

East Kent Hospitals University NHS Foundation Trust

POLICY DOCUMENT

Procurement to Payment Policy

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Author:	Associate Director of Procurement & Managed Equipment Services
Approving committee:	Finance & Performance Committee
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Director responsible for implementation:	Director of Finance & Performance Management, EKHUFT Director of Finance, 2gether Support Solutions
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Applies to (include subsidiary companies):	East Kent Hospitals University NHS Foundation Trust and 2gether Support Solutions Ltd, Procurement Services Dept

Version Control Schedule

Version	Date	Author	Status	Comment
1.0	2022	Associate Director of Procurement & Managed Equipment Services	Final	New Policy

Policy Reviewers

Name and Title of Individual	Date Consulted
Assistant Director of Finance	Jan 2022
Deputy Chief Executive	Mar 2022
2gether Support Solutions Ltd, Director of Finance	Mar 2022
Payments Manager	Mar 2022
Local Counter Fraud Specialist (RSM-UK)	Mar 2022

Name of Committee	Date Reviewed
Policy Authorisation Group	March 2022
Joint Procurement Strategy Group	17 May 2022
Finance & Performance Committee	31 May 2022

Summary of Key Changes from Last Approved Version

- Replaces Requisitioning, Purchasing and Paying for Non-Stock Goods and Services (FPP/R1)
- Updates legal obligations post EU exit
- Removes procedures and processes from within the policy which are now located in the Procurement Manual within the Procurement intranet portal.
- Mandates that Sustainability will form a minimum of 10% weighting of the evaluation criteria

Associated Documentation

The following East Kent Hospitals University NHS Foundation Trust Policies are cross referenced:

- Standing Financial Instructions
- Better Payment Practice Code
- Anti-Fraud, Bribery and Corruption Policy
- Gifts, Hospitality and Conflicts of Interest Policy

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1. Policy Description

- 1.1. This policy seeks to provide clear guidance for all Trust employees in relation to procurement activity to be followed to comply with Trust Standing Financial Instructions (SFIs), and UK Procurement Regulations.
- 1.2. The Policy incorporates procurement ‘best practice’ regarding the way the Trust will manage its activities, business relationships with suppliers and its corporate social responsibilities together with the engagement, utilisation and authority of the key stakeholders at all stages in the procurement cycle.
- 1.3. The Policy shall ensure the consistent, transparent and robust application of Appendix 1 (Purchasing and Tendering) to the Trust’s SFIs.
- 1.4. Further information about the procedures and processes for Procurement is contained in the Procurement Manual available on the Trust intranet <https://procurement.ekhuft.nhs.uk/>

2. Introduction

- 2.1. Procurement is governed by a set of EU and UK principles that set out to ensure a ‘level playing field’ for buyers and suppliers in which to conduct business. These principles legally apply to procurement activity above the Public Procurement Thresholds but should equally be applied proportionately to all procurement activity regardless of spend.
- 2.2. EU Derived Principles:

Transparency	Procurement activity shall be advertised appropriately to ensure market visibility and provide clear information with regards to the process, contractual requirements, performance and the method/s of evaluation being used in the determination of a successful bid.
Proportionality	The approach taken in any given procurement activity will be proportionate to the level of complexity, impact, risk and value of the activity so as not to prevent or discourage bidders.
Equality	Ensuring that all providers and sectors have equal opportunity to compete where appropriate, that financial and due diligence checks apply equally and are proportionate, and that pricing and payment regimes are transparent and fair.
Non Discriminatory	The consistent application of the Regulations and Trust rules to all procurement activity to ensure that no member state supplier is prevented from participating in an EU Tender on the grounds of nationality, or subject matter of the contract.
Mutual Recognition	Member states will recognise equivalent measures of qualifications, standards etc

Table 1: EU Principles of Procurement

2.3 UK Derived Principles

Value for Money (VFM)	All procurement activity will seek and demonstrate the balance between quality and cost reflecting in a VFM decision.
Favour Competition	Procurement activity should be undertaken in a competitive environment to aid in demonstrating the EU and UK principles as well as VFM.
Robust	Procurement activity should be legally robust to ensure compliance and account of decisions made and/or actions taken. The specification of the services and the terms and conditions shall ensure the Trust and its patients are safeguarded appropriately.
Accountability	All procurement activity will have an accountable officer of the Trust to sign off on the compliance of the procurement process/es used.
Quality	Procurement activity will set out the minimum quality of goods, works or services / outcomes to be achieved through the specification of the contract.

