

KNOW YOUR RIGHTS, OWN YOUR LIFE



Rights exist to protect and guide people. When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

Knowing our rights can change our lives. It gives us the tools to make decisions that define our future.

THE PROCUREMENT ACT 2023

What You Need to Know and How It Can Help You

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OVERVIEW

The **Procurement Act 2023** is legislation that establishes the legal framework for how public procurement is conducted. It governs the **award, entry into, and management of public contracts**, referred to as “procurement” and “covered procurement.” A **public contract** includes contracts for goods, services, or works that meet specified threshold values and are not exempt.

The Act applies to **contracting authorities**, which include:

- Public authorities funded by public funds or under public oversight
- Public undertakings operating commercially under public oversight
- Private utilities carrying out utility activities

Key Principles and Objectives

Contracting authorities must follow strict principles when carrying out procurement:

- Deliver value for money
- Maximise public benefit
- Ensure transparency and information sharing
- Act with integrity
- Treat suppliers equally unless justified
- Avoid unfair advantage or disadvantage
- Consider and reduce barriers for small and medium-sized enterprises (SMEs)

How Procurement Happens

Procurement under the Act follows a structured, regulated process that covers the planning, competition, award, and post-award stages. Contracting authorities must begin with **planned procurement notices** and may carry out **preliminary market engagement** to understand suppliers’ capabilities, provided this does not distort competition or confer an unfair advantage.

They are also under a **duty to consider lots**, meaning contracts should be divided where appropriate to increase accessibility and participation.

At the award stage, authorities must use **competitive tendering procedures** unless specific grounds justify a direct award. They must define **conditions of participation, award criteria, and technical specifications**, ensuring these are proportionate and transparent. The Act also allows for flexible mechanisms such as **dynamic markets** (where suppliers can join over time) and **frameworks** with defined maximum terms and competitive selection processes.

Public contracts can only be awarded through specific routes:

- **Competitive tendering procedures**
- **Direct award in special cases**
- **Framework agreements**
- **Dynamic markets (ongoing supplier systems)**

Authorities must:

- Publish tender notices and associated documents
- Refine award criteria where appropriate
- Exclude suppliers where required (e.g. improper behaviour or security risks)
- Issue **contract award notices** and observe **standstill periods** before finalising contracts

Post-award requirements include:

- Setting **key performance indicators (KPIs)**
- Publishing contract details
- Managing time limits and issuing termination notices where needed

Transparency and Accountability

The Act embeds transparency throughout procurement by requiring the publication of notices, the sharing of information, and clear documentation of decisions. Authorities must publish **pipeline notices, tender notices, contract award notices, and contract details notices**, ensuring visibility of procurement activity at each stage. They must also comply with rules on **electronic communications**, ensuring that the systems used are accessible, interoperable, and free of charge for suppliers.

Accountability is strengthened through strict **record-keeping and information-sharing duties**. Authorities must retain records sufficient to explain **material decisions**, including communications with suppliers before contract award. Information may be required to be shared through specified systems, while still respecting **data protection legislation**, meaning disclosures must not contravene existing data protection laws.

Transparency requirements include:

- Publication of procurement and contract notices
- Sharing procurement information in prescribed formats or systems
- Maintaining accessible electronic communication systems

Accountability mechanisms include:

- Keeping records of decisions and supplier communications
- Retaining records for defined periods (e.g. at least three years)
- Monitoring and publishing information on payments and contract performance

Safeguards include:

- Data protection compliance
- General exemptions where disclosure is not appropriate
- Clear audit trails for procurement decisions

Enforcement, Remedies and Oversight

The Act ensures accountability through:

- Civil enforcement of duties
- Automatic suspension of contracts during legal challenges
- Pre- and post-contractual remedies
- Powers to set aside contracts in certain conditions

Oversight includes:

- Procurement investigations
- Recommendations and guidance following investigations

GUIDANCE FOR FAMILIES/CHILDREN

The Act shapes how essential public services are planned, commissioned, and delivered, ensuring that services used by children, young people, adults, and families are **procured in a structured, transparent, and accountable way**. Because procurement includes the **management and monitoring of contracts**, individuals benefit not only from fair selection of providers but also from **ongoing oversight of service quality and delivery**.

Importantly, the Act requires authorities to consider **public benefit, value for money, and integrity**, meaning services must not only be cost-effective but also **meaningful and beneficial to people's lives**. It also recognises that different providers—including SMEs and community organisations—may face barriers, and that authorities should actively consider how to broaden participation.

