



## ***West Lothian Council***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

15 November 2018

A meeting of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 20 November 2018** at **10:00am**.

For Chief Executive

### **BUSINESS**

#### **Public Session**

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest
3. Order of Business, including notice of urgent business and declarations of interest in any urgent business
4. Minutes :-
  - (a) Confirm Draft Minutes of Meeting of West Lothian Council held on 25 September 2018 (herewith).
  - (b) Correspondence arising from previous decisions (herewith)
  - (c) Note Minutes of Meeting of Audit Committee held on Monday 25 June 2018 (herewith)
  - (d) Note Minutes of Meeting of Education (Quality Assurance) Committee held on 04 September 2018 (herewith).
  - (e) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on 6 September 2018 (herewith).

- (f) Note Minutes of Meeting of Performance Committee held on 03 September 2018 (herewith).
- (g) Note Minutes of Meeting of Governance and Risk Committee held on 27 August 2018 (herewith)
- (h) Note Minutes of Meeting of Employee Appeals Committee held on 31 August 2018 (herewith)
- (i) Note Minutes of Meeting of Employee Appeals Committee held on 28 September 2018 (herewith)

**Public Items for Decision**

- 5. Election Business
- 6. Treasury Management - Interim Report at 30 September 2018 - Report by Head of Finance and Property Services (herewith)
- 7. Changes to Standing Orders and Scheme of Administration for Development Management Committee and Local Review Body - Report by Chief Executive (herewith)
- 8. Notice of Motion - Fully Fund the NHS - Submitted by Councillor Damian Timson (herewith)
- 9. Notice of Motion - Cease P1 Testing - Submitted by Councillor Peter Heggie (herewith)
- 10. Notice of Motion - Reduce Plastic Consumption - Submitted by Councillor Chris Horne (herewith)
- 11. Notice of Motion - Congratulations to The Basics Trust - Submitted by Councillor Chris Horne (herewith)
- 12. Notice of Motion - Roll out Food for Life Standard - Submitted by Councillor Chris Horne (herewith)
- 13. Notice of Motion - Give Rates Relief to West Lothian Foodbank - Submitted by Councillor Chris Horne (herewith)
- 14. Notice of Motion - Student Nurse Bursary - Submitted by Councillor Frank Anderson (herewith)
- 15. Notice of Motion - Pool Cars - Submitted by Councillor Frank Anderson (herewith)
- 16. Notice of Motion - Charter against Modern Slavery - Submitted by Councillor John McGinty (herewith)

**Public Items for Information**

DATA LABEL: Public

17. Documents for Execution
18. Chief Social Work Officer's Annual Report 2018-19 (herewith)
19. PFI Payments -Question to Leader of the Council - Submitted by Councillor Frank Anderson (herewith)
20. Repairs to Let Properties - Question to Executive Councillor for Services for the Community - Submitted by Councillor Pauline Clark (herewith)

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NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email [val.johnston@westlothian.gov.uk](mailto:val.johnston@westlothian.gov.uk)**



MINUTE of MEETING of the WEST Lothian COUNCIL held within Council Chambers, West Lothian Civic Centre, on 25 September 2018.

Present – Depute Provost Dave King (Chair); Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, William Boyle, Diane Calder, Janet Campbell, Harry Cartmill, Pauline Clark, Tom Conn, Robert De Bold, Jim Dickson, David Dodds, Angela Doran, Bruce Fairbairn, Lawrence Fitzpatrick, Peter Heggie, Chris Horne, Charles Kennedy, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, Cathy Muldoon, George Paul, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Councillors Tom Kerr (Provost), Carl John, Peter Johnston and Moira Shemilt

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The council was informed of two urgent Motions; one from Councillor Pauline Clark concerning Scotland's Women's Football and the other from Councillor Andrew Miller concerning F1 in Schools. The council was also advised of an urgent Question from Councillor Damian Timson concerning P1 Testing.

The Depute Provost ruled that the two Motions would be dealt with immediately following Agenda Item 19 (Motion – Nursing Students' Minimum Income) and that the Question would be dealt with at the end of agenda.

The Depute Provost also wished to record get well wishes for a speedy recovery to Councillor Peter Johnston who had recently been taken ill.

2. DECLARATIONS OF INTEREST

1. Agenda Item 17 (Motion – Armed Forces Day) – Councillor Harry Cartmill declared a non-financial interest in that he was a trustee of the Armed Forces Day and would not participate in the item of business;
2. Agenda Item 19 (Motion – Nursing Students' Minimum Income) - Councillor John McGinty declared a non-financial interest in that he was the council appointed representative on NHS Lothian Health Board;
3. Agenda Item 17 (Motion – Armed Forces Day) – Councillor Charles Kennedy declared a non-financial interest in that he was a trustee of the Armed Forces Day and would not participate in the item of business
4. Councillor Janet Campbell declared an interest in that she was a paid employee of NHS Lothian;
5. Agenda Item 13 (Motion – Rent Pressure Zone) – Councillor

Robert De Bold declared that was a landlord; and

6. Agenda Item 18 (Motion – Business Rates Relief from Independent Schools) – Councillor Lawrence Fitzpatrick declared that as he was a member of the Scottish Charity Appeals Panel he would not participate in the item of business.

### 3. MINUTES -

- a) The Council approved the minute of West Lothian Council held on 22 May 2018;
- b) The Council noted correspondence arising from previous decisions;
- c) The Council noted the minute of the Audit Committee held on 19 March 2018;
- d) The Council noted the minute of the Employee Appeals Committee held on 2 March 2018;
- e) The Council noted the minute of the Employee Appeals Committee held on 20 April 2018;
- f) The Council noted the minute of the Employee Appeals Committee held on 4 May 2018;
- g) The Council noted the minute of the Employee Appeals Committee held on 15 June 2018;
- h) The Council noted the minute of the Governance and Risk Committee held on 9 April 2018
- i) The Council noted the minute of the Governance and Risk Committee held on 18 June 2018;
- j) The Council noted the minute of the Performance Committee held on 28 May 2018;
- k) The Council noted the minute of the Education (Quality Assurance) Committee held on 24 April 2018
- l) The Council noted the minute of the Education (Quality Assurance) Committee held on 12 June 2018;
- m) The Council noted the minute of the West Lothian Leisure Advisory Committee held on 12 April 2018; and
- n) The Council noted the minute of the West Lothian Leisure Advisory Committee held on 21 June 2018.

### 4. ELECTION BUSINESS

### Licensing Board

The Council was informed that the Conservative Group wished to replace Councillor Charles Kennedy with Councillor Peter Heggie on the Licensing Board

### Headteacher Appointment Panel

The Council was informed that the Conservative Group wished to appoint Councillors Damian Timson and Tom Kerr to the Headteacher Appointment Panel

### Decision

To agree that :-

1. Councillor Peter Heggie replace Councillor Charles Kennedy on the Licensing Board; and
2. Councillors Damian Timson and Tom Kerr be appointed on the Headteacher Appointment Panel

## 5. WEST LOTHIAN COUNCIL - ANNUAL ACCOUNTS

The Head of Finance and Property Services welcomed to the meeting, Stephen Reid, Ernst and Young LLP.

The Council then considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising the Council of the outcome of the 2017/18 Audit and providing a summary of the key points arising from the Auditor's Annual Report.

The report explained that the unaudited Annual Accounts for the year ended 31 March 2018 had been considered by the Audit Committee on 25 June 2018, thus achieving the statutory deadline of 30 June for submission to the council's auditors. These Accounts were the subject of the General Fund Revenue Outturn report to the Council Executive on 26 June 2018. The external audit of the Accounts and the signing of the Independent Auditor's Report would be completed by the target date of 30 September 2018 following approval of the Accounts.

As a result of Ernst and Young LLP audit findings, there were a number of changes to the figures in the unaudited accounts, however these changes did not impact on the 2017/18 revenue out-turn figures as reported to the Council Executive on 25 June 2018.

The report then provided the key messages as set out in the Auditor's executive summary all of which had been rated in terms of red/amber/green, noting that all were rated green with the exception of financial stability which had been rated amber. The Auditor explained that financial stability had been rated as amber on the basis of the challenge facing all local authorities and the need for continued member and officer

focus in delivering challenging levels of savings.

The report went on to summarise the council's performance in the main areas of Financial Statements, Approach to Best Value, Financial Management and Financial Sustainability, Governance and Transparency and Value for Money.

The Auditor had provided an unqualified opinion on the council's financial statements for 2017-18 and had made no recommendations for action following the audit.

The Head of Finance and Property Services concluded that this was the second year that the audit had been carried out by Ernst and Young LLP for West Lothian Council. Following a debrief in January 2018 with Ernst and Young the council's finance team had reviewed the first year audit process in order to learn lessons and provide and support efficiencies in the second year of audit. Overall council officers and auditors had worked together professionally and constructively and would continue to review the experience each year to identify areas of learning and improvement.

It was recommended that Council :-

1. Notes Ernst & Young LLP's 2017/18 Annual Audit Report;
2. Approves for signature the audited Annual Accounts for 2017/18; and
3. Refers the Auditor's Report and the 2017/18 Annual Account to the Audit Committee for information and scrutiny.

#### Decision

To approve the terms of the report

#### 6. NOTICE OF MOTION - REVIEW OF APPOINTMENTS - SUBMITTED BY COUNCILLOR PETER JOHNSTON

The Council was informed that the Motion was withdrawn

#### Decision

To note that the Motion had been withdrawn.

#### 7. NOTICE OF MOTION - SCHOOL EXAMINATION RESULTS 2018 - SUBMITTED BY COUNCILLOR DAVID DODDS

The Council considered a motion (copies of which had been circulated) submitted by Councillor David Dodds in the following terms :-

"West Lothian Council notes the exceptional results achieved by students in West Lothian for the SQA examinations in 2018. Council further notes the continued improvements in examination results for students since



2012.

Council congratulates all the students and teachers on the outstanding results achieved, and also thanks the parents, carers, friends and families of the students for all of the help, encouragement and support that they provided to the 2018 examination candidates.”

Decision

To unanimously agree the terms of the motion

8. NOTICE OF MOTION - HEAD OF SCOUTS SCOTLAND - SUBMITTED BY COUNCILLOR GEORGE PAUL

The Council considered a motion (copies of which had been circulated) submitted by Councillor George Paul in the following terms :-

“Council congratulates Andrew Sharkey, Head Teacher of St Kentigern’s Academy, Blackburn on his appointment as the new Chief Commissioner for Scouts Scotland, having the effect that he is now the Leader of more than 50,000 scouts in Scotland.

Council instructs the Chief Executive to write to Mr Sharkey advising of Members delight and appreciation of the recognition of his appointment which recognises his sterling contribution to young people”

Decision

To unanimously agree the terms of the motion.

9. NOTICE OF MOTION - POPPYSCOTLAND'S COUNT THEM IN CAMPAIGN - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

The Council considered a motion (copies of which had been circulated) submitted by Councillor Lawrence Fitzpatrick in the following terms :-

“The council supports Poppyscotland’s Count Them In campaign which aims to see the inclusion of an Armed Forces question in the next census in 2021. Notes that there is currently very limited information about where our veterans now live and what support they might need. By gathering this information through the Census will allow for an improved understanding of this unique community and ensure that the council alongside others can ensure we are fully meeting the needs of our serving personnel, veterans and their families.

Council therefore instructs the Chief Executive to write to Poppyscotland, the local constituency and regional MSP’s to inform them of the council’s support.”

Decision

To unanimously agree the terms of the motion

10. NOTICE OF MOTION - SCOTLAND'S BEST JUNIOR DEBATERS 2018 - SUBMITTED BY COUNCILLOR ANGELA DORAN

The Council considered a motion (copies of which had been circulated) submitted by Councillor Angela Doran in the following terms :-

“Council acknowledges the incredible efforts of Broxburn Academy’s Emma Bell and Ruby Ferguson in being crowned Scotland’ best junior debaters 2018.

Despite facing strong opposition and being the youngest participants in the competition, the Broxburn duo has become the first entrants from West Lothian to win the event. Emma and Ruby have proven themselves to be excellent ambassadors for Broxburn Academy.

Council therefore instructs the Chief Executive to write to both students, congratulating them on their outstanding achievement.”

Decision

To unanimously approve the terms of the motion.

11. NOTICE OF MOTION - WEST LOTHIAN 50+ NETWORK - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

The Council considered a motion (copies of which had been circulated) submitted by Councillor Kirsteen Sullivan in the following terms :-

“Council thanks recently retired long standing members of the West Lothian 50+ Network: Mary Ferrie (Network Secretary), Helen Orr (Organiser), Judith Hanna and Isobel Wilson. Council acknowledges their commitment, contribution and dedication over a significant number of years to ensure that West Lothian has an active 50+ Network for older residents.

Council therefore instructs the Chief Executive to write to the retiring committee members to congratulate them on their many years of services.”

Decision

To unanimously approve the terms of the report

12. NOTICE OF MOTION - HOMELESS CRISIS - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Depute Provost ruled under Standing Order 20(2) that the motion submitted by Councillor Anderson would not be heard.

The Depute Provost provided an explanation in that the matter was already being dealt with elsewhere including the most recent meeting of the Services for the Community Policy Development and Scrutiny Panel held on 18 September 2018.

13. NOTICE OF MOTION - RENT PRESSURE ZONE - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Depute Provost ruled under Standing Order 20(2) that the motion submitted by Councillor Anderson would not be heard.

The Depute Provost provided an explanation in that the matter was a work in progress which had included reports to meetings of the Services for the Community Policy Development and Scrutiny Panel in December and January.

14. NOTICE OF MOTION - TACKLING POVERTY IN WEST LOTHIAN - SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms :-

“West Lothian Council notes and welcomes the initiative by the Scottish Government to set up a National Energy Company. This has the potential to encourage many more people to change their utility provider and get a lower tariff.

However, whilst we have to wait this being set up there are initiatives that Council can do to assist with lowering the fuel bills for our residents.

The West Lothian SNP Group calls for an urgent report from our officers on how we tackle not only fuel poverty but poverty in general within our communities. In particular, the report should outline the potential for “white labelling” to enable the Council to consider the best way of tackling fuel poverty within our wider community.”

- Moved by Councillor Frank Anderson and seconded by Councillor Sarah King.

Amendment

“Members are asked to note that a paper on this issue will be presented to the Council Executive meeting on 9<sup>th</sup> October 2018 which will also address fuel poverty and the potential for “white labelling”.”

- Moved by Councillor Lawrence Fitzpatrick and seconded by Councillor Kirsteen Sullivan

A roll call vote was taken which resulted as follows :-

Motion

Amendment

Frank Anderson  
Willie Boyle  
Diane Calder  
Janet Campbell  
Pauline Clark  
Robert De Bold  
Jim Dickson  
Sarah King  
Andrew Miller  
David Tait

Alison Adamson  
Stuart Borrowman  
Harry Cartmill  
Tom Conn  
David Dodds  
Angela Doran  
Bruce Fairbairn  
Lawrence Fitzpatrick  
Peter Heggie  
Chris Horne  
Charles Kennedy  
Dave King  
John McGinty  
Andree McGuire  
Dom McGuire  
Cathy Muldoon  
George Paul  
Kirsteen Sullivan  
Damian Timson

#### Decision

Following a vote the Amendment was successful by 19 to 10, with 4 members absent, and it was agreed accordingly.

15. NOTICE OF MOTION - WHEELCHAIR ACCESSIBLE TAXIS -  
SUBMITTED BY COUNCILLOR FRANK ANDERSON

The Council considered a motion (copies of which had been circulated) submitted by Councillor Frank Anderson in the following terms :-

“West Lothian SNP Group notes the numerous initiatives to make West Lothian taxis more accessible for all. However currently, one of the problems encountered, particularly by wheelchair users is the unavailability of wheelchair taxis. This can be due to many drivers claiming an exemption from assisting wheelchair users in their taxi. This is causing not only inconvenience but embarrassment for many taxi users.

This is totally unacceptable and appears to defeat the purpose of having wheelchair accessible vehicles as taxis.

West Lothian SNP Group call for an urgent report from officers on how we can ensure that most, if not ALL, wheelchair vehicles are available for hire and able to provide the much needed service to people with a disability.”

- Moved by Councillor Frank Anderson and seconded by Councillor Willie Boyle

#### Amendment

“Council notes all taxis licensed in West Lothian are required to be wheelchair accessible. The policy recognises that not all disabled

persons, particularly those travelling in larger/heavier wheelchairs can be accommodated in taxis. In order to compliment the taxi fleet and provide additional accessible options for disabled people, all larger private hire cars must include a passenger lift.

Council also notes that, in terms of equality legislation all drivers are entitled to apply for an exemption from their duty to provide assistance to passengers if they have a qualifying medical condition. All drivers who apply for an exemption certificate are medically examined by the council's medical advisors. Some certificates are time limited and drivers are re-examined when these are due for renewal. As drivers are still required to enquire whether a disabled passenger can access the vehicle with assistance from a companion, rather than simply refusing a hire from a disabled person, the existence of an exemption certificate does not render the taxi inaccessible.

Council notes that this policy has been very successful in increasing the choice for disabled passengers with a total of 124 taxis plus 48 passenger lift private hire cars licensed in West Lothian, resulting in a total of 172 fully accessible hire cars operating in West Lothian.

Notwithstanding the above it has been brought to my notice that the pricing structure applied by taxi operators in West Lothian maybe be different to customers who have a disability and need assistance.

Council therefore, instructs the Licensing team make the necessary enquiries and bring a report to the Environment PDSP as soon as practicable.

- Moved by Councillor Tom Conn and seconded by Councillor Lawrence Fitzpatrick

Councillor Frank Anderson then advised that the terms of the amendment were acceptable to him and his Group members.

#### Decision

To unanimously agree the terms of the amendment

#### 16. NOTICE OF MOTION - ARMED FORCES DAY - SUBMITTED BY COUNCILLOR JOHN MCGINTY

Councillor Harry Cartmill and Charles Kennedy withdrew from the meeting during consideration of this item of business.

The Council considered a motion (copies of which had been circulated) submitted by Councillor John McGinty in the following terms :-

“West Lothian Council welcomes and values the vital contribution to national life made by Britain's Armed Forces, Armed Forces families, Armed Forces Veterans and Veterans Organisations.

Council notes that a very successful Armed Forces Day was held in West

Lothian on Sunday 1 July and commends all those involved in delivering this much welcomed community event.

West Lothian Council therefore agrees to continue to promote and provide support for the annual Armed Forces Day in future years, including the supply, construction and removal of the Council marquee free of charge.”

#### Decision

To unanimously agree the terms of the motion

17. NOTICE OF MOTION - BUSINESS RATES RELIEF FROM INDEPENDENT SCHOOLS - SUBMITTED BY COUNCILLOR DAVID DODDS

Councillor Lawrence Fitzpatrick withdrew from the meeting during consideration of this item of business.

The Council considered a motion (copies of which had been circulated) submitted by Councillor David Dodds in the following terms :-

“Council welcomes the decision by the Scottish Government to remove business rates relief from independent schools in line with the recommendations of the Barclay Commission.

Council is totally opposed to the suggestion made by Derek Mackay to John Swinney that independent schools could apply to their local councils for rates relief.

Council believes that when the Scottish Government is failing to fund local authority schools properly it is grossly unfair for them to suggest that councils should foot the bill for tax breaks for independent schools.”

- Moved by Councillor David Dodds and seconded by Councillor Kirsteen Sullivan

#### Amendment

“West Lothian Council welcomes the Scottish Government’s decision to remove business rates relief from independent schools to bring them into line with State schools.

The 2015 Community Empowerment Act allows Local Authorities to create and fund their own localised business rates relief schemes and we understand that Independent Schools can make a request to this fund if they so wish. However it would then be incumbent upon the Local Authority to make a case by case decision.

Council welcomes the additional powers given to Local Authorities and to this end we must trust each authority to act in the best interests of their localities and individual needs.”

- Moved by Councillor Pauline Clark and seconded by Councillor

Andrew Miller

A roll vote was taken which resulted as follows :-

<u>Motion</u>	<u>Amendment</u>
Alison Adamson	Frank Anderson
Stuart Borrowman	Willie Boyle
Harry Cartmill	Diane Calder
Tom Conn	Janet Campbell
David Dodds	Pauline Clark
Angela Doran	Robert De Bold
Bruce Fairbairn	Jim Dickson
Peter Heggie	Sarah King
Chris Horne	Andrew Miller
Charles Kennedy	David Tait
Dave King	
John McGinty	
Andree McGuire	
Dom McGuire	
Cathy Muldoon	
George Paul	
Kirsteen Sullivan	
Damian Timson	

Decision

Following a vote the Motion was successful by 18 to 10, with 4 members absent and 1 having declared an interest and had withdrawn, and it was agreed accordingly.

