Bradford Diocesan Academies Trust

PROCUREMENT POLICY

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1. Trust Policy Statement

Bradford Diocesan Academies Trust (BDAT) is committed to promoting transparency, fairness and value for money in all procurement activities, whilst ensuring compliance with the Procurement Act 2023. This Trust-wide policy applies to all staff, including the Board of Trustees, Governors and Central Staff, paid staff, volunteers and sessional workers, agency staff, students or anyone working for and on behalf of BDAT.

As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and pupils. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of key stakeholders, including our schools, unions and HR colleagues, we have ensured that the Trust's policies do not unlawfully discriminate against anybody.

For the purpose of this policy, the term 'Trust' refers to BDAT. The term school and the term academy are interchangeable.

2. Introduction and Aims of the Policy

This policy sets out core guidance and principles regarding how BDAT spends money, detailing the approach to purchasing goods, services and works for Academies and the Trust as a whole. The key principle is that procurement should always deliver the best value for money for the Trust. This means obtaining the correct quality, quantity and timing at the best price possible, ensuring that public funds are used effectively and responsibly.

This policy aims to ensure that:

- The Trust has an open and transparent policy.
- Spending decisions represent value for money.
- The Trust's funds are used only in accordance with the law, our articles of association, our master funding agreement and the Academy Trust Handbook.
- Spending is for the intended purpose, ensuring proper use of public funds.
- Conflicts of interest are managed adequately and appropriately.
- Procurement supports the delivery of wider public benefit, including social value and environmental sustainability.

It is important to note that the Trust is a sole legal entity that can enter into contracts for itself and any Academies as a 'Contracting Authority'. The Academies are not separate legal entities and any contracts awarded by individual Academies will be binding on the Trust. Accordingly, the term 'Trust' in this policy also refers to the expectations on individual academies.

The Nolan Principles, established by the Committee on Standards in Public Life, outline the ethical standards expected of an academy trust and other public sector organisations. Adhering to these principles promotes ethical behaviour and helps safeguard the Trust's resources, ensuring these are used effectively and responsibly:

- **Selflessness** - Decisions should be made in the public interest, avoiding any personal gain.
- **Integrity** - Avoid conflicts of interest and ensure procurement is free from corruption.
- **Objectivity** - Make decisions based on merit, ensuring fairness in supplier selection.
- **Accountability** - Be accountable for procurement decisions whilst providing justification.
- **Openness** - Conduct procurement processes openly, ensuring transparency.
- **Honesty** - Be truthful in all dealings, ensuring all procurement is conducted ethically.
- **Leadership** - Promote and uphold these principles, setting an example for others to follow.

3. Legislation and Guidance

This policy adheres to relevant legislation and national guidance, including, but not limited to:

- The Academy Trust Handbook 2024
- The Procurement Act 2023, which came into force on 24th February 2025.
- The Public Contracts Regulations 2015 (where still applicable, primarily for ongoing contracts awarded under the previous legislation).
- Funding agreements with the Department for Education (DfE)
- DfE guidance on buying procedures and procurement law
- BDAT Finance Policy and Financial Scheme of Delegation
- Charities Act 2011
- Bribery Act 2010

4. Roles and Responsibilities

This policy applies to all staff, governors and Trustees involved in procurement across the Trust, including central operations and individual academies. Specific roles include:

4.1 Trustees

- Oversee the overall procurement strategy to ensure alignment with the Trust's objectives.
- Ensure compliance with procurement policies and procedures.
- Ensure spending decisions represent value for money.
- Ensure regulations regarding related or connected parties are followed.

4.2 Finance And Resources Committee (FARC)

- Finance Trustees will review all large tenders over £75k before advertising on official website.
- The committee is responsible for reviewing the trust’s tendering policy and processes.

- Trustees will review value for money on large contracts and, if required, participate in any interviews with potential suppliers.

4.3 Chief Financial Officer (CFO) / Chief Executive Officer (CEO)

The Chief Financial Officer and Chief Executive Officer, in conjunction with the Deputy Chief Financial Officer (DCFO) and Head of Corporate Projects, are responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place.
- Preparing and monitoring budgets.
- Providing Trustees with information to make informed decisions on procurement matters.
- Overseeing and supporting competitive tendering.

