

Policy:

FIN 009 Sustainable Procurement

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<p>Policy Version and advice on document history, availability and storage</p> <p>This is version 2.0 of the Policy. It replaces and supersedes the previous published Procurement Sustainability Policy (version 1.0) dated 2016.</p> <p>This policy will be available to all staff via the Sheffield Health and Social Care NHS Foundation Trust Intranet and on the Trust's website. The previous version will be</p>

removed from the Intranet and Trust website and archived. Any copies of the previous policy held separately should be destroyed and replaced with this version.

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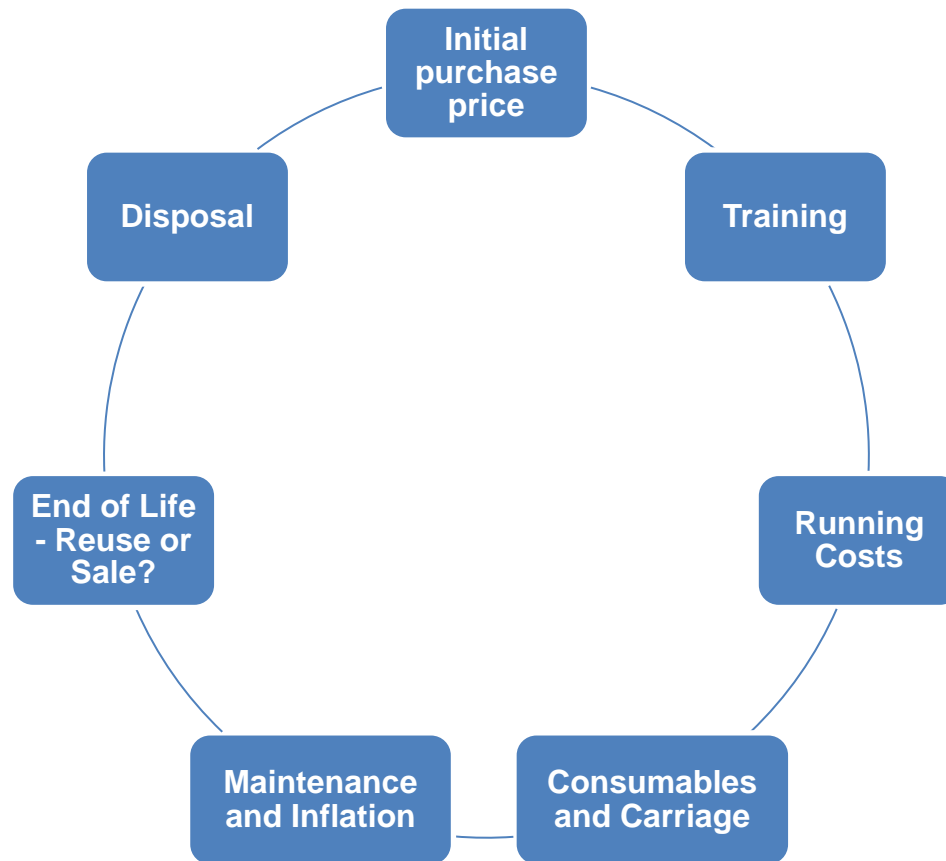
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Flow Chart – Consideration of Whole Life Costing

All procurements will be evaluated on the basis of long-term value for money, using whole life costing to assess (where appropriate):

- Purchase, installation, transportation and commissioning costs
- Operating costs, including labour, maintenance, recycling, energy, water and consumables
- Management costs, including training, insurance, health and safety and environmental costs
- Spend to save initiatives
- Disposal

The approach below will be used to review the lifecycle:



1. Introduction

Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis. This means generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment. This is often referred to as good corporate citizenship or corporate social responsibility (CSR).

The NHS is the largest employer in Europe and as a provider of healthcare is viewed as a socially responsible organisation, but it has the highest rate of carbon emissions in the public sector in England. The challenge has been set for the NHS to lead on all aspects of sustainable development, particularly carbon reduction, and promote the good citizenship model.

The Sustainable Development Unit (SDU) was established in 2008 to support the NHS, public health and social care in fulfilling their potential as a leading sustainable and low carbon service. It has been working with the health and social care sector to include sustainability considerations in its procurement for many years, mainly through the development of strategies that set out the vision, responsibilities and key actions for all NHS organisations.

This policy establishes the Sheffield Health and Social Care NHS Foundation Trust's commitment to sustainability in procurement and sets out the Trust's general aims and principles – derived from the work of the SDU - of what is an extensive agenda for continuous development.

2. Scope

This Policy applies to all procurement activities (clinical and non-clinical) within the Trust (excluding Pharmacy products). It applies to all full-time and part-time staff within Sheffield Health and Social Care NHS Foundation Trust including staff on temporary or honorary contracts as well as Bank staff and students. This Policy also covers individuals working on behalf of the Trust, such as Independent Contractors, Sub-Contractors and representatives from other Partner organisations.

The Policy should be read in conjunction with those policies listed in the Associated Documentation section.

3. Definitions

Term/Acronym	Definition
Corporate Social Responsibility (CSR)	Concerned with the sustainability of an organisation's ethics over the long term. At its core, corporate responsibility seeks to add value to an organisation's activities by ensuring they have a positive impact on society, the environment and the economy.
Government Buying Standards (GBS)	Published by the Department for Environment, Food and Rural Affairs in 2012, the GBS provides government procurers with a set of minimum mandatory standards (specifications) for

Term/Acronym	Definition
	goods and services to be used when procuring. The GBS were mandated for use by all government departments and their related organisations, although the wider public sector (including NHS Trusts) is encouraged to use them.
ISO20400	The first international guidance standard on sustainable procurement, published in 2017.
Sustainable Development Management Plan (SDMP)	A Board approved document that helps organisations to take a balanced view of sustainability including carbon reduction, adaptation and incorporating corporate social responsibility including meeting the Public Services (Social Value) Act (2012).
Sustainable Development Unit (SDU)	A national unit working on behalf of the health and care system in England. It is jointly funded by, and accountable to, NHS England and Public Health England. It supports the NHS, public health and social care to embed and promote the three elements of sustainable development – environmental, social and financial.
Sustainable procurement	The process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis. This means generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.

4. Purpose

The Trust's Procurement Department is responsible for procurement activities for a wide-range of goods, supplies and services for the Trust, and is committed to pursuing the principles of sustainable procurement.

Sustainable procurement should consider the environmental, social and economic consequences of: design; non-renewable material use; manufacture and production methods; logistics; service delivery; use; operation; maintenance; reuse; recycling options; disposal; and suppliers' capabilities to address these consequences throughout the supply chain.

The adoption of a Sustainable Procurement policy can assist to reduce costs, manage risk, sustain resource, secure supply, and ensure compliance with relevant legislation. The Trust is committed to reducing, as far as possible, any adverse environmental and social impacts which may be caused by its contracting activities. Through continually challenging its activities and encouraging and inspiring others, the Trust's approach will deliver tangible results that make a difference, now and in the future for society and the environment.