18 NOTICE OF MOTION - NURSING STUDENTS' MINIMUM INCOME - SUBMITTED BY COUNCILLOR DOMINIC MCGUIRE

The Council considered a motion (copies of which had been circulated) submitted by Councillor Dominic McGuire in the following terms :-

“West Lothian Council notes that nurses are the backbone of the National Health Services, in particular, the vital role played by student nurses.

Council supports the call made by the Royal College of Nursing (RCN) to increase the minimum income entitlement available to student nurses from that of £6,578 a year to £10,000 per year. The RCN have noted that this is easily achievable by providing access to a small Scottish Government loan of up to £3,500.

Council, therefore, agrees to write to Jeanne Freeman MSP, in her capacity as Cabinet Secretary of Health and Sport asking her to secure student nurses a minimum income entitlement of £10,000.”

- Moved by Councillor Dominic McGuire and seconded by Councillor Harry Cartmill

Amendment

“West Lothian Council SNP Group congratulates the Scottish Government for maintaining the Bursary/grant for Student Nurses, studying within Scotland. We also note that where the Bursary was replaced by Student Loans, there has been a dramatic drop in the numbers studying to be nurses.

Furthermore, we note that nurses in Scotland are paid more and taxed less than elsewhere in the UK.

West Lothian Council SNP Group oppose this motion from the Labour Group which seeks to impose a milestone round the necks of nurses and which will do nothing to encourage recruitment of student nurses. We condemn the so called “socialists” for seeking to burden our hard working nurses with a £14,000 debt from day one of their qualifying as a nurse. We now know that the Labour Party seek to create debt for the many not the few amongst students.

West Lothian Council SNP Group sees this Motion as a retrograde step in attracting student nurses and rejects the proposed introduction of debt for our student nurses in Scotland.

West Lothian Council write to the SG encouraging them to explore every possibility to increase the student nurse bursary in their talks with the RCN.”

- Moved by Councillor Frank Anderson and seconded by Councillor Janet Campbell

A roll call vote was taken which resulted as follows :-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Stuart Borrowman	Frank Anderson	Alison Adamson
Harry Cartmill	Willie Boyle	Bruce Fairbairn
Tom Conn	Diane Calder	Peter Heggie
David Dodds	Janet Campbell	Chris Horne
Angela Doran	Pauline Clark	Charles Kennedy
Lawrence Fitzpatrick	Robert De Bold	Damian Timson
Dave King	Jim Dickson	
John McGinty	Sarah King	
Andrew McGuire	Andrew Miller	
Dom McGuire	David Tait	
Cathy Muldoon		
George Paul		
Kirsteen Sullivan		

Decision

Following a vote the Motion was successful by 13 votes to 10, with 6 abstentions and with 4 members absent and was agreed accordingly.



19. URGENT MOTION - SCOTLAND'S WOMEN'S FOOTBALL TEAM - SUBMITTED BY COUNCILLOR PAULINE CLARK

The Council considered a motion (copies of which had been circulated) submitted by Councillor Pauline Clark in the following terms :-

“West Lothian Council is delighted to extend its heartfelt congratulations to the Scotland team on their tremendous achievement qualifying for the World Cup in France 2019. We wish the team the best of luck and look forward to seeing our National Football Team gracing the world stage.”

Decision

To unanimously agree the terms of the motion and to also instruct the Chief Executive to write to the team’s coach, Shelley Kerr who was from Polbeth, to congratulate her and the team on their success.

20 URGENT MOTION - F1 IN SCHOOLS - SUBMITTED BY COUNCILLOR ANDREW MILLER

The Council considered a motion (copies of which had been circulated) by Councillor Andrew Miller in the following terms :-

“West Lothian Council congratulates the young women of Team Velocity from Inveralmond CHS and Team AcceleRace from Linlithgow Academy on their achievements in the F1 in schools final in Singapore. Both of these amazing all girl teams represented their schools, their teachers, their parents and West Lothian and did us all proud.

Council also notes the remarkable contribution of Mr David Dodds who has now helped 3 teams reach these world finals.

Council agrees that the Provost’s office will communicate our congratulations and thanks to the two teams and their schools.”

Decision

To unanimously approve the terms of the motion.

21. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 303 documents for execution.

Decision

That the deeds be executed.

22. TREASURY MANAGEMENT - ANNUAL REPORT FOR 2017-18 - REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

The Council considered a report (copies of which had been circulated) by

the Head of Finance and Property Services informing the Council of the activities and results of treasury management operations for the year to 31 March 2018.

The Council was informed that there was a requirement under the council's Standing Orders, Financial Regulations, and the Local Government Investments (Scotland) Regulations 2010 for an annual report on the operation of the treasury management function to be presented to the Council for consideration. The requirement to report to the Council complied with the revised Treasury Management Code and Scottish Investment Regulations.

The Treasury Management Annual Report was attached to the report and provided the following appendices:-

- |            |   |
|------------|---|
| Appendix 1 | Current Portfolio Position                    |
| Appendix 2 | Details of Borrowing in 2017/18               |
| Appendix 3 | Approved Organisations for Investment         |
| Appendix 4 | Monitoring of Prudential Indicators – 2017/18 |

The Head of Finance and Property Services concluded that the actions taken during the year complied with the Annual Plan for 2017/18 approved by Council on 7 March 2017 and the Treasury Management Policy Statement in the Financial Regulations.

It was recommended that the Council :-

1. Notes the report on the treasury management operations for 2017/18; and
2. Notes the exercise of the Head of Finance and Property Services' delegated treasury management powers.

#### Decision

To note the contents of the report

23. HEATING IN WESTFIELD - QUESTION TO EXECUTIVE COUNCILLOR FOR SERVICES FOR THE COMMUNITY - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A question to the Executive Councillor for Services for the Community, Councillor George Paul, was submitted by Councillor Stuart Borrowman in the following terms :-

“What progress has been made on new and improved heating systems for council houses (and others, if appropriate) ?”

Councillor George Paul provided a verbal answer to the written question.

Councillor Borrowman indicated that he wished to put supplementary

questions as provided for in Standing Order. He did so and the Executive Councillor for Services for the Community undertook to provide written answers to the supplementary questions in due course.

Decision

1. To note the written question and the verbal answer given; and
2. To note the supplementary questions put and written answers would be provided to the supplementary questions in due course.

24. ARMADALE CROSS - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT & TRANSPORT - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A question to the Executive Councillor for the Environment, Councillor Tom Conn, was submitted by Councillor Stuart Borrowman in the following terms:-

“In the current disposition of traffic lights, phasing, location of bus stops, etc is it appropriate to ensure the safe and smooth flow of traffic at Armadale Cross?”

Councillor Tom Conn provided a verbal answer to the written question.

Councillor Borrowman indicated that he wished to put supplementary questions as provided for in Standing Orders. He did so and the Executive Councillor for the Environment undertook to refer the matter to Transportation Officers to prepare a report.

Decision

1. To note the written question and the verbal answer given; and
2. To note the supplementary questions put and that the Executive Councillor for the Environment would refer the matter to Transportation Officers to prepare a report.

25. P1 TESTING - URGENT QUESTION SUBMITTED BY COUNCILLOR DAMIAN TIMSON

A question to the Executive Councillor for Education, Councillor David Dodds, was submitted by Councillor Damian Timson in the following terms :-

“Following the vote last week at Holyrood to cease testing at P1, what instruction(s) have been received from the Scottish Government ?”

The Executive Councillor for Education provided a verbal answer to the written question.

Councillor Timson indicated that he wished to put a supplementary

question as provided for in Standing Order. He did so and the Executive Councillor for Education provided an answer.

Decision

1. To note the written question and the verbal answer given; and
2. To note the supplementary question put and the verbal answer given by the Executive Councillor for Education.



Our Ref: CEO/MC  
Your Ref:

Contact: **Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Poppyscotland Edinburgh**  
New Haig House  
Logie Green Road  
Edinburgh  
EH7 4HQ

28 September 2018

Dear Sir / Madam

**Poppyscotland's Count Them In Campaign**

A meeting of West Lothian Council was held on 25 September 2018, at which the above matter was discussed.

At the meeting it was agreed that I write to you to inform you of the council's support for Poppyscotland's Count Them In Campaign.

I attach a copy of the agreed Notice of Motion from the meeting.

Yours sincerely

*M. Callachan*

*for* **Graham Hope**  
**Chief Executive**

Encl.



**West Lothian  
Council**  
Chief Executive Office

Letter also sent to:-  
West Lothian Constituency  
MSP's Lothian List MSP's  
West Lothian MP's

**West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF**

Our Ref: CEO/MC  
Your Ref:

**Contact: Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**BY EMAIL**

**28 September 2018**

**Dear Ms Johnstone**

**Poppyscotland's Count Them In Campaign**

A meeting of West Lothian Council was held on 25 September 2018, at which the above matter was discussed.

At the meeting it was agreed that I write to you to inform you of the council's support for Poppyscotland's Count Them In Campaign.

I attach a copy of the agreed Notice of Motion from the meeting.

Yours sincerely

*M. Callachan*

*for* **Graham Hope**  
**Chief Executive**

Encl.



**West Lothian  
Council**  
Chief Executive Office

Copy of letter also sent to :-  
Isobel Wilson  
Judith Hanna  
Mary Ferrie

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MC  
Your Ref:

Contact: **Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**

Helen Orr  
c/o West Lothian 50+ Network  
Linbar House  
48G North Bridge St  
Bathgate  
EH48 4PP

28 September 2018

Dear Ms Orr

**West Lothian 50+ Network**

A meeting of West Lothian Council was held on 25 September 2018, at which your recent retirement from the West Lothian 50+ Network was reported.

On behalf of the council, I am writing to congratulate you on your many years of service and to pass on the thanks of council for your commitment, contribution and dedication of a significant number of years to ensure that West Lothian has an active 50+ Network for older residents.

I wish you every success for the future.

Yours sincerely

*M. Callachan*

*AO* **Graham Hope**  
Chief Executive





Our Ref: CEO/MC  
Your Ref:

Contact: **Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**  
Mr Andrew Sharkey  
Head Teacher  
St Kentigern's Academy

**BY EMAIL**

28 September 2018

Dear Andrew

**Head of Scouts Scotland**

A meeting of West Lothian Council was held on 25 September 2018, at which your recent appointment as Chief Commissioner for Scouts Scotland was reported.

I am writing to congratulate you on this appointment and to express Elected Members' delight and appreciation of your appointment which recognises your excellent contribution to the wellbeing of young people.

I wish you all the best in this role.

Yours sincerely

*M. Callachan*

*per* **Graham Hope**  
Chief Executive





West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MC  
Your Ref:

Contact: **Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**  
Ms Shelley Kerr  
Coach  
c/o The Scottish Football Association  
Hampden Park  
Glasgow  
G42 9AY

28 September 2018

Dear Ms Kerr

**Scotland's Women's Football Team**

A meeting of West Lothian Council was held on 25 September 2018, at which the above was reported.

I am writing on behalf of West Lothian Council to congratulate you and the Scotland team on your tremendous achievement qualifying for the World Cup in France 2019.

West Lothian Council wishes the team every success in the tournament.

Yours sincerely

*M. Callachan*

*per* **Graham Hope**  
Chief Executive



**West Lothian  
Council  
Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MC  
Your Ref:

**Contact: Morgan Callachan**  
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e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**  
Emma Bell  
c/o Broxburn Academy

**BY EMAIL**

28 September 2018

Dear Emma

**Scotland's Best Junior Debaters 2018**

A meeting of West Lothian Council was held on 25 September 2018, at which your recent achievement of being crowned Scotland's best junior debater was reported.

On behalf of the council, I am writing to congratulate you on this outstanding achievement. Despite facing strong opposition in this event you have proven to be excellent ambassadors for Broxburn Academy.

Wishing you every continued success.

Yours sincerely

*M. Callachan*

*for* **Graham Hope**  
**Chief Executive**



**West Lothian  
Council  
Chief Executive Office**

West Lothian Civic Centre  
Howden South Road  
Livingston  
West Lothian  
EH54 6FF

Our Ref: CEO/MC  
Your Ref:

**Contact: Morgan Callachan**  
Tel: 01506 281080  
e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**  
Ruby Ferguson  
c/o Broxburn Academy

**BY EMAIL**

28 September 2018

Dear Ruby

**Scotland's Best Junior Debaters 2018**

A meeting of West Lothian Council was held on 25 September 2018, at which your recent achievement of being crowned Scotland's best junior debater was reported.

On behalf of the council, I am writing to congratulate you on this outstanding achievement. Despite facing strong opposition in this event you have proven to be excellent ambassadors for Broxburn Academy.

Wishing you every continued success.

Yours sincerely

*M. Callachan*

*for* **Graham Hope**  
**Chief Executive**



[westlothian.gov.uk](http://westlothian.gov.uk)



Our Ref: CEO/MC  
Your Ref:

Contact: Morgan Callachan  
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e-mail: [morgan.callachan@westlothian.gov.uk](mailto:morgan.callachan@westlothian.gov.uk)

**Private & Confidential**  
Jeane Freeman MSP  
Cabinet Secretary for Health and Sport

**BY EMAIL**

28 September 2018

Dear Cabinet Secretary

**Nursing Students' Minimum Income**

A meeting of West Lothian Council was held on 25 September 2018, at which the above matter was discussed.

At the meeting it was agreed that I write to you to ask that you secure student nurses a minimum income entitlement of £10,000.

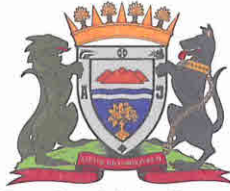
I attach a copy of the agreed Notice of Motion from the meeting.

Yours sincerely

*M. Callachan*

*per* **Graham Hope**  
Chief Executive

Encl.



West Lothian Council

Tom Kerr - Provost  
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF  
Tel 01506 281728

Suzanne Young  
Inveralmond Community High School  
Willowbank  
Ladywell  
Livingston  
EH54 6HN

2 October 2018

Dear Mrs Young

**CONGRATULATIONS TEAM VELOCITY**

I am writing on behalf of West Lothian Council and the people of West Lothian to congratulate Team Velocity on their tremendous achievement in winning the Professional Class Pit Display Award at the UK National Finals of the *F1 In Schools* challenge and their subsequent representation of West Lothian as Scotland's champions at the World Finals in Singapore, an accomplishment of which they should all feel extremely proud. I would also like to commend the team for being nominated for the Women in Motor Sport Award, another great accomplishment.

Well done to all involved!

Yours sincerely

Provost Tom Kerr



West Lothian Council

Tom Kerr - Provost

West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF

Tel 01506 281728

Karen Jarvis  
Linlithgow Academy  
Braehead Road  
Linlithgow  
#west Lothian  
EH49 6EH

2 October 2018

Dear Mrs Jarvis

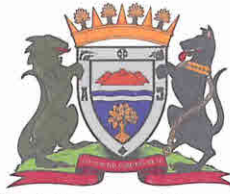
**CONGRATULATIONS TO TEAM ACCELERACE**

I am writing on behalf of West Lothian Council and the people of West Lothian to congratulate Team AcceleRace on their tremendous achievement in winning the Fastest Car Award at the UK National Finals of the *F1 In Schools* challenge and their subsequent representation of West Lothian as the Development Class National champions at the World Finals in Singapore, an accomplishment of which they should all feel extremely proud. Please pass on our congratulations to teacher David Marshall for his help and guidance and to all the girls for achieving this outstanding success.

Well done to all involved!

Yours sincerely

Provost Tom Kerr



West Lothian Council

Tom Kerr - Provost  
West Lothian Civic Centre, Howden South Road, Livingston, West Lothian EH54 6FF  
Tel 01506 281728

Mr David Dodds  
Inveralmond Community High School  
Willowbank  
Ladywell  
Livingston  
EH54 6HW

2 October 2018

Dear Mr Dodds

**CONGRATULATIONS - F1 Schools Challenge**

I am writing on behalf of West Lothian Council and the people of West Lothian to commend you on your significant contribution towards West Lothian schools' success in the F1 Schools Challenge, having now helped three teams to reach the World Championships. This remarkable success has been achieved with your help and guidance and I would like to congratulate you and all involved.

Well done!

Yours sincerely

Provost Tom Kerr

**Constituency Office**  
Unit 4, Beveridge Square  
Ochil House  
Livingston  
West Lothian  
EH54 6QF  
Tel: 01506 460403



The Scottish Parliament  
Pàrlamaid na h-Alba  
**Angela Constance MSP**



Graham Hope  
Chief Executive  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

3<sup>rd</sup> October 2018

Dear Mr Hope

Thank you for your letter regarding the Council's support for Poppy Scotland's Count Them In Campaign.

I spoke of my support for this campaign in the recent Veteran's debate and the Minister for Parliamentary Business and Veterans, Graeme Dey MSP, made an announcement during his speech at the end of the debate regarding the census.

The minister confirmed a positive outcome to the Royal British Legion and Poppy Scotland's Count Them In Campaign. The National Records of Scotland has set out current plans for the 2021 census, to include a new question to provide robust statistics on the size, location and profile of our veterans population in Scotland.

With kind regards,

Angela Constance MSP



**Almond Valley Constituency**  
Representing: Addiewell, Bellsquarry, Bents, Breich, East Calder,  
Fauldhouse, Kirknewton, Livingston, Loganlea, Longridge,  
Mid Calder, Polbeth, Pumpherston, Seafield, Stoneyburn,  
Uphall Station, West Calder, Wilkieston

[Angela.Constance.msp@scottish.parliament.uk](mailto:Angela.Constance.msp@scottish.parliament.uk)



T: 0300 244 4000  
E: scottish.ministers@gov.scot

Mr Graham Hope  
Chief Executive

Our ref: 2018/0033792  
19 October 2018

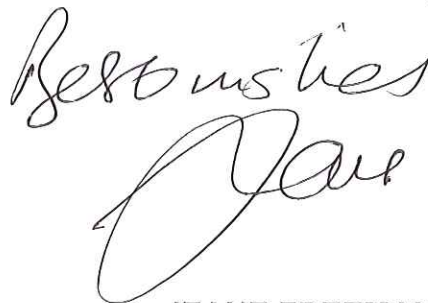


Thank you for your letter dated 28 September regarding Nursing Student's minimum income entitlement.

I would like to reassure you that Scottish Government highly values nursing and midwifery students across Scotland, which is why we have chosen to continue to provide the non-means tested and non-repayable Nursing and Midwifery Student Bursary (NMSB) for Scottish domiciled students.

You may be aware of the First Minister's announcement on Tuesday, that from academic year 2019/20, we are increasing the bursary for all student nurses and midwives to £8,100 and from 2020/21 to £10,000.

Going forward, we will continually review this level of support, therefore I hope this provides you with assurance that we are committed to our nursing and midwifery students in Scotland.



JEANE FREEMAN

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)



MINUTE of MEETING of the AUDIT COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 25 JUNE 2018.

Present – Councillors Chris Horne (Chair), Damian Timson, John McGinty, George Paul (substituting for Lawrence Fitzpatrick) David Tait and Noel Lawlor, Lay Member

Apologies – Councillor Lawrence Fitzpatrick

In attendance

Graham Hope (Chief Executive), Donald Forrest (Head of Finance and Property Services), James Millar (Governance Manager), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), AnnMarie Carr (Customer Services Manager), Nicola Gill (Public Transport Manager), Katrina Daly (HR Manager), Rebecca Kelly (Performance and Improvement Manager), David Goodenough (Operational Services Manager), Catrina Hatch (Education Development Officer), Stephen Reid and Kate Morgan (EY).

1. DECLARATIONS OF INTEREST

Agenda Item 10 – 2017/18 Annual Accounts (Unaudited)

Councillor Horne declared a non-financial interest as a council appointed member of West Lothian Leisure Board of Directors. A specific exclusion applied which enabled him to participate in consideration of this item of business.

2. MINUTE

The committee approved the minute of its meeting held on 19 March 2018 as being a correct record.