Individuals benefit from:

- Services commissioned with **public benefit as a core objective**
- Ongoing **monitoring and performance assessment**
- Greater diversity of providers, including smaller or specialist organisations

Families can expect:

- Fair processes in selecting providers
- Consideration of **accessibility and inclusion** in procurement decisions

What the Act Means in Practice

In practice, the Act ensures that public services are not chosen arbitrarily but through **regulated procedures with clear rules and safeguards**. Authorities must follow structured processes for awarding contracts and cannot proceed outside these legal routes, ensuring consistency and fairness across services.

It also means that procurement decisions are **visible, documented, and open to scrutiny**, with formal notices, published information, and defined procedures. This reduces the risk of poor decision-making and ensures that the services individuals use are delivered by providers who meet **clear standards and conditions of participation**.

In real terms, this means:

- Services are awarded through **fair competition or justified direct award**
- Providers must meet **defined criteria and standards**
- Decisions must be **recorded and explainable**

For families:

- Greater confidence in how services are chosen
- Ability to understand and question decisions

Services That Directly Affect People

The Act includes specific categories, such as light-touch contracts, which often apply to services that directly affect individuals, including health, social care, and community-based provision. These contracts allow for more flexible procedures while still requiring compliance with core principles such as **transparency, fairness, and public benefit**.

Additionally, the Act recognises that some services may be delivered through **special regime contracts**, where authorities must consider how services are structured and whether they should be separated or combined, taking into account **practical and financial consequences**.

Services impacting individuals include:

- Health and social care services
- Community and support services
- Local authority commissioned provision

Authorities must consider:

- Whether services should be split into **separate contracts**
- How contract structure affects **accessibility and delivery**
- The need for **proportionate and flexible procurement approaches**

How Services Are Designed Around Needs

The Act requires authorities to define **technical specifications, award criteria, and conditions of participation**, ensuring that services are clearly described and aligned with intended outcomes.

These elements must be proportionate and relevant, ensuring that providers are assessed fairly and on the basis of their ability to deliver the required service. Authorities must also monitor delivery through **key performance indicators (KPIs)** and ongoing assessment of contract performance, ensuring services continue to meet expectations after award. This reflects a shift from one-time selection to **continuous evaluation and improvement of services**.

Service design includes:

- Clear **technical specifications** describing what is required
- Defined **award criteria** to select the most suitable provider
- Conditions ensuring providers are **qualified and capable**

Ongoing service quality is ensured through:

- KPIs and performance monitoring
- Assessment of contract delivery
- Ability to modify or terminate contracts where necessary

Safeguards for Individuals

The Act includes multiple safeguards to ensure that services are delivered by appropriate providers and that risks are managed effectively. Authorities must assess whether suppliers are **excluded or excludable**, including by investigating grounds for exclusion and consulting a debarment list of unsuitable suppliers. In addition, authorities are required to identify and mitigate **conflicts of interest**, ensuring decisions are impartial and not influenced by personal or organisational bias. There are also provisions for **direct awards in urgent situations**, such as protecting life and ensuring continuity of critical services where needed.

Safeguards include:

Exclusion of suppliers for:

- Improper behaviour
- Security risks
- Failure to meet requirements

Use of:

- Debarment lists
- Supplier investigations

Conflict of interest controls:

- Identification
- Mitigation
- Formal assessments

Transparency for Families

Transparency is a central feature of the Act, ensuring that procurement activity is visible and understandable. Authorities must publish a range of notices, including **pipeline, tender, and contract award notices, as well as contract details**, providing visibility from planning through to delivery. Families also benefit from strong **information and record-keeping requirements**, as authorities must document decisions and retain records of communications with suppliers. At the same time, the Act ensures that transparency is balanced with **data protection obligations**, meaning personal or sensitive information is not disclosed unlawfully.

Transparency includes:

- **Publication of procurement and contract information**
- **Access to details about contract awards and performance**
- **Visibility of procurement pipelines and future opportunities**

Accountability tools:

- **Record-keeping of decisions and communications**
- **Information-sharing requirements through systems or regulations**

Safeguards for families:

- **Compliance with data protection legislation**
- **Controlled disclosure of sensitive information**
- **Clear audit trails supporting accountability**

Download Our Case Studies

To see how the principles of the Procurement Act 2023 translate into real-world impact, explore our case studies. They highlight how services can deliver **public benefit, value for money, and measurable outcomes**, while remaining transparent, person-centred, and accountable.