This policy sets out the parameters for meeting this objective through all procurement activities under the team's influence.

5. Duties

Roles	Responsibilities
Board of Directors	Responsible for ensuring the Policy is implemented effectively and the strategic context of the Policy is appropriate and meets the needs of the Trust
Chief Executive	Has overall responsibility for the Trust's Procurement compliance and to ensure that the appropriate management systems are in place and working effectively.
Director of Finance	Responsible for ensuring the adherence to and implementation of the Sustainable Procurement Policy and for co-ordinating any corrective action necessary to further the Policy. This includes ensuring that detailed procurement procedures and systems relating to procurement activity are maintained.
Procurement Team	<p>The Procurement Team will work with Budget Holders, Budget Managers and Authorised Signatories as maintained in the Directorate's approved Scheme of Delegation to improve adherence to good procurement practices and to ensure compliance with the Policy.</p> <p>Responsibilities of respective Procurement managers will include:</p> <ul style="list-style-type: none"> • Conducting procurement activities in accordance with the Standing Orders/Standing Financial Instructions/Scheme of Delegation framework and any other relevant governing legislation; • Managing the evaluation and assessment of goods and services in accordance with this Policy; • Managing communications between the Trust's clinical and non-clinical areas and the Procurement Team regarding the introduction of new products and services to ensure they adhere to this Policy; • Acting as the interface between the Trust's clinical and non-clinical areas and the Supplier in order to ensure that goods and services procured are in accordance with this Policy; • Managing supplier engagement with particular emphasis on contract and performance management of suppliers via regular review meetings to ensure adherence

Roles	Responsibilities
	to this Policy is maintained, supporting clinical and non-clinical colleagues.
Clinical/Corporate Executive Directors (Budget Holders)	<p>Budget Holders are responsible for ensuring that the Delegated Budget Holders and Budget Managers for whom they are responsible are aware of and adhere to this Policy. They are also responsible for ensuring Delegated Budget Holders and Budget Managers are updated in regard to any changes in this Policy.</p> <p>Budget Holders/Delegated Budget Holders will be expected to ensure Procurement activity carried out in their area is compliant with the policy.</p>
Deputy Directors to Clinical/Operational Directors or Deputy Directors to Corporate Executive Directors (Budget Managers)	<p>Budget Managers are responsible for ensuring that the Authorised Signatory staff for whom they are responsible are aware of and adhere to this Policy, alongside the Trust Scheme of Delegation.</p> <p>They are also responsible for ensuring such nominated and approved staff are updated in regard to any changes in this Policy.</p> <p>Budget Managers will be expected to incorporate understanding and expected future compliance of this Trust policy into local induction procedures.</p>
All Personnel (Including Permanent, Temporary or Honorary Staff. Also includes individuals working on behalf of the Trust including Independent Contractors)	It is the individual's responsibility to comply with this and any other associated policies. A failure to comply may result in disciplinary action.
Supplier Representatives	Representatives visiting Sheffield Health and Social Care NHS Foundation Trust are expected to comply with this Policy and the Supplier Representatives Policy ¹ , as well as the Trust's Medicines Management Policy and Managing Conflicts of Interest in the NHS Policy, and codes of practice of the ABHI for other goods and services.

6. Adoption of global and national standards

6.1. International guidance standard on sustainable procurement

Adopting responsible procurement contributes to a sustainable world. It can also help an organisation to build a stronger reputation, grow recognition, and encourage stronger partnerships.

¹ Currently being drafted

In 2017, the first International Standard for Sustainable Procurement (ISO20400) was released as a guide to implementing social responsibility and sustainability through the procurement process. It provides an understanding of what is sustainable procurement, how sustainability impacts the different aspects of the procurement activity - policy, strategy, organisation, process – and how to implement sustainable procurement practically.

It is relevant to any organisation regardless of sector, size and location as well as to any stakeholder involved in or impacted by procurement decisions and processes. It does not replace legislation, policy or ethical frameworks in the areas of procurement and sustainability, but provides a basis for an effective integration of sustainability (environmental, social, economic) concerns into the procurement activity and supply chains.

One of the core subjects of the Standard is 'fair operating practice'. The Standard describes this as applying and promoting ethical conduct in an organisation's dealings with other organisations, including suppliers, contractors, partners, customers, competitors, governments and business associations. It covers:

- anti-corruption
- responsible political involvement
- fair competition
- promoting social responsibility in the supply chain
- respect for property rights

The impact of something going wrong in any of the above areas can be significant and affect stakeholders, staff, suppliers and whole communities. The case of Carillion, the multinational facilities management and construction services company that collapsed in 2018 taking hundreds of supply chain contracts with it, highlights where UK Government procurement should have recognised that low bids, high numbers of contracts and poor payment practices were all warning signs that the company might be no longer viable.

Sustainable procurement emphasises the importance of competition and fair practices throughout the supply chain. Low pricing, extended terms and late payments are among the warning signs that something may be amiss. Just as the negative effects can be far-reaching, the influence of sustainable procurement to make positive changes can be just as impactful.

Areas that this Policy seeks to address include:

- does the Trust have a positive impact on its suppliers and local economy?
- what effect are the Trust's practices having on its reputation?
- can the Trust promote social responsibility in the supply chain?

This Policy aims to provide direction to the Trust by looking at international and national guidance on sustainable procurement and how this can flow through to the Trust's policies and practices.

6.2. Expectations of health and care system organisations

Within the health and care system in England, a national unit – the Sustainable Development Unit (SDU) – has been set up by NHS England and Public Health England to support the NHS, public health and social care to embed and promote the three elements of sustainable development – environmental, social and financial.

The SDU has identified five key actions for health and care system organisations:

- Have a board-approved [Sustainable Development Management Plan](#) in place and report progress against it regularly.
- NHS England requires all CCGs and the Department of Health (DH) requires all NHS Trusts to report on sustainability as part of their annual reporting process. The SDU, DH and a number of NHS organisations and CCGs have developed a [standard template](#).
- Evaluate their commitment to corporate social responsibility by using the [Sustainable Development Assessment Tool](#) (replaced the Good Corporate Citizen self-assessment tool).
- Engage their staff and communities to help them understand why and how to be more sustainable.
- Report on how they plan to [adapt to a changing climate](#)

In August 2015 the Trust Board approved a Sustainable Development Management Plan (SDMP) for the Trust (see Section 11). As part of the SDMP it was agreed to implement a Sustainable Development Group, chaired by the Director of Facilities Management. The overall objective of the Sustainable Development Group was “*to ensure the effectiveness of Trust policies on sustainability and CSR, and oversee, monitor and report on the environmental performance of the Trust.*”

In 2018 the Sustainable Development Group was refreshed and its Terms of Reference extended to include wider sustainability matters such as social value and enhancing/encouraging the wellbeing of Trust staff and the Trust’s communities.