3. COMMITTEE SELF ASSESSMENT - FEEDBACK

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager providing details of the results of the self-assessment questionnaire.

The report recalled that at its meeting on 19 March 2018 the Audit Committee approved a questionnaire for circulation to its members. The committee agreed that the results be reported back so that any areas of concern could be identified and appropriate actions agreed. A copy of the results was attached as an appendix to the report. The committee was invited to consider the responses and advise whether there were any issues that should be addressed at this stage.

The intention was that the self-assessment process would be kept in the committee's work plan and carried out annually.

The Audit, Risk and Counter Fraud Manager then responded to questions

from members. During the course of the discussion the committee noted suggestions from members that:

- Audit Committee meetings be held more frequently;
- agendas be issued earlier before each Audit Committee meeting; and
- training and personal development opportunities be provided for members

The Audit, Risk and Counter Fraud Manager agreed to explore the options relating to the recommendations made and report back to members.

The committee also suggested that it would be beneficial if meetings were publicised more. The Governance Manager agreed to explore with Legal Services and Corporate Communications ways to give greater exposure and publicity to meetings and committee business.

It was recommended that the Audit Committee:

1. notes the results of the self-assessment questionnaire circulated to members after its approval by committee on 19 March 2018;
2. identifies any areas of concern and recommends appropriate actions to address them; and
3. agrees that the exercise should be repeated on an annual basis.

#### Decision

To agree the recommendations in the report subject to the following actions being taken:

- The Audit, Risk & Counter Fraud Manager agreed to explore the possibility of meetings being held more frequently, agendas being issued earlier and investigate the training and personal development opportunities for members; and
- The Governance Manager agreed to contact Legal Services and Corporate Communications to explore ways to give greater exposure and publicity to meetings and committee business.

#### 4. RISK ACTIONS ARISING FROM AUDIT AND INSPECTION REPORTS

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager providing details of the progress made in implementing agreed risk actions arising from audit and inspection reports.

The report set out the findings which were identified as risk actions due to be completed by 31 March 2018, and which were still outstanding.

Details of the outstanding audit and inspection recommendations were attached as an appendix to the report.

There were five outstanding risk actions in the report, one of which related to the Best Value Assurance Report and four related to internal audit. The committee also noted three risk actions outlined within the report which were cancelled and therefore no longer required to be reported to the committee.

Finally, members were advised that oversight of outstanding risk actions by the Audit Committee would facilitate their completion.

It was recommended that the committee consider the appendix to the report and note that failure to timeously implement agreed actions might impact adversely on performance and/or achievement of council objectives.

In relation to the actions outstanding from the Best Value Assurance Report (PIS17004) the committee was informed that the remaining work would be completed through reports to Council Executive on 26 June and Education Executive after the summer break. The committee expressed concern that the work required on the Trapeze software system (PTS15101) was so long overdue. It noted the information provided about problems with the software supplier and that completion by 28 September 2018 was considered to be realistic. Similar concerns were expressed about the replacement of the stores management system in Operational Services (OPSHQ16101). The committee was informed that full implementation was unlikely until September 2019 but that any risks arising in the interim were being identified and managed appropriately.

#### Decision

To note the recommendation in the report.

### 5. INTERNAL AUDIT OF THE PAYROLL

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing the committee of the outcome of an internal audit of the administration of the council's payroll.

In accordance with the internal audit plan for 2017/18, an audit was undertaken of the administration of the council's payroll. The resultant audit report was attached as an appendix to the report which included an action plan containing agreed management actions.

In conclusion, it was noted that the audit of the administration of the council's payroll concluded that control required improvement.

In relation to the backlog in checking of changes (Action 3.4), the committee was informed that the backlog was expected to be cleared by October 2018.

It was recommended that the Audit Committee notes that control was considered to require improvement.

Decision

To note the recommendation in the report.

6. INTERNAL AUDIT OF THE PUPIL EQUITY FUND

The committee considered a report (copies of which had been circulated) informing the committee of the outcome of an internal audit of the administration of the Pupil Equity Fund.

In accordance with the internal audit plan for 2017/18, an audit was undertaken of the administration of the Pupil Equity Fund. The resultant audit report was attached as an appendix to the report which included an action plan containing agreed management actions.

In conclusion, it was noted that the audit of the administration of the Pupil Equity Fund concluded that control was effective.

It was confirmed that the draft plan mentioned in the report had now been accepted by head teachers and would be implemented in August 2018. Officers assured the committee that they felt there was a good balance between monitoring arrangements and allowing head teachers flexibility and control. The committee was also informed that the Scottish Government published benchmarking information in December each year that could be used to measure the council's progress and performance.

It was recommended that the Audit Committee notes that control was considered to be effective.

Decision

To note the recommendation in the report.

7. INTERNAL AUDIT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager providing details of the work undertaken by internal audit during 2017/18 to report on internal audit's performance, and provided a conclusion by the Audit, Risk and Counter Fraud Manager on the council's framework of governance, risk management and control

The report explained that the Local Authority Accounts (Scotland) Regulations 2014 requires the council or relevant committee to conduct, at least once in each financial year, a review of the effectiveness of its system of internal control. The Public Sector Internal Audit Standards (PSIAS) requires an annual report to be submitted timed to support the annual governance statement. The internal audit annual report was

therefore submitted to the council's Governance and Risk Committee on 18 June 2018 to facilitate its review of the council's annual governance statement. As the Audit Committee's remit included undertaking a corporate overview of the council's control environment, and monitoring the performance of internal audit, the Governance and Risk Committee referred the internal audit annual report to the Audit Committee for further consideration.

The Internal Audit Annual Report 2017/18 was attached as an appendix to the report. It was concluded that the council's framework of governance, risk management and control was generally sound. Areas for improvement were set out in the annual report and progress in implementing agreed recommendations would be followed up during 2018/19.

The committee was concerned about the impact of the vacant post on the team's work plan and was informed that the vacancy was to be filled by a permanent appointment and that the deadline for applications was imminent. As had been agreed by the committee before, the work plan now included a prioritisation of proactive investigations and other work.

It was recommended that the Audit Committee notes the conclusion by the Audit, Risk and Counter Fraud Manager that the council's framework of governance, risk management and control was generally sound.

#### Decision

To note the recommendation in the report.

### 8. CONSIDERATION OF 2017/18 ANNUAL ACCOUNTS (UNAUDITED)

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services, which included the 2017/18 Annual Accounts of the Council (unaudited).

The report explained that the Local Authority Accounts (Scotland) Regulations 2014 included a number of provisions in relation to the unaudited accounts, annual governance statement and audited accounts and, in particular, the consideration of the annual accounts. The Annual Accounts detailed the council's financial position for 2017/18 and were subject to audit. On completion of the Ernst Young LLP review the Audited Accounts would be presented to Council on 25 September, which would be compliant with the provisions of the 2014 Regulations.

The committee noted that the arrangements made would supplement the council's governance arrangements and ensure compliance with the Local Authority Accounts (Scotland) Regulations 2014. The implications of these regulations were reported to, and approved by, the Council Executive on 24 March 2015.

In response to questions from members, information was provided about the slippage and acceleration of expenditure in the capital budget and the apparent trading deficit of the council's non-tenanted property portfolio.

Members were also assured that the contingency made for equal pay and holiday pay liabilities was felt to be as accurate an estimate as was possible, and that Council Executive on 26 June would consider a report concerning settlement of holiday pay litigation.

It was recommended that the Audit Committee considers the 2017/18 Annual Accounts prior to submission to Ernst and Young LLP for audit.

#### Decision

To note the recommendation in the report.

### 9. LOCAL GOVERNMENT IN SCOTLAND: CHALLENGES AND PERFORMANCE 2018

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services, which provided a summary of the report Local Government in Scotland: Challenges and Performance 2018 published by the Accounts Commission on 5 April 2018 and which also outlined officer responses to the points included in the scrutiny tool for councillors. The Scrutiny Tool Checklist for Councillors was attached as an appendix to the report.

The Accounts Commission's series of local government overview reports provided a summary of their views on how councils were managed and on performance, including the progress councils were making in meeting challenges and achieving best value. The Accounts Commission's Local Government in Scotland: Challenges and Performance 2018 report outlined the major challenges facing local government. Councils must maintain services for an ageing population and deliver significant policy and legislative change at a time of increasing uncertainty and constrained funding. Although councils have delivered substantial budget reduction measures and there has been a reduction in customer satisfaction, largely performance has been maintained in a number of key areas.

The Accounts Commission believes that decisive leadership and innovative thinking around service delivery and robust planning based on community engagement was vital to ensure that services remained sustainable and delivered shared outcomes and priorities. Consideration of the issues within the report, and the detailed responses to the scrutiny tool, would assist in ensuring that the council continues to be well placed to deliver agreed priorities within constrained financial resources. The Accounts Commission expected councillors to use this report, along with the scrutiny tool, to better understand their council's position and to scrutinise financial performance

The overview report provided a number of key messages and recommendations for councillors. The committee noted that the information supplied by officers as a steer for members when considering the checklist and questions in the report had been based on the relevant officers' experience of close working with elected members.



It was recommended that the Audit Committee:

1. Notes the key messages and recommendations included in the report; and
2. Notes officer responses to the points raised within the councillors scrutiny tool which could be used by all elected members to help them better understand the council's position and to scrutinise performance.

#### Decision

To note the recommendations in the report.

#### 10. INTERNAL AUDIT AND COUNTER FRAUD STRATEGY 2018/19 TO 2022/23

The committee considered a report providing details of the Internal Audit and Counter Fraud Strategy for 2018/19 to 2022/23.

The report explained that following the local election in May 2017 and the establishment of an Audit Committee and a separate Governance and Risk Committee, it was considered appropriate to prepare separate strategies covering internal audit and counter fraud and risk management. The Internal Audit and Counter Fraud Strategy was attached as an appendix to the report.

The Internal Audit and Counter Fraud Strategy is a key component of the council's governance arrangements. The Strategy was submitted to the Partnership and Resources Policy Development and Scrutiny Panel (PDSP) on 1 June 2018 for consideration and to Council Executive on 12 June 2018 for approval. The committee noted that a suggestion was made at the Partnership and Resources PDSP that the Audit Committee should be consulted on the Internal Audit and Counter Fraud Strategy prior to its approval, which would be the course of action taken in future.

It was recommended that the Audit Committee:

1. Notes the Internal Audit and Counter Fraud Strategy for 2018/19 to 2022/23 as approved by Council Executive on 12 June 2018;
2. Noted that the Audit Committee would be asked to conduct an annual review of progress in implementing the Strategy; and
3. Notes that in accordance with the suggestion at the Partnership and Resources PDSP, in future when developing the Internal Audit and Counter Fraud Strategy, the Audit Committee would be consulted prior to its approval.

The committee welcomed the decision already taken that when reviewing or replacing these strategies the relevant reports would be brought first to this committee for consideration and comment.

### Decision

To note the recommendations in the report.

#### 11. LOCAL SCRUTINY PLAN 2018/19

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager, providing details of the Local Scrutiny Plan 2018/19 prepared jointly by West Lothian Council's external scrutiny bodies.

The report explained that the Local Scrutiny Plan was based on a shared risk assessment undertaken by a local area network (LAN) comprising representatives of all the scrutiny bodies engaging with the council. The shared risk assessment process draws on a range of evidence with the aim of determining any scrutiny activity required and focusing this in the most proportionate way. West Lothian Council's Local Scrutiny Plan 2017/18 was attached as an appendix to the report.

The report concluded by confirming that no scrutiny risks were identified which required specific scrutiny by the LAN in 2018/19. The council's external auditor advised the committee that the council's Best Value Assurance Report (2017) provided a good baseline for the Local Area Network's assessment of risk, and that the resulting Local Scrutiny Plan represented a favourable report for the council.

During the course of the discussion relating to homelessness performance and the actions taken and planned to address the issues mentioned in page 6 of the Local Scrutiny Plan, it was agreed that officers would provide members with an update on the position.

It was recommended that the Audit Committee notes that the shared risk assessment has concluded that no scrutiny risks have been identified which require specific scrutiny in 2018/19.

### Decisions

- To note the recommendation in the report; and
- To agree that officers would inform members of the position in relation to homelessness performance and actions taken and planned to address the issues mention in the Local Scrutiny Plan.

#### 12. COUNTER FRAUD ANNUAL REPORT 2017/18

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager, providing details of the performance and activities of the Counter Fraud Team (CFT) during the financial year 2017/18.

The report provided details of the Annual Counter Fraud Plan 2017/18

which was approved by the Audit and Governance Committee on 27 February 2017. The main activities of the Counter Fraud Team involved conducting investigations into allegations of fraud and irregularity, working in partnership with Police Scotland, administering the biennial National Fraud Initiative (NFI) data matching exercise, providing counter fraud advice, delivering fraud training sessions and maintaining the council's whistleblowing process. A summary of the counter fraud training sessions delivered in 2017/18 was provided in Appendix 2 to the report.

The committee was advised that cases where fraud and irregularity was established in 2017/18 were summarised in Appendix 1 to the report and considered in private on the grounds that it involved the likely disclosure of exempt information.

A summary of all CFT performance indicators was provided in Appendix 4 to the report and a summary of the recovery action taken in 2017/18 was provided in Appendix 2 to the report.

The report highlighted the performance and activities of the CFT during the financial year 2017/18. The work of the CFT was carried out in accordance with the council's Anti-Fraud and Corruption Policy, Whistleblowing Policy and in accordance with the council's zero tolerance approach to fraud. The report informed the committee of the achievement by Stuart Saunders (Senior Compliance Officer) of the CIPFA Accredited Counter Fraud Specialist qualification.

It was recommended that the Audit Committee notes the performance and activities undertaken by the Counter Fraud Team during 2017/18.

In response to a question from members it was agreed that officers would inform members of the provisions in place to ensure agencies supplying temporary staff complied with appropriate rules about checks for criminal convictions of staff supplied to work for the council. Members were also informed of the triage system used to prioritise investigation work and so fix dates for commencing investigations.

### Decisions

- To note the recommendation in the report; and
- To agree that officers would inform members of the provision in place to ensure agencies supplying temporary staff complied with appropriate rules about checks for criminal convictions of staff.

### 13. PRIVATE

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of Appendix 1 to the Counter Fraud Report 2017/18 on the grounds that it involved the likely disclosure of exempt information under Schedule 7A of the Act.

14. COUNTER FRAUD REPORT 2017/18 - APPENDIX 1

The committee considered Appendix 1 to the Counter Fraud Report 2017/18 which was deemed to be exempt under Paragraph 14 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 as it involved the likely disclosure of exempt information.

The committee noted that thirteen investigations established that a fraud or irregularity had taken place. These investigations substantiated allegations such as false application frauds, cash thefts, undeclared criminal convictions, procurement fraud, drug use/dealing at work and sickness absence frauds. The cumulative value of fraud and irregularity established in 2017/18 was £30,970.71. Where relevant, an action plan was agreed with the service to help improve internal controls in these areas. Summary details of the cases where fraud and irregularity was established were provided in Appendix 1 to the report.

It was recommended that the Audit Committee note the summary of Fraud/Irregularity Established in 2017/18 outlined in Appendix 1 to the Counter Fraud report 2017/18.

Decision

To note the Summary of Fraud/Irregularity established in 2017/18.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 4 SEPTEMBER 2018.

Present – Councillors Stuart Borrowman (Chair), David Dodds, Pauline Clark, Peter Heggie, Carl John, Charles Kennedy, Dave King, Andrew McGuire, Andrew Miller, George Paul, Moira Shemilt and Damian Timson; Appointed Representatives Myra Macpherson, Lynne McEwen and Margaret Russell.

Apologies – Councillor Chris Horne

1. DECLARATIONS OF INTEREST

Lynne McEwen, Appointed Representative, declared an interest due to her daughter being a teacher at Winchburgh Primary School.

2. MINUTE

The committee confirmed the minute of its meeting held on 12 June 2018 as being a correct record. The Chair thereafter signed the minute.

3. WINCHBURGH PRIMARY SCHOOL AND NURSERY CLASS PROGRESS REPORT

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) providing an update on the progress made towards the actions arising from the school's VSE carried out in November 2017.

The report recalled that a VSE was carried out at Winchburgh Primary School and Nursery Class on 27 November 2017. Details of the progress made against the actions arising from the original VSE were outlined within the report.

The following areas for ongoing improvement were highlighted:

- Systems would be introduced to gather, analyse and respond to attainment information, which included regular planned meetings with staff;
- Attainment meetings would be refocused to target discussion around tracking of universal and targeted support to ensure excellence and equity for all learners; and
- Ongoing staff engagement with national Benchmarks, West Lothian Progression Pathways and moderation activities would be further developed in 2018-19 to inform planning of challenging

learning experiences for all pupils.

The Seconded Head Teacher, Ian Harvey, then provided the committee with details of the work carried out to ensure the school and nursery class continued to make positive progress. Members of staff were actively engaging in the school's improvement journey using national Benchmarks. Tracking and monitoring systems were in place with regular analysis of attainment data being carried out to improve the progress for all learners. Professional learning sessions were being held providing increased opportunities for professional dialogue with increased focus on self-evaluation.

The Head Teacher then responded to questions from members of the committee. In response to a question relating to the challenges for the school due to the demographic changes in the area he advised that the situation would continue to be monitored and staff would work closely with parents and partners to further strengthen the curriculum.

Finally, the report outlined the Primary School Quality Indicators recorded in November 2017 compared to May 2018.

The Quality Improvement Team would continue to provide regular support and challenge to the school on its continuous journey of improvement.

It was recommended that the committee note the contents of the report and the school's progress in addressing identified areas for improvement.

The committee was happy with the progress made and acknowledged that improvements have been made in addressing the areas identified for improvement.

#### Decision

To note the terms of the report and the update from the Head Teacher.

#### 4. SPRINGFIELD PRIMARY SCHOOL AND BONNYTOUN NURSERY PROGRESS REPORT

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) providing an update on the progress made towards the actions arising from the school's VSE carried out in January 2018.

The report recalled that a VSE was carried out at Springfield Primary School and Bonnytoun Nursery on 22 January 2018. Details of the progress made against actions arising from the original VSE were outlined within the report.

The following areas for ongoing improvement were highlighted:

- To embed ongoing strategic curriculum planning, implementation and evaluation;
- To embed moderation activities and systems into planned improvements;
- To further develop pupil and parent understanding of the wellbeing indicators to support accurate self-reporting of personal progress; and
- To embed systems and procedures for monitoring and tracking attainment and wider achievement.

The Head Teacher, Mark Wells, advised the committee that it was recognised that there was a need to continue to review the curriculum to meet the needs of the school. Members of staff were embracing increased leadership opportunities. Staff training and professional learning opportunities were available to ensure members of staff have a clear understanding of national Benchmarks. The school has strengthened and further developed self-evaluation processes and staff were more aware of the school's strengths and areas for development.

The Head Teacher then responded to questions from members of the committee. He highlighted the after school clubs available which were staff led and provided opportunities for all children in school. He also advised that work was carried out to ensure the vision, value and aims of the school were being implemented and would continue to be embedded. A rigorous moderation framework was also in place further strengthening the school and cluster group.

Finally, the report outlined the ELC setting and Primary School Quality Indicators recorded in January 2018 compared to May 2018.

The Quality Improvement Team would continue to provide regular support and challenge to the school on its continuous journey of improvement.

The committee acknowledged the improvements made in school and was optimistic that improvements would continue to be made.

It was recommended that the committee note the contents of the report and the school's progress in addressing identified areas for improvement.

### Decision

To note the terms of the report and the update from the Head Teacher.

## 5. VALIDATED SELF EVALUATION : WHITBURN ACADEMY

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) providing details of the outcomes of the Validated Self Evaluation (VSE) of Whitburn Academy.

The report outlined a number of key strengths within the school and the areas for improvement.

Details of performance information for the school were provided in the report relating to:

- Attendance for previous session 2016/17;
- Teacher Professional Judgement for pupils achieving Expected National Curriculum for Excellence Levels by the end of S3;
- Senior Phase Breadth & Depth 2017/18;
- Leavers Entering Initial Positive Destinations;
- Subject Performance – S5 SQA Highers;
- Strengths, Areas for Improvement and Overall Evaluations of the school.

The Head Teacher, Tracey Loudon, advised the committee that key attainment figures within the school were improving. Support was being provided to areas of the curriculum requiring additional support to ensure continued improvements were being made and an extensive action plan was implemented. All members of staff were committed to professional learning to improve practice. Tracking and monitoring of data was being carried out on a monthly basis and appropriate pace and challenge in all lessons for all learners.