Table 2 – UK Principles of Procurement

3. Definitions

Term	Description
Contracts Finder	A government search engine. Procurement is mandated to publish information about contract opportunities and contract pipelines worth over £10k to all suppliers.
Find a Tender	A government search engine. Procurement is mandated to publish information about high value contract opportunities, pipelines and awards above the PCR:2015 thresholds on this site.
GRN	Goods Received Note. The Note details the goods or services that were received.
MEAT	Most economically advantageous tender. This is a tender that has been judged as offering the best value for money bid based on a balance between the quality/technical offer and the financial offer.
Public Contracts Regulations 2015 (PCR2015)	The Public Contracts Regulations implement, in England and Wales, the EU Directive on public procurement. The EU directive governs how all EU member states carry out procurement within the public sector and provides a set of requirements that must be followed to ensure compliance with the legislation. The requirements encompass the principles of the EU Treaty in particular the free movement of goods and the freedom to provide services The Public Contracts Regulations 2015 (legislation.gov.uk)
SFIs	Standing Financial Instructions, the Trust policy that provides the business and financial framework within which all officers of the Trust are expected to work.

U4BW	Unit4 Business World is the Trust's Purchase to Payment IT system.
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Table 3 - Definitions

4. Purpose and Scope

- 4.1. The purpose of the policy is to reduce organisational risk by ensuring that the Trust complies with the requirements of the Trust's SFI's and UK regulations with regard to fairness and transparency, so as to secure value for money procurement as a public body.
- 4.2. In addition, the Policy will ensure that:
 - 4.2.1. Value for money is achieved and can be demonstrated, whilst maintaining appropriate quality;
 - 4.2.2. Quality standards will take into consideration sustainability;
 - 4.2.3. Purchases are made in line with Legislation including, but not limited to: Social Value, Sustainability, Equality and Diversity, Safeguarding, Modern Slavery and Information Governance;
 - 4.2.4. All purchases are in line with the Trust's strategic and business plans;
 - 4.2.5. Goods are obtained with the minimum of delay subject to adherence to Trust SFI's;
 - 4.2.6. Medical equipment is purchased in line with the Management of Medical Equipment and Devices Policy and NHS Pre-Acquisition Questionnaire (PAQ) recommended standards;
 - 4.2.7. The Procurement Department is involved at the earliest opportunity in the procurement of all goods and services.
- 4.3. This policy will apply to all Trust staff involved in the requisitioning, evaluation or procurement of non-pay spend including equipment, goods and services from any of the following sources of funds:
 - 4.3.1. Revenue budgets
 - 4.3.2. Capital budgets
 - 4.3.3. Charitable funds
- 4.4. Excluded from this policy are items ordered through the Pharmacy Procurement Team.

5. Duties

Chief Executive Officer	<ul style="list-style-type: none"> Has overall responsibility for the Procurement Policy within the Trust. The implementation of, and compliance with, this Policy is delegated to the Associate Director of Procurement.
Deputy Chief Executive & Director of Strategic Development and Capital Planning	<ul style="list-style-type: none"> Has responsibility for Procurement at the Board and is the Chair of the Procurement Strategy Group.
Director of Finance & Performance	<ul style="list-style-type: none"> Has responsibility for the Trust's Standing Financial Instructions, Finance Policies, Procurement Policy and compliance with UK and EU Procurement law, and acts as an advocate for Procurement on the Board.
Associate Director of Procurement, 2gether Support Solutions Ltd	<ul style="list-style-type: none"> the Trust's designated lead for the Procurement to Payment Policy and has responsibility to ensure that the policy is correctly followed. will respond accordingly to any complaints or issues arising from the Policy
Procurement Services – Category Management Teams	<ul style="list-style-type: none"> will ensure adherence to this policy and the Standing Financial Instructions with respect to UK Law responsible for raising and despatching purchase orders to Suppliers responsible for the drawing up of tender and contractual documents, drawing on subject matter experts as required and for arranging appropriate approval and signature of contracts in line with SFI's Management of the contract review process
Procurement Services - Supply Chain Team	<ul style="list-style-type: none"> Responsible for safe receipt and delivery of ordered Goods. (This responsibility may be delegated to Trust staff working at off-site areas where no Supply Chain function is available, ensuring a separation of duties between order approval and receipt)
Procurement Services - Systems Team	<ul style="list-style-type: none"> Responsible for raising the Goods Receipt Note on U4BW which will detail the actual goods or services delivered in an accurately and timely manner Review and request the set-up of new suppliers on U4BW Supplier Master File Set up of new products on U4BW Product Master File

