



Policy Advisory Committee
12 June 2018
Quality Assurance procurement

Classification	Public
Purpose	For decision
Issue	Progressing the management of our quality assurance activities from August 2020 to July 2023 (with an option for a further two year extension).
Recommendation	To agree the proposed approach to the Quality Assurance Major tender exercise
Financial and resourcing implications	Our quality assurance services costs are calculated on an 'activity' basis. The cost over the last three years has been approximately £186,000 but this varies depending on the quality assurance activity that takes place each year. Some minor changes are expected to the contract schedule to take account of an increase in inflation but overall, the changes fit within the expected budget envelope from August 2018 onwards.
Equality and diversity implications	Our tender process integrates considerations of promoting equality and valuing diversity.
Communications implications	None arising from this paper. In due course, any decision to put our quality assurance contract out to tender will need to comply with the law and in particular, European Union tender requirements.
Annexes	A. Specification for the 2015-20 quality assurance contract B. Procurement Policy Extract from the General Osteopathic Council Governance Handbook available at: https://www.osteopathy.org.uk/about-us/the-organisation/governance-handbook/
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Background

1. The General Osteopathic Council undertakes a range of quality assurance activities to provide assurance that only graduates meeting the Osteopathic Practice Standards are awarded 'recognised qualifications (RQs)'. Our current quality assurance processes are outlined in our General Osteopathic Council Quality Assurance Policies and Processes Paper which can be found at: <https://www.osteopathy.org.uk/news-and-resources/document-library/about-the-gosc/consultation-on-changes-to-the-quality-assurance-of-osteopathic/>
2. Specific aspects of our quality assurance activities are undertaken under contract currently by the Quality Assurance Agency. The scope of the current contract includes project, contract and relationship management, the management of the Visitor pool including recruitment, training and appraisal of Visitors, undertaking visits including initial recognition visits, unscheduled monitoring reviews, five-yearly review visits and monitoring visits, follow up of conditions and action plans, analysis of annual reports, contract evaluation and contribution to the development and implementation of a new quality assurance framework. A copy of the specification for the contract is available at Annex A.
3. The existing contract did not exceed more than £186,000 over the past three years and was awarded from 1 August 2015 to 31 July 2018 with an option to extend further from 1 August 2018 to 31 July 2020. Council agreed to extend the contract on the recommendation of the Committee in 2017. The paper informing this Council decision is available at: <https://www.osteopathy.org.uk/news-and-resources/document-library/about-the-gosc/council-november-2017-item-11-quality-assurance-contract/?preview=true>
4. Decisions about procurement rest with Council. Our procurement policy is set out in the Governance Handbook. An extract of the relevant part of the procurement policy is attached at Annex B. As this contract exceeds £50,000 per year, the procurement process is subject to the additional requirements outlined in paragraph 7 of the extract namely:
 - a. A business case, procurement strategy and project initiation document will be submitted in advance of the procurement for approval by the relevant committee or by Council.
 - b. The procurement panel will include the Chair of Council or another Council member.
 - c. The final award of contract will be subject to agreement of the procurement panel.
 - d. A contract award notice will be published on the GOsC website.
 - e. The outcome of the procurement will be reported to the relevant Committee and/or to Council.
 - f. Where, for any reason, the cost of the procured goods or services increases by 10% or more, or where a significant delay is anticipated, the circumstances will be reviewed by the original tender panel.
 - g. The outcome of the review at f. will be reported to the relevant Committee and/or Council, and be open to review by the Audit Committee.

