



Procurement Strategy 2023 – 2024

For Scotland's learners, with Scotland's educators

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Introduction by the Interim 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 a whole.

In my role as the Interim 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 can maximise the benefits from the money we spend. Finite financial resources require us to 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 2023 - 2024 sets out our approach to procuring goods and services to deliver our [Corporate Plan](#). All 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 in an independent evaluation.

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



Gillian Hamilton
Interim Chief Executive

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About Education Scotland

Strategic Context

Education Scotland was established in 2011, bringing together Her Majesty's Inspectorate of Education (HMIE) and Learning and Teaching Scotland (LTS), with the Scottish College for Educational Leadership (SCEL) becoming an incorporated element of the organisation from April 2018.

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 addition to this, we support system capacity through a wide range of Professional Learning opportunities. 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.

Following Professor Ken Muir's review of the Scottish education system and published report setting out recommendations for reform, a new National Education Agency and a new independent Inspectorate will be established in 2024. We hope that this strategy will also inform the work of these new bodies.

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

- System Leadership
- Curriculum
- Learning, Teaching and Assessment
- Inclusion, Wellbeing, Equity and Equalities
- Best use of evidence
- Culture, values, and behaviour
- Transition to new organisations

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Duty of the Accountable Officer

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

The duty of Best Value in Public Services is:

- 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.

Further details on Education Scotland's strategic approach and operational activities can be found in our [Corporate Plan](#).

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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 period 2023-2024 and will underpin all procurements carried out within Education Scotland during that time. We also hope it will inform the work of our successor bodies. 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 undertake sustainable public procurement approaches 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 proportionate to the value and complexity of the procurement and where applicable barriers to the participation of suppliers will be removed. The Procurement Team 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 in compliance with the sustainable procurement duty, which 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 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, the invitation to quote process, 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's Scottish Procurement and Property 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 Services team, allowing us to access additional procurement resource when required.

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How we will demonstrate this:

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

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 priority will be recorded on the contract register.

Procurement staff will support purchasing by preparing a procurement commodity strategy, where relevant, to evidence both that the procurement is necessary, that the process will include sustainable approaches 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 follow this process and be able to evidence the link between the procurement and strategic priorities.

Procurement staff support colleagues by providing detailed process guidance on the procurement intranet page. They also provide induction sessions and bespoke support as required.

Procurement and Value for Money

What we will do:

The Procurement Team will contribute to the delivery of value for money throughout the organisation. We will ensure every request for procurement assistance over £2,500 is accompanied by an authorised 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 priorities.

We will also consider all procurement route options at the strategy stage when over £10,000, to select the most appropriate, effective, and efficient route. We will advertise these opportunities 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.'

The Quick Quote facility of Public Contracts Scotland (PCS) will be used to compete opportunities from £2,500 and up to £50,000. Each procurement activity over £10,000 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.

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Procurement opportunities over £50,000 will be advertised on PCS to ensure that opportunities to bid for work are open to a wide number of interested suppliers. Bids will be evaluated using appropriate weightings of quality and price 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's [Procurement Policy Manual](#). Suppliers can access information on ES processes to assist them in preparing bids for contracts. This document is 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 £50,000 will be advertised on PCS. This will ensure that opportunities are made available to all interested potential suppliers who will be able to ask supplementary questions using the PCS questions functionality. 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 key information on each contract entered on Education Scotland's contract register. We will publish our [Contract 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 awards.

We will report on our FOI performance.

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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 suppliers have an opportunity to bid regardless of the size of their organisation.

Education Scotland will assess the level of risk in relation to the impact and value of the contract. Processes will be amended to consider the level of risk and thereby ensure that procedures do not discriminate against small and medium enterprises (SMEs).

How we will demonstrate this:

We will report on the number of SMEs who are awarded contracts in our Annual Procurement Report.

Mutual Recognition

What we will do:

We will use standardised documentation, for example the [Single Procurement Document](#) to ensure that qualifications and standards from other countries are given equal validity.

