

Title	Procurement Policy
Associated Policies	<ul style="list-style-type: none"> • Charging and Remissions (TPO/FIN/01) • Anti-Bribery and Corruption (TPO/QA/01) • Modern Slavery and Human Trafficking Statement (GU/05)

REVIEWED: May 2020

NEXT REVIEW: MAY 2022

1. Policy Statement

- 1.1 This policy (**Policy**) sets out the rules by which The Brooke Weston Trust (the **Trust**) spends money, and explains the Trust's approach to the purchase of goods, works and services for its schools (the **Academies** or **Academy**).
- 1.2 The Trust is obliged to comply with (the **Regulations**) :
Academies Financial Handbook,
Funding agreements with the Department for Education (**DfE**),
DfE Buying for Schools Guidance
Public Contracts Regulations 2015,
Utilities Contracts Regulations 2016
Concession Contracts Regulations 2016
Cabinet Office Procurement Policy Notes
EU Public Contracts Directive 2014
- 1.3 The Trust is the sole legal entity which can enter into contracts for itself and its Academies. The Academies themselves are not separate legal entities and any contracts awarded by the Academies will be binding on the Trust.

2. How should this policy be applied?

- 2.1 This Policy is mandatory and applies to any purchase or contract for services, supplies or works which results in a payment being made by the Trust or an Academy, and is therefore important that all staff are aware of it.

3. Who is responsible for carrying out this policy?

- 3.1 Everybody in the Trust and Academies who is responsible for purchasing whether as an employee or contractor and anyone who is responsible for authorising a purchase.
- 3.2 The implementation of this policy will be monitored through the financial approval process carried out by the delegated authority outlined in Appendix A (Principals and Executive Leadership Team) and will be checked by auditors and will remain under review by Brooke Weston Trust (Finance & Resources Committee).
- 3.3 The Trust Senior Operations Manager will support the Trust and Academies with high value projects, procurement advice and training.
- 3.4 All contracts are to be approved by Trust Finance Director and Chief Executive Officer, the Trust Senior Operations Manager will support the Trust and Academies with review of contract terms ahead of approval.

4. What are the principles behind this policy?

- 4.1 The aim of this policy is to achieve best value for money from all purchases at all times. This means purchases should meet the defined needs of the Trust or Academy and be delivered within the appropriate timescales for the best possible price.
- 4.2 The Trust and Academies will include environmental and sustainable criteria in its contracts where possible.

- 4.3** Persons taking part in the procurement process must be able to demonstrate they have followed the principles laid out in the Regulations, including but not limited to:
- 4.3.1 Probity:**
It must be clear that there is no private gain in the Trust / Academies contractual agreements. See section 6 dealing with conflicts of interest.
- 4.3.2 Fairness:**
Competition between suppliers is dealt with fairly, equitably and transparently by the Trust and Academies. For example:
- All potential suppliers must be given the same information, and no supplier should be treated more favourably than another; and
 - Competitive tenders must be carried out impartially with clear and transparent processes, including defined specification of requirements, evaluation methodology and timescales.
- 4.4** Persons responsible for purchases must ensure expenditure is conducted in line with the Trusts Financial Scheme of Delegation, Procurement Categories (Appendix B), and this policy.
- 4.5** Contracts or purchases must be properly assessed for value, and must not be deliberately divided into smaller purchases / contracts to avoid procurement rules.
- 4.6** Persons responsible for purchases should endeavour to identify opportunities to aggregate spend across the Trust and its Academies, to deliver economies of scale and added benefits where possible.

5. Procedures

- 5.1 Procurement Considerations** – Prior to starting a procurement process there are a number of aspects that the Trust and Academies need to consider.
- 5.1.1** Sufficient time should be allocated to conduct the procurement process.
- 5.1.2** All relevant permissions must be sought prior to commencing the procurement process, to avoid risk, additional cost and reputational damage.
- 5.1.3** The Academies Financial Handbook should be referred to in relation to some types of leasing arrangements and novel/contentious transactions which require Secretary of State consent.
- 5.1.4** The total value of the procurement shall be assessed to include all costs over the lifetime of the contract and should include aggregated spend where it is possible buy the goods services or works for multiple Academies. The total value will determine which procurement process should be followed. See Appendix A.
- 5.1.5** Thresholds that apply to the Public Contracts Regulations 2015 from 1st January 2020 are listed below. Public Sector Organisations are legally required to follow the process laid out in the Regulations for any procurement valued above these thresholds, therefore contracts above these values should be referred to the Trust Central Team. For further clarification
- £189,330 Supplies and Services / Subsidised Service Contracts
 - £4,733,252 Works
 - £663,540 Light Touch
 - £4,733,252 Concession Contracts
 - £378,660 Utilities Supplies and Service Contracts
- 5.2 Procurement Processes** - Different processes apply depending on the value of the procurement, where there is not a Public Sector Framework available the process is defined based on the procurement value – see Appendix A.

5.2.1 **Public Sector Frameworks** must be considered by the Trust and Academies, at all levels of spend, where available for specific requirement.

