

Report to: Schools Forum

Date: 18 September 2020

Title of Report: Services 2 Schools Terms and Conditions

By: Sam McManus, Services 2 Schools Manager

Purpose of Report: To inform Schools Forum about updated terms and conditions for traded services to schools

Recommendation:

Schools' Forum is asked to note the updated terms and conditions outlined in the report and share with the wider schools network.

1. Purpose of Report

1.1 To inform Schools Forum about the updated terms and conditions for the traded services and provision provided by ESCC to schools, academies and educational providers and to provide clarity for the contractual agreements in place.

2. Background

2.1 Schools Forum received a paper in July 2019 in relation to updated terms and conditions which had been put in place to provide clarity around the traded provision and service agreements to schools. These have now been operational for a full calendar year, providing the Services 2 Schools team (S2S) with the opportunity to review their effectiveness and implementation.

2.2 The Authority continues to provide a diverse range of traded services and provision to schools, academies and educational settings delivered in a variety of delivery models including multi-year contracts, annual contracts and Pay-As-You-Use (PAYU).

2.3 As mentioned in the previous update to the Forum these services are delivered directly by the Authority, through the Orbis shared services partnership and Childrens' Services and in managed contracts with third parties as annual contracts with a 6 month notice period for the majority of the standard provision.

2.4 Details of the current traded services terms and conditions (T&Cs) are viewable via the schools purchasing system with the explicit acceptance of these T&Cs required for the purchase of any traded service.

2.5 The 2020/21 buyback for maintained schools coincided with the national lockdown as a result of Covid-19. The S2S team worked with schools on an individual basis to help ease the administrative burden at a time when schools were dealing with a national emergency. This situation highlighted the need to re-visit rolling contracts as schools were left in a difficult situation where services were coming to an end, but re-purchasing had not been approved by the SLT.

2.6 The annual purchasing timeline for traded services requires schools to manually add services to their basket, for these to be approved by the governing body/trustees, and in turn authorized by the Headteacher/ central Trust. For Business Managers this is a long, heavily administrative process, during one of the busiest times of year, which this year was noticeably more difficult to achieve as a result of Covid.

2.7 Almost all services are re-purchased year on year, and if schools want to opt out they must serve (for the majority of services) a six month notice. Therefore the process of 'checking out' each time is not only time consuming, but largely only serves an administrative function.

3. Proposed Changes

3.1 The S2S team propose that traded services can now operate the majority of its provision as rolling contracts, operating a 3 month notice for the majority of services after the first year unless otherwise stipulated in the contract particulars. The rolling contracts would require an initial 'check out' by the school itself, but this would then allow for two further years of auto-check out by the S2S team.

3.2 After consultation with ESCC Audit and Schools Finance teams any annual increases in individual contract price would be capped at a rate of 3% to ensure effective school budget planning.

3.3 The ESCC sample Scheme for Financing Schools, section 8.2 advises that '*Any arrangement with a school to buy back services from the LA will be for a maximum of three years from the date of the agreement. Any subsequent agreement relating to the same services will not exceed five years*', meaning that the S2S changes sit comfortably within the standard financing guidelines.

3.4 The proposed change to reduce the default notice period to 3 months also allows schools greater flexibility in managing their contracts in subsequent years. The S2S team can inform schools in a timely manner of changes in price, giving schools ample time to serve notice if they no longer wish to retain a service.

3.5 New technology introduced later this year via a new purchasing platform will provide greater support to this process; ensuring baskets are automatically populated with last year's order, removing any errors in processing as well as granting teaching staff greater access to the traded resources.

3.6 There are certain services which will still retain a longer notice period where there is a third-party reliance on software/ licenses or contracts that have been procured by services leads in advance on the behalf of schools. These contracts already hold longer fixed notices, so there is no change from the current operating model. For clarity each contract type will be clearly identified in the contract particulars on the front page of each T&Cs document.

4. Communication and Future Developments

4.1 The new contract terms will be implemented in line with the 2021-22 maintained buy-in process in April 2021. All maintained schools will be communicated to and provided access to the new Terms and Conditions available via the schools purchasing system.

4.2 All schools will receive a letter detailing the key changes being made to ensure transparency of the revised process ahead of the purchasing round, giving ample time to update the SLT and Chairs of Governors.

4.3 Additionally, all Business Managers who attend the autumn virtual Business Lead Area Forums will be briefed in detail as to the streamlined process so they can add context to the letters which will be received by schools.

4.4 This change in process will simplify the buy-in activity for all East Sussex traded services customers, allowing schools to add or remove traded provision as required, with ease. This streamlined process will also be beneficial for Federations or Multi Academy Trusts, whereby one individual currently purchases on behalf of a number of schools individually a number of times.