How we will demonstrate this:

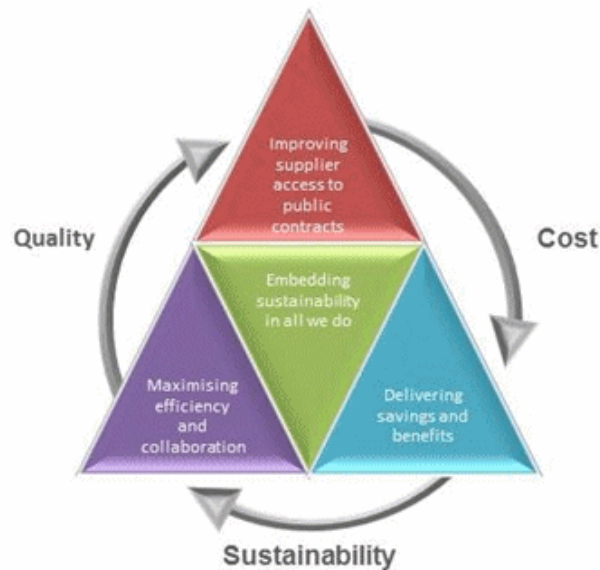
We will report contracts with overseas suppliers in the Annual Procurement Report.

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Scottish Model of Procurement

In addition to the four fundamental principles of procurement, Education Scotland will also ensure that our procurement activities take account of the Scottish Model of Procurement. These are described below and an explanation of how Education Scotland will ensure compliance.

Scottish Procurement



Scottish Model of Procurement



Procurement and sustainability

Our procurement processes will be carried out in compliance with the Sustainable Procurement Duty, and we will follow the statutory guidance in support of the Procurement Reform (Scotland) Act 2014. Compliance with the sustainable procurement duty ensures that procurement activity is aligned to priorities that are set out in the [National Performance Framework](#).

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:

We report on the outcomes that result from actions taken under the sustainable procurement duty within the Annual Procurement Report, i.e., the number of SMEs, number of third sector bodies and supported businesses we awarded a contract to.

Procurement, climate, and a circular economy

What we will do:

The recently created Education Scotland Sustainability Group will work across functions to align corporate priorities and timelines to climate change commitments. With senior leadership support, the sustainability group will work together to drive the organisation's transition to lower emission solutions. We will consider the 'do nothing' or the 'do the minimum' option prior to undertaking our procurement activity. We will use the national tools in our procurement exercises to identify priorities where an impact can be made to reducing emissions and include evaluation criteria in our tender processes, where relevant.

Travel is required to undertake our business activities. We will revise our travel policy to encourage staff to conduct business online wherever possible to avoid or minimise carbon emitting travel options. We will encourage the use of electric car hire wherever possible.

How we will demonstrate this:

We will record and report on the number of instances where the climate evaluation criteria is used in our procurement activity.

We will report on the level of carbon emissions used in our business travel activity.

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:

We will consider community benefit opportunities at the strategy stage of our regulated procurements and where appropriate, request either mandatory or voluntary community benefits in the tender documents.

Given a number of Education Scotland's procurement requirements are goods and services, similar in nature to those of Scottish Government, we will make use of available Scottish Government framework contracts. Many of these framework contracts include provision of community benefits.

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How we will demonstrate this:

Where a community benefit has been identified, the contract handover documentation will set out what the community benefit is and that it is the responsibility of the contract manager to monitor delivery of the community benefit along with delivery of the contract outcomes. We will record the number of community benefits achieved in our 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 Education Scotland.

Information to assist external stakeholders will be published on [Education Scotland's website](#).

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 Manual.
- Contract register
- Contracts will be advertised on PCS.

We will:

- attend events to meet Supported Businesses.
- engage with SG procurement shared services and seek support where needed.
- engage with Scottish Government Procurement and Property Directorate staff and contribute to User Intelligence Groups and national contracts/ frameworks where appropriate.

