



# Education Scotland

## Procurement Strategy 2019 – 2022

For Scotland's learners, with Scotland's educators

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## Introduction by the Chief Executive

Education Scotland's activities support the Scottish Government's desire to ensure excellence and equity across our nation's education system. Educational improvements have far reaching benefits beyond schools and educational establishments and therefore the work that we do is important for Scottish society as whole.

In my role as the Chief Executive of Education Scotland, I have a responsibility to deliver our remit while at the same time being mindful of the fact that we are funded by the taxpayer. Cost effective procurement of goods and services means that we are able to maximise the benefits from the money we spend. Finite financial resources require us make best use of our spending; our procurement strategy is a critical foundation stone to ensure that Education Scotland continues to achieve best value for the public purse.

This Procurement Strategy for 2019 - 2022 sets out our approach to procuring goods and services across the lifetime of our Corporate Plan. All of our procurement activity will comply with the following principles:

- transparency;
- equal treatment and non-discrimination;
- proportionality; and
- mutual recognition.

We have a series of performance measures, through which we can evaluate our procurement activities. These will help us to continually improve our procurement functions and to build on the Gold standard assessment that we were awarded during a recent independent evaluation.

I hope that you will find this Procurement Strategy document to be informative.



**Gayle Gorman**  
**Chief Executive / Chief Inspector**

# About Education Scotland

## Background

Education Scotland came into being on 1 July 2011, with the Scottish College for Educational Leadership becoming an incorporated element of the Executive Agency from April 2018. We have recently organised our improvement activity into six regional teams.

Education Scotland is an Executive Agency of the Scottish Government and is charged with supporting quality and improvement in Scottish education and thereby securing the delivery of better learning experiences and outcomes for Scottish learners of all ages.

Our role means that in addition to gathering evidence on the performance of the education system through our various functions, we also provide professional analysis and interpret a wide range of data relating to Scottish education. In essence, we add value to Scottish education by making sense of the system in its totality.

The organisation's status as an Executive Agency means that it operates independently and impartially, whilst remaining directly accountable to Scottish Government ministers for its standards of work. This status safeguards the independence of inspection, review and reporting within the overall context of the National Improvement Framework.

## Education Scotland Vision

Education Scotland's vision is to **achieve excellence and equity for Scotland's learners with Scotland's educators.**

## Education Scotland Mission

To work collaboratively with all stakeholders involved in Scottish education to secure sustained improvement in achievement and attainment for all learners, closing the poverty related attainment gap and securing positive and sustained destinations for all learners regardless of their age and where the learning takes place.

## Education Scotland's Strategic Priorities

- Strong focus on learning, teaching and leadership;
- National collaborative professional learning networks;
- Getting It Right For Every Child;
- Best use of high quality evidence;
- Effective partnerships.

### **Duty of the Accountable Officer**

The Chief Executive, as Agency Accountable Officer, has a duty to secure Best Value.

The duty of Best Value in Public Services is as follows:

- To make arrangements to secure continuous improvement in performance whilst maintaining an appropriate balance between quality and cost; and in making those arrangements and securing that balance;
- To have regard to economy, efficiency, effectiveness, the equal opportunities requirements, and to contribute to the achievement of sustainable development.

# Procurement in Education Scotland

Procurement is a process of acquiring goods and/or services from the identification of need through to the placing of a contract. This Procurement strategy covers the financial year 2019-20 and will underpin all procurements carried out within Education Scotland during that time. Further support and guidance is available to contract managers during the life of the contract from Education Scotland's Procurement Team.

## Education Scotland Procurement Vision

**To obtain goods and services using the highest possible standards in procurement practice, supporting the organisation's purpose and priorities and achieving Best Value for the public purse.**

## Education Scotland Procurement Mission

To provide a high quality service which reflects the principles of economy, efficiency and effectiveness as well as giving due regard to the importance of sustainability. Goods and services will be acquired by competition unless there are convincing reasons to the contrary. The form of competition will be appropriate to the value and complexity of the procurement and barriers to the participation of suppliers will be removed. The Procurement Section will contribute to the carrying out of the functions of Education Scotland and the achievement of Education Scotland's priorities.