5. Because of its financial value, the contract must also be advertised on a pan-European basis in accordance with EU procurement rules using the Official Journal of European Union (OJEU).
6. The Policy Advisory Committee undertakes the role of the statutory Education Committee and its duties and terms of reference include to:
 - a. Advise Council on the recognition of qualifications in accordance with section 14(6) of the Act.
 - b. Appoint and manage the performance of visitors to conduct the evaluation of courses under section 12 of the Act.
 - c. Advise Council on matters relating to the withdrawal of recognition of a qualification in accordance with sections 16(1) and 18(5) of the Act.
 - d. Exercise powers to require information from osteopathic educational institutions in connection with its statutory functions in accordance with Section 18 of the Act.
7. Before making decisions about the recognition or withdrawal of 'recognised qualifications' the Council must seek the advice of the Education Committee (See s14 and s16 of the Osteopaths Act 1993).
8. In March 2018, the Committee considered a very draft outline timetable for the quality assurance procurement. Feedback from the Committee included the following:
 - a. Members expressed concern about the decision making process for procurement. It was felt that there was not sufficient information to make a decision on what the correct process would be and that if there was learning to be taken from the previous QA process this should be demonstrated. This would help members to fully understand what was being delegated to the Committee to inform the decision to be made by Council.
 - b. It was explained that based on the procurement rules it was the role of Council to make decisions on procurement but for the QA procurement process the proposal was to be delegated to the Policy Advisory Committee as was the case with the previous tender exercise. The paper before the Committee highlighted an indicative timetable which would be considered in detail at the next meeting in June before decisions were made by Council in July about the tender process to be undertaken.
 - c. The Chief Executive advised members that the procurement decision could be made by a specialist panel and submitted to Council for its endorsement. The expertise to develop the specification for the tender could come from the PAC and the Executive as directed by Council. It was agreed that the process should be articulated for clarity and that this process would take place at the next Committee meeting ahead of a proposal to Council in July.

- d. It was confirmed that with a number of visits due to take place there were plans to recruit and train new QAA lay visitors to ensure there would be a sufficient number of Visitors to cover busy periods of activity.
- e. For the benefit of the Committee the Chair reminded members that following the discussion at the meeting in October 2017, it had been agreed that taking an innovative approach to quality assurance was a subject which required further consideration. At the meeting of Council in January 2018 the Executive advised that due to a number of factors it might not be the right time to take this approach within the timescale of the current QA contract. It was noted that scope to change the QA mechanism within the current contract and indeed future contracts would remain. It was also noted that as a result of the feedback from the Committee a 'call for evidence' about how to undertake quality assurance had been included in the current QA consultation
- f. It was argued that the opportunity to consider a more innovative approach to quality assurance was being missed. It was thought the current system did not measure the ability of students but the ability of the OEIs to present their processes, and that this should be considered. The Head of Professional Standards clarified the position explaining:
- The PAC indicated at its meeting in October 2017, it would like to look at the possibility of more innovative approach to quality assurance.
 - The Executive in its recommendation to Council in January 2018, advised that due to the uncertainty in the external environment it would not be right time consider specific proposals for change. These would be better developed once the external regulatory environment in higher education settled, given that a new regulator, replacing HEFCE, would be established in April 2018.
 - Taking into account the views of the PAC an additional question had been inserted into the current QA consultation about how best the GOsC can carry out quality assurance and the call for evidence was the beginning of the innovative approach to QA as requested.
 - The consultation outcomes would clarify the position in making a number of structural changes to the way quality assurance is conducted including the removal of expiry dates with further information to inform the proposals analysis on risk and policy development in this area in due course.
- g. Members also stressed that in reviewing quality assurance emphasis on issues associated with values and behaviour should also remain a focus.
- h. The Chief Executive advised members that more critical than the approach to quality assurance was the need to ensure that the GOsC did not act illegally in relation to quality assurance which was prescribed in some detail in the Osteopaths Act 1993.

9. This paper asks the Committee to agree the approach and process for the procurement of the quality assurance process to enable Council to make a decision delegate the procurement process to the Committee, should it decide to do so. The more detailed indicative timetable presented in this paper includes opportunity for the Committee to develop and agree key aspects of the tender process including the business case and project initiation document prior to the recommendation being made to Council in early 2019.

Discussion

10. The proposed timeline below sets out a more detailed process and set of decisions to be taken by the Committee along with a clear indication of the options for each decision and the information for development.
11. Due to the commercial nature of the tender process, some of the discussion outlined on this timetable will necessarily take place on the private agenda prior to publication of the tender process.
12. The timeline is based very much on the timeline as previously agreed by Council ahead of the 2015 recruitment in order to meet legal requirements. However, in light of the Committee interest in this area, we have extended the preparation time so that the Committee has an opportunity to feed into early developmental drafts of the relevant documents and the detailed development of the process ahead of making a recommendation to the Council in early 2019.

