

## **Schools Forum – 14<sup>th</sup> July 2022**

### **Update to the Staffordshire Scheme for Financing of Schools & Financial Regulations for Schools**

#### **Recommendation**

1. The Schools Forum approves the revised Staffordshire Scheme for Financing Schools (SSFS) Financial Regulations for Schools and Procurement Regulations.

#### **Report of the Deputy Chief Executive and Director for People:**

##### **PART A**

#### **Why is it coming here – what decision is required?**

2. Any amendments to the SSFS, Financial Regulations for schools and Procurement Regulations require approval from Schools Forum.

#### **Reasons for recommendation**

3. The SSFS, Financial Regulations and Procurement Regulations have been reviewed and updated.

##### **PART B**

#### **Background:**

4. There has been one amendment to the SSFS. The paragraph relating to the Salix loan scheme, in section 3.5 Borrowing by schools, has been removed following the closure of the current phase of the scheme.
5. A number of changes have been made to the Finance Regulations to Schools, these changes are listed in Appendix A.
6. Changes made to the Procurement Regulations are listed in Appendix B.

## **Appendix A**

- A link to IR35 Guidance for Schools has been included in section E6.
- A link to guidance relating to Purchase Cards has been included in section E23.
- Paragraph F16, “all commission costs relating to these facilities must be paid from the budget of the portfolio area which is offering them,” has been deleted as this is referred to in earlier paragraphs.
- Sections F23-25 have been updated to reflect the Staffordshire County Council Financial Regulations (May 2022) relating to Customer Invoices.
- Section G2 has been amended to reflect the Staffordshire County Council Financial Regulations (May 2022) relating to customer invoices.
- Appendix 2 Money Laundering has been amended to reflect the Staffordshire County Council Finance Regulations (May 2022).

## Appendix B

- There has been a change in terminology and “good and services” have been replaced by “supplies and services” throughout the document.
- In section A1, “supply of goods and services” has been replaced by “provision of goods and services”.
- Section B1 has been amended so that “every contract you make on our behalf must comply with” now includes “the Public Contracts Regulation (where applicable).”
- B2 now reads “in some circumstances contracts may be governed by UK procurement statute law.”
- B2a has been amended to “a supplies or services contract value for more than £213,477 (inc. VAT) must be advertised in the Government’s “Find A Tender” portal (this replaces the OJEU).” An additional note has been added to the end of Section B2, “NB – the above trigger threshold will remain valid until end of 2023. Triggering this threshold requires the procurement process to follow the Public Contracts Regulations. To determine whether the contract value triggers the above threshold, VAT ABSOLUTELY MUST be included with the final contract value.”
- B7 has been amended to read “you must ensure that the contractor has a limit of indemnity of £5 million for employers liability insurance” and a final sentence of “refer to the council Risk & Insurance Manager for the requirements on professional indemnity insurance” has been added.
- Section C2 now includes an additional line “Note however, the requirement to include a VAT element when calculating the threshold in section B2.”
- Section D10, “you cannot exempt any process which is required to follow the Public Contracts Regulations.”
- Section G7b has been amended to read “an outline of the specification of the supplies or services to be provided;”
- G8b has been amended to read “a detailed specification and quantities of the supplies or services to be provided;”
- G13 has been amended to include brackets “you must not open any tender you receive after the stated closing time under paragraph G8(g) or which does not comply with paragraphs G8(d) or (e).
- The header for section I has been amended to read “Tender Procedures (over the Public Contract Regulations thresholds).”
- I2 now reads “If you are inviting tenders for contracts over or close to the Public Contracts Regulations (‘PCR’) thresholds (see section B2 for supplies and services threshold).”
- I3 has been amended to read “for information, for all contracts tendered under the Public

Contracts Regulations you must have a 10-day standstill period between the decision to award and entering into any contract.”

- I4 has been amended to read “you must announce all contracts awarded under the Public Contracts Regulations using a contract award notice in Find a Tender / Contracts Finder, which must be sent no later than 30 calendar days after the date you enter into contract.”
- I5 now reads “it is very important that the rules regarding the Public Contracts Regulations are followed correctly as any financial penalty of not adhering to these rules would fall on the school’s budget. Therefore, it is strongly advised that you always get advice from procurement advisors in undertaking such procurements.”
- In the glossary, the definition of the OJEU has been changed to “Official Journal of the European Union, now replaced by Find a Tender (FTS).”
- The final threshold in diagram “Procurement Regulations for Schools” has been amended to be £213,477 including VAT (see section B2).”

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