6.3. Trust aims and objectives towards achieving sustainable procurement

Procuring goods and services in a more sustainable way offers the Trust the potential to deliver whole-life cost savings, support Good Corporate Citizenship and to safeguard its positive reputation in the local and wider community.

To achieve this, the Trust will seek to:

- Comply with all relevant legislation, and develop a structured and systematic approach to the management of the environment and sustainable issues through considering these aspects in all purchasing decisions that Procurement can influence.
- Support the achievement of the carbon reductions targets established by the NHS Carbon Reduction Strategy of 34% by 2020, 64% by 2030 and 80% by 2050 and where possible exceed these targets.

- Establish baselines for all relevant activities and set measurable objectives and targets using national systems where available.
- Establish a carbon/sustainability weighting to all investment and procurement options.
- Help to preserve natural resources by supporting the development and implementation of policies and strategies to:
 - Reduce the unnecessary and wasteful use of energy and water.
 - Make more economical and effective use of products such as paper, glass, plastic, cans, batteries and other similar products.
- Support the development of strategies and controls to protect the environment including discharges to drains, emissions to atmosphere, land management and bio-diversity action plans.
- Adopt the minimum mandatory [Government Buying Standards](#) when procuring goods and services (see Appendix G).
- Support the implementation and promotion of schemes to increase recycling, such as the Trust's ['Warp-It'](#) scheme.
- Encourage staff to promote their health and wellbeing, whilst reducing their carbon footprint through supporting the implementation of a travel plan to include walking, cycling, use of public transport, car sharing initiatives and home working.
- Work with partners - especially NHS organisations and local authorities - in developing whole community solutions to carbon emissions. Also work closely with regional and national agencies to develop leading sustainability practice.
- Provide training for employees, partners and contractors especially in terms of sustainability, climate change and carbon literacy as these relate to procurement processes and decisions.
- Pursue an active communications initiative to engage all staff, patients, visitors and others who visit or use the Trust's facilities.

6.3.1. WASTE: Aim - to minimise waste associated with our activities

- Procurement is committed to reducing the amount of material that is disposed of by rethinking the requirements for goods and encouraging the use of recycled goods where possible;
- Where waste needs to be disposed of, Procurement is committed to finding recycling solutions in line with legislative requirements and duty of care;
- Procurement will work with suppliers to identify packaging materials and reduce unnecessary packaging.

6.3.2. ETHICAL PROCUREMENT: Aim – to ensure Procurement is conducted in an ethically sound manner

- Procurement will consider the Ethical Procurement guidelines published by the Chartered Institute of Procurement and Supply when procuring on behalf of the Trust;
- Ensure fair pay and working conditions exist across the supply chain;
- Work with suppliers to identify and minimise ethical issues in supply chains, including but not limited to:
 - Modern slavery;
 - Corruption;
 - Bribery;
 - Human trafficking.

6.3.3. SUSTAINABLE PROCUREMENT: Aim – to ensure sustainability is a key consideration in all procurements

The Public Sector has a vital role to play in furthering sustainable development through the procurement of goods, supplies and services.

- SHSC Procurement will promote leadership - and raise the profile of - sustainable procurement practices, working with suppliers to help achieve this;
- Work towards reducing fossil fuel emissions to minimise climate change;
- Reduce the usage of hazardous materials;
- Increase employment, skills and equality across the region;
- Protect biodiversity;
- Train and develop staff in the principles of sustainability and sustainable procurement;
- Undertake whole-life costing when purchasing equipment to include training, implementation, and disposal of goods;
- Support innovation that provides sustainable solutions and reduces the consumption of resources, working with commissioners within the Trust and our supply chain;
- Reduce transactional costs by implementing electronic methods such as eProcurement, eTendering and eCatalogues;
- Ensure procurement activity is compliant with Government and Public Procurement legislation;

- Support the Trust's initiatives on sustainability (e.g. carbon reduction), working with stakeholders to deliver the NHS Carbon Reduction Strategy for England, driving change towards a low carbon society, progressing towards the Climate Change Act.

6.3.4. EQUALITY AND DIVERSITY: Aim – to promote equality and diversity in SHSC's activities

- Procurement will ensure its activities and those of its suppliers and customers comply with Government legislation;
- Procurement will work to Trust-wide equality and diversity targets;
- Procurement will adopt equality and diversity criteria in its tender documents.

6.3.5. SMALL and MEDIUM SIZED ENTERPRISES (SME), BLACK and MINORITY ETHNIC (BME) AND SOCIAL ENTERPRISE ENGAGEMENT: Aim – to consider and promote the use of SME, BME and Social Enterprises

- Procurement will increase the level of awareness of procurement processes to SME, BME and Social Enterprise by advertising all requirements on its eTendering portal, In-tend;
- Commit to working with the Sheffield Progressive Procurement Group (see paragraph 6.4.1), the Chamber of Commerce and Small Business Confederation to increase procurement knowledge to these suppliers;
- Use the apportionment of "Lots" in its tender exercises to break down larger contracts into smaller capacities where possible;
- Encourage larger suppliers to sub-contract to SMEs, BMEs, social enterprises and local suppliers;
- Encourage SMEs, BMEs, social enterprises and local suppliers to partner with larger suppliers in order to respond to contracting opportunities;
- Hold supplier briefings prior to issuing tenders to explore innovation and ensure that specifications are realistic and deliverable;
- Include Third-Sector and Voluntary Groups in procurement opportunities.

6.4. Corporate Social Responsibility (CSR) and Procurement

6.4.1. CSR

The Trust ensures that a positive impact is felt locally when undertaking procurement exercises by following the principles that are set out in the Public Services (Social Value) Act (2012) and by having a robust approach on corporate social responsibility (CSR). As an organisation that spends a significant amount of public money, Sheffield Health and Social Care NHS Foundation Trust has a role to play in addressing social impact and cohesion across the city of Sheffield.

There are a number of benefits that can be obtained by having a robust and positive approach to social value and CSR which range from the creation of employment and training opportunities to the economic benefits gained of retaining the Sheffield pound within the Sheffield area.

The Public Services (Social Value) Act (2012) puts a duty on public sector organisations to ensure that they consider how services can improve the social, economic and environmental well-being of the region, and consider - then demonstrate - that some degree of social value has been sought and achieved during procurement activities.

The Head of Procurement represents the Trust on the Progressive Procurement Group. The Group comprises procurement leads from public sector bodies across Sheffield (e.g. health, higher education, housing association, local authority) and seeks to identify collective procurement opportunities where public sector expenditure could be used for the greater good of the city of Sheffield.

The aim is to link into key policy themes of the Sheffield City Region² such as:

- Increasing private sector/economic growth;
- Increasing the number of jobs in the local economy;
- Tackling worklessness;
- Increasing local environmental sustainability.