Indicative timeline for the Major Quality Assurance Tender

Date	Activity	Notes
October 2018	<p>Seminar discussion – the Policy Advisory Committee consider an early draft business case and procurement strategy and project initiation document (including key requirements of the new contract and also the process for selection) in order to make recommendation to Council about taking the process forward.</p> <p>The Committee considers the constitution of the selection panel in order to both meet the requirements of the Council procurement process but also to ensure that the panel is appropriately qualified to assess those tendering. The previous selection panel comprised:</p>	

	<ul style="list-style-type: none"> • The Chair of the Education and Registration Standards Committee and member of Council • The Chief Executive • The Head of Registration and Resources • The Head of Professional Standards) <p>The Committee makes recommendations to Council about:</p> <ul style="list-style-type: none"> • The draft business case for tendering the contract • The proposed timeline • The appointment of an expert procurement consultant <p>The Committee makes recommendations to the Executive about key areas that they would like to see represented in the tendering process.</p>	
January 2019	Business case, timeline and procurement expertise agreed by Council.	
May 2019	Procurement consultant appointed to advise and implement procurement process.	
May to September 2019	<p>To develop the procurement strategy with the consultant and ensure the following documents are drafted:</p> <ul style="list-style-type: none"> • Procurement strategy • OJEU advert • PQQ document (including scoring mechanism) • Tender document (including scoring mechanism) • Draft contract terms 	
June 2019	Committee consider and feed into the work on the detailed	

	procurement process and propose Council delegate oversight to the Committee.	
July 2019	Council agree to delegate the procurement decision to the Committee.	
September 2019	Issue paper for Committee on agreed procurement strategy.	
October 2019	Procurement strategy and supporting documents agreed by Committee.	
October 2019	OJEU advert placed and documents available on GOsC website.	
November 2019	Closing date for PQQ submissions (30 days).	
November 2019	PQQ assessment completed and draft invitation to tender issued.	
Late November 2019	Briefing session for bidders.	
December 2019	Invitation to tender issued.	
January 2020	Closing date for tender responses (>35 days).	
January 2020	Shortlisting (if required) and call for interview completed.	
Early February	Tender panel interviews and award decision.	
End February 2020	Stand still period concludes.	
March/April 2020	New contract finalised.	
May 2020	New contract comes into force. (There may need to be an overlap in the two contracts if they are held by different organisations to ensure no gap as the subsequent contract	

	undertakes seamless activities).	
May 2020	Report to Council about the outcome of the procurement exercise.	
June 2020	Report to the Committee about the implementation of the new Contract.	
31 July 2020	Old Quality Assurance Contract ends.	

Recommendation: to agree the proposed approach to the quality assurance major tender exercise.

Specification for 2015 to 2020 contract tender

1. The requirement is to undertake quality assurance activities enabling the GOsC to make decisions in accordance with their duties and powers under the Osteopaths Act 1993 and includes the following activity:
 - a. To continue with the Existing Quality Assurance Framework as outlined in 2a – 2h below, as long as this remains unchanged.
 - b. To work with the GOsC to develop and introduce innovative quality assurance methods (i.e. a New Quality Assurance Framework) as outlined in 2i below.
 - c. To work to an appropriate timetable for quality assurance with flexibility built in.

2. The deliverables that are to be undertaken in fulfilment of the Agreement are set out in the table below along with a brief explanation. Further detail, as known at the date of the Agreement, is given in the Financial Schedule (Annex B) and Operational Timeline (Annex C).

Activity	Description
a. Overall project/contract management and relationship management	Core staffing of quality assurance contract in addition to items identified below. This person (the Contractor's Project Manager) will be responsible for relationship management with the General Osteopathic Council, osteopathic educational institutions, Visitors, patients, students and other stakeholders.
b. Maintaining a pool of Visitors (Quality assurance reviews are conducted by a team of suitably qualified lay and osteopathic 'Visitors'. The Visitors are recruited, employed, trained and appraised by the quality assurance provider, although	Recruitment, training and appraisal of Visitors. The current pool of Visitors has a total of 13 lay and osteopath members. In the event of a major change to the review method recruitment of a new pool of Visitors and training might be required. Training of Visitors should take place annually. Visitors should undergo individual performance review/appraisal.

