readily accessible for audit or other purposes if required.

The Director of Governance and Operations or a suitable designated member of staff are required to maintain a contracts register for all purchases with a lifecycle cost over £25,000. A monthly report providing details of such purchases will be required for reporting to the FAEC.

Where procurement is undertaken on behalf of an Academy by the Procurement Team, all documentation in relation to the procurement process will be retained centrally. Academies need not hold local copies and can rely on notification from the Director of Governance and Operations that the Trust Financial Regulations and relevant procurement legislation has been complied with. The records held centrally are available should auditors or individual Academies wish to inspect them.

## **30. Travel and Accommodation**

All travel and accommodation should be purchased in accordance with the Staff Handbook and Finance Policy and any costs claimed back through the staff expenses procedure.

## **31. Disposal of Redundant Equipment**

Wherever possible where equipment is no longer required by an Academy or the 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 by sale to staff, parents of students, suppliers or the general public (in that order).

In all cases where external disposal is proposed this must be carried out with the approval of both the Director of Governance and Operations and Chief Financial Officer and for the disposal of IT equipment, the Strategic Lead for Technology. Disposals must also be in accordance with the Academies Financial Handbook 2019.

Any proposed disposal/sale must comply with the current Waste Electrical and Electronic Equipment (WEEE) Regulations.

## **32. Monitoring and Audit**

The Trust and Academies are subject to scrutiny by internal and external auditors as

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well as the ESFA and other Government departments/organisations. It is the responsibility of everyone involved in the purchasing process to ensure that they are compliant with current policies, procedures, guidance and legislation. Ignorance of any of the current policies, procedures, guidance and legislation is not a suitable reason for non-compliance.

Where any point in the above policy is in direct contravention with any point in the Academies Financial Handbook, the Academies Financial Handbook will take precedence.