

Market Engagement

Questions and Answers

September 2022

Please note: These answers are based on the initial proposal at the start of the market engagement. We are currently reviewing the feedback received and will outline the final arrangements in the Invitation To Tender (ITT). This may include changes from these proposals and answers.

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Bidders and lots

Can charities apply even if they are not an educational institution?

Yes - we're keen to see a diverse set of organisations apply - including charities. We will be looking for significant educational expertise. In particular we are proposing that you will need to have an existing high quality curriculum sequence that has been used and tested within a school for a year. If you do not have this, you may want to consider joining a consortium.

For formation of consortia bids, are you expecting us to approach as an established consortium, or are you considering making introductions between potential partners who may wish to work together and have expertise across part of the bid?

We foresee that consortia could work in different ways to deliver the requirements and we're proposing that suppliers are free to form consortia to bid. This could work, for example, by allocating different parts of the curriculum or resources, or by allocating curriculum packages and teacher capacity. Whichever way a consortium is organised we're currently proposing there will need to be a lead provider with overall responsibility and a consortia will also need to demonstrate coherence across the different stages or resources allocated. Due to this proposed requirement for coherence we are not currently intending to match or pair potential suppliers with others interested in bidding.

Will you collate and publish a list of organisations willing to partner with others as part of a consortium?

As outlined above, consortia will need to demonstrate coherence across the different stages or resources allocated. Due to this proposed requirement we are not currently intending to list organisations willing to form constoria.

Are you happy to work with very small organisations

We're keen for a range of suppliers to take part - including individual schools or smaller organisations. We have worked closely with these organisations in the past.



We need to make sure the successful suppliers are capable of delivering the requirements, but believe this can be achieved. We'd also encourage smaller organisations to consider forming a consortium if they have some, but not all, of the requirements.

We'll be providing support to make sure all types of suppliers can achieve - including centrally promoting and creating interest in potential Teacher and Subject Reviewer roles with suppliers, providing systems and offering full training and support.

Could you please clarify if a single supplier will be selected for all resources across all subjects, or if you are looking for multiple suppliers for different subjects, key stages etc?

There will be a range of suppliers across different subjects and key stages. It's proposed that suppliers will be free to bid for more than four lots, but to support a diversity of suppliers, the maximum lots any supplier or consortia can win is currently proposed to be capped at four. We will set out in the Invitation to Tender (ITT) the final details of how many lots can be awarded, the process for choosing the lots, and if you're able to show a preference.

Can a supplier win more than 4 lots if they are part of a consortium as a minor partner?

We're currently proposing one organisation can only deliver a maximum of four lots, even if some or all of these are in a consortium.

How will suppliers be 'limited' to winning 4 lots? For example, if a supplier bids for all 12 lots and all 12 successfully meet the criteria, how would you choose which 4 of the 12 be allocated to the supplier?

Suppliers will be free to bid for more than four lots, but to support a diversity of suppliers, it's currently proposed that the maximum number of lots any supplier or consortia can win is four. We will set out in the Invitation to Tender the full details of how lots will be awarded and if you're able to show a preference.

Could we bid for just KS4, as we have expertise in GCSE?

Lots are by whole phase and suppliers will need to cover all key stages in that phase. For Primary that will be key stages 1-2, and for Secondary, key stages 3-4. Suppliers can enter as a consortium to bid where they only have partial experience or expertise.



Procurement

Can you say anything more about the contracting terms for this opportunity?

It is likely that the Mid-Tier Contract for medium value, non-complex goods/services will be used. You can view the outline contract and schedules here

<https://www.gov.uk/government/collections/the-mid-tier-contract#schedules>

This shall be adjusted to suit the opportunity and released with the ITT. Note, not all Schedules are mandatory, you can see which ones are used in all cases in the Schedule Summary table in the Mid-Tier Contract Guidance document here

<https://www.gov.uk/government/publications/guidance-on-the-mid-tier-contract>

Will the specification be different for different subjects and phases to be appropriate for the relevant subject/age group?

There will be one Specification for the ITT, but this will include subject-specific frameworks for each lot.

Is the plan to release units in advance of teaching through 2023/24 or that schools will only really be able to use them from Sept 24?