## Procurement and the organisation's strategic priorities

### **What we will do:**

Procurement will contribute to Education Scotland's purpose and strategic priorities by supporting business operations to buy in goods and services that enable delivery of those priorities. We will be involved in all areas of significant spend, ranging from physical premises and facilities services to information systems, from specialist advisory services to business equipment and supplies.

We will provide professional procurement support to the operational teams for areas of recurring spend and also for specific projects aimed at contributing to our strategic priorities. Procurement staff will undergo regular training to ensure their skills are up to date. Operational staff will also receive training where there is an identified need, for example, contract management or specification writing.

Procurement will be carried out within the legislative framework that applies to public bodies in Scotland. Our procurement principles and guidance will follow those of the Scottish Government Procurement and Commercial Directorate and we will adapt them where required to reflect the principles of relevance and proportionality. We will also work in partnership with the Scottish Government's Central Government Procurement Shared Service team, allowing us to access additional procurement resource when required.

**How we will demonstrate this:**

We will capture information which demonstrates how procurement activities directly link to the organisational objectives.

Requests to purchase goods and services will be supported by a business case which demonstrates the reason(s) for the purchase and the expected outcomes and benefits. All business cases must be able to demonstrate the 'Golden Thread' – i.e. the direct link between a specific strategic priority and what is being procured. Data on procurements and the link to the strategic objective will be recorded on the contract register which is available for review on the ES website at: <https://education.gov.scot/who-we-are/policies-and-information/Procurement>

Procurement staff will support purchasing by preparing a procurement strategy to evidence both that the procurement is necessary and that best value principles have been met. Education Scotland's procurement policy is for all purchases above £2,500 to be supported by professional procurement staff.

Purchases under £2,500 do not require direct involvement from procurement staff. However, there is an established process which must be followed for procurements under £2,500 and staff must still follow this process and be able to evidence the link between the procurement and strategic priorities.

## Procurement and Value for Money

**What we will do:**

The Procurement Section will contribute to the delivery of value for money throughout the organisation. We will ensure every request for procurement assistance is accompanied by a signed-off business case which includes a statement highlighting the link to the organisation's priorities. This will ensure that no purchases are made which do not directly contribute to Education Scotland's objectives.

We will also consider all procurement route options at the strategy stage to select most appropriate, effective and efficient route. We will advertise all opportunities over £10,000 to ensure they reach the widest number of potential bidders and we will consider both quality and price in an appropriate ratio when evaluating all bids. This will deliver ongoing value for money.

**How we will demonstrate this:**

For each procurement a business case will be available which demonstrates the 'Golden Thread'.

Each procurement activity will have a procurement strategy highlighting the options considered. Procurement strategies will evaluate a 'do nothing' option to ensure that procurements are only taken forward when 'do nothing' is not the best value option.

Procurement opportunities will be advertised on **Public Contracts Scotland** to ensure that opportunities to bid for work are open to a wide number of interested suppliers, with bids being evaluated using appropriate weightings of quality and price in order to assess the **Most Economically Advantageous Tender**. The procurement strategy will provide rationale for the weightings selected and these will be notified to potential suppliers via the tender documentation.

## Principles of Procurement

We will follow the four fundamental principles of public procurement. These are:

- **equal treatment and non-discrimination** – potential suppliers must be treated equally;
- **transparency** – contract procedures must be transparent and contract opportunities should generally be publicised;
- **proportionality** – procurement procedures and decisions must be proportionate; and
- **mutual recognition** – giving equal validity to qualifications and standards from other countries where appropriate.

### Equal treatment

#### **What we will do:**

Education Scotland's processes will follow the Scottish Government's 'Procurement Journey'. Templates will be standardised but may be tailored to reflect the risk of each individual procurement exercise. The processes will be designed to ensure all suppliers are treated equally.

#### **How we will demonstrate this:**

Education Scotland's procurement processes will be published within Education Scotland Policy and Procedures. Suppliers will be able to access information on ES processes to assist them in preparing bids for contracts. This document will be available to on the ES website.