<p>General and Clinical Managers / Heads of Department / Budget Authorisers</p>	<ul style="list-style-type: none"> • Managers who are noted on the Financial Authorised Signatory List (https://authsig.s.ekfc.nhs.uk/) shall have responsibility for approving spend on their allocated budget(s). This approval shall be electronically through the U4BW system (or exceptionally by email, uploaded against the requisition on to the U4BW system). • Plan requirements for Goods and Service and working with Procurement Services, in accordance with the Procurement Policy, to Tender and Contract for all Goods and Services. • Support the contract management process.
<p>Finance – Accounts Payable</p>	<ul style="list-style-type: none"> • Set up of new suppliers on U4BW Supplier Master File • Registering invoices on U4BW • the appropriate three-way matching of the Purchase Order, Goods Received Note (GRN) and Invoice is carried out on all Purchase Orders before payment is made.
<p>Trust Employees</p>	<ul style="list-style-type: none"> • All employees of the Trust must ensure they comply with this policy. • Must ensure that Procurement Services are involved at the earliest opportunity for non-routine purchases. • Must ensure the safe custody and responsible use of all Goods and Services.

6. The Procurement Policy

6.1. Procurement Principles

- 6.1.1. All goods and services must be purchased against negotiated contracts or frameworks that are generated at either a national, regional or local level, as these arrangements have been made in accordance with UK procurement legislation and principles (see section 2.3). [Public procurement policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/public-procurement-policy)
- 6.1.2. Goods and services not available by an existing contract must be tendered and contracted in accordance with the financial thresholds within Trust SFIs through the Procurement Services team, in accordance with procurement procedures.
- 6.1.3. All recommendations to award a contract will be documented with the rationale for award recommendation and approved in accordance with the Trust SFIs.
- 6.1.4. All requests for goods or services must be made in advance of supply, through the Trust's e-procurement system (U4BW) and must be covered by a Trust

purchase order, unless specifically on the purchase order exemption list (Appendix A).

- 6.1.5. Without a purchase order, a supplier invoice will not be paid (No PO no Pay) and will be rejected.
- 6.1.6. Payments will be made in accordance with the Better Payment Practice Code.
- 6.1.7. The basic process for requisitioning ordering and paying for Trust goods and services is illustrated at appendix B.
- 6.1.8. The Trust's e-Procurement system has a structured budget holder and purchase order approval workflow set in accordance with Trust SFIs.
- 6.1.9. Contract values must be calculated on the basis of whole lifetime costs (WLC) and this could include:
 - 6.1.9.1. Cost of actual goods.
 - 6.1.9.2. Accessories/consumables associated with the product.
 - 6.1.9.3. Any maintenance, licensing or service contract costs.
 - 6.1.9.4. Training Costs.
 - 6.1.9.5. Delivery and miscellaneous charges.
 - 6.1.9.6. Cost of disposal of items within Environmental procedures.
- 6.1.10. Purchases must not be split to bring the spend below the thresholds detailed below in order to avoid procurement activity.
- 6.1.11. A waiver of tender will only be granted in exceptional circumstances and cannot be granted for contracts in excess of Public Contract Regulations: 2015.
- 6.1.12. Staff must consider the Trust policy on accepting gifts (see Gifts, Hospitality and Conflicts of Interest Policy and Anti-Fraud, Bribery and Corruption Policy) plus NHS England's "Managing Conflicts of Interest in the NHS – Guidance for staff and Organisations" and declare any potential conflicts of interest prior to a request for goods or services to the Procurement Services Department for further review and recommendation.