We intend to release the curriculum sequences and an exemplar unit by September 2023. We then intend to release lessons and resources on a rolling basis from September 2023, with full packages completed and available by September 2024.

Does the requirement to have a "curriculum tested in a school for a year" refer to: a) newly created content; and, b) can the curriculum provided be in schools/education systems outside the UK?

You will need an existing **curriculum sequence**. We are then proposing that a curriculum sequence, even if not all the accompanying resources, must have been used in a school following the English National Curriculum for a year to be eligible (this could include an international school). We believe this is important because only in the implementation of a curriculum in schools will the supplier have learned from schools and teachers how it works in practice and how it can be further improved.



Can you outline how stringent Oak's design guidelines will be?

To ensure the highest standards of coherence and accessibility we will work with successful suppliers to develop these resources into consistent templates that will be published on the Oak site and will also underpin video lessons. Oak will set clear expectations for this across subjects and phases while also recognising that guidelines cannot successfully cover every single lesson context and so flexibility will be required where necessary. We also expect adaptations will take less time where high-quality resources already exist.

Wouldn't it help demonstrate the plurality of suppliers and by teachers for teachers if the branding of the supplier was on the content? That would also make tendering much more attractive to potential bidders.

This is an area we're keen to hear from suppliers on. We're proposing that suppliers will be listed on our site, listing which subjects/key stages they have developed. To date we have avoided supplier branding on resources, to keep a consistent approach for pupils and avoid distractions but are listening to feedback here.

The National Curriculum is used in England. Should the resources and lessons be accessible to learners in Scotland, Wales, Northern Ireland and the Republic of Ireland?

This first cycle of proposed procurement will focus on Full Curriculum Packages aligned only to the English national curriculum.

Separately, we shall be developing a proposed stretch offer that is outside the scope of this procurement. This stretch offer will go beyond the English national curriculum and be suitable for pupils from all devolved nations, subject to consultation.

During the Contract Term for Full Curriculum Packages, Oak may approach Suppliers to discuss possible development options and may expand the contract to support the delivery of these additional stretch units.



How will the materials fit with/use existing government-funded curriculum resources, specifically those produced by NCETM for maths?; How does this tender relate to the intended model science curriculum for 2024?

To support the widest range of schools, Oak's content will follow the national curriculum. In recent years a number of subject 'model curricula' have also been developed and as well as support from curriculum hubs and centres for excellence.

These are non-compulsory so suppliers do not have to be aligned with them. We've asked Suppliers to give due regard to them, as one of the inputs for consideration of good practice across the sector.

For KS4, is the intention to have one full curriculum package per exam board qualification? If so, will any different/additional criteria be used to choose the curriculum package (i.e. supporting the largest qualification)

We aim to cover a broad range of exam topics and units but not to duplicate packages for different exam boards. Subject Expert Groups will advise us on the best way to do that, and we will be analysing data to make sure the most widely used exam boards per subject are covered, as well as talking to exam boards themselves.

Do the number of lesson for Key Stage 4 take account of a different route for different Awarding Organisations? Will we need a route for each AO? So three times the number of lessons?

No. See answer above



I couldn't understand clearly from the Market Engagement Pre-Reading whether potential suppliers must have already developed a curriculum or not. On the one hand, it is mentioned that this isn't a mandatory requirement; on the other, the proposed Supplier exclusion grounds or restrictions slide specifies that "suppliers' curriculum must have been tested and iterated in school(s) in England for a minimum of one year". Could you confirm whether the latter requirement applies only to organisations that already have a developed curriculum and would not be used as an exclusion ground for organisations that do not have an educational curriculum like the one specified in the pre-reading?

You will need an existing curriculum sequence, by which we mean the structuring and organising of the required knowledge and learning over time into units and lessons. We are then proposing that a Curriculum sequence, even if not all the accompanying resources, must have been used in a school following the English National Curriculum for a year to be eligible (this could include an international school). We believe this is important because only in the implementation of a curriculum in schools will the supplier have learned from schools and teachers how it works in practice and how it can be further improved.

You do not require a full set of resources for that curriculum to bid. Having existing resources that you can draw on to create the final Full Curriculum Package will be positively scored.

Does the curriculum map need to be a set in stone sequence? We've always had our topics flexible so that schools can change the sequence to best meet how they want to use it - like Oak originally had too - is this ok? Or does it need a clear progression from reception-Y6 for example?