### Transparency

#### **What we will do:**

Education Scotland's procurements will be carried out in compliance with the duty to act in a transparent manner. Contracts with a value of over £10,000 will be advertised on Public Contracts Scotland. This will ensure that opportunities are made available to all interested potential suppliers who will be able to ask supplementary questions using the PCS system. All questions and the ES responses will be published so that all prospective bidders have



the same information. Contract award notices will be published on PCS and on Education Scotland's contract register. We will publish our Contracts Register on the ES website.

We will respond to FOI requests within the required timescales.

**How we will demonstrate this:**

We will report the number of published opportunities and awards.

We will report on our FOI performance.

**Proportionality**

**What we will do:**

Education Scotland will ensure that our procurements are run in a proportionate manner which reflects the risk profile of the project. Documentation will be standardised and procedures will be proportionate to ensure that all companies have an opportunity to bid regardless of the size of the company. Education Scotland will assess the level of risk in relation to the impact and value of the contract. Processes will be amended to take into account the level of risk and thereby ensure that procedures do not discriminate against SMEs.

**How we will demonstrate this:**

We will report on the number of SMEs who are awarded contracts.

**Mutual Recognition**

**What we will do:**

Standardised EU documentation has been adopted which has been designed to ensure that qualifications and standards from other countries are given equal validity.

**How we will demonstrate this:**

We will report contracts with overseas suppliers in the Annual Procurement Report.

# Scottish Government Procurement Principles

In addition to the four Education Scotland principles of procurement, we will also ensure that our procurement activities take account of the wider Scottish Government principles. These are described below as is how Education Scotland will ensure compliance.

## Procurement and sustainability

Procurement will be carried out in compliance with the sustainable procurement duty. Education Scotland will apply the guidance set out in the Procurement Reform (Scotland) Act 2014.

### **What we will do:**

We will consider the sustainable procurement duty at strategy stage for all regulated procurements. In carrying out a regulated procurement, we will assess whether the procurement process can improve the economic, social and environmental wellbeing of communities. We will facilitate the involvement of small and medium sized enterprises, third sector bodies and supported businesses. Where possible, we will promote innovation by encouraging suppliers to provide innovative responses within tenders.

### **How we will demonstrate this:**

Report on the outcomes that result from actions taken under the sustainable procurement duty within the Procurement Annual Report.

## Procurement and community benefits

A community benefit requirement is a contractual requirement imposed by the contracting authority. It can relate to training and recruitment or the availability of sub-contracting opportunities. A community benefit clause is intended to improve the economic, social or environmental wellbeing in Scottish communities in a way which is additional to the main purpose of the contract.

### **What we will do:**

Education Scotland's policy is to consider at the strategy stage whether it is possible to incorporate a community benefit requirement in the contract.

Where possible Education Scotland will make use of Scottish Government frameworks. Many of the Scottish Government Frameworks include conditions which support community benefits. For example, Education Scotland utilises the one stop shop travel booking framework. The incumbent provider has committed to paying the minimum of the

Living Wage to all staff, an apprenticeship scheme is in place and has set higher reduction targets in line with government green commitments.

**How we will demonstrate this:**

Where a community benefit has been identified the contract manager will monitor progress and delivery of outcomes for both the main contract and the community benefit. Community benefits will be reported in the Annual Procurement Report.

## Procurement and engaging with those affected by procurements

**What we will do:**

Both internal and external stakeholders are affected by procurements. Education Scotland will engage with all stakeholders, where appropriate, to ensure procurements run efficiently and deliver best value for the organisation.

We will work with internal stakeholders who have a business need and who want to procure goods or services by providing assistance and support to run a procurement exercise which follows the processes set out in the procurement journey and ensuring that the procurement conforms to current legislation and organisational policies.

We will work with contract managers and provide relevant guidance to support them in their responsibilities and thereby ensure a consistent approach throughout the Education Scotland.

Information to assist external stakeholders will be published on Education Scotland's website at: <https://education.gov.scot/who-we-are/policies-and-information/Procurement>.

**How we will demonstrate this:**

Education Scotland will provide guidance on both the intranet and external facing website, which will include:

- Procurement Strategy;
- Annual Procurement Report;
- Procurement Policy Guidance;
- Contract register
- Contracts will be advertised on PCS;
- Education Scotland will attend events to meet Supported Businesses.
- Education Scotland will engage with SG procurement shared services and seek support where needed.
- Education Scotland will engage with Scottish Government Procurement and Commercial Directorate staff and contribute to User Improvement Groups and national contracts/ frameworks where appropriate.