6.2. **Quotations & Tenders**

- 6.2.1. The level of procurement contracting activity is determined by the WLC of the requirement. Note that recurring regular requirements must be considered based on a consolidation of expected annual spend as a minimum or the WLC over the period of the proposed contract.
- 6.2.2. The contracting thresholds are

WLC Threshold (£)	Contract / Tender Activity
< £10,000	Contract / Mini Competition off a Framework/Market review to determine VFM
£10,001 - £20,000	Contract / Mini Competition off a Framework / 2 Quotations
£20,001 – PCR:2015 Threshold	Contract / Mini Competition off a Framework / 3 Tenders
> PCR:2015 Threshold	Contract / Mini Competition off a Framework / Full tender process

6.2.3. The PCR:2015 tender thresholds are recalculated every two years. The current values, which include VAT (currently £138,760 for Goods and Services, £5,336,937 for Works – Revised 01/01/2022) are to be found here: [The Public Procurement agreement on Government Procurement\) \(Thresholds\) \(Amendment\) Regulations 2021 \(legislation.gov.uk\)](#)

6.2.4. All tender opportunities and contract awards will be published on the UK Contracts Finder/Find a Contract services as appropriate to the contract value.

6.2.5. All quotations/tenders will be issued, received and opened through the Trust eProcurement System.

6.3. **Specification of Goods and Services**

6.3.1. The specification for Goods and Services must be structured to deliver best value for the public. This will consider health outcomes and sustainability alongside cost benefits.

6.3.2. The specification must be generic and not demonstrate bias to a particular supplier, manufacturer or specific solution.

6.3.3. The specification will include Key Performance Indicators (KPIs) against which the contract will be monitored.

6.3.4. Where appropriate, the specification will describe the arrangements for the delivery and monitoring of performance against Sustainability, Equality and Diversity, Safeguarding, Modern Slavery and Information Governance.

6.4. **Evaluation of Offers/Bids**

6.4.1. Evaluation of offers/bids will be based on the Most Advantageous Tender (MAT) criteria.

- 6.4.2. MAT will consider health outcomes, Social Value, Sustainability, Equality and Diversity, Safeguarding, Modern Slavery and Information Governance alongside cost benefits.
- 6.4.3. Sustainability will form a minimum of 10% weighting of the evaluation criteria in accordance with the government Social Value Model. [Guide-to-using-the-Social-Value-Model-Edn-1.1-3-Dec-20.pdf \(publishing.service.gov.uk\)](#)

6.5. **Contracts**

- 6.5.1. The Procurement Department shall be responsible for drawing up the Contract or Memorandum of Agreement and Schedules with the successful supplier(s) except where specialist subject matter is required. In this case, an expert may be required to assist with the drawing up of Contracts. For high value and strategically important contracts, the Trust may wish for contracts to be reviewed by the Trust's solicitors.
- 6.5.2. The Contract will be drawn up in accordance with UK, European legal requirements and Trust Policies and in accordance with best practice not limited to the legal guidelines and advice found in the Public Contracts Regulations: 2015.

6.6. **Contract Review**

- 6.6.1. For contracts that have an ongoing input from the contracted supplier(s) either in the form of a service provided or for requirements such as maintenance, a Contract Review and Monitoring process will be put in place at the time of contract award.
- 6.6.2. The Review and Monitoring process periods will be determined at the time of contract award but should ideally be:
 - 6.6.2.1. Gold Contracts - Quarterly for services that are deemed critical to the Trust and whose reduction or absence will seriously affect all areas (or the area to which the service is being provided).
 - 6.6.2.2. Silver Contracts - Bi-annually for services that are of lesser importance to the Trust but whose reduction or absence will cause delays or minor interruptions to the running of that area.
 - 6.6.2.3. Bronze Contracts - Annually for services that are of low importance to the Trust, whose reduction or absence will cause inconvenience to the running of that area.

6.6.3. The Procurement Services department is responsible for the management of the contract review and renewal process. The Trust eProcurement and Contract Database will retain all contract data.

6.7. Tender Waiver

6.7.1. Waivers apply where there are genuine reasons why it would not be appropriate or advantageous to seek competitive tenders.