We will be looking for both clear progression and flexibility. It is important that the curriculum is carefully sequenced, with thought given to how pupils build their learning. However, we expect the sequence proposed in the tender to then undergo development and change. The winning bidder will work with the Subject Expert Group and the Oak team to develop it to be suitable for a wider range of schools, and take into consideration other factors, such as exam board coverage. We will also want to have some flexibility and optionality, so schools can adapt to best meet their needs, while recognising there needs to be a defined sequence that schools can use as a starting point (as the Oak curriculum currently has)



Who would be creating video resources to ensure consistency for Oak Academy? The supplier or Oak?

Suppliers will create the videos, but Oak will provide comprehensive training, guidance, systems, exemplars and support. We are not expecting suppliers to have existing expertise in online video creation. Oak will also provide technical support such as video editing and captioning.

When you say that curriculum quality will be weighted highly during the tender evaluation process, are you referring to suppliers' approach to designing high-quality curricula, existing resources' quality, quality assurance process or all of the above?

We are proposing that the quality of an existing curriculum is highly weighted and of vital importance for all bidders. Full details of exact scoring and weighting will be outlined in the Invitation to Tender.

If your resources are fully aligned to a coherent curriculum sequence developed by someone else then there is the option to bid as part of a consortium with the owner of that curriculum sequence.

Is it the expectation that the full curriculum package for a subject/key stage will be complete by September 2024?

Yes. On the proposed timeline, some first exemplar resources will start to become available from September 2023, and will be released on a rolling basis until the Full Curriculum Packages are available across the first six subjects by September 2024.

Oak's existing resources and videos will remain available whilst new materials are created. Teachers can continue to use and plan with them for all of 2022/23.

How will you take account of prior curriculum expertise as expressed/evidenced through printed publications rather than online materials?

We will take into account a variety of curriculum expertise, not just online materials. We want a diversity of providers, but the most important is the quality of curriculum expertise and the evidence of this through sample materials that will be requested during the tender response.



Did you say different suppliers for primary and different for secondary? Why is this? You could have a bid for just three lots (so not the max. 4) but they might ideally span KS2, KS3, KS4 in one subject. Would this not be ok?

Lots are split into subject and then primary or secondary, so 12 lots across 6 subjects. Suppliers can bid for both primary and secondary in a subject or either phase. Any supplier is proposed to be capped at four lots. We have done this to enable a diversity of suppliers - some may be specialists in just primary, or just secondary for example. But we also recognise there are potential benefits to curriculum sequencing if there is relevant expertise in a subject across key stages. You will not be able to just bid for Key Stage 2 or 3. It will need to be Key Stages 1-2, and/or Key Stages 3-4.

Just to clarify: are supplier payments triggered by the publication of the resource or by acceptance?

We will publish a payment schedule within the ITT, outlining this in more detail. The current proposal is payment on curriculum sequences and lessons being approved and published to the platform. Please note we intend to release lessons to the Platform upon final approval staggered through the contract delivery period so there would not be significant delays between these two activities.

What will drive the (relative) scale of each lot? The average curriculum time devoted to each subject? An interpretation of the national curriculum requirement for the subject, translated into a specific number of lessons? The guided learning hours at GCSE?

In the webinar (and now updated in the [pre-reading document](#)) we have shared proposed lesson volumes by subject and phase. These are based on research into National Curriculum programmes of study and average timetable allocations in schools. This is indicative of the overall curriculum lesson volumes we expect to be included in the procurement, and can be used to estimate potential relative values of different lots.

Will we have to charge VAT?

You may include VAT where applicable



Resources

Will each lesson be designed for remote delivery - so the tasks can only be included if they work in that setting (e.g. no talk tasks/discussion/spoken tasks)?

No, our focus will be to create lessons that are designed to support teachers with in-class lesson planning and delivery. Our lesson resources will leave freedom for teachers to decide the most appropriate techniques to engage their pupils in participation with the learning, so while we may suggest ideas for this we won't be dictating specific ways of delivering tasks. And nor will types of activity be restricted to those that pupils isolating at home could realistically engage with. But we will also include video lessons to support homework, catch up and any other uses for disruption (illness, weather or pandemic).