4.4 Accounting Officer

- Are responsible for financial oversight of all transactions within the trust.
- Providing assurance to the Trust Board regarding compliance with the requirements of the Academy Trust Handbook, funding agreement and all aspects of company and charitable law.
- Demonstrating how the trust has secured value for money.
- Ensuring that measures exist to prevent losses or misuse of the trust's resources

4.5 All Staff

- Are responsible for ensuring compliance within areas of individual scope and delegated decision-making authority.

5. Needs Identification & Valuing Contracts

It is important to clearly define the requirements and outline what goods, works or services are needed. Regardless of the procurement process followed, a specification must be written, detailing what the Trust intends to procure and considering the method of procurement.

It is essential to seek the correct level of authority, which will depend on the overall contract value. The contract value is determined by calculating the estimated whole-life value of the goods, works or services, including any related fees. For fixed term contracts with an option to extend the term, the contract value will be the price of the fixed term plus the potential extension period.

Contracts need to be accurately assessed for value. In particular, it is important not to deliberately divide one contract into smaller contracts to avoid procurement thresholds or rules.

Procurement must ensure that value for money is achieved. The most advantageous tender is not simply about the lowest purchase price, but should also consider quality and the whole-life cost. Procurement decisions should take account of sustainability and social value where appropriate.

Wherever possible all Academies needs should be combined into one procurement, to ensure economies of scale and value for money. Multiple-year contracts can be a potential way to achieve additional discounts. The Headteacher/Academy Business Leader can approve contracts up to three years, whilst anything beyond that requires the approval of the CFO or CEO, whilst still adhering to delegated authority thresholds.

There are specific rules in the Academy Trust Handbook in relation to leasing. For all leases, irrespective of value, you should seek guidance from the CFO before progressing.

6. Procurement Thresholds and Delegated Authority

The Trust operates a system of delegated financial authority and no member of staff may approve purchases unless they have been given authority within BDAT's Financial Scheme of Delegation. Different rules apply depending on the setting and the value of the purchase being made. The Trust's current procurement expenditure thresholds are outlined below:

Primary	Secondary	MAT	Process	Approval
Under £10k	Under £10k	Under £20k	Informal Competition	ABL
£10k to £25k	£10k to £50k	n/a	Competitive Procurement	Head
£25k to £75k	£50k to £75k	£20k to £75k	Competitive Procurement	CFO/CEO
£75k to £175k	£75k to £175k	£75k to £175k	Competitive Procurement	FARC
£175k+	£175k+	£175k+	Regulated Procurement	FARC

All controls and procedures related to expenditure equally apply to any procurement via a procurement charge card. Approvals must always be secured in advance of making any purchase, whether online, in person or over the phone. Best practice dictates that all card transactions should be accompanied by an appropriately authorised requisition and receipt, retained for accounting purposes and must be used solely for company purchases. This requirement must be followed for any spend over £50.

Capital works are subject to all the aforementioned thresholds and procedures. The School Condition Allocation (SCA) is managed centrally by the BDAT Head of Estates and Deputy CFO, in line with the approval thresholds.

7. Framework Agreements and Routes to Market

As recommended by the DfE, established framework agreements should be used to contract suppliers wherever possible. These frameworks can help the Trust and Academies to procure goods and services compliantly from a list of pre-approved suppliers, with agreed legal protections, terms and conditions. The benefits of frameworks include having already undergone a competitive tender process and it can often be quicker and easier than running a bespoke tender exercise. Each individual framework agreement will have their own specific process to follow. Whilst often free to access, some framework providers may charge for their services, so it is important to check this with the provider.

The DfE has a number of approved framework agreements, but others are available. For more information, visit DfE-approved frameworks - https://find-dfe-approved-framework.service.gov.uk/

Only the Central team has the authority to register the Trust or individual schools on a new framework. For advice on frameworks or to initiate registration with a new framework provider, please consult the Head of Corporate Projects. BDAT is already registered with several DfE-recommended framework providers, including Crown Commercial Services (CCS), Crescent Purchasing Consortium (CPC), Everything ICT (EICT), North East Procurement Organisation (NEPO) and Yorkshire Purchasing Organisation (YPO).

Depending on the chosen framework, the best value supplier will be selected from a list or a mini-competition will be conducted among listed suppliers. In either case, adherence to the DfE guidance on procurement is essential to ensure good practice. The rationale for selecting a particular framework should be clearly documented throughout the process and approach agreed with the CFO.