6.7.2. Orders under PCR:2015 Procurement Thresholds may be waived in accordance with SFI 24.7.

6.7.3. The waiver application (Single Tender Waiver Form/STW) is located on the Trust Procurement Portal <https://procurement.ekhufft.nhs.uk/ekhufft-single-tender-waiver-request> and must be fully approved prior to award of contract or issue of the purchase order.

7. Policy Development, Approval and Authorisation

7.1. This policy will be ratified by the Policy Authorisation Group.

8. Review and Revision Arrangements

8.1. This policy will be reviewed as scheduled in three years' time unless legislative or other changes necessitate an earlier review.

8.2. It will be ratified by the Policy Authorisation Group every three years, or when there are significant changes and/or changes to underpinning legislation in accordance with the policy for the Development and Management of Trust Policies (and other Procedural Documents).

9. Policy Implementation

9.1. Refer to Appendix D.

10. Document Control including Archiving Arrangements

10.1. Archiving of this policy will conform to the Trust's Information Lifecycle and Records Management Policy, which sets out the Trust's policy on the management of its information.

10.2. This policy will be uploaded to the Trust's policy management system.

10.3. Requisitioning, Purchasing and Paying for Non-Stock Goods and Services (FPP/R1) Version 3.0 of this policy, which this document supersedes, will be retained within the Trust's policy management system for future reference.

11. Monitoring Compliance & Breach of Policy

11.1. The following Key Performance Indicators are reviewed and reported by the Procurement Services department to:

Metric	Trust Group	Frequency	External	Frequency
Influenceable non-pay spend on PO (%)	Procurement Strategy Group	Quarterly	Model Health System	Monthly
Total non-pay spend on PO (%)	Procurement Strategy Group	Quarterly	Model Health System	Monthly
Non-pay spend on contract (%)	Procurement Strategy Group	Quarterly	Model Health System	Monthly
Invoices matched to an e-PO (% by count)	Procurement Strategy Group	Quarterly	Model Health System	Monthly
Single Tender Waivers	Integrated Audit and Governance Committee Internal Audit	Bi-annual On request	External Audit	On request
Better Payment Performance Code	Finance Improvement Oversight Group	Monthly	NHSIE	Monthly

11.2. The Trust's Procurement Development Plan addresses how the department will make constant improvement against these metrics in line with Lord Carter's Report: Operational Productivity and Performance in English NHS Acute Hospitals: Unwarranted Variations (2016).

11.3. Internal Audit carry out regular Audits Procurement to deter and detect wrongdoing and compliance to this Policy shall be included in any review and reported through an escalation process which includes the Local Counter Fraud Service (LCFS), Director of Finance and Performance and Integrated Risk and Audit Committee

11.4. External Audit carry out regular Audits of Procurement and compliance to this Policy shall be included in any review and reported through an escalation process which includes the Local Counter Fraud Service (LCFS), Director of Finance and Performance and Integrated Risk and Audit Committee.

11.5. Failure to comply with this policy is a disciplinary matter and will be managed under the Trust Disciplinary Procedure.