Does the full curriculum package include all lesson materials - planning/powerpoints/resources as well as filmed lessons?

Yes. We are not expecting bidders to have the Full Curriculum Package ready at the point of tender submission. We are looking for an existing high-quality curriculum sequence, with any existing accompanying resources benefitting the bid. The successful supplier will then work with Oak over the Contract Term to update and develop the final Full Curriculum Package.

Do the lessons and resources, particularly at KS4 and KS5, need to be tailored to specific exam boards?

Key Stage 5 is not included in the scope. For Key Stage 4, at the point of tender submission, it is expected that we will be looking for the existing curriculum sequence to align to one of widely used exam boards.

Over the Contract Term, we will then develop the curriculum with the supplier, so the final Full Curriculum Package covers a broad range of exam topics and units applicable to different exam boards.

Is 'science' one 'lot' at secondary or will this be split out into Biology, Chemistry and Physics?

Science will be one lot, covering Biology, Chemistry and Physics. This is to ensure consistency across the different subjects within science at both primary and secondary.



Will every lesson be videoed?

Yes. Oak's video lessons have continued to be highly valued by schools beyond the pandemic. We foresee the new videos being used for a wide range of uses, including for homework and catch up, cover lessons and as professional development support, especially for early career teachers. These use cases are only possible when the lesson videos are aligned to the rest of the curriculum exemplification, so it is necessary to recreate them.

This will also provide a high-quality backstop for any future education disruption, at an individual (illness), school (weather) or national (pandemic) level.

We're proud of our current video lessons, but recognise that the majority were made for a very specific pandemic purpose.

Are you suggesting that every lesson needs a worksheet?

It is expected that every lesson in the final Full Curriculum Package will have a worksheet. In the tender specification we will provide a wide range of examples of appropriate types which will also differ by phase and subject. For example, they could be a list of calculations for maths, or a word bank for English, or questions to support a listening activity in Music. Suppliers don't need to have all existing resources in order to bid, as these will be developed as part of the contract.

Teachers/recruitment

Will Oak be able to support the costs of recruiting experts/teachers into a team?

We're proposing that all suppliers will need to take responsibility for staffing the creation of the Full Curriculum Packages. That may be through existing staff, hiring new staff or back-filling existing staff moving to work on the delivery. There will be the opportunity for suppliers to reflect the costs of this activity within their pricing response to the Invitation to Tender

Due to the tight timeline between contract award and the school recruitment cycle, we will support suppliers by running a national promotion to collect expressions of interest from subject teachers and signpost to the winning suppliers. We'll also provide template job descriptions and guidance on how to successfully recruit for these roles. Smaller schools or organisations may also want to consider teaming up with other potential suppliers in a consortium if that helps to increase teacher capacity.



Do teachers have a defined role - writing scripts, and presenting videos - or need to be involved in the curriculum design?

We are proposing that the first phase of delivery is focused on curriculum development, led by an experienced curriculum designer. The second phase will mostly be focused on creating the full range of resources that make up the Full Curriculum Packages, supported by the Supplier's team of teachers and reviewers. Teachers will have defined roles in this process but suppliers may choose to allocate aspects of the role differently between teachers during contract delivery. In the Invitation to Tender there will be full details of the requirements, but we are proposing that all teachers are qualified and have sufficient experience and expertise.

Does the supplier need to employ any teachers contributing towards the overall capacity to deliver? Or can teachers be subcontracted (either through their employer or on a freelance basis)?

Suppliers will need to have the staff in place to create the Full Curriculum Packages - either through existing staff, hiring new staff or back-filling existing staff moving to work on the delivery. Suppliers are able to sub-contract and/or second these positions.

Due to the tight timeline between contract award and the school recruitment cycle, we will support suppliers by running a national promotion to collect expressions of interest from subject teachers that we'll pass onto the winning suppliers. We'll also provide template job descriptions and guidance on how to successfully recruit for these roles.

Signposting

What will the process be for being an alternative supplier (rather than the main one) and the timing of that?

To support and encourage schools to explore a diversity of curricula, we are proposing that as well as the main Oak offer, we will also signpost users to a small number of high-quality alternative curriculum offers per subject. These alternatives will be decided through an open selection process separate to this procurement. Details of this will follow in due course.