- Real examples of **high-quality service delivery**
- Demonstrations of **effective commissioning and outcomes**
- Insight into **how individuals and families benefit in practice**

DOWNLOAD



OBLIGATIONS AND DUTIES FOR COMMISSIONERS, PUBLIC BODIES AND LOCAL AUTHORITIES

The Act places comprehensive and enforceable duties on commissioners, public bodies, and local authorities across the full procurement lifecycle - from planning to contract management and legal accountability. Authorities must not carry out a covered procurement except in accordance with the Act, and may award contracts only through permitted procedures, having regard to **value for money, maximising public benefit, transparency, and integrity**. They are required to align with the **National Procurement Policy Statement**, conduct procurement in a way that ensures **fair and equal treatment of suppliers**, and avoid conferring unfair advantage. Duties extend to planning (including **preliminary market engagement** and consideration of lots), awarding contracts using **objective and proportionate criteria**, and managing contracts through **performance monitoring, payment compliance, and lawful modification or termination**. Authorities must also maintain **robust transparency and record-keeping systems**, ensuring all material decisions and communications are documented and retained, while complying with data protection requirements. Finally, all duties are **legally enforceable**, with mechanisms including civil proceedings, automatic suspension of procurements, and remedies for breach.

1. Fundamental Legal Obligation:

- Procurement must only be carried out in accordance with the Act
- Contracts must be awarded via authorised procedures only

2. Strategic Duties:

- Have regard to the National Procurement Policy Statement
- Align procurement with public benefit and strategic priorities

3. Operational Duties:

- Have regard to the National Procurement Policy Statement
- Align procurement with public benefit and strategic priorities

4. Planning Duties:

- Conduct preliminary market engagement without distorting competition
- Consider dividing contracts into lots to improve access

5. Award Duties:

- Use competitive procedures unless justified otherwise
- Apply clear, proportionate, and objective award criteria
- Exclude suppliers where required

6. Contract Management Duties:

- Monitor performance using KPIs
- Ensure compliance with payment and subcontracting rules
- Manage modifications and termination lawfully

7. Transparency and Documentation Duties:

- Publish required notices and procurement information
- Keep records of decisions and supplier communications
- Retain records for defined periods

8. Legal Accountability:

- Subject to civil enforcement and legal challenge
- Automatic suspension may apply during disputes
- Remedies include pre- and post-contractual actions, including setting aside contracts

HOW INDIVIDUALS AND FAMILIES CAN TAKE PART AND BENEFIT FROM THE ACT

The Procurement Act 2023 empowers individuals and families to engage directly with public services, ensuring their needs are considered in commissioning decisions. Families and service users can benefit by:

- Providing input on service design and delivery to better reflect community needs.
- Accessing clear avenues for feedback to shape local service provision.
- Participating in co-production initiatives that involve them from planning to evaluation.

By actively engaging, individuals and families can help create services that are more responsive, equitable, and tailored to their requirements.

↳ Access to information

Transparency is a cornerstone of the Act, granting the public better access to essential information such as **clear details about procurement processes, award decisions, and service contracts; publicly available guidelines and criteria for commissioning, helping users understand how decisions are made; and tools to track and access provider performance, promoting informed choice and accountability.**

↳ Opportunities to influence

The Act provides structured avenues for you to influence commissioning and delivery: **invitations to public consultations and engagement forums, direct feedback mechanisms to shape service priorities, and representation on advisory groups or co-design panels to ensure community voices are heard.**

↳ Participation through organisations

You can amplify their voices by working with **organisations that can represent collective interests in commissioning discussions; providing guidance on navigating complex procurement processes; and fostering collaboration, which helps ensure diverse voices, including marginalised groups, are included in decision-making.**

↳ Participation through organisations

The Act equips you with tools to **hold providers accountable, promote inclusivity, and establish clear procedures for raising complaints or challenging decisions; to participate in legal and regulatory safeguards against discrimination or exclusion; and to ensure that procurement practices are fair, transparent, and monitored for compliance.**

Original Source:

<https://www.legislation.gov.uk/ukpga/2023/54/contents>

Introduced by: **Jeremy Quin, Minister for the Cabinet Office and Paymaster General, and in the House of Lords by The Baroness Neville Rolfe, Minister of State at the Cabinet Office in the House of Commons**

Royal assent: **26 October 2023**

Commencement: The Act formally came into force on **such day as appointed by the relevant regulations**, with the main operative provisions commencing on **24 February 2025** under the appointed Commencement Regulations.