The Trust recognises and values the added benefits that local businesses and organisations can provide to us and to the wider community. All procurement activity will, where appropriate, be structured to maximise the potential for skills training, apprenticeships and job creation within Sheffield.

Local companies providing goods, services and works to the Trust will be encouraged to undertake the following:

- Improve skills and job opportunities for local people across Sheffield;
- Include a requirement to support local employment and skills outcomes where relevant to the purpose of a contract;
- To gain greater intelligence through consultation, feedback and analysis of outcomes to further develop initiatives to improve employment and skills through procurement activity.

European and national legislation limits our ability to favour local businesses, but there are numerous ways that we can legitimately support local businesses that include:

- Working pro-actively with partners to support local businesses through media and workshops to explain how to do business with the Trust, and obtain their feedback in order to improve documentation and processes;
- Providing information about future procurement activity, and advertising tenders on the Contracts Finder portal;
- Packaging contracts in a manner, where possible, that does not preclude the following from tendering:
 - Local and regional companies;

² <https://sheffieldcityregion.org.uk/>

- Small and medium sized enterprises;
- Newly formed businesses;
- The voluntary and community sector.

Additionally, Procurement will maintain sustainable and socially responsible procurement that considers the implications of CSR in all tender evaluations.

6.4.2. Environmental Impact

It is Trust policy to minimise adverse impacts on the environment by carrying out its purchasing activities in an environmentally responsible manner.

All staff should be aware of the need to consider environmental and sustainability issues in any procurement but some key considerations must include:

- Selecting goods with low environmental impact, e.g. all white goods purchased should be energy rated B or better;
- Using suppliers and contractors who adhere to a strict environmentally friendly practice;
- Insisting that when tender contracts are developed, that suppliers provide a range of goods and services that are in keeping with Trust environmental policies;
- Wherever possible, purchasing Fair Trade goods.

6.4.3. Equalities Considerations

It is Trust policy that appropriate equal opportunities considerations be incorporated into the production of specifications, evaluation of tenders, and contractor performance management. The aim is to ensure that suppliers work to eliminate the potential for unlawful or unfair discrimination to occur in relation to their employment practices and through the provision of goods, services and works to the Trust. Specifications and/or conditions of contract used by the Trust will make clear contractors' obligations.

6.4.4. Modern Slavery Act

In accordance with the Modern Slavery Act 2015, the Trust makes the following statement regarding the steps it has taken to ensure that Modern Slavery (i.e. slavery and human trafficking) is not taking place in any part of its supply chains.

“SHSC is committed to ensuring that there is no Modern Slavery or Human Trafficking in our supply chains or in any part of our business. We are committed to social and environmental responsibility and have zero tolerance for Modern Slavery and Human Trafficking. Any identified concerns regarding Modern Slavery and Human Trafficking are escalated as part of the organisational safeguarding process working in conjunction with our partner agencies.”

The Trust aims to be as effective as possible in ensuring that Modern Slavery and Human Trafficking is not taking place in any part of its business or supply chains and in addition to the above actions, will measure its performance against the following indicators:

- The Trust will strive to build long standing relationships with its suppliers and make clear the Trust's expectations of business behaviour. Where national or international supply chains are used, the Trust expects suppliers to have suitable anti-slavery and human trafficking policies and procedures and where there is a risk of Slavery and Human Trafficking taking place, steps will be taken to assess and manage that risk.
- To develop a level of communication with the next link in the supply chain and their understanding of, and compliance with, the Trust's expectations in relation to the NHS terms and conditions. These conditions relate to issues such as bribery, slavery and other ethical considerations.
- To work in partnership with multi-agency partners leading on this agenda in South Yorkshire, and ensure that the Trust is represented on these Committees.
- To ensure that Modern Slavery and Human Trafficking training is available to staff and to incorporate it into safeguarding training. In addition, that all new staff will complete safeguarding training which includes Modern Slavery. The Trust will ensure that additional training is available via the Safeguarding team and appropriate training is designed for the Procurement Department.

6.5. Ethical Standards

It is the intention of the Trust that all suppliers must be treated fairly and equitably, and purchasers and Trust staff engaged in the procurement process must always act with integrity and honesty. To support the importance of ethical behaviour, Trust staff should have an awareness of the seven Principles of Public Life - known as the Nolan principles - which can be accessed here:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

6.5.1. NHS Employees' Responsibilities

All members of staff must comply with the Trust Standing Orders (SOs) and Standing Financial Instructions (SFIs). Additionally, all members of the Procurement Department are expected to abide by the professional [Code of Conduct](#) of the Chartered Institute of Procurement and Supply (CIPS). Members of CIPS are required to uphold this code and to seek commitment to it by all the parties they engage with in their professional practice.

6.6. Audit of Procurement Activity

The Head of Procurement has overall responsibility for ensuring that the procurement of all goods and services (excluding pharmacy and works) is executed within agreed procurement policy and procedures.

Regular and appropriate independent audits may be carried out on procurement activity.

Audits may include (but are not limited to):

- Purchase Orders raised through Integra;

- Purchases made outside the Procurement department (for example, through delegated systems);
- Procurement activity in line with SFIs;
- High value business-critical projects;
- Single Tender Waivers;
- Compliance with EU Procurement Regulations and UK Public Contracts legislation.

6.7. Procurement Training

Effective and relevant procurement training is a key element in the drive to increase the level of professionalism among all staff involved in the procurement process. The Procurement Department, in conjunction with the Trust's Sustainability Lead, will commit to supporting and encouraging relevant developmental and legislative updates and training.

A list of free, online training resources on sustainable procurement and sustainability can be found in section 8.

6.8. The Generic Procurement Process - Identifying and authorising the need

In some cases there may not be a need to undertake a formal procurement process; for example:

- If goods are required it may be that there is existing surplus elsewhere in the organisation. Items identified as surplus to the Trust's needs and which can be transferred internally (often on a free of charge basis) can be found on the Trust's [Warp It](#) page. Warp It also enables access to public or third sector partner organisations who may also have surplus items available (although transport charges may apply especially if the organisation is external to Sheffield);
- The goods required are available through NHS Supply Chain (see section 6.9);
- There may be existing corporate contracts already in place (the Procurement Department will be able to advise);
- There may be other solutions/formats such as electronic processes which can be implemented that will deliver better value.

If it is necessary to undertake a procurement process, it should be planned taking account of the stages described below as part of a good practice procurement process to ensure a best value outcome is achieved.

Authorisation for the procurement to be initiated should be secured in accordance with the categories and limits outlined in the Trust's Scheme of Delegation, and provided to the Procurement Department.

Any matters relating to the acquisition of goods and/or services must be discussed with the Procurement Department at the earliest possible stage of the process.