The Head Teacher then responded to a number of questions from members of the committee. She provided details of the Flexible Learning Hub being offered in school. Alternative courses were available to young people in danger of disengaging. The committee also noted the SIMD ranking of the school. The Head Teacher advised that the development of health and wellbeing within the school was a priority within the school's current improvement plan and Pupil Equity Funding (PEF) interventions were enhancing the support provided in school in a bid to close the attainment gap. Work was being carried out to develop pupil voice and learner participation in all aspects of school life.

The report concluded by advising that the strategic leadership, motivation and drive of the Head Teacher cultivates an ambitious vision for change which builds the capacity of staff at all levels, and sets high expectations to encourage a climate of continuous improvement.

The committee acknowledged the excellent work carried out in school in



moving forward positive change under the leadership of the Head Teacher and members were confident that positive progress would continue to be made.

It was recommended that the committee notes the contents of the report and the school's arrangements for continuing improvement.

#### Decision

1. To note the contents of the report and the school's arrangements for continuing improvement; and
2. To note the update from the Head Teacher.

#### 6. EDUCATION SCOTLAND REPORT: ST COLUMBA'S PRIMARY SCHOOL AND NURSERY CLASS

The Committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) providing details of the improvement plan which addressed the areas for improvement identified in the Education Scotland report published on 28 August 2018. Education Scotland's letter and the School's Improvement Plan were attached as appendices to the report.

Inspectors noted the following key strengths of the school:

- The leadership of the Head Teacher in transforming the culture of the school;
- The supportive teamwork among the staff who work well with each other and with children to create a positive environment for learning; and
- Happy children who benefitted from the calm ethos and responded by engaging well in play and learning throughout the school and nursery class.

The Head Teacher, Fiona Smyth, advised the committee that staff found the inspection process to be a positive experience, allowing the school to continue on its improvement journey. The following areas for improvement were identified by Education Scotland:

- To continue to develop consistency in learning and teaching throughout the school; and
- To continue to develop children's learning profiles across the school and nursery class and ensure consistency in their use.

The Head Teacher then responded to question from members of the committee.

The report confirmed that Inspectors were confident that the school has the capacity to continue to improve therefore no more visits were required in connection with the inspection. The school was well supported by West Lothian Council.

The committee acknowledged the excellent work carried out in school and was confident that continued improvements would be made.

It was recommended that the Committee notes the contents of the report and the school's arrangements for continuing improvement.

#### Decision

To note the contents of the report and the update from the Head Teacher.

### 7. WORKPLAN

The committee noted the workplan which had been circulated for information.

#### Decision

To note the contents of the workplan.

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 25 OCTOBER 2018.

Present – Councillors Dave King (Chair), Alison Adamson, David Dodds (substituting for Tom Conn), Andrew McGuire, George Paul (substituting for Cathy Muldoon) and David Tait

Apologies – Councillors Cathy Muldoon, Tom Conn and Charles Kennedy

In attendance

James Cameron, Head of Education (Learning, Policy & Resources), WLC

Paul Stark, Active Schools and Community Sport Manager, WLC

Laura Tyrrell, Community Arts and Instrumental Music Manager, WLC

Fiona Russell, Group Accountant, WLC

Andrew Heron, Head of Finance, West Lothian Leisure

Billy Key, Director of Operations, West Lothian Leisure

1. DECLARATIONS OF INTEREST

Councillor Dodds declared a non-financial interest due to him being a member of Xcite.

Agenda Item 7 – West Lothian Leisure Financial Position

Councillor Dodds declared an interest as his son was an employee of West Lothian Leisure on a casual basis. Councillor Dodds would not participate in consideration of this item of business.

2. MINUTE

The committee confirmed the minute of its meeting held on 6 September 2018 as being a correct record. The Chair thereafter signed the minute.

3. PRIVATE SESSION

The committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during discussion of the following items of business as it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Act.

4. MONITORING REPORT: CULTURE, SPORT, LEISURE & OUTDOOR EDUCATION

The committee considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) providing an update on the operation of culture, sports, leisure and outdoor education

services delivered by West Lothian Leisure to 30 September 2018.

The report provided an overview of the 2018/19 West Lothian Council (WLC) key performance measures for West Lothian Leisure (WLL) and WLL operational performance to 30 September 2018.

The WLL Business Plan was produced following consultation with all partners, including West Lothian Council and **sportscotland**, and approved by the WLL Board on 26 April 2018. The business plan provided the strategic and operational context for the delivery of services over 2018/19 and identified the local and national outcomes that WLL would contribute to through the delivery of services against WLL's nine strategic outcomes.

The report advised that following the Review Group meeting held on 14 August 2018, revised Key Performance Indicators (KPIs) were agreed between WLC and WLL. The revised KPIs were cognisant of the expansion of WLL Cultural, Sport, Leisure and Outdoor Education services delivered on behalf of WLC and also reflected the requests for additional information from WLLAC members over 2017/18. The revised KPIs would facilitate improved scrutiny of WLL performance, as recommended within the Audit Scotland Best Value Assurance report of November 2017. The 2018/19 KPIs, with performance information to 30 September 2018, were attached at appendix 1 to the report.

The Active Schools and Community Sport Manager then provided members of the committee with a summary of the key performance information as outlined within the report.

The WLL Operational Performance dashboard to 30 September 2018 was attached at appendix to the report.

The Head of Finance, WLL, and the Director of Operations, WLL, then responded to questions from elected members. In response to a request for additional information to help members to identify key areas for scrutiny, the Head of Education (Learning, Policy and Resources) agreed to include this information in future monitoring reports. A further question was asked in relation to the staff survey carried out with WLC staff. The committee was advised that the results had been passed to officers within WLL to be analysed and further discussions would take place with council officers in due course.

It was recommended that the West Lothian Leisure Advisory Committee notes the contents of the report.

### Decision

- 1) To note the contents of the report; and
- 2) To agree that additional information would be included in future monitoring reports.

## 5. WEST LoTHIAN LEISURE FINANCIAL POSITION

Councillor Dodds did not participate in consideration of this item of business and left the meeting.

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update in relation to the West Lothian Leisure (WLL) 2018/19 financial position to 30 September 2018. West Lothian Leisure's 2018/19 Projected Trading Statement was attached as an appendix to the report.

The report advised that a timetable had been agreed with WLL to ensure current and relevant financial information was provided in the reports to West Lothian Leisure Advisory Committee (WLLAC). All financial information would be regularly monitored and analysed by the WLL and WLC Review Group, before being reported to WLLAC, with a focus on potential implications for the council.

The report also provided an update on the recommendations approved by Council Executive on 26 March 2018, which included the progress on WLL's strategy for the period 2019/20 to 2022/23.

The Group Accountant then provided members of the committee with a summary of WLL's financial information for 2018/19. The 2018/19 cash position was being monitored closely with ongoing discussions between WLL and WLC. WLL has advised that a report on their future year's financial plan was being considered by WLL Board on Thursday 25 October 2018. An update would be provided to the WLLAC on 29 November 2018 and Council Executive on 4 December 2018.

Officers then responded to questions from members of the committee. In response to a question relating to stock purchases and sales, the Head of Finance, WLL, undertook to provide members with more detailed information following the meeting.

During the course of the discussion a request was made for additional information to be included in future financial reports. The Head of Education (Learning, Policy and Resources) and Group Account advised that sufficient information could be provided in future reports to allow further scrutiny to be carried out by WLLAC.

It was recommended that the West Lothian Leisure Advisory Committee notes the contents of the report.

### Decision

- 1) To note the contents of the report and the update provided;
- 2) To note that the Head of Finance, WLL, undertook to provide members of the committee with more detailed information relating to stock purchases and sales following the meeting;
- 3) To note that additional information would be included in future

finance reports; and

- 4) To note that WLC officers would continue to monitor the position of WLL and would provide a further report to WLLAC and Council Executive on the outcome of discussions following WLL Board meeting held on 25 October 2018.

MINUTE of MEETING of the PERFORMANCE COMMITTEE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 3 SEPTEMBER 2018.

Present – Councillors Stuart Borrowman (Chair), Andrew McGuire, Carl John, Charles Kennedy, Dave King, Carl John

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 5 June 2018 as a correct record. The Minute was thereafter signed by the Chair.

3. ECONOMIC DEVELOPMENT AND REGENERATION REPORT - FOCUS REGENERATION -

The committee considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration providing an overview of the activities that were being delivered in targeted areas of West Lothian to improve outcomes for local people and regenerate communities.

The report advised that the council aimed to help people living in poverty and deprivation as they had significantly worse life outcomes than those in average households. Individuals were less likely to do well at school, were more likely to be unemployed or in poorly paid jobs and would generally have poorer health and shorter lives.

The Head of Planning, Economic Development and Regeneration explained that Locality Plans were a statutory requirement in the Community Empowerment Act 2015. All Community Planning Partnerships must have them for the communities they identified to be the most disadvantaged.

Effective community planning was seen to bring together collective talents and resources of local public services and communities to drive positive change on local priorities. The focus was on where partners' collective efforts and resources could add most value for their local communities, with particular emphasis on reducing inequalities.

The report advised that eight regeneration areas had been identified based in the data zones within the bottom 20% of the Scottish Index of Multiple Deprivation.

The process to develop the plans had been led by Community Regeneration officers. Appendix 1 to the report provided an overview of

how Regeneration Plans had been developed and the current position in terms of implementing the plans.

The report went on to advise that local targets and indicators had been developed along with the Regeneration Plans to ensure that robust baseline information was available, allowing monitoring of progress over the short, medium and long term.

More generally, Regeneration Plans were contributing to the delivery of the council's Corporate Plan and specifically to the delivery of the following:-

- Priority 3 – minimising poverty, the cycle of deprivation and promoting equality
- Priority 5 - improving the employment position in West Lothian

The report went on to advise that community involvement and input from partners had been vital to the regeneration planning process. In order to be effective the process required commitment for all relevant partners.

In conclusion the report advised that regeneration plans had the potential to positively impact on the areas of West Lothian suffering the most disadvantages and improve life chances. The plans would have a greater chance of success if there was a strong partnership approach. Local steering groups were well established but could be strengthened further by additional resource and input from partners.

The report recommended that the committee:-

1. Provide feedback on the information provided;
2. Consider additional ways for the council to contribute to ongoing regeneration plan development and implementation; and
3. Consider the type of performance reporting on regeneration activity that may be brought to Performance Committee for scrutiny.

There then followed discussions and a number of questions in relation to SIMD long term patterns, the impact regeneration plans were having on the community and how these impacts were measured. Questions were also asked in relation to how the regeneration officers interacted and adjusted to the differing sizes of population in each area.

Members were advised each regeneration officer covered 2 wards and targeted specified areas . It was also explained that 360 participants had taken part in 4 focus groups.

### Decision

1. To note the contents of the report.
2. To report back to a future meeting of the committee providing information on the following:-



- a) SIMD long term patterns;
- b) Demonstrate the impact that regeneration plans were having on the community; and
- c) Demonstrate how impacts were measured.

#### 4. COMPLAINT PERFORMANCE REPORT Q1 2018/19

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing the council's annual report 2018/19. Appendix 1 to the report contained the council wide performance against the SPSO defined measures covering the period Quarter 1 2018/19.

The committee was advised that the Scottish Public Services Ombudsman (SPSO) developed and published a model Complaint Handling Procedure (CHP) on 28 March 2012. The model CHP was to ensure a standardised approach in dealing with customer complaints across the local authority sector. All local authorities were required to adopt the model CHP by 31 March 2013.

Table one provided a service summary of closed complaints received by quarter 2017/18 and quarter 1 2018/19.

Table two provided a breakdown of complaints by category over a 5 year period.

The Depute Chief Executive explained that the current service level complaint performance varied across the council and was linked to the complexity and quantity of complaints received. Housing, Customer and Building Services (HCBS) and Operational Services were the main complaint generators.

There was an increase in Policy Related complaints received. This was an increase of 46 from the equivalent quarter in the previous year. Operational Services and Housing, Customer and Building Services accounted for 77.1% of all policy complaints. An increase in waiting time complaints was recorded when compared to the equivalent quarter in the previous year. Employee Attitude complaints were driven by Operational Services and Housing, Customer and Building Services.

The Corporate Complaint Steering Board identified 4 high level indicators that provided a summary of complaint handling performance and detailed as follows:-

- Total complaints received
- Complaints closed within 5 working days
- Complaints closed within 20 working days

- Complaints partly upheld/upheld

A target of 85% was currently set for the percentage of complaints which must be dealt with within timescale. Across the council 59.8% of all complaints closed in Q1 2018/19 had been upheld/part upheld which was a marginal increase when compared to the equivalent quarter in 2017/18

Table 4 provided a service trend summary of upheld/part upheld complaints as a percentage of complaints received by quarter covering 2017/18 and Q1 2018/19/.

Table 5 provided indicative ratios for the number of complaints against the specific customer groups for Education Services, Housing, Customer and Building Services and Operational Services.

In conclusion the report advised that the council had shown a dip in performance relating to the percentage of complaints closed at stage 1 and stage 2 and the number of upheld and part upheld complaints closed in this quarter. The main contributor to the reduction in processing performance was Operational Services. Operational Services complaints were predominantly related to waste collection, however the service implemented several corrective actions.

It was recommended that the Performance Committee :-

1. Note the corporate and service complaint performance against the standards outlined in the council's complaint handling procedure.
2. Continue to monitor complaint performance and request additional information from services as required.

Discussions then took place in relation to a number of issues raised by the committee, particularly in relation to Call Centre pressures, Waste Services, House Repair complaints and the chain of assessment of repairs.

It was suggested that a report be brought to a future meeting of the committee to discuss the issues raised in relation to Housing Repairs and Waste Services. It was also suggested that a briefing be provided to members on the pressures of the Call Centre and how it operates.

#### Decision

1. To note the terms of the report.
2. To agree that a briefing on the pressures of the Call Centre and how it operates be arranged for committee members.
3. To agree that information on complaint handling at the frontline be provided to committee members.
4. To agree that a report by the Head of Operational Services on Waste Services be brought to a future meeting of the Performance

Committee.

5. To agree that a report by the Head of Housing, Customer and Building Services on Housing Repairs and the chain of assessment be brought to a future meeting of the Performance committee.

## 5. LOCAL GOVERNMENT BENCHMARKING FRAMEWORK

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing analysis of the Local Government Benchmarking Framework (LGBF) data for 2016/17, including high level comparative analysis of the council's 2016/17 performance against previous years and other local authority performance. Appended to the report was the LGBF 2016/17 average category rankings.

The report advised that the Local Government Benchmarking Framework was focused on providing a consistent approach to benchmarking local authority performance, with an evolving dataset reported each year to the public.

The comparative performance of the 32 Scottish Local Authorities was published in a national report and identified national trends across eight thematic categories of council activity.

Following the publication of the national report in February 2018, a refreshed LGBF 2016/17 dataset was issued to councils by the Improvement Service on 31 March 2018. The report provided an analysis of the council's performance.

The Head of Corporate Services explained that the LGBF Overview report 2016/17 compared Scottish councils' performance across 70 performance indicators, a decrease on the 77 performance indicators used for 2015/16. The LGBF performance indicators were grouped under the following eight categories:-

- Children's Services
- Corporate Services
- Corporate Assets
- Adult Social Care
- Culture and Leisure
- Environmental Services
- Housing Services
- Economic Development

The dataset in each category generally focused on how much councils had spent on particular services, the service performance and how satisfied people were with the major services provided by councils.

Councils were allocated to a family group of authorities with similar characteristics. West Lothian Council was a member of family group 3 with the general characteristics set out in table 1.

Table 2 provided the council's 2016/17 performance in comparison to 2015/16 performance and changes in ranking by performance indicator.

Table 3 showed that the council's average category ranking had improved in four out of eight categories since the previous year and declined in four categories.

Table 4 provided a breakdown by quartile of the LGBF indicators in comparison to the initial dataset published in 2015/16.

In conclusion the report advised that the LGBF was intended to support councils to improve performance in key activities, inform strategic planning and to form a critical part of the sector's response to requirements for public performance reporting and benchmarking.

The report recommended that the committee note the council's comparative performance in the LGBF 2016/17.

There then followed discussion and questions in relation to performance indicators, benchmarking of housing performance and Registered Social Landlords.

#### Decision

1. To note the terms of the report.
  2. To note West Lothian Council average ranking of first.
  3. To note that benchmarking information would be provided for Housing Performance and Registered Social Landlords.
  4. To note that benchmarking information would be included in service performance reports.
  5. To note that going forward more detailed reports would be submitted.
6. SERVICE PERFORMANCE AND WLAM OUTCOME REPORT - PERFORMANCE AND IMPROVEMENT SERVICE

The committee considered a report (copies of which had been circulated) by the Depute Chief Executive providing an overview of the service assessment from the West Lothian Assessment Model process. The report also provided a summary of recommendations from the officer-led

scrutiny panel that had been identified for action.

The report advised that self-assessment was an important part of the council's Best Value Framework, ensuring that there was rigorous challenge of performance and continued improvement embedded at all levels of the organisation.

The report provided the outcome from the self-assessment of the Performance and Improvement Service and the agreed recommendations for improvement for the service as well as a summary overview of performance.

The Head of Corporate Services explained that the Performance and Improvement Service had a lead role in driving modernisation and improvement in the council through coordinated programmes of planning, quality and project management. It was also responsible for building a corporate approach to performance and the administration and support of critical business systems, including the council's customer relationship management, electronic content management and performance management systems.

As an enabler, the service had a key role in supporting the modernisation and improvement of council services through the actions set out in the Improvement Strategy. The report then went on to provide a list of the main activities of the service.

In particular the service enabled delivery of the council's eight corporate priorities and made a critical contribution to the delivery of the council's Transformation Programme.

The service went through the West Lothian Assessment Model process in 2017/18 with a representative group of employees from the service critically evaluating the service effectiveness in nine criterion parts of the assessment model.

The report went on to advise that there were no measures within Local Government Benchmarking Framework that related to the remit and activity of this service.

It was also reported that the services led on a range of corporate benchmarking activity in relation to the council's Improvement Strategy 2018/23. This included overall coordination and analysis of the statutory specified performance information, the LGBF and a range of corporate assessments that identified opportunities for benchmarking and sharing of good practice.

In conclusion the Performance and Improvement Service completed the WLAM process as part of the council's corporate programme of self-assessment. This was a critical part of the council's internal scrutiny arrangements and helped to ensure that excellent practice and performance was supported and that the principle of continuous improvement was adopted in all council services.

The report recommended that the committee:

1. Note the outcome from the WLAM and Review Panel process;
2. Note the recommendations from improvement; and
3. Agree any other recommendations that may improve the performance of the service.

There then followed a number of questions in relation to budget measures and whether other services appreciated the added value that was offered by the Performance and Improvement Service.

It was suggested that the every opportunity be considered to promote the service, demonstrate what it does and what impact it had on other services.

#### Decision

To note the contents of the report and to report back to a future meeting of the Performance Committee on the impact the service had on other services.

### 7. WORKPLAN

The panel considered a list of items that would form the basis of the committee's work over the coming months.

#### Decision

To adopt the workplan and agree that the Chair liaise with officers to make changes to the workplan as necessary.

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 27 AUGUST 2018.

Present – Councillors Damian Timson (Chair), Lawrence Fitzpatrick, Harry Cartmill, Pauline Clark, Chris Horne

In Attendance – Graham Hope (Chief Executive), Donald Forrest (Head of Finance and Property Services), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), James Millar (Governance Manager), Kim Hardie (Health and Safety Manager), Vera Muir (HR Business Partner), Alan Bell (Senior Manager, Social Policy), Tim Ward (Senior Manager, Social Policy), David Brown (Corporate Procurement Manager); Anne-Marie Carr (Customer Service Manager, Housing Needs), Donna McMaster (Head of Education – Curriculum, Quality Improvement and Performance), James Cameron (Head of Education – Learning, Policy & Resources); and Donna Adams (Strategic Resource Manager, Education Services)

## 1. DECLARATIONS OF INTEREST

- Agenda Item 6 (High Risks) – Councillor Chris Horne declared an interest in that he was a council appointed member of the West Lothian Leisure Board of Directors but would participate in the item of business; and
- Agenda Item 6 (High Risks) – Councillor Harry Cartmill declared an interest in that he was a council appointed member of the West Lothian Leisure Board of Directors but would participate in the item of business.