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Procurement and addressing Fair Work First practices and payment of the real Living Wage

What we will do:

We will actively consider [Fair Work](#) First early in procurement activity and apply the Fair Work First criteria in all procurement processes, where relevant and proportionate to do so. We will encourage economic operators to adopt Fair Work First practices especially regarding the real Living Wage in all new and relevant Education Scotland contracts.

How we will demonstrate this:

We will record all instances of Fair Work criteria being included in our procurement processes and whether the supplier is a real Living Wage supplier.

Procurement and the Health and Safety at Work Act

What we will do:

Education Scotland's terms and conditions for contracts are based on the Scottish Government's terms and conditions. These terms and conditions state the supplier 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 by the contract manager that arise during delivery of the contract. Contract managers are required 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 and services

What we will do:

We do not have a business need to procure foodstuffs. However, we will support the aims and objectives of Fairtrade goods for any requirement for business sandwich lunches and teas/coffees for internal use if they meet the business requirements. Education Scotland's preference will be to express a need for locally sourced, organic, and free range in the foods supplied. We will also express a preference for fair trade teas and coffees.

We will procure goods and services to the highest ethical standards, and we will act fairly and impartially in our dealings with suppliers. Our policy is to use the exclusion criteria in the single procurement document for our procurement activity and we will advise bidders that they may be excluded from the competition if they are in any of the situations referred to [in regulation 58](#) of the Public Contracts (Scotland) Regulations 2015 or in [regulation 8](#) and [9](#) of the Procurement (Scotland) Regulations 2016.

How we will demonstrate this:

We will record any instances where we have excluded bidders from a competition on ethical grounds and we will report this in the Annual Procurement Report.

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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 down the supply chain.

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 Agency's Annual Report and Accounts.

Procurement and key performance indicators

What we will do:

We will keep senior leaders informed of procurement influenced activity and performance. We will undertake an analysis of procurement spend to expose maverick spend, identify contracts with SMEs and supported businesses.

How we will demonstrate that:

We will report monthly to senior leaders on our previous month's procurement performance. We will include information on the total monthly contracted spend, spend by commodity category and savings achieved. We will report on the level of collaborative contract usage which supports our aim to minimise costs and maximise value. Key Performance Indicators (KPI's) regarding Category C value and savings achieved, collaborative value and savings achieved, and non-competitive actions will be included.

We will report annually on our procurement activity in compliance with the [regulation 18](#) of the Procurement Reform (Scotland) Act 2014.

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Delegated Purchasing Authority

Education Scotland operates a scheme of Delegated Purchasing Authority (DPA). 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 (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.
- 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 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](#).
- 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)

Education Scotland individuals with DPA are known as a Delegated Purchasing Officer (DPO).

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Non-Competitive Action (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 completing the NCA form. For NCA procurements up to £100,000 (excluding VAT), approval must be obtained in advance by the Head of Governance and recorded on the contracts register. All requests to proceed with NCA for procurements over £100,000 must be approved in advance by the Interim Chief Executive.

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 in the contract folder in eRDM, the records management system.

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 produces a 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 to protect the staff concerned from accusations of impropriety.

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Legislative Requirements

Scottish public sector procurement is governed by the Public Contracts (Scotland) Regulations 2015; the Procurement Reform (Scotland) Act 2014 and the Procurement (Scotland) Regulations 2016. Procurement is a legislative framework and Education Scotland implements the legislation as well as meeting the objectives of the Scottish Government and the Procurement Reform (Scotland) Act 2014. We will continue to contribute to Scotland's National Outcomes and support the achievement of the [National Performance Framework](#) outcomes in all our procurement activity, in particular through use of the Procurement Reform (Scotland) Act 2014.

- [The Scottish Public Finance Manual](#).
- [The Scottish Government procurement policy handbook](#).
- [The Scottish Government sustainable procurement action plan](#).
- [Scottish Procurement Policy Note \(SPPN\) 3/2022 - Taking account of climate and circular economy considerations](#).
- [The Scottish Government e-commerce agenda](#).
- [Freedom of Information \(Scotland\) Act 2002](#)
- [Data Protection Act 1998](#).

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