12. Appendices

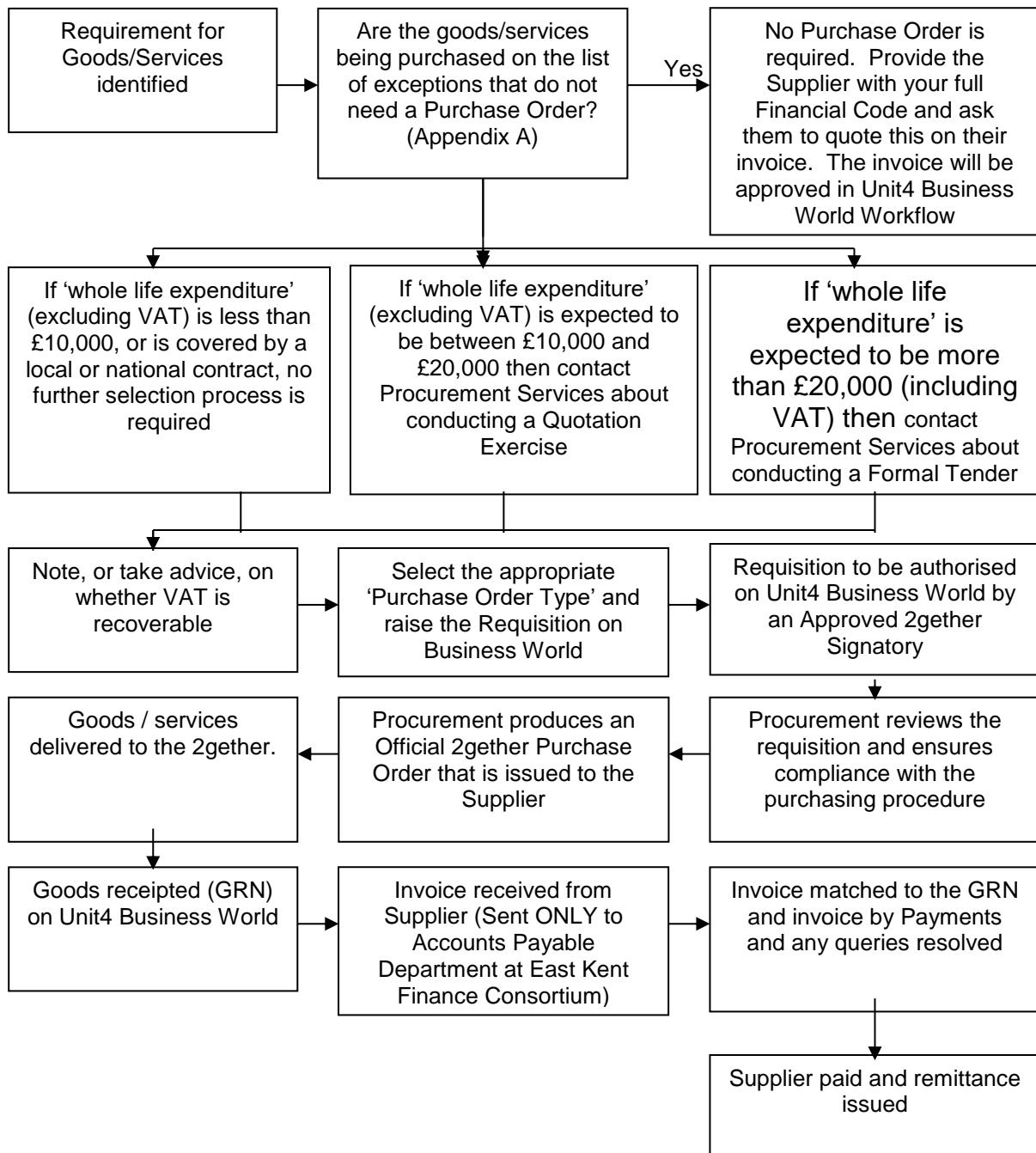
Appendix A	Purchase Order exemption list
Appendix B	Basic Process for Requisitioning Ordering and Paying for Trust Goods and Services
Appendix C	Equality Analysis
Appendix D	Policy Implementation Plan

Appendix A – Purchase Order Exemptions

The following is a list of goods and services where a Purchase Order does not need to be raised.

- Legal settlement fees and associated charges including late payment fees
- Losses and compensation reimbursements
- Emergency payments to avoid legal action (individual invoices to be approved by CFA or SFA at the Trust prior to processing with a purchase Order)
- Rail warrants
- Purchase cards
- Reimbursements including reimbursement of deposits (e.g. accommodation deposits).
- Planning application fees
- Licence fees
- Council tax and business rates
- Goods Purchase Ordered through the Pharmacy JAC system
- Goods ordered through the Epsys Catering System
- Utilities (e.g. gas, electricity, water, telephone, mobile phone).
- Agency staff (e.g. payments to Liaison, NHS Professionals, Locums NEST)
- Lease cars (including invoices for the lease, insurance and vehicle repairs).
- An invoice and credit note that contras exactly, where there is no Purchase Order.
- HC5 patient travel costs reimbursement.
- HS3 prescription voucher reimbursement and cataract removal
- Other NHS organisations
- Fuel cards
- Imprest reimbursements
- Medical reports
- FP10 recharges
- Allowances and deductions from Payroll (e.g. child support agency, equitable life, childcare vouchers, HAS, Give as you Earn (GAYE), cycle to work, Prudential).
- Payments to HMRC.
- Journals and corrections
- Rent
- Insurance and other premiums (CNST, LTPS and PES only)
- Patient monies
- Cash transfer for security company to convert into change for delivery to the Cashiers
- Environment Agency CRC Payment
- The Financial Reporting Council – annual preparers levy
- Statutory charges from other Government bodies (Cabinet Office, NFI etc)
- 2gether Support Solutions – all invoices
- CGC monthly charge (paid by direct debit)
- Import duty and duty VAT
- Environmental Agency permits
- Courier charges (e.g. Fedex, UPS, TNT and Royal Mail Response)
- Franking Machine (paid via Direct Debit)
- Others as dictated by Senior Management on a case by case basis