Activity	Description
approval of their appointment to conduct a particular visit rests with the GOsC.)	
c. Initial recognition reviews	Reviews that take place when an institution is seeking recognition for a new course in osteopathy.
d. Renewal of recognition reviews	Reviews that take place periodically (usually after between three and five years) for the renewal of recognition of an existing Recognised Qualification.
e. Unscheduled monitoring reviews	Reviews that take place at the request of the GOsC in response to specific concerns about a Recognised Qualification.
f. Follow-up reviews of action plan and/or conditions	Reviews that consider the implementation of any action plan and/or conditions required as part of a recognition or monitoring review.
g. Annual Report analysis	Reviewing the reports and datasets provided to the GOsC by each osteopathic educational institution annually.
h. Contract evaluation report	Undertaking a periodic self-evaluation (normally biannually) of performance against contract including obtaining feedback (via a focus group or other method).
i. Contribution to the development and implementation of a New Quality Assurance Framework	<p>Contribution to the development and implementation of a new approach to quality assurance in conjunction with the GOsC.</p> <p>Anticipated to include:</p> <ul style="list-style-type: none"> - Review of review method handbooks. - Engagement and consultation with stakeholders. - Briefing of stakeholders on outcome of review.

Procurement Policy Extract from the GOsC Governance Handbook (p53 to p54)

Procurement of services

Principles

1. It is the duty of all those engaged in the procurement of goods and services for the GOsC to ensure that contracts are reviewed on a regular basis to ensure they represent value for money, while having due regard for quality and sustainability.
2. There are a number of principles which underpin the procurement of services:
 - a. All procured goods and services should be obtained on the most economically advantageous terms and assessed using objective criteria.
 - b. All procured goods and services should strive to ensure the best quality is achieved for the price being paid.
 - c. Those individuals procuring goods or services should have regard for all relevant legislative requirements under The Public Contracts Regulations 2015 and any relevant EU Procurement Directives.
 - d. Contracts should be reviewed on a regular basis having due regard for latest best practice, e.g. external financial audit.
 - e. Contracts should be reviewed on a regular basis having due regard to the competitiveness of relevant markets, e.g. utilities and insurance.
 - f. Those individuals procuring goods or services should have regard for the procurement criteria as specified in paragraphs 5 and 6 below.
3. The Chief Executive is authorised to sign all contracts on behalf of the GOsC.
4. The procurer of the goods or services will, where the value of the contract is over £25,000, inform the Director of Registration and Resources so that the details of the contract can be added to the list of procured goods and services published on the GOsC website. Procurement criteria Contract value £5,000 to £50,000
5. All contracts with an anticipated value between £5,000 and £50,000 will be subject to the process for procurement of services as set out below, unless otherwise varied by Council.
 - a. The relevant head of department will prepare an invitation to tender document setting out the specification for goods or services.
 - b. The relevant head of department will consult with the Director of Fitness to Practise on the legal implications of any tender process (including any requirement arising from EU Procurement Directives), and shall comply with the requirements.

- c. Where no legal requirement exists, or the number of suppliers is not specified, the relevant head of department will arrange for at least three suppliers to tender.
- d. At least one of the Chief Executive, Director of Registration and Resources or Director of Fitness to Practise, will sit on the selection panel considering the tender.
- e. The selection panel shall assess the tenders and make a recommendation on which of the potential suppliers best meets the requirements set out in the invitation to tender.
- f. The final award of contract will be subject to a legal review by the Director of Fitness to Practise seeking specialist advice where required.

Contract value greater than £50,000

6. For tenders where the anticipated value is greater than £50,000, a number of additional steps to those set out in paragraph 3 will apply. These are:
 - a. A business case, procurement strategy and project initiation document will be submitted in advance of the procurement for approval by the relevant committee or by Council.
 - b. The procurement panel will include the Chair of Council or another Council member.
 - c. The final award of contract will be subject to agreement of the procurement panel.
 - d. A contract award notice will be published on the GOsC website.
 - e. The outcome of the procurement will be reported to the relevant Committee and/or to Council.
 - f. Where, for any reason, the cost of the procured goods or services increases by 10% or more, or where a significant delay is anticipated, the circumstances will be reviewed by the original tender panel.
 - g. The outcome of the review at f. will be reported to the relevant Committee and/or Council, and be open to review by the Audit Committee.
7. Where at the outset of a procurement process it is not clear whether the contract value will or will not exceed £50,000, then the process at paragraph 6 should be followed.