

**TO: EXECUTIVE MEMBER FOR CHILDREN YOUNG PEOPLE AND LEARNING**  
**DATE: 3 JUNE 2014**

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**CONTRACT STANDING ORDERS: DELEGATION OF POWERS TO SCHOOLS**  
**Director of Children, Young People and Learning**

**1 INTRODUCTION**

- 1.1 The provisions of Contract Standing Orders in relation to schools need some clarification to remove inconsistency with schools delegated financial powers. This will take some time to implement and in the meantime a temporary expedient is proposed to avoid unnecessary bureaucratic delay to urgent projects.

**2 RECOMMENDATION**

- 2.1 The Executive Member is recommended to formally delegate his powers to approve Procurement Plans, to schools governing bodies, with immediate effect.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 Achieving value for money remains the strongest plank of the Council's Procurement.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Insisting on schools submitting Procurement Plans would cause delay to the initiation of procurement projects and would be inconsistent with the full delegation of financial responsibility to schools.

**5 SUPPORTING INFORMATION**

- 5.1 All procurements >£100k total contract value (goods and services) or £400k (works) require the preparation of a formal Procurement Plan setting out the contract strategy for achieving value for money. The Procurement Plan contains formal comments from Legal, Finance and the Head of Procurement and is approved by the relevant Director up to £400k and the Director and Executive Member above that figure. The rules state that approval needs to be secured before advertising the forthcoming contract.
- 5.2 The recent Procurement Audit of Schools identified that schools have not been following this procedure. The audit also identified that whilst Contract Standing Orders clearly state they apply also to schools and that the Governing Body substitutes for the "Director" in the rules, they are silent on how they apply where Executive or Executive Member approvals are necessary.
- 5.3 Since schools already have full delegated authority for spending on goods and services, it is anomalous for elected Council Members to have an approval role for Procurement Plans or contract awards. Amendments to Contract Standing Orders incorporating this change will therefore be prepared and submitted to the Governance and Audit Committee along with some other minor clarifications but this is not expected to be ready until later in the year. In the meantime, there are a number of schools' Procurement Plans in the final draft stage which would need approval over the next few

weeks. Pending formal changes to Contract Standing Orders, the Executive Member is therefore recommended to delegate the responsibility for approving Procurement Plans to Governing Bodies. This will make it easier for schools to follow Contract Standing Orders and progress their procurements without undue delay.

- 5.4 Capital works are different as the assets are vested in the Council and hence no changes are proposed for this category. In practice schools rarely undertake larger works projects, above the £400k threshold, on their own initiative.

## 5 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

### Borough Solicitor

- 6.1 Nothing to add to this report.

### Borough Treasurer

- 6.2 Nothing to add to this report.

### Head of Procurement

- 6.4 Nothing to add to this report.

### Equalities Impact Assessment

- 6.3 Not applicable.

### Strategic Risk Management Issues

- 6.4 Failure to comply with the Council's Contract Standing Orders in terms of requirements for tendering and obtaining quotes, schools may not be ensuring that value for money is being secured. Failure to maximise VFM from the procurement of goods and services would put additional pressure on budgets.

### Workforce Implications

- 6.5 Reviewed against individual procurements

## 7 CONSULTATION

- 7.1 The Head of Audit and Risk Management has also been consulted.

### Contact for further information

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