Appendix B – Basic Process for Requisitioning Ordering and Paying for Trust Goods and Services



Appendix C – Equality Analysis

An Equality Analysis not just about addressing discrimination or adverse impact; the policy should also positively promote equal opportunities, improved access, participation in public life and good relations.

Person completing the Analysis	
Name	[Redacted]
Job title	Assistant Director of Finance (Financial Accounts)
Care Group / Department	Finance
Date completed	January 2022
Who will be impacted by this policy?	<input checked="" type="checkbox"/> Staff (EKHUFT) <input type="checkbox"/> Carers <input checked="" type="checkbox"/> Staff (Other) <input type="checkbox"/> Patients <input checked="" type="checkbox"/> Service Users <input type="checkbox"/> Relatives

Assess the impact of the policy on people with different protected characteristics.

When assessing impact, make it clear who will be impacted within the protected characteristic category. For example, it may have a positive impact on women but a neutral impact on men.

Protected characteristic	Characteristic Group	Impact of decision Positive/Neutral/Negative
e.g. Sex	Women Men	Positive Neutral
Age	All ages	Neutral
Disability (please see additional information below)	All	Neutral
Gender reassignment	All	Neutral
Marriage and civil partnership	All	Neutral
Pregnancy and maternity	All	Neutral
Race	All	Neutral
Religion or belief	All	Neutral
Sex	All	Neutral
Sexual orientation	All	Neutral

If there is insufficient evidence to make a decision about the impact of the policy it may be necessary to consult with members of protected characteristic groups to establish how best to meet their needs or to overcome barriers.	
Has there been specific consultation on this policy?	No
Did the consultation analysis reveal any difference in views across the protected characteristics?	
Disability Protected Characteristic	
We need to ensure that we meet the Accessible Information Standard (AIS) which aims to support people with a disability, sensory loss or impairment to receive information they can understand and any communication support they need. For more information: https://www.ehuft.nhs.uk/staff/clinical/accessible-information-standard-ais/ https://www.england.nhs.uk/ourwork/patients/accessibleinfo/	
Mitigating negative impact: Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
Conclusion: Advise on the overall equality implications that should be taken into account by the policy approving committee.	None

Appendix D – Policy Implementation Plan

To be completed for each version of policy submitted for approval.

Policy Title:	Procurement Policy
Version Number:	1.0
Director Responsible for Implementation:	Director of Finance, East Kent Hospitals University NHS Foundation Trust Director of Finance, 2gether Support Solutions Ltd
Implementation Lead:	Associate Director of Procurement & Managed Equipment Services

Staff Groups affected by policy:	All
Subsidiary Companies affected by policy:	2gether Support Solutions Ltd
Detail changes to current processes or practice:	National mandate to include 10% of evaluation criteria to Sustainability as defined in the
Specify any training requirements:	All staff with a requirement to use U4BW shall be fully trained on their roles and responsibilities on the system by the Procurement team. Relevant areas of the policy are covered as part of this training and include the roles of authorisers and receptors. Staff profiles on U4BW reflect their approval responsibilities detailed in the SFI's.
How will policy changes be communicated to staff groups/ subsidiary companies?	<ul style="list-style-type: none"> • Notification of updated policy via Trust News • Comms plan to target all Care Groups via their Procurement Boards • Location of policy in Procurement Manual on the Trust Procurement Portal