6.9. NHS Supply Chain

NHS Supply Chain is one of the Trust's largest suppliers in terms of volume of products supplied. Its Sustainability Corporate Statement can be found on its website³ together with details of how it seeks to make its operations sustainable. NHS Supply Chain's aim is *"to support our customers by realising opportunities for sustainable development through sustainable operations and sustainable procurement to ultimately deliver sustainable value."*

NHS Supply Chain is driving its activities to:

- Reduce waste, saving money and minimising environmental impacts
- Improve delivery efficiencies, ensuring continuity of supply
- Procure and operate responsibly and ethically
- Build supply chain resilience

NHS Supply Chain is ISO14001 accredited across its seven distribution centres in the UK. Through setting objectives and maintaining operational procedures, they are able to manage their environmental impact as a business and ensure they reach the level of improved environmental performance they set out to achieve.

NHS Supply Chain works with its suppliers on its Ethical Procurement Strategy to build contract conditions, and introduces "Labour Standards Assurance System" into tenders where there are known and documented risks of labour standards violations or non-compliances. Through the implementation of the Labour Standards Assurance System, NHS Supply Chain engages with its supply base to raise awareness of the obligation on suppliers to comply with the UK Modern Slavery Act 2015. Further, their Code of Conduct outlines their main principles for suppliers in the area of labour standards, worker welfare, the environment, ethical behaviours and business continuity. NHS Supply Chain expects all its suppliers to adhere to these principles and in addition the code encourages suppliers to communicate the principles and guidelines for ethical behaviour to its own subcontractors and business partners involved in supplying the goods and services.

6.10. Other Considerations

When considering the options described above it may also be relevant to think about other general considerations in relation to the procurement process. These may include:

All procurement processes must be carried out with integrity, to the highest ethical standards, and be well documented to provide an "auditable trail". The documentation should include a record of decisions, by whom they were made and the rationale for the decisions. The process and documentation must be robust and be able to withstand scrutiny. The Freedom of Information Act enables any person to access a wide range of documents. Always produce documents on the assumption that companies and the public can view them unless they are excluded from publication by a specific exemption.

Good practice, depending on the nature of the procurement process, will also include researching existing or potential markets, identifying and addressing the legal and corporate requirements associated with the process, considering whether there may

³ <https://www.supplychain.nhs.uk/about-us/sustainability/>

be Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) implications, and risk analysis and risk management.

Ensure that all third parties who can impact on, or influence, the contracting process are identified at an early stage. For example, if the Trust leases assets from a third party their consent will be required to assign those leases. An action plan for engaging and securing agreement with such parties must be included in the initial considerations.

If the contract includes a possible staff transfer, build in compliance with all legislative, national and Trust requirements for staff transfers and address potential future transfer issues.

Consider all aspects of the contract in advance. Examples would include:

- maintenance or running costs;
- the cost and availability of consumables;
- initial and on-going training requirements;
- licensing requirements;
- the use, disposal or transfer of assets and the end of the contract, etc.

This is referred to as 'whole life costing', and all tenders will be evaluated on the basis of long term value for money using whole life costing to assess (where appropriate):

- Purchase, installation, transportation and commissioning costs;
- Operating costs, including labour, maintenance, recycling, energy, water and consumables;
- Management costs, including training, insurance, health and safety and environmental costs;
- Spend to save initiatives;
- Disposal.

Certain types of goods will require a maintenance contract to be entered into at the same time as the initial purchase to ensure they will be maintained and/or managed to acceptable standards. The issuing of a [Pre-Acquisition Questionnaire \(PAQ\)](#) to a prospective supplier prior to purchase will help to inform on this and many other aspects listed above. In many cases the Trust's Estates Services can offer advice on what is required. Maintenance costs will be met by the Service acquiring the goods in the majority of cases unless otherwise agreed by the Director of Facilities Management.

Where the goods to be purchased are classed as a medical device, the issuing of a PAQ will be mandatory. In such cases advice on maintenance, etc. may be obtained from the Clinical Engineering Department.

There is a legal requirement to carry out adequate vetting of contractors' personnel (including police checks in specified service areas) when staff will be accessing potentially sensitive or vulnerable service users, information, or premises.

6.11. Environmental Procurement Policy Statement

6.11.1. Introduction

This Statement develops the existing Procurement Policy to minimise adverse impacts on the environment to detail specific aims and objectives that will enable the Trust to act as a role model by carrying out its purchasing activities in an environmentally responsible manner.

This Statement:

- Applies to all staff involved in the procurement process and relates to all goods, services and works procured.
- Is consistent with the Chartered Institute of Procurement and Supply (CIPS) Environmental Purchasing in Practice Guidance which can be accessed here: <https://www.cips.org/Documents/Resources/Knowledge%20Summary/Sustainable%20Procurement.pdf> and with the United Kingdom's commitment to sustainable development.
- Will be reviewed and revised as necessary, at least annually.

6.11.2. Responsibility

Overall responsibility for integrating environmental considerations into the procurement process is taken by the Head of Procurement. All staff involved in the procurement process as defined within this Policy are required to follow the principles of the policy.

6.11.3. Aims

The Trust aims to continually improve its environmental performance by:

- Working towards the adoption of best practice in relation to all current statutory regulations that impact on procurement, and specifying that suppliers do the same.
- Reducing waste through re-use and recycling and by using refurbished and recycled products and materials where such alternatives are available.

6.11.4. Objectives

The Trust will strive to preserve natural resources and reduce pollution by pursuing the following objectives:

- Encouraging and persuading suppliers to investigate and introduce processes and products that reduce the impact on the environment. Wherever possible, within the EU Procurement Directives, purchases will be made from suppliers that can demonstrate that they have action plans and results in terms of environmental improvement, rather than those that merely have a general environmental policy.
- Specify wherever possible, environmentally-friendly products or services, defined according to their environmental performance and the production process used.

- Incorporating environmental considerations into Trust procurement processes.
- Communicating openly with staff in relation to environmental policies and best practice and co-operating with others in the public and private sectors at home and abroad to develop and promote environmentally sound procurement practices.

6.12. Procurement Equalities Policy Statement

6.12.1. Key Responsibilities

Purchasers for the Trust must make best endeavours to ensure that suppliers and contractors work to eliminate the potential for unlawful or unfair discrimination to occur by including equalities issues in the procurement process, particularly within the specification, terms and conditions of contract, and evaluation and contract management stages.

- in relation to their own employment practices (including staff training, recruitment, promotion and monitoring), and;
- through the provision of goods, services and works to and on behalf of the Trust.

6.12.2. Application of this Policy

The key elements of general procurement remain, in that purchasing should be based on competition and best value. This principle is reinforced by the UK's international obligations as members of the EU. The policy does, however, allow business areas within the Trust to specify goods, services and works which are to be produced or provided in accordance with good equalities practice, provided a balance is struck between costs, benefits and other relevant factors.

Equalities considerations will be relevant to all contracts, with very few exceptions. However, such considerations will be particularly relevant when a contract requires - or is likely to require - a supplier to provide staff to work on Trust premises alongside Trust or other staff members or members of the public.

