

EAST RENFREWSHIRE COUNCILCABINETTHURSDAY 19 JUNE 2025Report by Director of EducationREQUEST FOR APPROVAL FOR DIRECT BID TO HERIOT-WATT SCHOLAR**PURPOSE OF REPORT**

1. The purpose of this report is to seek approval to continue to subscribe to the Heriot-Watt Scholar online learning platform for the benefit of schools across East Renfrewshire.

RECOMMENDATIONS

2. Cabinet is asked to approve a direct purchase under Regulation 33(1) (b) (iii) of the Public Contracts (Scotland) Regulations 2015 from Heriot-Watt Scholar for access to the online learning platform at an estimated cost of £65,000 across academic years 2025/26 to 2027/28.

BACKGROUND

3. In partnership with colleagues in procurement, the Education Department seeks to monitor the level of spend with individual suppliers across the department to ensure compliance with the council's Contract Standing Orders and appropriate procurement routes are followed. Ongoing work in this area has highlighted that the level of spend with Heriot-Watt Scholar has reached the threshold requiring Cabinet approval to allow continued engagement with this supplier directly without a need for any competitive quotation or tendering exercise being undertaken.

REPORT

4. Scholar which is known under trademark as 'Heriot-Watt Scholar' refers to the online learning platform covering Scotland's Curriculum for Excellence courses at National 5, Higher and Advanced Higher levels. This service operates in partnership with the Association of Directors of Education in Scotland (ADES) with a consultation network including the SQA.

5. Subscribers have an annual licence to use the SCHOLAR e-learning content as well as online homework and revision sessions. In particular this includes:

- access to Scholar materials hosted on their Learning Platform;
- 42 SQA aligned courses at National 5, Higher and Advanced Higher;
- materials for teachers;
- online CPD for staff; and,
- e-tutor support and live on-line homework and revision sessions for students.

6. Within East Renfrewshire the Scholar subscription allows teachers and senior pupils across our secondary schools to access these resources. Recently gathered views from all 7

secondary head teachers indicated that this resource was still used across all secondary schools in East Renfrewshire and that the loss would impact on curriculum support for pupils.

7. Given all Scholar materials are the copyright of Heriot-Watt University, the most appropriate procurement route going forward is considered to be a direct award to Heriot-Watt Scholar. To date, given the proprietary nature of the services provided, exemption from competition has been approved via the Chief Procurement Officer. However, taking into account the cumulative value of previous exemptions and planned spend going forward, the threshold for reporting to Cabinet (£100,000) has now been met (per clause 23 of Contract Standing Orders).

8. For academic session 2025/26 the annual cost is £20,533 (excl VAT). Initially, the department would seek to renew the subscription for session 2025/26 only with the option to renew for a further two years, therefore approval is sought for spend of up to £65,000 (excl VAT)

9. Giving consideration to the historical spend and the proposed value now being requested this would normally require competition; regulation 33 of the Public Contracts (Scotland) Regulations 2015 notes various circumstances where competition is not required and contracts can be entered into by direct negotiation. In the present case, given the proprietary nature of the services provided by this organisation, regulation 33(1) (b) (iii) is considered applicable there being no reasonable alternative on the market providing the particular services in question.

FINANCE AND EFFICIENCY

10. The cost of continuing with the service can be met from within the Education Department's revenue budget.

CONSULTATION

11. The Chief Officer Legal and Procurement and the Chief Procurement Officer have been consulted on the use of Regulation 33 and have authorised it as appropriate. The Information Governance and Data Protection Officer and IT colleagues have been consulted in terms of the data sharing arrangements associated with this subscription.

IMPLICATIONS OF THE PROPOSALS

12. There are no further staffing, IT, legal, sustainability or other specific implications associated with this report.

CONCLUSIONS

13. Given the cumulative value of previous exemptions/planned ongoing spend by the Education Department and the exclusive rights associated with the programmes offered by Heriot-Watt Scholar, a direct award with a negotiated contract is deemed appropriate.

RECOMMENDATION

14. Cabinet is asked to approve a direct purchase under Regulation 33(1) (b) (iii) of the Public Contracts (Scotland) Regulations 2015 from Heriot-Watt Scholar for access to the online learning platform at an estimated cost of £65,000 across academic years 2025/26 to 2027/28.

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