We are currently proposing Oak would signpost; the Oak sequence, the suppliers' original branded curriculum sequence (before amendments to create the Oak Full Curriculum Package) and a small number of other quality offers, identified through the separate process.



Oak is proposing to host the branded curriculum sequence of these alternatives, but not host any accompanying resources for them. Instead, we will direct users to the curriculum suppliers' own site to access more resources.

In our main procurement for Full Curriculum Packages, we're therefore proposing the successful Supplier(s) for each lot will automatically be offered signposting.

To decide the other signposted offers, Oak is proposing a separate process but using the same quality criteria as in the Full Curriculum Package procurement. This will make it simple for Suppliers to engage with both processes should they chose. To further ease this, suppliers responding to the Full Curriculum Package procurement will be given the option to automatically put forward their curriculum for the signposting selection.

Will there be signposting to material from suppliers who were not successful in the bidding for the 12 lots? Or will this be limited to additional material from the successful suppliers?

Yes, it is proposed we will signpost to other suppliers who may not have won the Full Curriculum Package lots. As above, it is proposed that this will be through a separate process, but using the same quality framework. This will enable all those bidding for the Full Curriculum Packages to also put themselves forward for signposting.

There will be a limited number of alternative offers signposted (the exact number is to be decided following this market engagement). Any signposted offer will need to meet a minimum quality threshold.

When will the open selection process for alternative providers be launched?

We will finalise details of the signposting process following this market engagement and make announcements in the coming months.



Intellectual Property and licensing

What will your end user licensing arrangements be? Will your licensing approach allow for commercial publishers to reuse the final published Oak content? For example, embed Oak content within their product?

We are considering different options for the final end user licensing of the Full Curriculum Packages, and listening to feedback via this market engagement. We're currently proposing that Oak suppliers will retain their original Intellectual Property (IP) and be free to continue using that. Oak will then fully own the final IP created through the Full Curriculum Packages and these may be made available to users through a Creative Commons licence.

This would enable any school, teacher, publishers or other organisation to use, adapt and modify any of the underlying resources and content. We're exploring what exact type of license this would be provided on - for example, either with or without commercial restrictions. We are interested in open licensing as a means to provide the maximum support and flexibility in using the resources for teachers and schools. We're also keen to understand if removing non-commercial restrictions is an effective means to work collaboratively with the wider EdTech and publishing sectors.

Whilst the above is the starting point for content, we recognise there will be some content that can't be put on a Creative Commons basis. We'd work with Suppliers to minimise the amount of copyrighted content, accepting that in some cases, this is challenging. For example, English texts, artwork or music extracts. For this, we'll put different arrangements in place, with restricted licences which respect the underlying rights restrictions of copyrighted content, and application of appropriate protective technical measures. We'll also develop product functionality to protect copyright-restricted works as needed. As we do now we'll monitor, inform and enforce any piracy of copyright content with rights holders.

For a supplier, an open licensing approach also has benefits - increasing the impact and reach of your work, with attribution to the original Supplier (not just Oak). It would also enable a Supplier to use, adapt and modify the resources in the other lots you have not bid for or won. You could, for example, use these to build out bespoke content in other subjects.

Who covers the cost of third party copyright clearance and fees?

Direct clearance process and fees will be covered by Oak, provided the guidance has been followed. There is no guarantee that clearance for every key piece of content can be



found, so in these cases Suppliers may be responsible for supporting Oak to find alternatives

If you are planning to buy existing resources can they still be offered through other channels? Is IP generated by modifying existing IP retained by the supplier?

Our current proposals are to procure existing resources and IP on a perpetual, non-exclusive, royalty-free and irrevocable licence from Suppliers. Suppliers will be able to set the prices (within the bid envelope) of the cost of their current IP – it will depend on the extent of it (for example, just a curriculum sequence, or lesson resources too). Suppliers will continue to own and are free to continue to use that existing IP as they see fit.

Oak will then work with (and pay) the successful supplier to develop these existing resources further and create new derivative works; the Full Curriculum Packages. This will include changes, developments, improvements and brand application. They'll be significant Quality Assurance, as well as the technology enablement and testing conducted with teachers and users to refine the products further. This creates the final Full Curriculum Packages. We're proposing Oak owns the Full Curriculum Packages outright, not the Supplier. We're also proposing that Oak will have the right to adapt, modify, develop and update them further, but the attribution to the supplier has to remain.