Whilst some frameworks offer the option to directly award contracts, it is important to clearly justify why a further competition was deemed unnecessary and how value for money can be demonstrated. Direct award should only be relied upon with the express consent of the appropriate delegated authority and must be agreed with the CFO before any orders are placed. Direct award cannot be used where the value of the procurement exceeds the Procurement Act 2023 threshold for regulated procurement.

As a general rule, subject to the thresholds outlined within this Policy, competition should be proportionate to the level of expenditure, complexity and risk.

Informal Competition

For 'low value' procurement under £10k (or under £20k MAT), a single written quotation is acceptable. However, it is still necessary to demonstrate that the purchase offers value for money. Therefore, it is recommended to source additional quotes wherever possible. As detailed above, framework agreements should be considered wherever practical. The DfE also recommend the use of catalogues for informal competition - Once the desired product is identified, similar products should be compared to determine which offers the best value for money. Research can be conducted to find suppliers or use DfE recommended catalogues to help achieve the best value. Current DfE recommended catalogues include CCS, ESPO and YPO.

Best practice dictates that purchase orders are required for all purchases, and they must be provided for any procurement over £50. If you are unsure or believe this not practical, then please discuss the matter with the central team Finance Manager.

Competitive Procurement

For 'medium value' procurement over £10k (£20k for MAT) but below the PCR Procurement threshold of approx. £175k excluding VAT, at least 3 written quotations should be obtained from suppliers to ensure competitive pricing and value for money. This involves researching suppliers, assessing bids and choosing the supplier that offers the best value. Suppliers should be provided with the same information and a reasonable amount of time to prepare their quotations. A summary of the quotes received should be provided to the authoriser along with clear justification as to why the recommended supplier represents best value.

Again, framework agreements should be considered wherever possible to streamline the procurement process and ensure compliance. Alternatively, a competitive tender process could be run where appropriate.

Regulated Procurement

For 'high value' purchases exceeding the PCR Procurement threshold of approximately £175k excluding VAT (equivalent to the current PCR 2023 threshold of £214,904 for most goods and services inclusive of VAT), the Trust must ensure that a compliant procurement process is followed. This will involve either a framework agreement or a competitive tender process. It should be noted that the Trust will make high-value purchases without a framework only in rare circumstances and only with the appropriate legal support in place.

Before initiating any such high-value procurement, CFO approval must be obtained. Regulated procurement, also known as 'above threshold' procurement will be managed with support from the Central team.

8. Tendering

As detailed above, established framework agreements should be used to contract suppliers wherever possible. If a competitive tender is initiated, it will be managed with support of the Central Finance team and Head of Corporate Projects. The following process should then be followed:

a. **Create a specification**

b. **Assess the market** – and determine the appropriate tender procedure:
   - ***Open Procedure*** – allows anyone to bid for the tender requirement
   - ***Competitive Flexible Procedure*** – allows the procurement to be tailored through a number of stages, using evaluation at each stage to restrict the number of bids.

c. **Check the trust's position in relation to the PCR procurement thresholds**

d. **Develop a contract** – a contract will include terms and conditions, service levels expected, a contract management plan and an exit strategy.

e. **Establish the assessment criteria** – to establish criteria that will enable the evaluation of suppliers' bids, ensuring they best meet the requirements outlined in the specification, and identify the most advantageous tender that best combines price and quality. The Trust will consider social value in procurement decisions, prioritising suppliers that contribute positively to the local community and the environment.

f. **Create a timeline for the tender process** – this will include the dates of the clarification period, the deadline for submitting tenders and the date we expect to award the contract

g. **Prepare the tender documents** – this would usually include:
   - A covering letter with a timeline for the process
   - Instructions on how suppliers can ask clarification questions and submit their tender
   - The specification
   - A pricing schedule

- The contract's terms and conditions
- Contract management requirements and Key Performance Indicators (KPIs)
- Award criteria, including the scoring system and any weightings

h. **Advertise the contract** – For 'high-value' regulated procurement it is important to note that the relevant notices must be posted on the government's new Central Digital Platform.

i. **Run the tender process and provide clarifications**

j. **Evaluate tender responses** – at least 2 people will independently score and evaluate each bid, and then compare notes after completing their evaluations; records of decision making and moderation decisions will be kept. The status of suppliers must be verified against the central debarment list. Any supplier found to be on the list must be excluded from the procurement process in line with the Procurement Act 2023.

k. **Notify bidders** – both the successful bidder and the unsuccessful bidders will be informed at the same time, ensuring adherence to the 8 day mandatory standstill period.