6.13. Bribery Act 2010

The potential for fraud, bribery and corruption exist throughout all stages of a procurement process and in the pre- and post- phases of a procurement exercise. This Policy and the Standing Orders and Scheme of Delegation exist to reduce this potential, and failure to adhere to the requirements of these documents increases the individual's - and the Trust's - exposure to fraud, bribery and corruption.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed.

The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

This Act also created an offence, under section 7, which can be committed by organisations that fail to prevent persons associated with them from committing bribery on their behalf. An organisation will be liable to prosecution if a person associated with it bribes another person intending to obtain or retain business as an advantage in the conduct of business for that organisation. An organisation failing to prevent bribery is punishable by way of an unlimited fine.

For further information and guidance, see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>

If you require assistance in determining the implications of the Bribery Act please refer to the Trust's Counter Fraud, Bribery and Corruption Policy available under the Finance section of the Policies widget on the Trust's intranet, or contact the Local Counter Fraud Specialist on telephone 01709 428702 or by emailing robert.purselove@nhs.net

The Bribery Act 2010 applies to this policy.

7. **Dissemination, storage and archiving (Control)**

This Policy will be available to all Trust staff via the Trust's Intranet through the Procurement page which is part of the Finance Directorate portal. If required, a paper copy can be provided by the Procurement Department.

All previous versions of the Procurement Sustainability Policy should be destroyed.

Archived policies are available by contacting the Procurement Department.

8. **Training and other resource implications**

The Procurement Department offers training and support to managers and staff in the implementation of this Sustainable Procurement Policy.

The following is a list of free, online training resources available:

[National Sustainable Public Procurement Programme](#) – provided by Loreus (requires one-time registration). The courses include:

- **Ethical Procurement for Health eLearning resource** - An online resource comprising of three e-learning modules that are based on the EPH workbook. It aims to provide a basic understanding of labour standards risks associated with the procurement of goods and services. Users receive a certificate after passing the test at the end of each level.
- **Carbon Literacy eLearning resource** - A modular, online course that aims to provide the principles behind carbon management through procurement. There are three levels; users receive a certificate after passing the test at the end of each level.

- **Environmental Issues in Procurement** - A single-module, awareness course aiming to provide a basic understanding of environmental issues and how these are relevant to procurement.

[Ethical Procurement for Health - 'The Human Cost of Healthcare' awareness raising video](#)

This video highlights some of the labour standards issues that can exist in medical supply chains and points to actions that can be taken to address these. The Modern Slavery Act and obligations for transparency in the supply chain are pertinent to a number of the points highlighted in the video.

9. Audit, monitoring and review

The Procurement Department will monitor the application of the Policy via its monthly dashboard reporting. Procurement may also undertake its own audit of compliance using historic spend data and contract management information controlled by Procurement.

The appropriateness of the Policy will also be monitored and reviewed as required in light of proposed changes to the model of delivery for procurement services across the South Yorkshire and Bassetlaw Accountable Care System.

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
Policy to be monitored as part of audit regime of expenditure	Compliance with the Policy will be monitored through audit reporting	Internal Audit	Setting of timescales will be agreed as part of the annual audit plan. Full internal audit should be carried out at least once every three years.	Head of Procurement	Any required review/action to be determined by Trust Audit Committee	Senior Procurement staff in conjunction with Trust Audit Committee
Policy to be reviewed in line with Trust's normal review process and in line with public procurement legislation	To be reviewed after any relevant public procurement law changes	Senior Procurement staff, Trust's Sustainability Lead (Estates and Facilities Support Officer)	Whenever there are any changes to relevant public procurement legislation	Head of Procurement	Policy Governance Group (PGG), Business Planning Group (BPG) and Finance & Investment Committee (FIC)	Senior Procurement staff, Trust's Sustainability Lead (Estates and Facilities Support Officer)

Policy to be reviewed in line with any changes to model of delivery for procurement services	Appropriateness to be reviewed after any significant changes to model of delivery of procurement services to the Trust	Senior Procurement staff, Trust's Sustainability Lead (Estates and Facilities Support Officer)	Whenever there are any significant changes to the model of delivery of procurement services that directly affect the Trust	Head of Procurement	PGG, BPG and FIC	Senior Procurement staff, Trust's Sustainability Lead (Estates and Facilities Support Officer)
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10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Once ratified, upload new policy onto intranet and remove old version	Communications Manager	TBA	TBA
Agree communication to be sent from Head of Procurement via Communications Bulletin informing them of the new Policy	Procurement Team Manager	TBA	TBA

11. Links to other policies, standards and legislation (associated documents)

Associated Documents (Trust documents are located on the intranet site)

- Trust Procurement Policy
- Trust Declaration of Interests and Standards of Business Conduct Policy
- Trust Standing Orders Reservation and Delegation of Powers and Standing Financial Instructions
- Trust Anti-Bribery Policy
- Trust Counter Fraud Bribery and Corruption Policy
- Trust Engaging Individual Self-Employed Contractors (Procurement Policy)
- Trust Sustainable Development Management Plan (2015)
- Trust 'Warp-It' scheme (details on Facilities page of Trust intranet)
- Trust Transport Policy
- Trust Waste Management Policy
- NHS Procurement & Commercial Standards (2013, revised 2016)
- NHS eProcurement Strategy (2014)
- NHS Procurement Transparency Guidance (2017)
- Code of Conduct for NHS Managers

External Documentation

- [ISO 20400 - Sustainable Procurement guidance standard \(2017\)](#)
- [The Public Contracts Regulations 2015 \(S.I. 102\)](#)
- The Light Touch Regime (Regulations 74 to 76 of the Public Contracts Regulations 2015)
- Guidance on the new Light Touch Regime for Health, Social, Education and Certain Other Service Contracts (2016)
- [Bribery Act 2010](#)
- [CIPS Code of Conduct](#)
- [Freedom of Information Act 2000](#)
- [Data Protection Act Chapter 29](#) (to be strengthened in 2018 by the [General Data Protection Regulation](#))
- [Environmental Protection Act 1990](#)
- [The Government Buying Standards \(GBS\)](#)
- [The Environment Act 1995](#)
- [The Management of Health and Safety at Work Regulations 1992](#)
- [The Control of Substances Hazardous to Health \(Amendment\) Regulations 2004](#)
- [The Environmental Protection \(Duty of Care\) Regulations 1991](#)
- [The Environmental Information Regulations 2004](#)
- [Modern Slavery Act 2015](#)
- [The Public Services \(Social Value\) Act \(2012\)](#)
- [Ethical Procurement for Health: Workbook](#) (published by the Sustainable Development Unit)
- [Sustainable Development Strategy for the Health and Social Care System 2014 - 2020](#) (Sustainable Development Unit)
- [Climate Change Act \(2008\)](#)
- [National Adaptation Programme to Climate Change](#) (Sustainable Development Unit)
- The European Union Emissions Trading System (EU ETS) and [The Carbon Reduction Commitment Energy Efficiency Scheme \(CRC\)](#)

- [The Civil Contingencies Act \(2004\)](#)

Legal Framework

DIRECTIVE 2004/18/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL This is the European Union's legal directive which is legally binding on all public sector organisations. A copy of the legislation is available from:

- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:EN:HTML>

Securing best value for NHS Patients. This proposal identifies the requirements for Trusts to procure goods and services which attain Best Value.

- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/156122/PCCR-consultation-Final.pdf.pdf

The Sustainable Development Unit - funded by and accountable to NHS England and Public Health England – work across the NHS public health and social care system. It is involved in tracking national and sub-national progress of the health and care system's journey towards a more sustainable future. This includes:

- Tracking the Health and Care System (HCS) carbon footprint since 2015 - [read more](#)
- Tracking the NHS carbon footprint since 2008 - [read more](#)
- Preparing maps showing progress in meeting specific measures - [read more](#)
- Market research into public perception of the importance of sustainability in the health system - [read more](#)

NHS Supply Chain – is one of the Trust's largest suppliers in terms of volume of products supplied. It provides not only cash releasing savings but wider sustainability benefits for NHS customers. It regularly publishes Sustainability Reports on [its website](#).

12. Contact details

The Procurement Team is available for support and advice. Individual Team members' contact details can be found on the Procurement page of the Finance Directorate portal on the Trust's intranet.

13. References

NHS Procurement & Commercial Standards (2016)

<https://www.gov.uk/government/publications/nhs-procurement-standards>

The Public Contracts Regulations 2015 (S.I. 102)

www.legislation.gov.uk/uksi/2015/102/pdfs/uksi_20150102_en.pdf

See also Section 11 of this Policy.

Appendix A – Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1.0	Draft document created	July 2015	Under former Interim Head of Procurement
1.0	Consultation on draft	Dec 2015	Under former Interim Head of Procurement
1.0	Ratifications	Jan 2016/Apr 2016	Under former Interim Head of Procurement
1.0	Policy issued	May 2016	Under former Interim Head of Procurement
1.0	Extension of Ratification Period	May 2017	Ratification period extended by EDG to October 2018
2.0	Policy re-drafted	March 2018	Re-write of policy
2.0	Consultation on draft	August 2018	N/A
2.0	Submission to Policy Governance Group	October 2018	N/A
2.0	Submission to EDG	November 2018	N/A

Appendix B – Dissemination Record

Version	Date on website (intranet and internet)	Date of “all SHSC staff” email	Any other promotion/ dissemination (include dates)
2.0	TBA	TBA	Launch through Policy Governance Group

Appendix C – Stage One Equality Impact Assessment Form

Equality Impact Assessment Process for Policies Developed Under the Policy on Policies

Stage 1 – Complete draft policy

Stage 2 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public?

YES

If **NO** – No further action required – please sign and date the following statement. If **YES** – proceed to stage 3

This policy does not impact on staff, patients or the public (insert name and date)

--

Stage 3 – Policy Screening - Public authorities are legally required to have 'due regard' to eliminating discrimination, advancing equal opportunity and fostering good relations, in relation to people who share certain 'protected characteristics' and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/don't know and note reasons). Please see the SHSC Guidance on equality impact assessment for examples and detailed advice.

This is available by logging-on to the Intranet first and then following this link https://www.xct.nhs.uk/widget.php?wdg=wdg_general_info&page=464

	Does any aspect of this policy actually or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
AGE	NO	N/A	N/A
DISABILITY	NO	N/A	N/A
GENDER REASSIGNMENT	NO	N/A	N/A
PREGNANCY AND MATERNITY	NO	N/A	N/A
RACE	NO	N/A	N/A
RELIGION OR BELIEF	NO	N/A	N/A
SEX	NO	N/A	N/A
SEXUAL ORIENTATION	NO	N/A	N/A

Stage 4 – Policy Revision - Make amendments to the policy or identify any remedial action required (action should be noted in the policy implementation plan section)

Please delete as appropriate: Policy Amended / Action Identified / no changes made.

Impact Assessment Completed by (insert name and date)

VIVIENNE MORLEY

5 SEPTEMBER 2018

Appendix D - Human Rights Act Assessment Form and Flowchart

You need to be confident that no aspect of this policy breaches a person's Human Rights. You can assume that if a policy is directly based on a law or national policy it will not therefore breach Human Rights.

If the policy or any procedures in the policy, are based on a local decision which impact on individuals, then you will need to make sure their human rights are not breached. To do this, you will need to refer to the more detailed guidance that is available on the SHSC web site

<http://www.justice.gov.uk/downloads/human-rights/act-studyguide.pdf>

(relevant sections numbers are referenced in grey boxes on diagram) and work through the flow chart on the next page.

1. Is your policy based on and in line with the current law (including case law) or policy?

Yes. No further action needed.

No. Work through the flow diagram over the page and then answer questions 2 and 3 below.

2. On completion of flow diagram – is further action needed?

No, no further action needed.

