



**EDUCATION EXECUTIVE**

**LETTING OF EDUCATION PREMISES**

**REPORT BY HEAD OF EDUCATION (DEVELOPMENT)**

**A. PURPOSE OF REPORT**

1. To inform the Executive of the risks associated with the current letting policy and to suggest changes to clarify the roles and responsibilities of let holders in relation to the protection of vulnerable groups.
2. To seek approval of revised conditions of let.

**B. RECOMMENDATION**

To recommend that the attached revised conditions of let and application form are approved in order to reduce risk to the Council, to ensure clarity for customers, and to provide a letting framework which continues to meet the needs of both let holders and the Council.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Protection of Vulnerable Groups (Scotland) Act 2007 Letting of Educational Premises Policy to be replaced by Conditions of Let
<b>III Implications for Scheme of Delegations to Officers</b>	Not applicable
<b>IV Impact on performance and performance Indicators</b>	Not applicable
<b>V Relevance to Single Outcome Agreement</b>	Not applicable
<b>VI Resources - (Financial, Staffing and Property)</b>	None
<b>VII Consideration at PDSP</b>	9 February 2016 – The PDSP asked for clarification of the venues covered by the policy, and that the current FYouthLet1 form would no

longer be used be included in the report.

#### **VIII Other consultations**

Service and Council Child Protection Officers, Legal Services, Facilities Management, Secondary Schools, Community High Schools, Active Schools Co-ordinators, West Lothian Leisure, Council's Equality Officer

### **D. TERMS OF REPORT**

The Letting of Education Premises Policy, agreed by the Education Executive in 2011, sets out the terms and conditions of lets in schools. This policy covers lets in Primary Schools, Secondary Schools and Chalmers Hall, Linlithgow, which is managed by Education Services. The proposed revised conditions would also be applied by these venues.

In terms of the Protection of Vulnerable Groups (Scotland) Act, the letting of premises does not fall within regulated work, even if the premises are being hired for a purpose involving children and/or protected adults. The Council cannot ask the lessee for evidence of PVG certification when deciding whether to grant a let.

Where the let involves children, the current policy requires the let holder to complete the 'FYouthLet1' form, which then must be checked and countersigned by a council officer. As council officers have no means of verifying the accuracy of the information given on the form or of later checking that the group operates as set out on the form, having a council officer sign their approval for the let may expose the Council to risk should the let holder fail to meet their obligations in terms of protection of vulnerable groups. The current policy may also give false comfort to the public as they may expect that the Council has undertaken more thorough checks than the law allows.

It is the responsibility of the group or individual responsible for the let to ensure that all activities are undertaken appropriately and in line with legislation.

The proposed new application form and terms and conditions make clear to the let holder the extent of their responsibilities. It is proposed that the FYouthLet1 form is no longer used for the reasons set out above.

Conditions of let have been revised taking account of the experience of Service and Council Child Protection Officers, Legal Services, Facilities Management, Secondary Schools, Community High Schools, Active Schools Co-ordinators, West Lothian Leisure, Council's Equality Officer to ensure that the conditions continue to meet the needs of both let holders and the Council. The conditions of let of other local authorities were also examined.

The revised conditions of let cover the content currently covered, with additional, more robust guidance on swimming, equalities issues and copyright and performance.

### **E. CONCLUSION**

The proposed new conditions of let and application form make clear to the public the extent of the Council's ability to regulate youth groups and that responsibility for this lies with the let holder, and provide a letting framework that continue to meet the needs of both let holders and the Council.

### **F. BACKGROUND REFERENCES**

Minute of Education Executive November 2011

Current policy on Letting of Educational Premises:

Appendices/Attachments:      Proposed revised Conditions of Let  
   Proposed revised application form.  
   Current Youth Lets form

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