## 2. MINUTE

The committee approved the Minute of its meeting held on 18 June 2018. The Minute was thereafter signed by the Chair.

## 3. RISK MANAGEMENT WITHIN EDUCATION SERVICES

The committee considered a presentation and accompanying report (copies of which had been circulated) by the Head of Education (Learning, Policy & Resources) and the Head of Education (Curriculum, Quality Improvement & Performance) which provided an overview of risk management within Education Services.

The committee were advised that the risks identified for Education were aligned to the WLAM Service Units and the responsibility for managing the risks were allocated to Headteachers and Service Managers.

Education Services had 27 risks recorded in Covalent. Risks identified as Low were reviewed on Pentana by Service Unit on a quarterly basis and those risks identified as Medium or High were reviewed by Education Senior Management Team on a monthly basis; at the time of reporting

there were no high risks but 14 medium risks and 14 low risks with further details contained in the appendix to the report.

The following risks had been considered to be assessed as medium by the Service :-

- Over/under capacity in school provision (ED001)
- Loss of whole or part of a school (school closure) (ED003)
- Attacks on or violence towards staff (all schools) (ED0004 & ED005)
- Attacks on or violence to pupils (ED030)
- Loss of education provision due to industrial action (ED002); and
- Inability to meet the capacity demand for pupils with additional support needs (ASN) within West Lothian Schools (ED015)

The presentation continued by explaining that all risks had internal controls that were assessed as either being strong, medium or weak. By implementing these controls the service aimed to reduce the likelihood of the risks occurring or the impact they would have if they did occur.

The presentation concluded that over the next few years within increased development in West Lothian, schools rolls were projected to increase in a number of areas such as Winchburgh, Armadale, Bathgate, Calders, Whitburn and Broxburn. Work was therefore ongoing to consider future options for extension of schools buildings.

The officers then responded to a number of questions posed by committee.

In relation to incidents of violence against teachers the Head of Education (Curriculum, Quality Improvement & Performance) explained that with regards to mainstream schools the recently introduced recording and reporting software meant that the data that was now collected was more robust than ever and was analysed on a regular basis and reported to SMT. The numbers in West Lothian were very small but work continued across all schools in de-escalation techniques. It was also to be noted that with regards to the data on this subject those pupils with additional support needs were separated out of the data simply because it could be the nature of their condition that could be contributing to the violence.

In terms of supporting those teachers affected by violence perpetrated against them the council had in place a number of policies and procedures to provide them with support and assistance if required; a recent example of this was the approval earlier in the year of the policy on "Promoting Positive Relationships in West Lothian Establishments".

A number of questions were asked in relation to ensuring that all pupils were encouraged to achieve their maximum potential and those pupils who required more support received it and those that were doing well



were not held back.

The Head of Education (Curriculum, Quality Improvement & Performance) explained the methodology of working in quintiles to ensure that all pupils were treated equitably and fairly and that the intelligent use of data was key to this working across all West Lothian schools.

With regards to capacity across a number of schools, it was explained by the Head of Education (Learning, Policy & Resources) that this was an issue that was closely monitored by senior management and was regularly reported on to the Education Executive. It was noted that the council continued to invest in primary school provision with a recent example being the temporary extension to Armadale Primary School whilst waiting for Southdale Primary School being completed.

The committee then explored the risk scores that had been assigned to those risks identified for Education Services noting that some scores seemed particularly low especially the one related to attacks on or violence towards teachers given there had been 336 incidents in the period 1 April to 31 July 2018. The Health & Safety Manager responded by advising that the data that sat behind these figures was currently being reviewed as this would then inform the net scoring of the risk.

Provision of additional support needs was explored in terms of capacity across West Lothian schools. The Head of Education (Learning, Policy & Resources) explained that whilst diagnosis of those who required additional support needs was on the increase there was no specific plan at the moment to increase capacity as there was sufficient capacity overall. Additionally whilst there was a planned reduction to the Educational Psychology Service this would be in the manner in which training and research would be delivered with a new model due to be introduced in 2020. However assessment would continue in the usual way.

The committee then enquired about sickness absent rates amongst teaching staff and what the causes of these were, particularly those categorised as stress related. The Head of Education (Learning, Policy & Resources) advised that sickness absence rates were closely monitored by senior management and details were provided to the appropriate union bodies. Whilst he did not have exact figures to hand he undertook to provide current data with comparable data for previous years. The Head of Education (Curriculum, Quality Improvement & Performance) continued to explain that the method for recording sickness absence had improved over the years but it was important that more analysis was undertaken on the data to ascertain what lay behind the high percentage of those recording stress/mental health as the reason for sickness absence.

Finally a question was raised with regards to Eastertoun Nursery and Primary School which had been identified as a risk due to its restricted access for emergency service vehicles. The Head of Education (Learning, Policy & Resources) explained that the reason for this was because the entrance to the school was not part of the adopted highway. However Scottish Fire and Rescue colleagues had carried out a risk assessment

and had confirmed that the situation was acceptable and no more a risk than most other schools throughout West Lothian where indiscriminate parking was a regular occurrence and problem with regards to access.

The Chair thanked the Head of Education (Learning, Policy & Resources) and the Head of Education (Curriculum, Quality Improvement & Performance) and other education colleagues for their informative presentation.

#### Decision

1. To note the contents of the presentation and accompanying report;
2. To request that Education Senior Management review the current risk scores to ensure that they remained relevant and up-to-date; and
3. To agree that the Head of Education (Learning, Policy & Resources) provide committee members with further information with regards to those members of teaching staff who were currently off sick with stress related conditions and to provide comparable data for previous years.

#### 4. HIGH RISKS

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing details of the council's high risks.

The Head of Finance and Property Services explained that the council maintained its corporate risk register on the Pentana system. Risks were scored for original risk, which was the assessed risk without controls in place, which provided an appreciation of the potential for impact if controls were absent or failed, and current risk, which assumed the current controls were in place and were effective.

The council's high risks were those risks defined as having a risk score of 12 or more.

The council's high risks were set out in detail in Appendix 1 attached to the report and there were currently nine high risks. Details of how to best interpret the detail was summarised in the report.

Appendix 2 attached to the report sets out the council's standard risk assessment methodology.

It was noted that a number of officers were in attendance at the meeting who were available to provide clarity on any issues raised by committee members.

The Head of Finance and Property Service began by explaining that an action by West Lothian Leisure remained outstanding and therefore this was reflected in the appendix.

The committee members then raised a number of questions the first being in relation to progress against Risk Action HCBS18001 (Preparation of a Rapid Rehousing Transition Plan). The Housing Manager explained that the plan was on target to be completed by the end of 2018 and that the plan would link into those strategies that already existed in the council.

The Housing Manager also responded to an enquiry about the ongoing use of bed & breakfast accommodation for the homeless. Committee was advised that both the Services for the Community Policy Development & Scrutiny Panel and Council Executive were provided with regular updates on this matter and that much work continued with council partners to resolve the situation.

Committee also enquired about the action associated with the Review of the Care at Home Framework Contract Rates which appeared to have been completed some time ago. Officers undertook to review this action noting that the council was looking to review its care at home contracts as volume had almost doubled over the past ten years and combined with the current labour market was an area that was under pressure.

With regards to Brexit the Head of Finance and Property Services explained that the council had recently established an officer-led Brexit Working Group which would be meeting for the first time on 30 August 2018. The group would be chaired by the Head of Planning, Economic Development and Regeneration with a number of officers in attendance and regular reports on the group would be submitted to the Partnership and Resources Policy Development and Scrutiny Panel. As the frequency of these meetings increased the progress against this action would be updated accordingly.

Finally the Chair enquired about those actions pertaining to Procurement, specifically CPU18004 (Learning on Procurement Competency) and CPU18005 (Procurement Toolkit). The Corporate Procurement Manager provided assurances that these two actions, which were part of the decentralisation of procurement, would be achieved by their due dates.

It was recommended that the Governance and Risk Committee :-

1. Notes the council's high risks and the action being taken to mitigate them; and
2. Provides feedback to officers on the risks and the mitigating actions.

#### Decision

1. To note the contents of the report; and
2. To note the action being taken by officers on those risk identified as being "high".

## 5. MANAGEMENT OF HEALTH AND SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services which provided information on Health and Safety Incidents reported for all services areas. This included year-end figures.

The committee was advised that in accordance with corporate requirements, health and safety risks were maintained in the risk register in Pentana Performance, the council's corporate risk management tool. The risks contained within Pentana represented key risks to service objectives. They were kept under continuous review and were developed in accordance with changes in the service structure and in response to changes to the political, regulatory, economic and demographic environment.

Risks were reported to service management teams on a monthly basis. The risks were discussed, changes made to risks or their scores and new risks added, as considered necessary. There was a complete audit trail of the review process via the meeting papers and the action note produced. Agreed changes to risks or risk actions added were also evidenced in Pentana.

Attached to the report at Appendix 1 was a series of charts showing Cumulative Incidents, Incidents resulting in Injury, Verbal Incidents, Physical Assaults and Near Miss Incidents for the period April to May 2018 and for years 2017-18 and 2018-19. Also detailed in the appendix was Employers Liability Insurance Payments for April and May 2018.

Attached to the report at Appendix 2 was an end of year comparison for 2016-17 and 2017-18 for all incidents, verbal abuse, physical abuse and near miss incidents.

The Health and Safety Manager then responded to a number of questions, with the first being one about the use of glyphosates by grounds maintenance staff particularly in light of recent negative reports in the media. It was explained that in accordance with Health and Safety Executive Guidance the council maintained a register of all chemicals used throughout the council along with instructions for their safe and proper use and that the Health & Safety Executive ultimately decided what chemicals were deemed safe/not safe to use.

It was noted by committee that the front facing services of the council reported the highest number of incidents.

The Health and Safety Manager responded that the higher figures were not felt to indicate an increase in incidents but a better recording of incidents. This was following training provided to staff and the easier method in which to record incidents. The Health and Safety Manager continued by explaining that Service Advisers from her team continued to drive the message forward to record incidents and that anecdotal evidence to date was that this was being effective.

Committee noted that in the reporting period the council had a breach of statutory duty on three occasions; the Health and Safety Manager provided details on the three incidents and the actions taken following the incidents

Finally committee sought an update on the uptake of lone working devices. The Chief Executive explained that if staff had been assessed as requiring a device then it was considered compulsory that they used one. Whilst there had been a short period of grace whilst the system was bedding in this was now over and if those deemed to need such a device did not use it then this would become a disciplinary matter. The Health and Safety Manager also advised committee that the monitoring of the device usage was being reviewed as currently the mere fact of switching the device on was measured.

The committee was asked to note the content of the report.

### Decision

1. To note the content of the report; and
2. To ask the Health and Safety Manager to review the format of the Cumulative Incidents (Incidents by Cause) chart on page 2 of the appendix and of the Lone Working Device Usage chart on page 4 of the appendix.

## 6. MENTAL HEALTH AND WELLBEING

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services outlining the current systems in relation to the mental health and well-being of employees.

The Head of Corporate Services explained that in accordance with legislative requirements the council had a statutory duty of care to protect the health, safety and welfare of employees.

Employee health and wellbeing monitoring and promotion aimed to :-

- Identify and address workplace injury and health by continuing to protect employees from work related health and safety risks.
- Address the impact of health on the capacity of employees to attend work including support for those with injuries and health conditions in rehabilitation and assisting employees to remain or return to work.
- Promote healthier lifestyles and make an impact on an individual's general health by encouraging employees to look after their own wellbeing by providing opportunities to enable them to do so.
- Ensure employee engagement is undertaken to enhance our safe and supportive working environment.

The above measures assisted, supported and complemented existing

policies and procedures mainly the Health and Safety Policy, Personal Safety at Work Guidance, Management of Sickness Absence and Employee Mental Well Being Policy.

The People Strategy 2018-23 outlined the council's commitment to employee health and wellbeing. Its accompanying Framework document required services to maintain employee health profiles and annual service action plans.

Internal leading and reactive measures were used to identify risks and corresponding appropriate controls to mitigate those risks. This provided objective information that was measurable, easily collected and monitored by Services and Corporate Health and Safety. There was also a requirement to undertake workplace and task based risk assessment at a frequency outlined within the health and safety policy, at least on an annual basis. The identification of risks to employees, including those to mental health and wellbeing would be identified as part of that process.

Additionally all recorded health and safety incidents were monitored and investigated by identified employees or health and safety advisers. This ensured that timeous action could be undertaken to identify measures that could be taken to prevent a recurrence of an incident.

The report continued by providing information relating to Employee Health, Employee Health Profiles/Service Action Plans, Supporting Attendance at Work Policy, Employee Health and Wellbeing Training; and Employee Engagement.

The report concluded that the council had implemented robust policies, procedures, systems and training that highlighted and recognised the importance of mental health and wellbeing within the workplace. Monitoring systems were in place that would identify remedial actions where necessary and individual management measures and supports were available to all employees.

The committee then took the opportunity to explore some of the themes contained in the report by asking how the council assisted during structural change which was now a frequent occurrence in the workplace. The HR Adviser explained that HR and management worked very closely in building up resilience amongst the staff prior to any workplace change taking place. Also the council provided chaplaincy services that were accessible to staff with whom issues could be talked through.

The council also had a number of break-out areas across its sites which staff could make use of whilst continuing to make efficient use of its spaces and buildings.

In terms of encouraging health and well-being the council ran a number of active programmes throughout the year and included initiatives such as the healthy lives week and encouraging the take-up of cycling. Take-up amongst staff with these types of active programmes was challenging but efforts would continue to increase participation.

In terms of early identification of those who could be suffering from poor health those employees who were deemed to be most at risk had been, for some time, targeted for proactive monitoring and screening and included tests such as audiometry and vibration. However committee questioned whether the scope of this type of screening could be made available to all staff. The Health and Safety Manager undertook to explore this matter.

The HR Adviser continued to explain to committee that the targets reporting category of absence sickness today, compared to some years ago, was as a result of mental health issues whereas it used to be muscular/skeletal issues. Work was continuing to analyse the existing sickness absence data to try and understand the root causes of the current sickness absence rates where the contributing factor was mental health; this would also include a review of the categories for sickness absence which were currently those issued by WHO (the World Health Organisation).

It was recommended that the Governance and Risk Committee :-

1. Note the content of the report; and
2. Considers that the council's approach to mental health and wellbeing of employees was sound.

### Decision

To note the content of the report

## 7. WORKPLAN

The workplan had been submitted for the information of the committee.

The committee was asked to note that the update on "Business Continuity Planning in IT Services) had been delayed until the October meeting.

It was also noted that the subjects of Brexit, Roads Infrastructure and City Deal would be added to the workplan.

And finally the Chair advised that he would be discussing with officers the potential for reporting on the following subjects in the future :-

- Statutory compliance on asbestos, legionella and fire safety;
- GDPR compliance;
- School excursions and extra-curricular activities; and
- More issues relating to governance as opposed to risk, with regard to the issues identified in the annual governance statement and the external audit report for last year.

Decision

1. To note the contents of the workplan;
2. To note the inclusion of Brexit, Roads Infrastructure and City Deal;  
and
3. To note the Chair would undertake with the appropriate officers the inclusion of a number of other subject matters including GDPR compliance, school excursions & extra-curricular activities and statutory compliance on asbestos, legionella and fire safety



MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 31 AUGUST 2018.

Present – Councillors George Paul (Chair), Angela Doran, Dave King, Andrew McGuire

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 15 June 2018 as a correct record. The Minute was thereafter signed by the Chair.

3. PRIVATE SESSION

The committee resolved in terms of paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 that the remaining items of business be taken in private.

4. CONSIDERATION OF APPEAL

The committee noted that the appellant was not in attendance at the hearing and although satisfied that all efforts had been made to ensure the appellant was aware of the hearing date, agreed that in the particular circumstances it would not be appropriate to proceed with the hearing in his absence.

Decision

The committee therefore agreed that the Clerk contact the appellant giving him 14 days to advise whether he wished to proceed with the appeal and that failure to respond would be taken as an indication that he no longer wished to proceed and the case would be closed.

The committee also agreed that if the appellant confirmed within 14 days that he wished to pursue his appeal and he failed to attend again this would be taken as an indication that he no longer wished to proceed, and the case would be closed.



MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 28 SEPTEMBER 2018.

Present – Councillors George Paul (Chair), Tom Conn, Peter Heggie, Dave King, Dom McGuire, Damian Timson

Apologies – Councillor Chris Horne

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. MINUTE

The committee confirmed the Minute of its meeting held on 31 August 2018 as a correct record. The Minute was thereafter signed by the Chair.

3. PRIVATE

The committee resolved in terms of paragraph 1 of Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 that the remaining items of business be taken in private.

4. CONSIDERATION OF APPEAL

The Clerk informed the committee that the appellant had telephoned on the morning of the hearing to advise that she would not be in attendance.

The Clerk also informed the committee that as the appellant had cancelled two previous hearings she had been advised, as agreed by the Committee at the previous hearing, that if she failed to attend or cancel a third hearing then it would be open to the committee to close the case.

The Clerk provided the committee with information on the sequence of events that led to the appellant being offered three opportunities to have her appeal heard. The Clerk also advised that the appellant had intimated that the start time of 10.00am was not suitable for her and therefore the Chair agreed to change the start time to 11.00am to assist her but that she had still failed to attend.

The committee, having considered the information provided and the change of start time was satisfied that all efforts had been made to accommodate the appellant, and noting her failure to attend on the third occasion with no reason for her non-appearance provided, agreed that no further hearing dates should be offered and that the case be closed.

Decision

To agree that no further hearing dates were to be arranged and that the

matter be closed.



**WEST LOTHIAN COUNCIL**

**TREASURY MANAGEMENT – INTERIM REPORT AT 30 SEPTEMBER 2018**

**REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

**A. PURPOSE OF REPORT**

To inform members of the activities and results of the treasury management function for the six months to 30 September 2018.

**B. RECOMMENDATION**

It is recommended that Council:

1. Notes the attached report on the activities of the treasury management function for the first six months of 2018/19 and on the exercise of delegated treasury management powers;
2. Agrees amendments to the prudential indicators, as set out in Appendix 4 of the report.

**C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable, making the best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	This report complies with the council's Treasury Policy Statement, the requirements of the CIPFA Prudential Code for Capital Finance in Local Authorities, the CIPFA Treasury Management in Public Services Code of Practice and the Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016.
<b>III Implications for Scheme of Delegations to Officers</b>	No changes are proposed to the current scheme of delegation for treasury management activities.
<b>IV Impact on performance and performance Indicators</b>	None.
<b>V Relevance to Single Outcome Agreement</b>	Treasury management provides capital resources necessary to help deliver the council's capital programme.
<b>VI Resources - (Financial, Staffing and Property)</b>	This report is part of a framework for operating treasury management activities designed to minimise risk and the future borrowing costs of the council.

**VII Consideration at PDSP**

Treasury monitoring reports are presented directly to the Council for consideration.

**VIII Other consultations**

The council's treasury advisers have been consulted in relation to the forecasts and recommendations included within the treasury plan.

**D. TERMS OF REPORT**

The interim report for the six months to 30 September 2018 is attached.

Following changes to the forecast capital expenditure and capital resources agreed by Council Executive in June 2018, Council is asked to approve changes to the following prudential indicators for 2018/19:

- Capital Expenditure
- Capital Financing Requirement
- Ratio of Financing Costs to Net Revenue Stream
- Gross External Borrowing and the Capital Financing Requirement
- Authorised Limit for External Debt
- Operational Boundary for External Debt

The council's updated prudential indicators are included in Appendix 4 of the report.

**E. CONCLUSION**

The actions taken in the first six months of 2018/19 complied with the annual treasury plan approved by Council on 13 February 2018 and the Treasury Management Policy Statement included in the Financial Regulations.