Yes, go to question 3

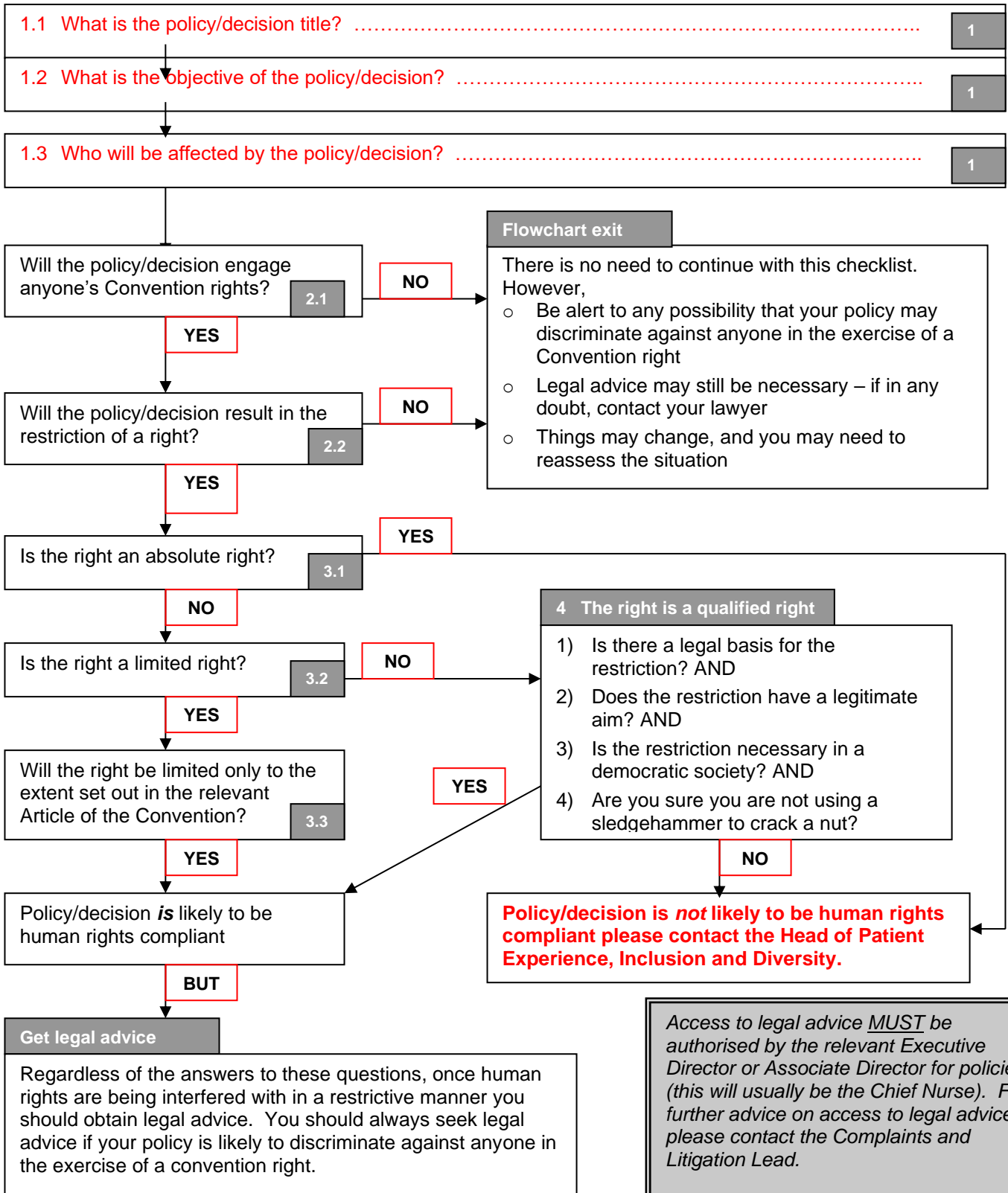
3. Complete the table below to provide details of the actions required

Action required	By what date	Responsible Person

Human Rights Assessment Flow Chart

Complete text answers in boxes 1.1 – 1.3 and highlight your path through the flowchart by filling the YES/NO boxes red (do this by clicking on the YES/NO text boxes and then from the Format menu on the toolbar, choose 'Format Text Box' and choose red from the Fill colour option).

Once the flowchart is completed, return to the previous page to complete the Human Rights Act Assessment Form.



Appendix E – Development, Consultation and Verification Record

This Policy has been developed by the Head of Procurement in line with relevant legislation, standards, guidance and policies appertaining to public sector procurement that were applicable at the time of drafting the document.

Consultation was sought with the Trust's Sustainability Lead (Estates and Facilities Support Officer), Directorate Leads, Facilities and Finance representatives. Minor amendments were made as a result of the feedback received.

The Policy was formally submitted to the Policy Governance Group (PGG) to their October 2018 meeting for management review.

Appendix F –Policy Checklist

1. Cover sheet



All policies must have a cover sheet which includes:

- The Trust name and logo
- The title of the policy (in large font size as detailed in the template)
- Executive or Associate Director lead for the policy
- The policy author and lead
- The implementation lead (to receive feedback on the implementation)
- Date of initial draft policy
- Date of consultation
- Date of verification
- Date of ratification
- Date of issue
- Ratifying body
- Date for review
- Target audience
- Document type
- Document status
- Keywords
- Policy version and advice on availability and storage

2. Contents page



3. Flowchart



4. Introduction



5. Scope



6. Definitions



7. Purpose



8. Duties



9. Process



10. Dissemination, storage and archiving (control)



11. Training and other resource implications



12. Audit, monitoring and review



This section should describe how the implementation and impact of the policy will be monitored and audited and when it will be reviewed. It should include timescales and frequency of audits. It must include the monitoring template as shown in the policy template (example below).

- 13. Implementation plan
- 14. Links to other policies (associated documents)
- 15. Contact details
- 16. References
- 17. Version control and amendment log (Appendix A)
- 18. Dissemination Record (Appendix B)
- 19. Equality Impact Assessment Form (Appendix C)
- 20. Human Rights Act Assessment Checklist (Appendix D)
- 21. Policy development and consultation process (Appendix E)
- 22. Policy Checklist (Appendix F)
- 23. The Government Buying Standards (Appendix G)

The Government Buying Standards

First published in February 2012 by the Department for Environment, Food and Rural Affairs, the Government Buying Standards (GBS) were drawn up to provide government procurers with a set of minimum mandatory standards (specifications) for goods and services to be used when procuring (e.g. in tender documents). The GBS were mandated for use by all government departments and their related organisations, although the wider public sector (including NHS Trusts) was encouraged to use them.

The current list of GBS documents is given below with the date of when the document was last updated (readers should refer to [the GBS website](#) for the latest updates/additions/amendments).

Each document includes:

- The scope of goods/services included in the GBS;
- A set of “mandatory” and “best practice” standards (specifications) relating to the goods/services in the GBS;
- Links to additional information (e.g. international and EU standards, additional guidance produced by governmental or trade bodies, other source information).

The Trust will seek to adopt and use the GBS wherever it is practicable to do so.

Goods/Services Covered (Link to GBS Document)	Last Updated
Cleaning Products and Services Includes requirements for sprays, packaging and details of banned chemicals	December 2015
Electrical Goods Includes ovens, dishwashers, refrigeration units, washing machines, tumble dryers	December 2015
Furniture Includes office furniture, seating, dining room furniture etc: rules for refurbishment and reusability	January 2012
Horticulture and Park Services Includes plants, soil products, fertilisers, garden machinery, hydraulic fluids and chainsaw lubricants.	December 2015
Office ICT equipment Includes computers, printers, scanners and workstations	January 2012
Paper and Paper Products Includes office paper and envelopes: bleaching, recycled content, mill broke content	January 2012
Textiles Includes textiles used for uniforms, furnishings and dishcloths: banned dyes, retardants, pesticides	January 2012

Goods/Services Covered (Link to GBS Document)	Last Updated
Transport (Vehicles) Includes cars, light commercial and all vehicles: standards for emissions, safety, telematics; also zero/ultra-low emission vehicles	December 2017
Construction Projects and Buildings Includes construction/refurbishment projects and products: heating, lighting, taps, paint, timber, etc.	December 2015
Water-Using Products Includes performance standards of water consumption rates for systems that use water: dishwashers, rainwater harvesting equipment, showers/taps/toilets/urinals, vehicle wash water reclaim units, washer dryers, washing machines, water-efficient industrial cleaners	December 2015
Food and Catering Services Includes production/processing/distribution, animal welfare, environment, variety and seasonality, nutrition, resource efficiency, socio-economic (ethical trading, inclusion of SMEs, equality & diversity)	March 2015