## Procurement and payment of Living Wage

### **What we will do:**

Education Scotland's policy is that all staff working for ES are paid the Scottish Living Wage. This includes permanent staff, secondees, agency staff and directly engaged contracted staff. Contractors are encouraged to pay sub-contractors the Living Wage

Education Scotland believes that paying staff a fair rate of pay is more likely to have a positive impact on service delivery. In addition, where staff are paid the Living Wage there is likely to be a positive impact within individual families and the communities in which they live. We will not engage staff on zero hour contracts.

### **How we will demonstrate this:**

We will report in the Annual procurement Report of instances where permanent staff, secondees, agency staff and directly engaged contracted staff are not paid the Living Wage.

Education Scotland will continue to adhere to the responsibilities required as part of the duties of being registered as a 'Living Wage' employer.

## Procurement and the Health and Safety at Work Act

### **What we will do:**

Our policy will be to use the Scottish Government standard terms and conditions for contracts. SG terms and conditions state that the contractor must keep to all UK laws that apply as well as all requirements of regulatory organisations and good industry practice. This includes any relevant health and safety laws.

### **How we will demonstrate this:**

Education Scotland will record any Health and Safety incidents, when advised, that arise during delivery of the contract. Contract managers will be instructed to keep a record of incidents as part of their contract management procedures. Incidents will be reported in Education Scotland's Annual Procurement Report.

## Procurement and Fairly and Ethically traded goods

### **What we will do:**

As part of Education Scotland's standard procurement processes, we will use a template which specifically asks if the bidder has been convicted of any criminal offence or committed any acts of professional misconduct whilst operating their business.

Education Scotland's policy will be to use fairly traded goods and services if they meet the business requirements.

**How we will demonstrate this:**

Where suppliers have been convicted of a criminal offence or professional misconduct, it may automatically preclude the bid from going forward. Responses will be kept on file until the procurement process is complete.

## Procurement of Food contracts to Improve Health, Well Being and Education and promote the highest standards in Animal Welfare

**What we will do:**

Education Scotland does not directly procure any foodstuffs. However, we occasionally require sandwich lunches and teas/coffees to be provided. Education Scotland's policy will be to express a preference for locally sourced, organic and free range in the foods supplied. We will also express a preference for fair trade teas and coffees.

**How we will demonstrate this:**

We will ask contractors to confirm whether products are locally sourced, organic or free range and report this in the Procurement Annual Report.

## Procurement and Invoice Payment

**What we will do:**

Education Scotland's policy is to pay invoices within 10 days. Fast payment of invoices will in turn enable contractors to pay sub-contractors more quickly and so on.

**How we will demonstrate that:**

Education Scotland will monitor payment performance and report performance to senior managers each month. Payment performance for the year will be published as part of the annual accounts.

# Delegated Purchasing Authority / Non Competitive Action

## Delegated Purchasing Authority

Education Scotland operates a scheme of Delegated Purchasing Authority (DPA) across its directorates. This is based on the scheme established within core Scottish Government Directorates.

DPA is the authority to enter into a contract for goods, services and works. In doing so, to take responsibility for overseeing the process leading up to, and including, the award of a contract and any subsequent changes to that contract.

DPA is:

- required for competition of contracts where an existing contract/framework agreement does not already exist. It is also required for running mini-competitions against an authorised Scottish Procurement framework agreement or for the modification of an existing contract
- granted to permanent Education Scotland employees, authorised in writing by the Chief Executive / Chief Inspector (or her nominated representative). This will be based on the business need and the training / experience of the staff concerned. It will specify the value of contracts (excluding VAT) that the individual will be authorised to award;
- intended to allow directorates the opportunity to manage their appropriate purchasing requirements within their local business area; and
- personal to an individual only whilst they occupy their current position unless they are seconded to another post within Education Scotland to carry out their procurement role in that post. DPA does not automatically transfer to their successor should they leave their current post nor does it transfer with them to another post. If DPA is to be withdrawn by Chief Executive / Chief Inspector for any reason this will be confirmed in writing.