**F. BACKGROUND REFERENCES**

West Lothian Council Treasury Policy Statement and Treasury Management Practices

West Lothian Council's Annual Treasury Management Plan for 2018/19 (approved by Council on 13 February 2018)

CIPFA's Code of Practice for Treasury Management in Public Services

CIPFA Prudential Code for Capital Finance in Local Authorities

Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016

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**Donald Forrest**  
**Head of Finance and Property Services**  
Date: 20 November 2018

**WEST LOTHIAN COUNCIL**  
**TREASURY MANAGEMENT**

**Interim Report for the Six Months to 30 September 2018**

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## 1.0 Introduction

In accordance with the Standing Orders, Financial Regulations and Local Government Investments (Scotland) Regulations 2010, an interim report on the operation of the treasury management function for the six months to 30 September must be presented to the Council for consideration. The requirement to report to the Council complies with the revised Treasury Management Code and Scottish Investment Regulations.

The 2018/19 Annual Treasury Plan, approved by Council on 13 February 2018, sets out the planned approach to treasury management for 2018/19. This report assesses the application and outcome of the plan for the first six months of the financial year.

## 2.0 Updated Prudential Code and Treasury Management Code

The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) controls capital spending in a system based on self-regulation by authorities. The key objectives of the Prudential Code are to ensure that capital expenditure plans are affordable, external borrowing is prudent and sustainable, and that treasury management decisions are taken in accordance with professional good practice.

In December 2017, CIPFA issued revised Prudential and Treasury Management Codes. As from 2019/20, all local authorities will be required to prepare a capital strategy report, which is intended to provide the following:-

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services
- an overview of how the associated risk is managed
- the implications for future financial sustainability

The aim of this report is to ensure that all elected members on the full council fully understand the overall capital strategy, governance procedures and risk appetite entailed by this strategy. The Capital Strategy will include capital expenditure, investments and liabilities and treasury management in sufficient detail to allow all members to understand how stewardship, value for money, prudence, sustainability and affordability will be secured. A report setting out the capital strategy will be presented to Council by 31 March 2019.

The revised codes also set out an extension of the specific role of the Section 95 Officer in respect of the capital strategy and investment in non-financial assets. This includes preparing a capital strategy within a long term timeframe; ensuring that the capital strategy is prudent, sustainable, affordable and prudent in the long term; ensuring that due diligence has been carried out on all treasury and non-financial investments and is in accordance with the risk appetite of the authority; ensuring that the authority has appropriate legal powers to undertake expenditure on non-financial assets and their financing; ensuring that the authority has adequate expertise, either in house or externally provided, to carry out the above; and creation of Treasury Management Practices which specifically deal with how non treasury investments will be carried out and managed.

The Local Authority (Capital Finance and Accounting) (Scotland) Regulations 2016 state that each authority is required to ensure the prudent repayment of the principal of loans fund advances, in respect of both the period of repayment and the annual amounts of repayment. The Scottish regulations outlined within Finance Circular 7/2016 require a statutory loans fund to be administered in accordance with the regulations, proper accounting practice and prudent financial management as it relates to the repayments of loans fund advances. In order to comply with the above guidance, and as reported to the Partnership and Resources Policy Development and Scrutiny Panel on 5 October 2018, officers are investigating options to review the operation of the loans fund with the external treasury advisors, including any potential opportunities for savings. The aim is to conclude this work by the end of December 2018.

### 3.0 Current Portfolio Position

The council's debt and investment position at the beginning and end of the period is as follows:

31 March 2018		DEBT	30 September 2018	
Principal £m	Rate %		Principal £m	Rate %
513.6	4.1%	Fixed Rate Funding:	488.6	4.2%
60.6		PWLB	60.6	
574.2		Market		
		Total Fixed Rate Funding	549.2	
-	-	Variable Rate Funding	-	-
5.0	0.4%	Temporary Funding	10.0	0.8%
579.2	4.1%	Total Debt	559.2	4.1%
	38.2 years	Average Life of Debt		39.2 years
£m	Rate %	INVESTMENTS	£m	Rate %
83.5	0.8%	Cash Deposits	62.6	0.8%

Debt during the period has reduced by £20 million. New temporary borrowing of £10 million has been offset by maturing PWLB debt of £25 million and maturing temporary borrowing of £5 million.

Investments have decreased by £20.9 million during the first six months of 2018/19 due to cash balances being temporarily used to cover funding of capital investment while long term borrowing rates are monitored during the course of the year. This approach will allow the council to secure new borrowing required to fund approved capital investment at the most attractive rates during the year. The average rate has remained constant since the start of the financial year. The latest investment benchmarking data from the council's treasury advisors Link Asset Services, shows average return on Scottish local authority investments as 0.44%, indicating that West Lothian Council is continuing to perform very well compared to other councils.

### 4.0 Performance Measurement

The CIPFA's Directors of Finance Best Value Working Group and the Treasury Forum Group recommend the reporting of the following performance indicators:

2017/18	Headline Performance Indicator	2018/19
3.99%	Average Cost of Servicing Loans Fund Advances in Year	Year End
0.06%	<ul style="list-style-type: none"> <li>Loans Fund Interest Rate</li> <li>Loans Fund Expenses Rate</li> </ul>	Year End
4.05%		
	Local Performance Indicators	
15.64%	1. Percentage of Debt at period end which is Short Term or Variable	16.20%
19.09%	2. Percentage of Debt at period end repayable in each of the next two years	17.99%
2.28%	3. Average Interest Rate of Borrowing raised in period	0.76%
48.0 years	4. Average Maturity of Borrowing raised in period	1 year

The average rate of borrowing undertaken in the first six months of 2018/19 is lower than the rate in 2017/18 due to the fact that no long term borrowing has yet been undertaken for 2018/19. The percentage of debt which is short term or repayable in each of the next two years is at a level which will not expose the council to any loan maturity risks.

## **5.0 The Strategy**

### *5.1 Interest Rate Forecasts*

The plan for 2018/19 was structured around the general forecasts for interest rates, with some flexibility of application dependent on prevailing economic conditions.

When the annual plan was approved, the average City view suggested that bank rates would remain at 0.50% until quarter four of 2018, with an increase to 0.75% expected at that point followed by a further increase to 1% in quarter 4 of 2019, and low short term rates expected to continue during 2018/19. On 2 August 2018, the bank rate was increased to 0.75%, and forecasts were updated to confirm that rates are not likely to increase further to 1% until August 2019. The council's central forecast is in agreement with these forecasts. The forecast for PWLB rates to March 2019 is now 2.1% for five years, 2.5% for ten years and 3.0% for twenty-five years. Both the short term and the longer term PWLB rates have increased since the forecast in the treasury plan reported to Council in February 2018.

### *5.2 Capital Finance Plan*

The annual plan in February 2018 reported a new borrowing requirement of £35.5 million with replacement borrowing of £15.5 million. This gave a total borrowing requirement for 2018/19 of £51.0 million.

Forecasts demonstrated a range of options available to implement the borrowing strategy in 2018/19. Short, medium and long term fixed rates were all forecast to increase incrementally over the period, with short to medium term rates being cheaper than long term rates. It was planned to borrow a spread of short and medium term loans from the PWLB at the most opportune times during the financial year. Consideration would be given to longer term borrowing if attractive rates were available. Forward dated Lender Option Borrower Option (LOBO) loans could also be considered for periods of to 15 years to lock in rates without having to incur borrowing costs if the money is not required straight away.

## **6.0 The Economy and Interest Rates**

UK growth rates of 2.2% in 2013 and 2.9% in 2014 were strong but 2015 and 2016 were lower at 1.8% each year, although these were still among the leading rates of the G7 countries. Growth in 2017 was weak in the first half of the year, which meant that growth in the first half of 2017 was the slowest for the first half of any year since 2012. The main reason for this was the sharp increase in inflation caused by the devaluation of sterling after the EU referendum, feeding increases into the cost of imports into the economy. However, GDP growth in the second half of 2017 was stronger than expected, while in the first quarter of 2018, there was evidence that wage increases had started to rise. This resulted in a marked increase in expectations that there would be another bank rate increase the near future and a bringing forward of the timing of subsequent increases in bank rate. The first half of 2018/19 has seen a modest increase in growth, with a forecast of 1.5% for the remainder of the year. The Bank of England's August Quarterly Inflation Report forecasts that growth will pick up to 1.8% in 2019, however these forecasts will greatly depend on developments regarding the UK withdrawal from the EU.

The following table provides details of interest rates at the start and end of the period. PWLB interest rates have increased marginally during the first six months of 2018/19, for both short and longer term borrowing, with ongoing uncertainty in the markets expected to continue over the rest of 2018/19. However, careful monitoring of the interest rate forecasts is expected to result in opportunities to obtain attractive rates at certain points during the remainder of the year, helping to secure certainty in longer term borrowing rates for the council.

	At 1 April 2018	At 30 September 2018
Bank Rates	0.50%	0.75%
5 Year PWLB	1.84%	1.93%
10 Year PWLB	2.22%	2.33%
50 Year PWLB	2.27%	2.56%

The Bank of England's Monetary Policy Committee (MPC) reduced the bank rate to 0.5% in March 2009. It remained at this rate until August of 2016, when it was cut to 0.25% in the wake of the vote to leave the European Union. The MPC reversed this decision in November 2017, with the rate being increased back to 0.5%. At its meeting of 2 August 2018, the MPC voted to increase the bank rate further to 0.75%, the first increase above 0.5% since the financial crash. At this meeting, the MPC emphasised that future rate increases would be gradual, with latest forecasts indicating that there is unlikely to be a further rise before the Brexit deadline in March 2019, but that it is likely to reach 1.5% by the end of 2020.

Inflation, as measured by the Consumer Price Index (CPI), rose unexpectedly from 2.4% in June 2018 to 2.7% in August 2018 before returning to 2.4% in September 2018, due to increases in volatile components. It is, however, expected to fall back to the 2% inflation target over the next two years, taking account of the projected minimal increases in the bank rate. The MPC has indicated that the bank rate would need to be in the region of 1.5% for inflation to stay on track.

Economic forecasting remains difficult due to the level of external factors influencing the UK. With a high degree of uncertainty in financial markets, international investors continue to view UK government gilts as a safe haven although this is subject to volatility in investor confidence. Gilt yields, and the cost of borrowing available to local authorities, are highly dependent on whether investors favour more risky assets (e.g. equities and shares) or safer government bonds.

The overall longer run trend is for gilt yields and PWLB rates to rise slowly over the coming months and years. An eventual world economic recovery may also see investors switching from the safe haven of bonds to equities. Risks to current forecasts for gilt yields and PWLB rates include a potential resurgence of the Eurozone sovereign debt crisis, geopolitical risks in Europe, the Middle East and Asia, UK economic growth and increases in inflation being less than currently anticipated and weak growth or recession in the UK's main trading partners, the EU and the US.

## 7.0 Capital Finance Activities

The original forecast new borrowing requirement for 2018/19 of £35.5 million needs to be revised to £56.9 million, mainly due to reprofiling of the housing capital programme between 2017/18 and 2018/19. The revised borrowing position reflects the updated capital programmes for 2018/19 and the decision of the Council Executive on 26 June 2018 to reprofile borrowing for 2018/19. Any further updates to the approved programme or accelerated spending against the approved budgets will result in further adjustments to the borrowing requirement for the year. The revised position also incorporates 2017/18 under borrowing, which is the borrowing required to fund the 2017/18 capital programmes that was not secured with external debt. With replacement borrowing of £30.0 million, the total revised borrowing requirement for 2018/19 is £86.9 million.

The council has not yet undertaken any long term borrowing from the PWLB in 2018/19. The temporary borrowing undertaken to date in 2018/19 is at a rate of 0.76% for a maturity of 1 year. The council's overall debt portfolio has an average rate of 4.1% for 39.2 years.

Full details of borrowing undertaken to date are shown in Appendix 1.

## 8.0 Debt Rescheduling

The annual plan stated that due to the introduction of different rates for new borrowing and early repayment of debt, the spread of 1.25% to 1.45% in rates significantly restricted opportunities for debt rescheduling. Based on this there were no opportunities available to reschedule long term fixed PWLB debt to short variable and temporary debt during the six months to 30 September 2018.

## 9.0 Management of Cash Flows and Investments

### 9.1 Internally Managed Investments

Cash flows are monitored daily to allow temporary investment of any surplus funds. The procedure allows for same day lending of cash surpluses to institutions approved in the Treasury Management Practices and leaves the bank current account balance at the optimum level of zero. The security of the council's funds is paramount. Investment in the period to 30 September 2018 was restricted to the major UK Clearing Banks, including the council's bankers Lloyds Banking Group, certain designated building societies, other local authorities, UK Government treasury bills, and AAA rated money market funds.

### 9.2 Investment Plan

The plan approved by the Council on 13 February 2018 included application of the capital fund to resource the General Services capital programme. Following a review of capital resources, including the profile of borrowing, the Council Executive agreed on 26 June 2018 that the capital fund is utilised more equally over the remaining programme to 2022/23. This adjustment allows the council to reduce the risk of large peaks in borrowing in future years where borrowing rates are uncertain. Reducing the level of capital fund drawdown to finance the 2018/19 capital investment programme is deemed appropriate in light of the current low interest rate environment. It should ensure that borrowing required for the capital programme is secured at a beneficial rate to the council, ensuring best value in treasury management. This decision automatically requires the retention of investments.

As investment rates for short periods are low, the proposed approach was that a proportion of investments relating to cash backed balances and reserves not required until future years, could be invested for up to two years. The investment plan is to weight investments to longer periods, as much as possible within cash flow considerations, with a view to locking in higher rates of return than may be available from current short term investment rates. This approach is consistent with the plan for 2018/19 and is deemed appropriate by the council's treasury advisors, Link Asset Services. This longer term investment approach is also permitted under the investment regulations implemented in April 2010.

### 9.3 Investment Results

The annual plan highlighted that the council's policy of investing only in appropriately rated money market funds, the UK Government and UK banks and building societies was considered risk averse. The decision of the Council Executive on 26 June 2018 to rephase use of the capital fund and maximise borrowing, automatically required the retention of investments. It is considered, in light of a reduced number of UK financial institutions on the council's approved counterparty list, that any risk to our investments is minimal. Detailed below are the results of the investment strategy undertaken by the council during the period:

<b>Average Investment</b>	<b>Rate of Return</b>	<b>Benchmark Return*</b>
£82 million	0.77%	0.44%

\* The benchmark is seven day London Interbank Bid (LIBID) Rate

The majority of investments were fixed for up to twelve months where interest rates are significantly higher. This has resulted in a return of 0.33% above the benchmark. During the six months to 30 September 2018, the amount lent to approved organisations ranged from a low of £62 million to a high of £94 million.

Investments at 30 September 2018 were £62 million which have been invested throughout the period for fixed periods at an average daily rate of return of 0.77%. This represents a robust return on investments as rates have remained low during the first six months of 2018/19.

As previously approved, an equity investment of £302,000 in West Calder High School DBFMCo Ltd, was undertaken in June 2018. This company was established to deliver a new West Calder High School by HUBco through the Schools for the Future Programme. This service based investment is in the equity and subordinated debt of West Calder High School DBFMCo Ltd, allowing the council to be a shareholder in the company which has delivered the replacement high school in West Calder.

Authorised institutions and investments at 30 September 2018 are found in Appendix 2.

#### 9.4 *Permitted Investments*

The Local Government Investments (Scotland) Regulations 2010 require local authorities to specify what investments will be used. Any investment not listed as a permitted investment will not be in accordance with the Regulations and will, as a result, be ultra vires.

Appendix 3 details the permitted investments and maximum amounts that can be invested in them. It also includes reference to associated treasury risks and mitigating controls. Permitted investments include current investments in long term investments, share capital in companies and loans to third parties. Following a review under the International Financial Reporting Standards (IFRS), the council does not have any investment properties.

### 10.0 **Monitoring of Prudential Indicators**

The CIPFA Prudential Code ensures the capital plans of local authorities are affordable, prudent and sustainable. To demonstrate compliance with these objectives, the Code establishes nine indicators designed to support and record local authority decision making. The 2018/19 indicators were originally approved by the Council on 13 February 2018 and it was agreed that these indicators would be monitored and revised, if required, throughout the year by the Council. The 2018/19 prudential indicators are included in Appendix 4 along with proposed amendments to the capital expenditure, financing requirement, authorised and operational limits for borrowing and financing costs to net revenue stream indicators. The changes to the prudential indicators are a result of revised capital investment and resources programmes for 2018/19, as approved by the Council Executive on 26 June 2018.

### 11.0 **Conclusion**

This report details the treasury activities undertaken in the six months to 30 September 2018. Actions taken have complied with the annual treasury plan for 2018/19, approved by the Council on 13 February 2018, the decision by the Council Executive on 26 June 2018 to rephase use of the capital fund in 2018/19 and the Treasury Management Policy Statement. Activities completed during the period also ensured that best value was secured in the delivery of the treasury function of the council.

**Donald Forrest**  
**Head of Finance and Property Services**  
Date: 20 November 2018

## WEST LoTHIAN COUNCIL

## Borrowing in 2018/19

Date	Amount Advanced £m	Details	Repayment Period (Years)
<u>PWLB</u>			
No borrowing undertaken from 1 April 2018 to 30 September 2018			
<u>Temporary Borrowing – Local Authorities</u>			
23 April 2018	5.0	0.82%	1 year
25 June 2018	2.0	0.70%	1 year
2 July 2018	3.0	0.70%	1 year
<b>Total Borrowing</b>	<b>10.0</b>		

Long and Short Term Debt Undertaken to Date in 2018/19

Average Rate – 0.76%

Average Life – 1 year

## APPROVED ORGANISATIONS FOR INVESTMENT

	2018/19 Investment Limit £	Investment at 30 September 2018 £
<b><u>Council Bankers</u></b>		
Lloyds Banking Group (inc Bank of Scotland)	70,000,000	48,290,000
<b><u>WLC Rating Category 1*</u></b>	22,000,000	
No institutions in this category		
<b><u>WLC Rating Category 2*</u></b>	19,500,000	
No institutions in this category		
<b><u>WLC Rating Category 3*</u></b>	17,000,000	
HSBC Bank plc		0
<b><u>WLC Rating Category 4*</u></b>	14,500,000	
No institutions in this category		
<b><u>WLC Rating Category 5*</u></b>	10,000,000	
Standard Chartered		0
<b><u>WLC Rating Category 6*</u></b>	7,000,000	
Santander UK plc		7,000,000
Goldman Sachs Bank		7,000,000
Nationwide Building Society		0
<b><u>Local Authorities, Public Bodies &amp; DMO**</u></b>	12,518,432	
Maximum of 20% of total investments		
All UK Local Authorities		0
UK Public Bodies		0
Debt Management Office – Deposit Account		0
Treasury Bills		0
<b><u>UK Nationalised Banks</u></b>	35,000,000	
Royal Bank of Scotland		0
<b><u>Money Market Fund – AAA rated***</u></b>	21,907,256	
Maximum of 35% of total investments		0
<b><u>Other Permitted Investments</u></b>		
West Calder High School DBFMCo Ltd	350,000	302,159
	<b>TOTAL</b>	<b>62,592,159</b>

\* As rated by the lowest credit rating of the three credit rating agencies Fitch, Moody's and Standard & Poors

\*\* This limit fluctuates according to total investments. Based on current investments of £62.59 million, the limit would be £12.518 million.

\*\*\* This limit fluctuates according to total investments. Based on current investments of £62.59 million, the limit would be £21.907 million.



## WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
<b>Cash Investments up to one year</b>				
Term Deposits and Bonds – UK Banks and Building Societies	Equivalent to Fitch's rating of FI short term A long term	Up to 100%	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all three rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required. Also use overnight account for daily access to funds.
Term Deposits – Local Authorities and Public Bodies	Local Authorities & Public Bodies are not awarded credit ratings	20%	Counterparty risk is very low as this is considered UK Government debt and there is no risk to value.	No controls required as investment is with the UK Government and has minimal risk.
Money Market Funds	AAA	35%	Pooled cash investment vehicle with very low counterparty, liquidity and market risk.	The council will only use funds with a constant net asset value or low volatility net asset value to ensure minimal risk to market value. Funds required to be AAA rated to limit counterparty risk and instant access to ensure liquidity.
Debt Management Agency – Deposit Facility	UK Government	20%	Minimal counterparty or liquidity risk as deposit is with the UK Government.	No controls required as investment is with the UK Government and has minimal risk
Treasury Bills	UK Government	20%	Minimal counterparty or liquidity risk as deposit is with the UK Government. Potential market risk due to longer term movements in interest rates.	No general controls required as investment is with the UK Government. All investments are short term and held to maturity therefore minimal risk to value from resale on secondary market.

## WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
<b>Cash Investments up to one year</b>				
Certificates of Deposit	Equivalent to Fitch's rating of FI short term A long term	20%	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all three rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required. Deposit will be held to maturity to ensure that the full amount invested is returned to the council. Investments will only be for periods of three to twelve months.
<b>Cash Investments between one year and up to two years</b>				
Term Deposits and Bonds – UK Banks and Building Societies	Nationalised or part nationalised UK Banks	£35 million	There is minimal risk to the value of principal invested. Consideration needs to be given to credit ratings to ensure appropriate counterparties are used. Liquidity risk that funds are not available when required.	Adoption of lowest rating from all three rating agencies to determine creditworthy counterparties. Cash flow forecasting undertaken to identify when funds will be required.
<b>Non Treasury Investments</b>				
Long Term Investment - £25,000 £1 shares in Lothian Buses plc	This is the share of Lothian Buses plc allocated to the council on the disaggregation of Lothian Regional Council in 1996	£25,000 £1 shares	This is a service investment which may exhibit market risk.	Shares will not be sold therefore market changes will have no impact. Ownership is supported by service requirements and must be approved by elected members.

## WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
<b>Non Treasury Investments</b>				
£50 of £1 shares in West Lothian Recycling Ltd	The council owns 50% of the issued share capital of the company which is a joint venture with Tarmac	£50 £1 shares	This is a service investment which may exhibit market risk.	Shares will not be sold therefore market changes will have no impact. Ownership is supported by service requirements and must be approved by elected members.
Loans to Third Parties – Small Business Loans	Small amounts not subject to credit ratings	At 31 March 2018, there were no outstanding loans.	Counterparty and market risk where the funds invested are not returned.	Close administration and ongoing monitoring of receipts. Award criteria established by service.
Loans to Third Parties – Empty Homes Loan Fund	Small amounts not subject to credit ratings	£150,000 or total funding made available from Scottish Government	Counterparty and market risk where the funds invested are not returned but council has to repay funding to Scottish Government.	A robust procedure is in place for the monitoring and collection of empty homes loans.
West Calder High School DBFMCo Ltd Equity and Subordinated Debt	DBFM company established to provide new West Calder High School by HUB South East Ltd (HUBco) through Schools for the Future Programme.	Equity Subscription - £100 Subordinated debt – maximum of 1% of the total eligible cost of construction (£350,000)	This is a service investment which may exhibit market risk. If the DBFM company does not perform and fails to deliver on agreed service objective, the subordinated debt element is at risk.	Shares will not be sold therefore market changes will have no impact. Investment is directly linked to delivery of the new West Calder High School. Ownership is supported by service requirements and must be approved by elected members.

## MONITORING OF PRUDENTIAL INDICATORS – 2018/19

### CAPITAL EXPENDITURE INDICATORS (Items 1 and 2)

#### 1. CAPITAL EXPENDITURE

##### Purpose of the Indicator

The purpose of this indicator is to inform Council of projected capital spending in 2018/19.

	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
General Services	54,190	33,733
Housing	32,679	42,018
<b>Total</b>	<b>86,869</b>	<b>75,751</b>

##### Performance

The original estimate for this indicator was approved in February 2018 before the revised 2018/19 capital programmes for both General Services and Housing were approved in June 2017. The indicator therefore needs to be updated to bring it in line with estimated spend on the overall capital programme for 2018/19. The overall estimate of capital spend has decreased due to changes to phasing of works.

#### 2. CAPITAL FINANCING REQUIREMENT

##### Purpose of the Indicator

The capital financing requirement measures the council's underlying need to borrow for a capital purpose. This is, at a high level, the council's total outstanding debt required to finance planned capital expenditure.

	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
General Services	454,338	462,689
Housing	245,063	240,140
<b>Total</b>	<b>699,401</b>	<b>702,829</b>

##### Performance

The capital financing requirement was approved by the Council on 13 February 2018 and covers the council's total borrowing requirement. The estimate has been revised to incorporate approved capital expenditure and resources programmes. This change also includes the increase in General Services borrowing arising from the decision of the Council Executive on 26 June 2018 to rephase borrowing and use of the capital fund in 2018/19.

## **AFFORDABILITY INDICATORS (Items 3 and 4)**

### **3. RATIO OF FINANCING COSTS TO NET REVENUE STREAM**

#### **Purpose of the Indicator**

This indicator provides a measure of the proportion of the budget that is being allocated to financing of capital expenditure. For the General Fund, this is the ratio of financing costs of borrowing against net expenditure financed by government grant and local taxpayers. For Housing, the indicator is the ratio of financing costs to gross house rental income.

	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
General Fund	7.0%	7.0%
Housing	30.4%	28.8%

#### **Performance**

The estimate for 2018/19 has been revised to incorporate the changes in the capital investment and resources programme for the financial year as outlined in the indicators above. The actual percentages for 2018/19 will not be available until after the end of the financial year.

### **4. ESTIMATES OF INCREMENTAL IMPACT OF NEW CAPITAL INVESTMENT DECISIONS ON COUNCIL TAX AND HOUSE RENTS**

#### **Purpose of the Indicator**

This is a key affordability indicator which demonstrates the incremental impact that planned capital expenditure and associated borrowing has on Council Tax and Rent levels.

<b>Incremental impact of capital spending on:</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Council Tax (Band D)	Nil	Nil	Nil
Average Weekly House Rents	Nil	Nil	Nil

#### **Performance**

There are no monitoring implications for these indicators as they were approved by Council prior to the start of the financial year.

## **FINANCIAL PRUDENCE INDICATOR (Item 5)**

### **5. GROSS EXTERNAL BORROWING AND THE CAPITAL FINANCING REQUIREMENT**

#### **Purpose of the Indicator**

This indicator records the extent that gross external borrowing is less than the capital financing requirement (indicator 2 above). This is a key indicator of prudence and is designed to ensure that, over the medium term, external borrowing is only for a capital purpose. The values are measured at the end of the financial year.

	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
Net External Borrowing	699,401	702,829
Capital Financing Requirement	699,401	702,829
<b>Under limit by</b>	<b>-</b>	<b>-</b>

#### **Performance**

These figures are measured at the end of the financial year when a comparison will be provided for this indicator. During the course of the financial year, the net external borrowing should be forecast to equal the capital financing requirement as the council only borrows for capital purposes.

## **TREASURY AND EXTERNAL DEBT INDICATORS (Items 6 to 9)**

### **6. AUTHORISED LIMIT FOR EXTERNAL DEBT**

#### **Purpose of the Indicator**

The authorised limit for external debt is required to identify external borrowing and other long term liabilities such as covenant repayments, finance lease and PPP obligations. This limit provides a maximum figure to which the council could borrow at any given point during each financial year.

<b>Authorised Limit for:</b>	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
Gross External Borrowing	713,586	671,640
Other Long Term Liabilities	62,689	62,687
<b>External Debt</b>	<b>776,275</b>	<b>734,327</b>

#### **Performance**

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the authorised limit for external debt. Currently the council's external debt is substantially below this indicator. This gap will reduce as further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

## 7. OPERATIONAL BOUNDARY FOR EXTERNAL DEBT

### Purpose of the Indicator

This is a key management tool for in year monitoring and is lower than the Authorised Limit as it is based on an estimate of the most likely level of external borrowing at any point during the financial year.

<b>Operational Boundary for:</b>	<b>Council 13 February 2018 2018/19 Estimate £'000</b>	<b>Revised 2018/19 Estimate £'000</b>
Gross External Borrowing	703,586	661,640
Other Long Term Liabilities	61,689	61,687
<b>External Debt</b>	<b>765,275</b>	<b>723,327</b>

### Performance

Following the revision of capital expenditure and resources assumptions, and the corresponding amendments to the prudential indicators above, there is a requirement to recalculate the operational boundary for external debt. Currently the council's external debt is substantially below this indicator. This gap will reduce as further borrowing is undertaken during the latter half of the year, however it is not expected that total external debt will exceed the revised authorised limit.

## 8. ACTUAL EXTERNAL DEBT

### Purpose of the Indicator

This is a factual indicator showing actual external debt for previous financial years.

	<b>31 March 2016 £'000</b>	<b>31 March 2017 £'000</b>	<b>31 March 2018 £'000</b>
Actual External Borrowing	531,118	601,341	585,889
Actual Other Long Term Liabilities	69,031	66,743	64,241
<b>Actual External Debt</b>	<b>600,149</b>	<b>668,084</b>	<b>650,130</b>

### Performance

The external debt reported in the annual accounts for previous years is included for comparison purposes only.

## 9. TREASURY MANAGEMENT INDICATOR

This indicator intends to demonstrate good professional practice is being followed.

### 9.1 Adoption of the CIPFA Treasury Management Code

The CIPFA Treasury Code was adopted on 25 March 1997 as an indication of good practice. In line with the fully revised Treasury Code, the council's Annual Treasury Plan is reported to full Council for approval.

### 9.2 Upper limits for fixed and variable rate borrowing

The limit for fixed rate borrowing is 100% and the limit for variable rate borrowing is 35%. These limits mean that fixed rate exposures will be managed within the range of 65 to 100% and the maximum exposure to variable rate borrowing will be 35% of total debt. This is a continuation of current practice.

### 9.3 Maturity structure of fixed rate borrowing for 2018/19

	<b>Approved Upper Limit</b>	<b>Approved Lower Limit</b>
Under 12 months	35%	0%
12 months and within 24 months	35%	0%
24 months and within 5 years	50%	0%
5 years and within 10 years	75%	0%
10 years and over	100%	25%

Excluding LOBO loans shown as maturing in the next 12 months for accounting purposes only, the current maturity levels of debt are within these upper and lower limits.

### 9.4 Total principal sums invested for periods longer than 364 days

Following changes from the Investment Regulations applicable from 1 April 2010, the council can make investments for periods longer than 364 days. The approved limit for total principal sums invested for periods of over one year is £35 million.

The treasury management indicator confirms sound professional practice is being followed by the council in undertaking treasury management. The approved values and parameters provide sufficient flexibility in undertaking operational treasury management.

### **CONCLUSION**

In monitoring the above prudential indicators, the council is fulfilling its duty under the Prudential Code. The monitoring indicates that spending plans remain affordable, prudent and sustainable, and that treasury management is operating in line with the requirements of the CIPFA Code of Practice for Treasury Management in the Public Services.





**WEST LOTHIAN COUNCIL**

**CHANGES TO STANDING ORDERS AND SCHEME OF ADMINISTRATION FOR  
DEVELOPMENT MANAGEMENT COMMITTEE AND LOCAL REVIEW BODY**

**REPORT BY CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To seek approval of changes proposed to Standing Orders arising from the consideration by Development Management Committee and the Local Review Body of repeat or duplicate planning and/or review applications.

**B. RECOMMENDATIONS**

1. To note the issues raised by committee consideration of repeat/duplicate planning applications and/or review applications
2. To agree the changes to Standing Orders and the Scheme of Administration set out in the appendix to enable those applications to be determined
3. To make appointments required as a result of any changes approved
4. To agree that those changes should take effect on 3 December 2018 to ensure they apply to the next meetings of the two committees concerned and allow training to take place where required

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Local Government (Scotland) Act 1973; Standing Orders for the Regulation of Meetings; Scheme of Administration
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Not relevant
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	Not directly relevant
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Within existing resources

- |             |                              |   |
|-------------|------------------------------|---|
| <b>VII</b>  | <b>Consideration at PDSP</b> | Partnership & Resources PDSP, 5 October 2018  |
| <b>VIII</b> | <b>Other consultations</b>   | Group Leaders; Chairs of Development Management Committee and Local Review Body; Head of Planning, Economic Development & Regeneration Services; Legal Services; Committee Services |

## **D. TERMS OF REPORT**

### **1 Background**

- 1.1 Development Management Committee (DMC) determines applications for planning permission other than those dealt with under delegated powers and those within the remit of the West Lothian Planning Committee. Appeals from its decisions go to the Scottish Government's Planning and Environmental Appeals Division (DPEA). The council's Local Review Body (LRB) determines applications for review of planning decisions taken by officers under delegated powers. Each committee has nine members. Eight councillors sit on both those committees. One councillor sits only on DMC. One other councillor sits only on LRB.
- 1.2 There is almost no cross-over of business between the two committees. However, on rare occasions an application dealt with by one of them may be resubmitted and find its way, along a different decision-making path, to the other committee. On other occasions an application determined by one of those two committees and resubmitted may find its way back to the same committee again.

### **2 The problem**

- 2.1 Those unusual cases require members to consider their position under the Councillors' Code of Conduct. Members require to ensure a fair hearing of all applications. They require to approach each case before them with an open mind and determine it on its own merits. They have to apply the objective test and consider how a reasonable member of the public would view their taking part in making a decision on what may be an identical application within a short period of time. They may well be able to conclude that in all the circumstances their participation is not affected. Equally, on occasions they may feel that the appropriate thing to do is to declare and withdraw.
- 2.2 Where sufficient members feel constrained to withdraw it may not be possible to have a quorum of members present. In some very exceptional cases it may not ever be possible to ensure that a quorum is present. Without a quorum, the item of business cannot be determined. If a timeous decision is not made then a right of appeal or review may arise through non-determination and without the appropriate committee having had a chance to make a decision for the council as planning authority.

### **3 The options**

- 3.1 A number of options were considered to address the problem:-
- Allow substitutes to attend. The council has a longstanding policy not to allow substitutes at planning committees. Substitutes are allowed to cover for members who are unable to attend a meeting rather than for members who declare an interest and withdraw. They also require to substitute for a whole meeting and not for an individual item of business

- Adjust membership numbers and/or members appointed to each. There is a common view that the number of members on each committee is appropriate to ensure a spread of members, responsibilities and to enable a quorum to be present in normal circumstances. To reallocate members would not avoid the problem of a repeat application coming back to the same committee
- Referral of affected cases to the West Lothian Planning Committee. That committee exists solely to give a hearing to parties before full council makes a decision on applications for major developments which are significantly contrary to the development plan. The quorum is one quarter of the full membership of the council. It only meets when it has business to consider
- Full delegation to officers to determine those repeat cases. This would involve officers making assumptions about the personal decisions members will make about their participation. It would also represent a departure from the internal rules about applications finding their way to DMC rather than being determined under delegated powers
- A small pool of additional “auxiliary” members is appointed to both committees to be called upon in these exceptional circumstances to ensure a quorum. It means only an occasional commitment by the extra members and roughly maintains the present size and make-up of the committees

3.2 After consideration and consultation the last of these options is recommended. It would only be utilised when one of these exceptional cases has been on an agenda for one of the two committees and has not been determined for want of a quorum. It would not be a pool of substitutes to be called on by members themselves. Officers would not be involved in trying to anticipate the decisions members may take in relation to the Code of Conduct.

#### **4 The changes**

4.1 The appendix shows the changes required to give effect to this proposed new arrangement. The same changes are suggested for both committees. The adjustment to the Standing Orders for meeting quorums is to make it clear what happens when any meeting is inquorate for just one item of business.

4.2 The number and choice of members is very much for council. However, members may wish to consider the appointment of two additional members from the three political groups.

4.3 One of these cases is due to come to DMC in December. For that reason, it is suggested that the changes take effect on 3 December. That will also allow members to be appointed to fill the auxiliary places and for any training required to take place.

#### **E. CONCLUSION**

Making these changes will address an unexpected and comparatively rare problem in disposing of planning business at committee.

#### **F. BACKGROUND REFERENCES**

1 Standing Orders for the Regulation of Meetings

2 Scheme of Administration

Appendices/Attachments: 1. Changes to Standing Orders and Scheme of Administration

Contact Person: James Millar, Governance Manager, 01506 281613,  
[james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk)

Graham Hope, Chief Executive

Date of meeting: 20 November 2018

## APPENDIX

### PROPOSED CHANGES TO STANDING ORDERS

#### 26 QUORUM

A quorum of the Council shall be one quarter of Members. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

#### 42 QUORUM - COMMITTEES

A quorum of a Committee shall be as detailed in the Council's Scheme of Administration. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

#### 48 QUORUM - SUBCOMMITTEES

A quorum of a Sub-Committee shall be three Members. If a quorum is not present within 15 minutes of the scheduled start time, the meeting shall be adjourned until the date and time that is determined by the Chair at the time or afterwards. If a quorum is not present for individual items of business, those items shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The meeting shall proceed to deal with the remaining items of business.

### DEVELOPMENT MANAGEMENT COMMITTEE

#### A REMIT AND POWERS

- 1 With the exceptions of applications referred to the West Lothian Planning Committee and the council's functions under the High Hedges (Scotland) Act 2013, in relation to matters which are the responsibility of the council's Planning Service:-
  - a) Determination of planning and other regulatory applications
  - b) Issuing of notices, certificates and orders
  - c) Taking enforcement action, including emergency or urgent action, in relation to allegations of breach of consent, permission or other controls
- 2 Considering and approving appeal submissions in cases where a decision was previously made by the committee contrary to officers' recommendations.
- 3 Authorising the making of representations, including objections, on behalf of the council in relation to applications in neighbouring council areas where the council has been consulted.
- 4 Responding on behalf of the council to statutory consultations and notifications of licence applications for windfarm developments.

## **B MEMBERSHIP**

- 1 Core membership of 9 members (3 Labour, 3 SNP, 2 Conservative, 1 Independent).
- 2 Auxiliary membership of X members (X Labour, X SNP and X Conservative) to be called on in the circumstances described in G7, below.
- 23 All members (core and auxiliary) require to undergo induction and regular refresher training as arranged by the relevant Depute Chief Executive, and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

## **C QUORUM AND VOTING**

- 1 3 members, whether core or auxiliary.
- 2 Voting at meetings of Development Management Committee shall be conducted by a roll call vote.

## **D SUBSTITUTES**

- 1 Substitutes are not allowed.

## **E MEETINGS (SUBJECT TO STANDING ORDER 41)**

- 1 Scheduled meetings every 4 weeks, or as near thereto as is practicable, throughout the calendar year, including the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued, may cancel that scheduled meeting.
- 3 Additional meetings may be arranged by the Clerk, in consultation with the Chair, in the circumstances described in G7, below.

## **F REPORTING ARRANGEMENTS**

- 1 Minutes to be reported to and approved at the next meeting of the Committee.

## **G MISCELLANEOUS**

- 1 Site visits for members of the Committee are to be arranged by the Depute Chief Executive for Education, Regulatory and Area Services in consultation with the Chair. Not all sites will be visited, and attendance at site visits is not compulsory for members of the Committee.
- 2 The Scheme of Delegations to Officers confers on the Depute Chief Executive for Education and Planning and the Head of Planning, Economic Development & Regeneration a power to determine applications in certain circumstances. Decisions proposed to be made by officers shall, where required by the Scheme of Delegation, be circulated to members on a weekly list, and items of business will only be brought to the Committee when called to committee or in other circumstances where those delegated powers do not apply.
- 3 The Depute Chief Executive for Education, Regulatory and Area Services is responsible for issuing Advice Notes to applicants and objectors explaining the rules about objections and hearings at meetings of the Committee, advising interested parties of the date of the meeting when their case will be brought to Committee, and for preparing a list of those who desire to, and who are entitled to, appear at those meetings.
- 4 Hearings at meetings of the Committee are conducted in accordance with a standard

procedure. The procedure will be notified to interested parties in advance of and at meetings of the Committee by the Depute Chief Executive for Education, Regulatory and Area Services.

- 5 Where Members move a position against officers' recommendations or against the terms of the development plan then those who move and second the motion shall provide a statement of their planning reasons for that position before a vote is taken, and the Clerk shall note and minute those reasons.
- 6 For appeal submissions in cases where the decision was contrary to officers' recommendation the Depute Chief Executive for Education, Regulatory and Area Services, in consultation with the Chief Solicitor, shall prepare, or procure the preparation of, the appeal submission. Prior to submitting the statement of the Council's case, the Chair and ward Members shall be consulted. If required, the submission may be made through the use of Standing Order 31.
- 7 On occasion, a quorum of core members may not be available due to the withdrawal of members under the Councillors' Code of Conduct. Where an item of business cannot be transacted in those circumstances it shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The auxiliary members shall be summoned to that meeting along with those core members who indicate to the Clerk that they are able to take part. The meeting shall only deal with such an adjourned item or items of business.