l. **Challenges from unsuccessful bidders** – if an unsuccessful bidder challenges the fairness of the process, they will be contacted to explain that a fair process has been conducted and good records have been maintained. Should a formal challenge be made, then the contract will not be formalised and legal advice will be sought.

m. **Finalise the contract** – (if there are no legal challenges) and advertise the award on the Central Digital Platform. For contracts over £75,000 a report should be prepared for the Finance and Resources Committee, highlighting the relevant issues and recommending a decision.

n. **Abandoning the tender process** – on very rare occasions, it may be necessary to halt the tender process. The tender documents should make it clear that we have the right to do so without any liability to the bidders. Should this occur, suppliers will be notified as soon as possible.

9. Waivers and Direct Award

In very limited circumstances, an exemption or waiver may be granted, but only where there is an exceptional reason not to follow the procurement procedures outlined in this policy. A waiver may include authority being granted to award a contract or place an order without obtaining the requisite number of tenders or quotations, or to directly award a contract. All waivers must be comply with procurement legislation and therefore under no circumstances can a waiver be used where the value of the procurement exceeds the Procurement Act 2023 threshold for regulated procurement.

Any exemptions should only be relied upon with the express consent from the appropriate delegated authority and must be agreed with the CFO before any orders are placed.

10. Contract Management and Record Keeping

The Trust is subject to scrutiny by internal and external auditors, as well as the DfE. It is the responsibility of everyone involved in the procurement process to ensure compliance with all current legislation, policies and procedures. A clear audit trail must be maintained for all purchases, regardless of value, with the level of detail proportionate to the value of the procurement.

The procurement process should consider and document how the resulting contract will be managed to ensure it delivers the value intended, not just immediately following contract award, but for the full duration of the contract. Contracts should include clear performance measures and Key Performance Indicators (KPIs) and be regularly monitored. Once contracts are fully approved, they should be passed to the central Finance team to be entered onto the Trust's contracts list. The person responsible for the contract must ensure regular review meetings take place throughout the year, along with KPI monitoring.

Additional requirements apply for 'above threshold/regulated procurement', such as placing relevant notices on the government's new Central Digital Platform (an enhancement of the previous Find a Tender Service), with assistance from the Head of Corporate Projects. To avoid the inefficiency of annual re-procurement, the Central Team will work with academies to review procurement plans and develop multi-year contracts where appropriate.

You must contact the central finance team to agree to any contract extension or variation, which must be approved in line with the financial scheme of delegation.

11. Conflicts of Interest

The Academy Trust Handbook puts strict obligations on the Trust to ensure that conflicts of interest in procurement are managed appropriately. Any interest which has the potential to affect the outcome of a procurement process must be declared to the CFO immediately, to allow appropriate mitigations to be put in place.

All Trustees are required to complete and regularly update the register of business interests. The Academy Trust Handbook outlines specific rules regarding payments to individuals or organisations which are 'connected' to a Member or Trustee. In such instances, the CFO must be notified before engaging with these suppliers. A record of all such declared conflicts of interest must be sent to the CFO and Director of Corporate Affairs to determine the most appropriate remedy and course of action.

In accordance with the BDAT Gifts & Hospitality Policy, no gifts or hospitality should be accepted from any service provider as an inducement to award a contract. Accepting such inducements may constitute an offence under the Bribery Act 2010. If you become aware of any such gifts or hospitality, you must inform the CFO immediately.

12. Information Rights

BDAT is committed to transparency and accountability in its procurement processes, in accordance with the Freedom of Information Act 2000. The Trust will ensure that all procurement activities are conducted openly, with information readily available to the public upon request, unless where exemptions apply under the Act. As part of the process for providing quotations and tenders, the Trust requires all bidders to identify confidential or commercially sensitive information which they wish to protect from disclosure in response to Freedom of Information requests.

The Trust is also dedicated to safeguarding personal data in accordance with the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Throughout procurement activities, BDAT will ensure that personal data is processed lawfully, fairly and transparently. Data collection is limited to what is necessary, maintained accurately, up-to-date and stored only for the required duration. Robust security measures are in place to protect against unauthorized access, loss or damage. All suppliers must adhere to these data protection standards.

13. Policy Review

The CFO is responsible for the implementation of the Procurement policy. This policy will be reviewed in line with the BDAT Finance Policy annually to ensure its effectiveness and compliance with current legislation.

The central Finance team and Head of Corporate Projects will be able to provide further support and advice on this policy.