



PROCUREMENT POLICY

Adopted by the FRA:
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Updates since last edition

Number section	Title section	Details of changes
1		Removed ESFA
4		Replaced ESFA with DfE
5		Additional wording added
6		Replaced ESFA with DfE



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1.0 Introduction

The South Essex Academy Trust will ensure our academies have access to the best contracts, materials and resources to support education by operating under best value principles (see separate policy) and constantly striving for improvements in efficiency. By following the basic rules of procurement, we aim to ensure that public funds are spent openly and fairly, and make the most of the budgets, whilst protecting against legal challenges, financial penalties and damage to the trust's reputation.

The board of directors understand that in order to achieve sustainable financial efficiency the trust must strive to obtain savings on all expenditure whilst also obtaining Value for Money (VFM), ensuring the right balance between quality and cost.

All members, trustees, members of the academy's senior leadership team, budget holders, and staff involved in finance will have access to this policy and will be reminded of its importance at the start of each academic year; they will have regard for:

- the trust's own Financial Regulations and Scheme of Delegation
- the provisions of DfE guidance
- the trust's Procurement and Best Value policies
- the trust's procurement / operational procedures manual.

The trust will maintain written records of all matters relating to procurement. As a trust, we will comply with the basic accounting principles and practices as set out by the DfE and keep up to date with any specific procurement advice issued by the DfE.

The board of directors expect all staff (including budget holders) to comply with the current requirements set out in the academy's own Finance Regulations and the DfE guidance documents.

2.0 Operational Procedures Manual

Trust and academy staff will maintain up-to-date Operational Procedures Manuals which set out the day-to-day practices to be followed by trust staff, together with a list of useful contacts; providing continuity in the event of absence of key individuals.

Procurement queries from staff (including budget holders) will be referred to the Finance Manager/CFO. The Finance Manager/CFO will obtain specialist advice from the Education Finance Support Helpline or DfE guidance as appropriate and advise the member of staff accordingly; a written record of the advice obtained will be maintained and the Operational Procedures Manuals updated as appropriate.

3.0 Scheme of Delegation

The Scheme of Delegation records the authorisation limits set by the board of directors and forms part of the trust's own Financial Regulations. All academy staff (including senior leaders and budget holders) must operate within these limits, including obtaining the relevant approval **before** orders are placed or contracts are signed.

The following action is to be taken where time is of the essence and approval for purchasing and contracts over the quotation thresholds cannot be held over until the next board of directors meeting:

1. the Headteacher, CEO or CFO must obtain permission from the chair of trustees (under chairs urgency action powers)
2. a full, written account of the circumstances, actions taken and outcomes must be reported to the board of trustees at their next meeting.

The CEO/CFO will ensure that appropriate written documentation is circulated prior to meetings to allow adequate time for trustees to be prepared to scrutinise and challenge contract awards and purchasing choices at meetings before decisions are reached. Details of the discussions and subsequent decisions made will be recorded in the minutes of the meetings.

The Scheme of Delegation will be updated annually in the autumn term (and at other times if circumstances change) and approved by the board of trustees.

4.0 Register of business interests (pecuniary interests)

The clerk to the trustees will maintain a register of the business and pecuniary interests of each member of the board of trustees, the members, the CEO, the headteachers and all

trust staff with a financial responsibility, which includes any member of their immediate family or other relatives and individuals who may exert influence.

New staff, directors and members will be asked to complete the standard declaration form provided by the trust when first joining. This register will be continually updated whenever a change is declared, but existing staff, directors and members will be asked to update their record on an annual basis; the complete register will also be reviewed annually by the board of trustees.

The register will be available for inspection by the board of trustees, member, staff, parents the DfE and auditors.

Staff, trustees and members will be given an opportunity to declare an interest in any item on the agenda at the start of every meeting and must withdraw from the meeting for those relevant agenda items and will not be permitted to vote on those items.

5.0 Written records relating to procurement

Any and all advice received from procurement advisors must be recorded in writing and updated by the CEO/CFO for all resulting actions taken in response to the advice. With regard to verbal communications, the trust will request confirmation in writing; but where this is not possible trust staff must promptly make a written record of the advice for future reference.

The finance team will maintain a file of all active contracts containing clear renewal deadlines. The CFO will ensure that appropriate quotations are obtained in time to allow for trustees to discuss renewal before the notification deadlines.

The trust's financial records are to be complete, correct and unambiguous with full audit trails maintained for all procurement activities, including maintaining records relating to quotations and management decisions. It is the CFO's responsibility to maintain these records, which will be available for inspection by Members and the board of trustees upon request. The trust will use a robust accounting system that provides a full audit trail and delivers accurate reports.

The Academy Finance Regulations (section 8.196) state that 'Where a quotation other than the lowest is accepted, the reasons (in line with the Academy's best value policy if there is one) for its acceptance must be documented, attached to the purchase order, and reported to the Board of Trustees.' This will be detailed in the termly Top Supplier Spend report. All purchases regardless of quotation chosen must follow the approval limits as specified in the Trust's Scheme of Delegation. All decisions made must be recorded in the minutes of that meeting for future reference.

Trustees will ensure that the clerk adequately minutes procurement discussions and decisions taking place during committee and full board of trustees meetings.