- The DfE recommends specific frameworks for schools that can offer value for money, contractual security and procurement support.
- The Trust and Academies will refer to the framework user guides and follow guidelines to access, using either a Direct Award or carry out a Further Competition.
- The Trust may develop own Frameworks for its Academies to access.

5.2.2 **One Written Quote (£0 - £5,000)**

- Competitive quotes are not required, however a written quotation must be obtained before a purchase order can be issued.
- The Trust and Academies are required to check the written quotation demonstrates value for money when making recommendations and approving the order.

5.2.3 **Three Written Quotes (£5,001 - £25,000)**

- At least three written quotes must be obtained.
- The Trust and Academies will ensure suppliers are given the same information and a fair amount of time to prepare their quotes.
- The Trust and Academies are required to put forward the best value quotation for approval, and are required to check all quotations when approving the order.
- The Trust Finance Director is required to approve orders where the recommendation is not for the lowest price.

5.2.4 **Tender (£25,001+)**

- A business case for significant value projects should be prepared and must be approved in principle by the Operations Group, before a tender process commences.
- Tenders below £100,000 may be carried out by Academies following the Brooke Weston Trust Tenders Procedure
- Complex tenders or high value, those above £100,000 should be referred to the Central Team Senior Operations Manager and may be carried out by the Trust Central Team.
- High value capital works contracts are more complex and therefore may be carried out by a contractor, who should be made aware of this policy and principles of public sector procurement.
- An E-Procurement Portal will be used to publish and monitor high value tenders administered by the Trust and Academies. Suppliers can find a link on the procurement page of the Brooke Weston Trust website to register for alerts to up-coming Tenders.
- The Trust and Academies will ensure Tenders are carried out fairly and transparently in line with the regulations, this policy and the Brooke Weston Trust Tenders Procedure.

5.2.5 **Procurement Waiver**

- For procurements below the threshold value, (see 5.2.3.) the Trust and Academies may be required to use a Procurement Waiver where there is an exceptional reason not to follow the procurement processes laid out in this policy.
- A Procurement Waiver cannot be used where the value is above threshold, the Trust and Academies should refer to the Trust Senior Operations Manager, to discuss options and requirements.
- Trust and Academies are required to provide acceptable justification (e.g. Single Source Justification) and consideration of value for money must be outlined on the form.
- The Trust and Academies are required to share the Procurement Waivers with the Trust Senior Operations Manager for review before these can be authorised by the Trust Finance Director and Chief Executive Officer.
- A summary of authorised Procurement Waivers will be shared the Finance and Resources Committee.

5.3 Credit Cards

5.3.1 With the exception of rail travel, Trust credit cards should only be used for low value, one off spend which cannot be procured through an alternative means. Authorisation must be granted by the Trust Finance Director prior to the use of the credit card for these purchases. Credit cards are not a suitable method to procure repeat items or higher value goods. The maximum spend for any one item on a Trust credit card is £500.

5.3.2 Full receipts must be submitted in respect of credit card transactions

5.4 Contract Management

Contracts and Agreements for goods services and works, are the responsibility of the Trust as the contracting authority. To avoid contractual risk the Trust and Academies are required to take the following steps.

5.4.1 Contracts can only be approved by the Trust Finance Director and Chief Executive Officer, the Trust Senior Operations Manager will review contracts on behalf of the Trust and Academies.

5.4.2 A copy of all Contracts and Agreements and the accompanying Terms and Conditions will be retained on the Trusts Contract Management Tool, to alert the Trust and Academies to:

- Allow enough time to carry out a procurement process, before the end of the contract.
- Give appropriate notice to the supplier prior to the end of the contract.

5.4.3 Where possible the Trusts approved Terms and Conditions should be used.

5.4.4 Where the supplier Terms and Conditions are used, terms should be checked to limit exposure to risk and additional charges. These can be sent to the Trust Senior Operations Manager for review.

5.5 Audit Trail

The Trust and Academies are required to ensure an audit trail is kept for all purchases, regardless of value or duration. Copies of quotes, evaluation and declaration of interest, are to be shared within the Trust as part of the approval process.

6. Dealing with Conflicts of Interest

6.1 This section applies to all purchases and contracts, regardless of value or duration.

6.2 The Academies Financial Handbook puts strict obligations on the Trust to ensure that conflicts of interest in procurement are managed.

6.3 Trust employees, governors and contractors must declare any interest which may affect the outcome of a procurement process, prior to their involvement.

6.4 A record of all such declared conflicts of interest will be capture during the procurement process and must be sent to the Trust Finance Director.

6.5 No gifts or hospitality of any type should be accepted by the employees of the Trust from any service provider as an inducement to award a contract to that supplier. This may be an offence under the provisions of the Bribery Act 2010. You must inform the Trust Finance Director immediately on becoming aware of any such gifts or hospitality.

7. Compliance

7.1 You should check with the Trust Finance Director or Trust Senior Operations Manager if you are unsure about how this policy may apply to you.