DPA is not:

- to be confused with financial/budgetary authority which is detailed in the Scottish Government Scheme of Delegation (available on the intranet);
- required to purchase goods, services or works from single supplier framework agreements awarded or approved by Scottish Procurement; and
- the authority to approve a contract without following a genuine and effective competition - Non Competitive Action (NCA)

Scottish Government individuals with DPA are known as a Delegated Purchasing Officer (DPO).

Details of existing contracts and framework agreements awarded or approved by Scottish Procurement are available for Scottish Government staff.

## Separation of duties

It is Education Scotland policy that there are at least two defined roles in a procurement process:

- the budget holder/customer who perceives the need and makes out the business case to obtain any necessary approval to spend; and
- the DPO who is responsible for ensuring that the procurement process fully complies with procurement policy.

A DPO should not:

- be responsible for any financial approvals connected with contracts that they have authority to approve;
- act as Budget Centre Liaison Officer (BCLO)/Business Manager; or
- be an approver on the Scottish Government's purchasing system EASEbuy.

These roles must be separated in order to protect the staff concerned from accusations of impropriety.

## Non Contract Agreement (NCA)

It is Education Scotland policy that goods, services and works must be bought by genuine and effective competition. NCA is only granted in exceptional circumstances. It is strictly limited to situations where competition is not deemed appropriate.

A DPO must be consulted about any proposal to award a contract without competition before using the application for NCA form. For NCA procurements up to £100,000 (excluding VAT), approval must be obtained in advance by at least Strategic Director: National Priorities or Head of Governance level and logged on the database (available on the intranet). All requests to proceed with NCA for procurements over £100,000 must be approved in advance by the Strategic Director: Corporate Services and Governance.

In all cases, the guiding principles are that NCA approval is by someone other than the DPO who will undertake the procurement to ensure adequate separation of duties. The NCA justification and approval must be formally recorded on eRDM.

Annex 1 lists those posts in Education Scotland that have been granted DPA or NCA.

## Legislative Requirements

As at the timing of this report being published the UK was still a member state within the European Union. As such, all procurement must take account of the following legislative requirements. The vast majority of EU legislation has already been incorporated into Scots Law and any further legislative updates will be reported in the next Procurement Strategy which will be due for publication in November 2022.

- The duties set out in the Procurement Reform (Scotland) Act 2014 in relation to regulated procurements and sustainable procurement.  
[Procurement Reform \(Scotland\) Act 2014](#)
- The EC treaty which applies to all public procurement regardless of value. The principles include transparency, equal treatment and non-discrimination, proportionality and mutual recognition.  
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/Legislation/ECTreatyobligations>
- EU procurement regulations.  
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/Legislation/ECDirectivesandScotreg>
- The Scottish Public Finance Manual.  
<http://www.scotland.gov.uk/Topics/Government/Finance/spfm/Intro>
- The Scottish Government procurement policy handbook.  
<http://www.scotland.gov.uk/Publications/2008/12/23151017/0>
- The Scottish Government sustainable procurement action plan.  
<http://www.scotland.gov.uk/Topics/Government/Procurement/policy/corporate-responsibility/sspap>
- The Scottish Government e-commerce agenda.  
<http://www.scotland.gov.uk/Topics/Government/Procurement/eCommerce>
- Freedom of Information (Scotland) Act 2002 and Data Protection Act 1998.  
<http://www.legislation.gov.uk/asp/2002/13/contents>  
[http://www.ico.gov.uk/for\\_organisations/data\\_protection/the\\_guide.aspx](http://www.ico.gov.uk/for_organisations/data_protection/the_guide.aspx)



# Annex 1

## **Delegated Purchasing Authority / Non Competitive Action Hierarchies**

This hierarchy meets the procurement needs of the Education Scotland by:

- Ensuring sufficient capacity exists to allow procurement activity to be signed off by appropriate officers; and
- Ensuring that the Chief Executive and Strategic Directors authorise only those procurement activities which represent high risk/high value contracts.