6.0 Value for money and procedures

Staff will operate in accordance with the trust's Best Value Statement. Where possible, staff will take advantage of purchasing frameworks offered through the Crown Commercial Services, as recommended by the DfE, as the market testing has already taken place and negates the requirement for the academy to obtain competitive quotes.

Where procurement is made independently, the following conditions will be met in each case before orders are placed and commitments made:

- for MAT's, the constituent academies will consult with the CFO before renewing any existing contracts or making procurement decisions in accordance with the Scheme of Delegation
- the Scheme of Delegation and the trust's own Financial Regulations apply in all cases; where the supply is of a repetitive nature, the annual value of the supply will be considered as a total across the whole life term of the contract – known as the 'whole life cost' of goods and services
- outside consultancy services managing procurement on behalf of the trust will comply with the conditions set out in the trust's Financial regulations, Scheme of Delegation Best value Statement and this Procurement Policy (as set out in their terms of engagement)
- the procurement will comply with UK and EU procurement regulations;



- evidence of operating value for money principles will be documented and retained, including:
 - consideration of the aggregated expenditure for individual suppliers in the current year
 - whole life cost comparisons, including after-sales support
- suppliers, including on-line suppliers, are bonafide, reputable and reliable; especially where purchases require after-sales support
- suppliers are not individuals who should be paid through the payroll system. (IR35 regulations apply). The academy will not make payments to individuals outside the payroll system to ensure that the academy operates within the guidance set out by Her Majesty's Revenue and Customs (HMRC)
- all small print contained within suppliers' terms and conditions will be examined carefully and like-for-like comparisons made
- early termination penalties and requirements to give notice of termination, even where an expiry date has been specified, will have been discussed fully at a meeting of the board of directors
- gestures of goodwill and/or sales incentives offered by suppliers will be assessed as part of the lifetime value of the procurement in order to avoid undue influence. No individual, board member, trustee, local governor or staff member may personally benefit from gestures of goodwill, sales incentives, gifts or hospitality offered to them personally or to the trust. Any such offers must be dealt with in accordance with the trust's Gifts and Hospitality policy
- the health and safety competence of contractors is adequate and contractors insurance cover for third party liabilities meets or exceeds H&S minimum requirements
- procurement of IT solutions including broadband and internet access will provide adequate levels of security and network performance and connectivity appropriate for school settings, including compliance with current data protection regulations
- all lease contracts are operating leases. (Note: finance leases are prohibited under current legislation)
- orders will only be made by issuing an official order generated by PSF
- Where a contract requires a tender process, the tendering procedures detailed in

the trust's Financial Regulations and/or current legislative guidelines will be followed.

For existing suppliers, the finance manager will assess the aggregated expenditure in the current financial year (as recorded on finance accounting system) prior to raising further orders with the supplier. The CFO will be informed if the further orders would take the annual aggregated expenditure above the Scheme of Delegation's quotation threshold and subsequent actions will follow in order to demonstrate value for money.

The board of trustees will not permit the academy to enter into any finance leases or credit arrangements as these are classified as borrowing and require the written permission of the Secretary of State.

Budget holders will ensure that all orders are placed through the finance department in the manner set out in the Financial Regulations and operational procedures manual and in line with the limits set out in the scheme of delegation. Budget holders wishing to form a contract with a sales representative will follow the procurement procedures set out in the local procedures manual only with the authority of the CFO.

The finance manager will ensure that orders are raised on the finance accounting system promptly, in order to ensure that financial reports include up-to-date commitments.

Non-budget holders must not commit the trust budget to a purchase (either on or off-site) and:

- will not sign company order forms
- will not respond to e-mail/fax correspondence that could form a contract
- will not form a verbal contract
- sales representatives will be told that school teachers may not have authority to issue official orders.

All suppliers will be provided with access to terms and conditions in addition to an official order form at the time of placing the order.

7.0 Spending for the 'purposes of the school'

The budget will only be spent for the purposes of the academy, and in accordance with the provisions of the funding agreement, which includes expenditure on:

- 7.1.1 employment of staff and their continuing professional development
- 7.1.2 upkeep and improvement of premises, including the cost of equipment and repairs and maintenance
- 7.1.3 provision of the curriculum
- 7.1.4 general duties and responsibilities relating to the management and government of the academy.

'The purposes of the school' have been extended by the secretary of state to include spending on community facilities and services.

Orders will not be raised on behalf of, or for the benefit of, private individuals including members, trustees, local governors, members of staff, or any of their relatives, or organisations which are not part of the Academy Trust.

8.0 Earmarked/Grant Funds

The academy may receive earmarked/grant funds from the LA and/or the DfE in the form of allocations, which are additional to, and separate from, the General Annual Grant ie. Pupil Premium.

The allocations may be subject to conditions setting out the purpose or purposes for which the funds may be used and as a general rule virement of funds allocated on an earmarked basis will not be allowed. The academy may be required to account for the use of the funds at a later stage therefore the CEO/CFO will ensure that appropriate accounting mechanisms are in place in order to be able to demonstrate that expenditure has been incurred only for the purpose intended. The CEO/CFO will provide termly reports to directors on the progress of spending of earmarked/grant funds.

9.0 Reviews

This policy will be reviewed as part of the annual overall review of trust's policies.

The CFO will keep internal operational arrangements under review on an ongoing basis; any recommendations for changes to this policy prior to the annual review will be taken to the board of directors for final ratification.



Appendix A

Procurement Flow Chart