7.2 Non-compliance of this policy by Trust and Academy staff may lead to disciplinary procedures, this will depend on the nature of the breach. HR guidance on policy breaches will be followed.

8. Policy Review

- 8.1 This policy will be monitored, reviewed and updated as part of the Trust's annual internal review or as required by legislation changes.
- 8.2 An up to date copy of the policy will be available on the Trust website.

Appendix A: Procurement Process and Delegated Authority

Value	Procurement Process	Delegated Authority
£0 - £2,500	1 Written Quote	Budget Holder & Principal
£2,501 - £5,000	1 Written Quote	As above plus Trust Finance Director
£5,001 - £25,000	3 Written Quotes	As above plus Trust Finance Director
£25,001 - £100,000	Tender	As above plus Chief Executive Officer
£100,001 - £750,000	Tender – following PCR rules	As above plus Finance & Resources Committee
£750,001 +	Tender – following PCR rules	As above plus the Board
Authority to accept other than lowest quotation		Finance Director

Appendix B: Procurement Categories

Indicates which categories of spend may be driven by the Trust or Academies, this is subject to an annual review.

Category	Procured by
2800 - Agency Supply Cover - Teaching	Academies access Trust Procured Contracts
2805 - Agency Supply Cover - Support	Academies access Trust Procured Contracts
2810 - Agency Supply Cover - Premises	Academies access Trust Procured Contracts
3000 - Building Projects/Maintenance	Academies
3000 - Building Maintenance Compliance	Trust
3005 - Equipment Repairs & Maintenance	Academies
3010 - Grounds Maintenance	Academies access Trust Procured Contracts
3100 - Caretaker Supplies	Academies
3105 - Cleaning Contract	Academies
3110 - Cleaning Materials	Academies
3120 - Hygiene Services	Academies
3125 - Refuse Disposal	Trust
3200 - Water/Sewerage Charges	Trust
3205 - Gas	Trust
3210 - Electricity	Trust
3215 - Oil/Biomass Boiler	Academies
3220 - Rent	Trust
3250 - Rates	Trust
3260 - Insurance	Trust
3300 - Fire Alarm & Extinguishers	Academies
3305 - Security Alarm	Academies
3310 - CCTV Monitoring	Academies
3315 - Security Patrol	Academies
3320 - PAT Testing	Trust
3330 - Health and Safety	Academies
3340 - Lettings Related Expenditure	Academies
4000 - Student Rewards	Academies
4005 - Books	Academies
4010 - Equipment (Not IT)	Academies
4015 - IT Consumables - Educational	Trust
4020 - Stationery	Academies access Trust Procured Contracts
4025 - Photocopying	Trust
4035 - Educational Visits Subsidy - Cost Centre	Academies
4041 - Offsite Provision	Academies
4042 - Sports Travel	Academies
4043 - Pupil Recruitment	Academies
4125 - Minibus Costs	Trust
4130 - Student Travel	Trust
4135 - Professional Services - Educational	Trust
4140 - Subscriptions	Academies
4150 - Examination Fees	Academies

Category	Procured by
4155 - IT Equipment - Educational	Trust
4170 - Work Experience	Academies
5000 - Catering Food/Drink	Trust
5005 - Catering Maintenance & Repairs	Academies access Trust Procured Contracts
5010 - Catering Equipment	Academies access Trust Procured Contracts
5015 - Catering Consumables	Academies access Trust Procured Contracts
5020 - Catering Cleaning	Academies access Trust Procured Contracts
5035 - Catering Travelling	Academies access Trust Procured Contracts
5040 - Catering Training	Academies access Trust Procured Contracts
5045 - Catering Uniform	Academies access Trust Procured Contracts
5100 - Telephone Costs	Academies
5105 - Mobile Phones	Trust
5110 - Advertising	Academies
5115 - Postage	Academies
5120 - Photocopying / Printing	Trust
5125 - Subscriptions - Admin	Academies
5130 - Stationery - Admin	Academies access Trust Procured Contracts
5135 - IT Support Services	Trust
5140 - Professional Services - Non Educational	Trust
5145 - General Office Costs	Academies
5150 - Accountancy Services - Non Audit	Trust
5151 - Audit Costs	Trust
5155 - Bank Charges	Trust
5160 - Music Services Costs	Academies
5170 - Governors Expenses	Academies
5200 - Furniture/Equipment	Academies
5300 - IT Equipment - Non-Educational	Trust
5305 - IT Consumables - Non-Educational	Trust
5310 - IT Licensing	Trust
5315 - IT Contract	Trust
6000 - Course Fees	Academies
6010 - Recruitment Fees	Academies access Trust Procured Contracts
6015 - Staff Travel	Academies
6020 - CRB Checks	Academies
6025 - Hospitality	Academies
6035 - EPM Payroll/Personnel	Trust
6500 - Trips Travel Costs	Academies
6505 - Trips Accommodation/Entrance	Academies
6510 - Trips Food & Drink	Academies
6600 - Uniforms Expenditure	Academies
8200 - Land & Buildings Capital Acquisition	Trust
8210 - IT & Equipment Capital Acquisition	Trust