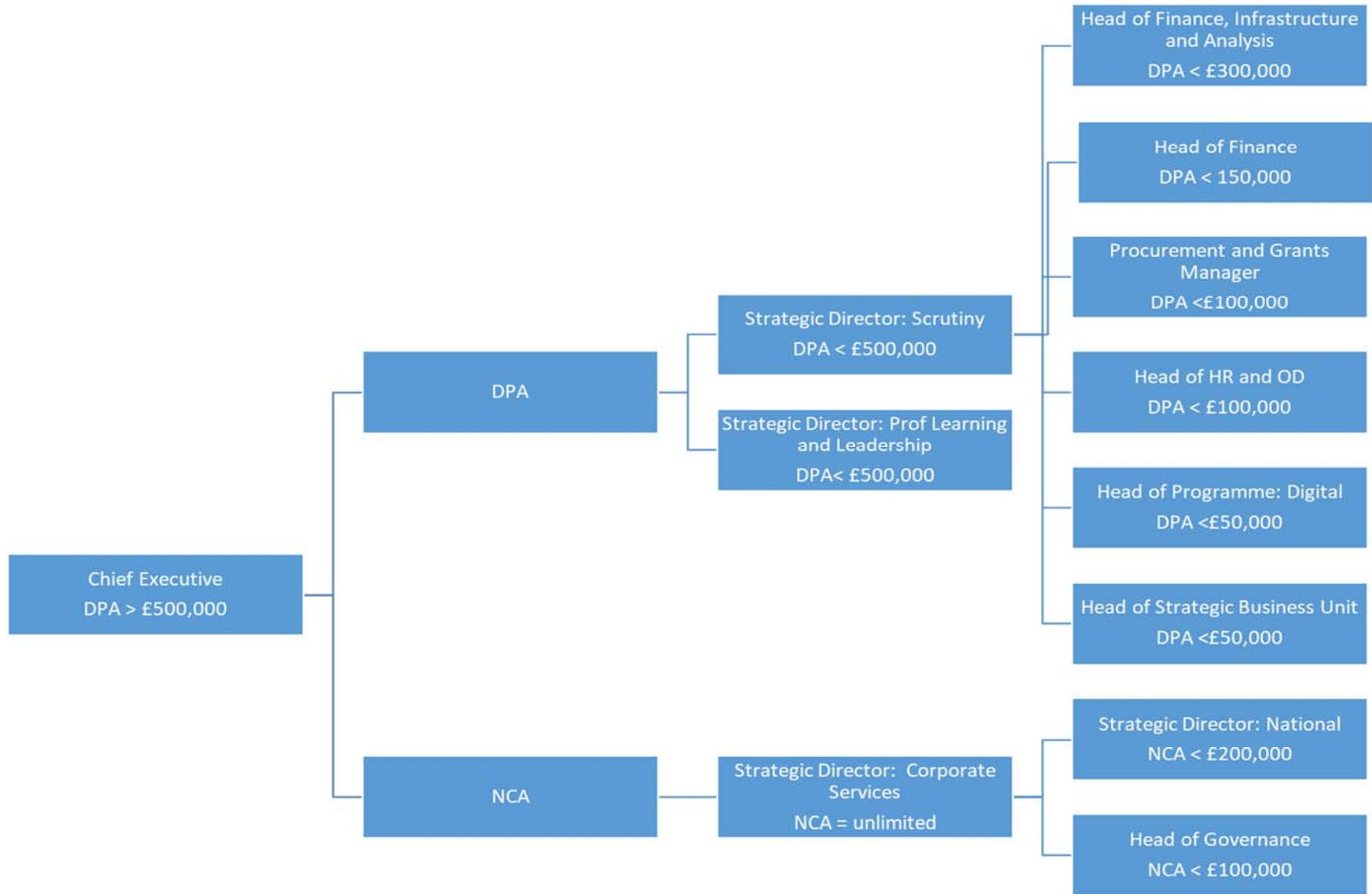
The posts chosen will not authorise procurement activity in areas that they hold budgetary responsibility. This ensures no conflict of interest and maintains internal controls.

Only permanent Education Scotland employees will hold DPA or NCA. This is in line with Scottish Government practice.

Two Strategic Directors will have DPA and two will have NCA authority to ensure cover is in place at all times.

### **Training**

Relevant training will be provided to each identified postholder to allow them to conduct the responsibilities of DPA or NCA.



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