Our current proposals are that the Full Curriculum Packages will be licensed to end users in an open way (see above). In this scenario, whilst the Supplier will not own the new IP created, they would be able to access and use it.

Would you consider the restriction of use (e.g. to the UK) given resources may include third-party copyrighted content?

We recognise there will be some content that can't be put on a Creative Commons basis. We'd work with Suppliers to minimise the amount of copyrighted content, accepting that in some cases, this is challenging. For example, English texts, or music extracts. For this, we'll put different arrangements in place, with restricted licences which respect the underlying rights restrictions of copyrighted content, and application of appropriate protective technical measures. We'll also develop product functionality to protect copyright restricted works as needed. As we do now we'll monitor, inform and enforce any piracy of copyright content with rights holders.



If Oak already has a sequence, for example your maths suggested sequence, would you be open to suppliers using the sequence you have, and resourcing lessons based on this sequence?

The Supplier will need to own and/or have explicit permission to re-license the IP of the sequence that you are using to bid. Oak's current curriculum IP is owned by Oak's Curriculum Partners so you would need permission from the appropriate partner.

Is the supplier free to say that their materials are on Oak National Academy in their marketing if they are providing Full Curriculum Package content?

Yes. Suppliers will be free to talk about this publicly and in their own marketing. Oak will also explicitly state who is the winning supplier for each lot on our website and we are considering attribution arrangements on the individual resources themselves.

Is there scope for suppliers to produce the proposed content for you and then add their own extras on their own site, e.g. adding optional digital games or animations?

Suppliers are able to create and self-fund their own additional work outside the scope of this contract - for example, they could offer training on their delivery. The nature of the connection and integration to the Full Curriculum Packages will depend on the final licensing arrangements, which we will be finalising after listening to views through this market engagement. Suppliers will retain ownership of their original IP, whilst Oak will own the IP of the final Full Curriculum Packages. If, for example, the Full Curriculum Packages' end user licensing is on Creative Commons, then Suppliers (and others) would have access to this final IP and would be able to reuse, adapt and integrate with other products (either non-commercially or commercially depending on the nature of the licence). If a more closed licensing arrangement is put in place, the Supplier (or others) would not be able to freely re-use, edit or adapt the final Curriculum Package content.

Subject Connections

Please explain if/how you expect to work directly with subject associations.



Oak has long worked with our excellent Subject Associations. We are currently in the process of engaging a number of them to feed into our proposals, making sure we learn from and build on their significant expertise.

Subject Associations may also wish to put themselves forward as a potential Supplier. Where this is the case, they will not have any involvement ahead of the Contract Award, to avoid any potential conflicts of interest.

After Contract Award, we will be inviting these Subject Associations to join Subject Expert Groups.

What role will the Maths and English Hubs play in the procurements for those subjects? If no predefined role, then what expectation exists that the submissions align with the recent work of the Hubs?

We are in the process of engaging with Maths and English hubs on participation in our Subject Expert Groups. Where the organisations running these services do not have an interest in bidding, we are drawing on their expertise and input.

We're asking Suppliers to consider the non-statutory guidance developed by the Hubs as part of one of the inputs for consideration of good practice across the sector. This is non-compulsory so Suppliers do not have to be aligned with them.

Board/governance

Where is funding coming from and how is it going to be funded in the future to ensure content remains up to date and dynamic?

Oak has become an arm's length body. In line with this process, we have secured funding for the remainder of this spending review period from the Department for Education to fund our work. We know the curriculum is dynamic and will be constantly reviewing and gathering feedback to improve and iterate both the content (with Suppliers) and our platform so they best support teachers. Within this spending review period we have planned to fund ongoing support from Suppliers to ensure improvement to the Full Curriculum Packages can be made, based on feedback from users once they are published.



How will Oak maintain the 'teachers for teachers' approach when working with suppliers to fulfil this ITT?

We are looking for a range of suppliers, from schools and trusts to subject associations and publishers..

All resources will be created by qualified teachers provided by successful suppliers. We will also be working with schools and teachers to actively road-test and feedback on our resources. Oak continues to be led by teachers, and we have places on our board that must be reserved for serving teachers.