## LOCAL REVIEW BODY

### A REMIT AND POWERS

- 1 Determination of requests for review of decisions by the Council's Appointed Person to refuse, or grant subject to conditions, applications for planning permission for local developments covered by the Council's statutory Scheme of Delegations, and for the non-determination by the Appointed Person of such applications, all under the Planning etc. (Scotland) Act 2006 and regulations made thereunder.

### B MEMBERSHIP

- 1 Core membership of 9 members (3 Labour, 3 SNP, 2 Conservative, 1 Independent).
- 2 Auxiliary membership of X members (X Labour, X SNP and X Conservative) to be called on in the circumstances described in G11, below.
- 23 All members (core and auxiliary) require to undergo induction and regular refresher training as arranged by the relevant Depute Chief Executive and shall not sit at meetings of the Committee unless they have attended such training to the satisfaction of the Clerk.

### C QUORUM AND VOTING

- 1 3 members, whether core or auxiliary.
- 2 Voting at meetings of the Local Review Body shall be conducted by a roll call vote.

### D SUBSTITUTES

- 1 Substitutes are not allowed.

### E MEETINGS (SUBJECT TO STANDING ORDER 41)

- 1 Scheduled meetings every 4 weeks, or as near thereto as is practicable, throughout the calendar year, excluding the Christmas holiday period and the summer recess.
- 2 Where there is no business to be brought to a scheduled meeting, the Clerk, in consultation with the Chair, and prior to the notice calling the meeting being issued,

may cancel that scheduled meeting.

3 Additional meetings may be arranged by the Clerk, in consultation with the Chair, in the circumstances described in G11, below.

## **F REPORTING ARRANGEMENTS**

1 Minutes to be reported to and approved at the next meeting of the Committee.

## **G MISCELLANEOUS**

1 The Local Review Body is a Committee required by statute to deal with requests for review of certain decisions made under delegated powers to the Council's "Appointed Person". Its procedures are governed by the Town and Country Planning (Schemes of Delegations and Local Review Procedure) (Scotland) Regulations 2008, as amended.

2 To be able to take part in the decision-making process, members require to have attended all stages of the committee's consideration of an application, including site visits.

3 Where required by a decision of the Local Review Body, or under delegated powers, site visits for Members of the Committee are to be arranged by the Clerk in consultation with the Chair.

4 The administration of the Local Review Body's business is to be carried out by the Committee Services Manager.

5 Legal advice is to be made available to the Local Review Body at its meetings by the Chief Solicitor, and the officer providing that advice must not have been involved in the case at any earlier stage.

6 Planning advice is to be made available to the Local Review Body at its meetings by the relevant Depute Chief Executive, and the officer providing that advice must not have been involved in the case at any earlier stage. The advice provided is to be limited to advising on the content of the development plan, national planning advice and guidance, council Supplementary Planning Guidance and council policies, and not on the merits of the case.

7 Training for Members is to be organised by the relevant Depute Chief Executive.

8 Decision letters are framed and sent by the Clerk, and, where required by a decision of the Local Review Body, the Clerk shall sign and issue planning permission.

9 Where a section 75 or other legal agreement is required, the Clerk shall instruct the Chief Solicitor to take the appropriate action before planning permission is issued.

10 If required, and where not provided by legislation, procedures at meetings of the Local Review Body are to be set by the Chief Solicitor in consultation with the Chair.

11 On occasion, a quorum of core members may not be available due to the withdrawal of members under the Councillors' Code of Conduct. Where an item of business cannot be transacted in those circumstances it shall be continued to a meeting on a date and time to be fixed by the Clerk, in consultation with the Chair. The auxiliary members shall be summoned to that meeting along with those core members who indicate to the Clerk that they are able to take part. The meeting shall only deal with such an adjourned item or items of business.





## **WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

**Motion to Fully Fund NHS**

The National Health Service is facing unprecedented pressures, due to longer life expectancy, improvements in specialised medical care and lifestyle factors to name some of the causes.

Across the Lothians a record number of operations have been cancelled in 2018 and the NHS Lothian workforce is projected to shrink. Within West Lothian we still face the partial closure of the Paediatric Ward at St Johns, we have GP surgeries closing with no replacements and A&E targets are over 11% short of what they should be. This is despite the continuous hard work by NHS staff.

The underfunding of the NHS in Scotland is the SNPs shame and since being in Government they have continuously mismanaged our National Health Service.

One such example is had the SNP matched proportionally the spending on GP services in the past 4 years in England, Scottish GPs would have received a further £658 million.

Thanks to recent budgets from the Conservative UK Government, Scotland now enjoys an increase of £2billion in NHS funding over the next 5 years along with around £1billion available immediately through other Barnett consequentials.

Therefore West Lothian Council instruct the Chief Executive to write to Jeanne Freeman MSP, the Cabinet Secretary responsible for Health and Social Care to request that all funding through NHS Barnett Consequentials are allocated to NHS services in Scotland and that NHS Lothian receives its proportional share.

**Damian Timson**  
**Councillor - East Livingston & East Calder**  
**Leader of Conservative Group West Lothian Council**



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## **WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

**Motion to Cease P1 Testing**

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That the Council believes although good-quality pupil assessment is an essential component of the drive to raise educational standards in Scotland's schools, it acknowledges the will of the recent Parliamentary vote and notes the level of concern which has been raised by teachers, education professionals, parents and MSPs regarding the introduction and delivery of new testing arrangements for Primary 1 pupils.

Acknowledges that although formal, standardised testing is essential in Primary 4 and Primary 7, it should not happen in Primary 1 where it cannot deliver the same meaningful results; considers the Scottish Parliamentary vote against this testing in Primary 1 and the subsequent will of MSPs who questioned, based on clear and concise evidence, as to whether the new Primary 1 tests are in line with the play-based learning philosophy of the early years provision in the curriculum for excellence.

Following the vote by Holyrood, John Swinney MSP, Cabinet Secretary for Education and Skills has ordered for an independent review on P1 testing to report back in May.

Therefore West Lothian Council are to suspend P1 testing with immediate effect until the independent review is completed and direction is given by the Scottish Government.

**Peter Heggie**  
**Councillor - Livingston South**  
**Conservative Group West Lothian Council**







## **WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

### **Motion to Reduce Plastic Consumption**

---

This motion is to instruct West Lothian Council to bring a report at the earliest opportunity giving a costed plan to remove plastic cutlery from the food outlets in Council buildings, replacing the cutlery with a Vegware or other suitable biodegradable cutlery option.

Secondly a report to Environment PDSP is sought on actions being taken to minimise, or if possible reduce to zero, the distribution of single use water bottles by West Lothian Council outlets.

Furthermore, this motion instructs the Council to give clear signage for where biodegradable cups and any new biodegradable cutlery should be placed in waste containers.

The Conservative group of West Lothian Council believes that this Council should be leading the way in plastics usage reduction. However, while the food outlets in the Council premises have moved to biodegradable cups there to date has been limited movement on other plastics. Local catering establishments suggest the change to biodegradable cutlery can be done at no extra cost, but this does not tally with pricing the Council has seen. For this reason, a costed plan rather than an immediate change is required.

Ideally the Conservative Group would like to take single use plastics out of the supply chain. However recognising the fact that our centres are serving the public who maybe don't bring refillable water bottles with them; and that there is demand for soft drinks that are only delivered in plastic bottles; we do not believe it is practical to remove single use plastics entirely at this time. A paper demonstrating options for progress is needed.

Reducing waste and increasing recycling is first done by putting less materials to waste. However, where materials such as plastics and biodegradable materials are used, it needs to be clear how to dispose of these to get the full benefit of recycling. Like most public buildings, the Council buildings sign how to dispose of plastics and paper well. However it is confusing, even to a keen recycler, where to place biodegradable products such as the current café takeaway cups. For this reason, the third instruction in this motion is important.

**Councillor Chris Horne – Broxburn, Uphall and Winchburgh  
Environment Spokesperson  
West Lothian Council Conservative Group**

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Scottish  
Conservatives





## **WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

### **Motion of Congratulations to The Basics Trust**

---

The Basics Trust (SC026791), based in Uphall has recently celebrated its 20<sup>th</sup> Anniversary.

Best known for the BUSY Project and The Open Door, the Basics Trust has been sustained by a dedicated group of volunteers working in a number of roles to provide a place for people in the community to meet, and also providing a youth project working with teenagers from across Uphall and the surrounding area. Employing a youth worker, the project is funded through a mixture of donations, grants and the proceeds from The Open Door – a café staffed entirely by volunteers.

This motion instructs the Chief Executive to write, on behalf of West Lothian Council, to congratulate the Basics Trust on this significant anniversary.

**Chris Horne**  
**Councillor – Broxburn, Uphall and Winchburgh**  
**Conservative Group West Lothian Council**



Scottish  
Conservatives







## **WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

### **Motion to Roll Out Food for Life Standard**

This motion is to instruct West Lothian Council to move all 11 secondary schools to a position where they meet a minimum of the Bronze level of the Food for Life Standard, as set out by the Soil Association. The schools should meet this standard by the end of 2018/2019 academic year.

For background, in brief, the standard ensures that food is locally and ethically sourced, that there are no GM ingredients, seasonal and unprocessed foods are used wherever possible, menus show all dietary information and free drinking water is prominently available. This standard is designed to improve the health of those using Food for Life accredited venues, as well as reducing food miles and thus carbon footprint, and ensuring that every precaution is taken to ensure that foods right from source to plate are dealt with responsibly and ethically. Much less single use water bottle consumption also happens, as drinking water is provided to fill up reusable water bottles, such as those used by cyclists or gym goers. (More information at <http://bit.ly/2P310Hf>)

On 13 November 2018 all of the Primary Schools in West Lothian are being assessed for this standard, indeed some going further. These schools are to be congratulated on their achievement, and their ambition to go further to meet the Silver and Gold level of the standards in time. However, in encouraging our young people's desire to do the right thing, West Lothian Council has not as yet extended this ask to do the right thing to our secondary schools.

To date, as well as improving the food supply, single use water bottle supply has gone down significantly in the Primary Schools. It is anticipated a similar reduction could be achieved in secondary schools, and indeed some school pupils are lobbying for the removal of single use plastic bottles.

The Conservative Group therefore demands that action is taken to push progress on, looking to realise the health benefits for our young people and the wider environmental benefits; having ambition for the schools and pupils of West Lothian; and naturally benefitting local food producers and suppliers in the process.

This motion has no financial consequences, and this has been confirmed by Matthew Baxter, Operational Services lead on Food for Life, and also the Head of Finance.

**Councillor Chris Horne - Broxburn, Uphall and Winchburgh  
Environment Spokesperson  
West Lothian Council Conservative Group**



**Scottish  
Conservatives**





## **WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP**

**Full Council**

**20 November 2018**

### **Motion to Give Rates Relief to West Lothian Foodbank**

---

The minority Labour administration of West Lothian Council has consistently made plain their commitment to help those most in need, most forcibly when making the budget decisions of the 2018/19 budget and the 5 year budget strategy resulting from the Transforming Your Council consultation. It is welcomed that this administration is aiming to work to support the most in need and most vulnerable.

However, this administration in its much vaunted Anti Poverty Strategy has not made things straightforward for the charities and social enterprises who are helping deliver the strategy. Indeed, while agreeing amounts of money to be granted to these organisations, monies are being clawed back through rates, despite there being a discretionary element to charging rates for charities and social enterprises.

The most heinous example of this is West Lothian Foodbank, who despite giving to people when they have nothing, are themselves being charged 20% rates – a situation made worse when they recently expanded their provision to meet demand. It is wholly unacceptable that a charity that is there to meet the needs of individuals and families at their lowest ebb should have their funding sucked away to meet payments that do not need to be charged by the local authority, whilst sports facilities and community clubs for leisure are charged no rates.

The Conservative Group move that the current Discretionary Rates Relief Scheme be amended to give 100% relief to all Foodbanks.

This would save the one foodbank paying rates in West Lothian currently, West Lothian Foodbank, the sum of £2389.31. If 100% rates relief was applied, 75% of the amount paid by the Foodbank currently would be met by the overall national rates pool and the additional cost to West Lothian Council would be £597.33 per annum. This group believes that those monies can be found from savings elsewhere, as the Council enters its next budgeting period shortly.

Furthermore, the Conservative Group move that an urgent report be brought to PDSP reviewing the Discretionary Rates Relief Scheme, how the charities and social enterprises involved in delivering the Anti Poverty Strategy are affected, and making recommendations on how the burden on these charities and social enterprises can have their rates burden removed.

The financial consequences of this motion have been verified by the Head of Finance.

**Chris Horne**  
**Councillor – Broxburn, Uphall and Winchburgh**  
**West Lothian Council Conservative Group**



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Sarah King

*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## Motion

### Student Nurse Bursary

West Lothian Council SNP Group congratulates the Scottish Government for increasing the Bursary for Student Nurses studying within Scotland. We also note that where the Bursary was replaced by student loans, there has been a dramatic drop in the numbers studying to be nurses.

West Lothian Council SNP Group regret that some politicians advocated burdening Student Nurses with Loans, which would have resulted in our hard working nurses having a £14,000 debt from day one of their qualifying as a nurse.

West Lothian Council SNP Group urges Council to write to the Scottish Government and Minister welcoming this initiative and the continued use of the Student Nurse Bursary as opposed to Loans.

Moved

A handwritten signature in black ink, appearing to be 'Frank Anderson', written over a horizontal line.

Frank Anderson



# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Sarah King

*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## Motion

### Pool Cars

West Lothian Council SNP Group are concerned that Council are not making best use of our pool cars. There are specific times when they are not being utilised. In these times of austerity, we can't ignore the possibility of making better use of Council assets.

West Lothian Council SNP Group therefore calls for an urgent report on how we can better utilise our pool cars, this to include results of exploratory talks with potential partners.

Moved

A handwritten signature in black ink, appearing to be 'F Anderson', written in a cursive style.

F Anderson





# **WEST LoTHIAN COUNCIL LABOUR GROUP**

**Notice of Motion from Councillor John McGinty  
For the Council Meeting on 20 November 2018**

## **Charter against Modern Slavery**

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West Lothian Council notes the Co-operative Party's Month of Action on Modern Slavery from 13 September to 18 October 2018.

Council recognizes that modern slavery continues to blight lives in the UK and beyond, commends the Co-operative Party for highlighting the issue of modern slavery and agrees that there should be 'no place to hide' for modern slavery in public sector supply chains.

Council therefore further agrees to adopt the Co-operative Party's Charter against Modern Slavery and to ensure that West Lothian Council will:

- 1 Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
- 2 Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
- 3 Challenge any abnormally low-cost tenders to ensure that they do not rely upon the potential contractor practising modern slavery.
- 4 Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
- 5 Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
- 6 Require its tendered contractors to adopt a whistle-blowing policy which enables staff to blow the whistle on any suspected examples of modern slavery.
- 7 Review its contractual spending regularly to identify any potential issues with modern slavery.



8 Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.

9 Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.

10 Report publicly on the implementation of this policy annually.

Council also agrees to arrange a briefing event for all Elected Members on Modern Slavery and to commit to working with Education, Community Planning and other community partners to ensure that the Council's opposition to Modern Slavery is shared and promoted throughout West Lothian.



**Councillor John McGinty**  
**Bathgate Ward**  
**West Lothian Council**





**WEST LOTHIAN COUNCIL**

**CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2017-2018**

**REPORT BY CHIEF SOCIAL WORK OFFICER**

**A. PURPOSE OF REPORT**

This report provides the Council with the opportunity to comment on the Chief Social Work Officer's Annual Report. This report provides an overview of the statutory work undertaken during the period 2017 -2018.

**B. RECOMMENDATIONS**

It is recommended that the Council:

1. note the contents of the Chief Social Work Officer's annual report for 2017 - 2018 and
2. note that the report has been submitted to the Scottish Government Chief Social Work Advisor.

**C. SUMMARY OF IMPLICATIONS**

I. Policy and Legal	No new implications; Equality Impact Assessments will be applied to specific commitments where appropriate.
II. Implications for Scheme of Delegations to Officers	None
III. Impact on performance and performance indicators	All activities and actions have performance indicators and targets applied
IV. Relevance to Single Outcome Agreement	None
V. Resources (Financial, Staffing and Property)	All commitments are consistent with the Council's budget decisions.
VI. Consideration at PDSP/Executive Committee required	The report will be considered at the : <ul style="list-style-type: none"><li>• Meeting of the West Lothian Integration Joint Board on 21<sup>st</sup> November 2018</li></ul>
VII. Details of consultations	None

**D. TERMS OF REPORT**

**Background**

The legislation governing the delivery of Social Work Services requires the Chief Social Work Officer to exercise a general level of oversight.

The Scottish Government published national guidance for local authorities on the appointment and responsibilities of Chief Social Work Officers, including related reporting arrangements. The arrangements in West Lothian are consistent with this guidance.

### **Service Overview**

The role of the Council's Social Work Services is to support, care for and protect people of all ages, by providing or purchasing services designed to promote their safety, dignity and independence, and to contribute to community safety by reducing offending and managing the risk posed by known offenders.

Services are delivered within a framework of statutory duties and powers imposed on the Council. Services are required to meet national standards and to provide best value. Where possible, services are delivered in partnership with a range of stakeholders, including, most importantly, people who use them.

### **Chief Social Work Officer Duties**

The role of the Chief Social Work Officer is to ensure the provision of appropriate professional advice in the discharge of the local authority's statutory functions and to provide a focus for professional leadership and governance in regard to these functions. In addition, there is a small number of duties and decisions that relate primarily to the curtailment of individual freedom and the protection of both individuals and the public, which must be made either by the Chief Social Work Officer or by a professionally qualified social worker to whom responsibility has been appropriately delegated.

The Council's scheme of delegation provides for senior social work staff to make certain decisions on behalf of the local authority in the following areas:

- Adults with incapacity;
- Mental health;
- Adoption
- Secure accommodation and emergency placement of children.
- Protection and Risk Management:
  - Child Protection
  - Adult Protection
  - MAPPA

### **Chief Social Work Officer Report**

The Chief Social Work Officer Report provides an overview of the role and responsibilities of the Chief Social Work Officer and outlines the governance arrangements that are in place in West Lothian. The report highlights Council's statutory duties, the decisions that are delegated to the Chief Social Work Officer and gives a summary of service performance.

## **E. CONCLUSION**

The delivery of social work services is challenging and in light of the current economic situation the importance of delivering vital services to the most vulnerable and marginalised in our community will test our capacity, creativity and commitment over the forthcoming year. It is essential to continue to develop and improve our services while constantly seeking to become more efficient. Social Policy is well

**DATA LABEL: PUBLIC**

placed to address these challenges and will continue to contribute significantly to the delivery of positive outcomes for the people of West Lothian.

**F. BACKGROUND REFERENCES**

None

Appendices/Attachments: Appendix 1: Chief Social Work Officer's Report 2017/2018

Contact Person: Pamela Main, Chief Social Work Officer (Interim)

Tel 01506 281936  
pamela.main@westlothian.gov.uk

Date: 20<sup>th</sup> November 2018



# Chief Social Work Officer Annual Report

01/04/17 – 31/03/18

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## 1. Chief Social Work Officer's Summary of Performance- Key challenges, developments and improvements during the year

West Lothian Council remains committed to providing high quality social work and social care services, albeit within an increasingly complex environment. In 2017-2018 services were successfully delivered against a challenging financial and legislative backdrop. As with other local authorities across Scotland, West Lothian Council will face significant budgetary pressures over the next five years and difficult decisions will be taken on how services will be designed and delivered in the future. Within this context the Chief Social Work Officer has a key role in ensuring that these financial decisions do not compromise the safety and wellbeing of people who require support from social work services<sup>1</sup>.

Major policy developments including increased personalisation of services, increased focus on prevention and early intervention and increased focus on joint working aim to improve outcomes for people who use services and their families; however, these bring considerable organisational and financial pressures to bear on the service.

A range of measures were implemented during 2017-2018 to ensure that the planned reductions in budget allocations were taken forward. The identification and removal of lower value activities was central to making sure that the impact on care was not a negative one, but one that allowed for service improvements.

Working in a climate of constrained public spending is a huge challenge for a demand led service such as Social Policy. Along with reduced funding, the service is also faced with an increasing cost of service delivery through factors such as inflationary pressures and an increase in the demand for services due to an increasing population, and increased complexity of need.

It should also be noted that the council's social work services do not work in isolation but rather work in partnership with private, public and third sector partners to meet the needs of some of the most vulnerable people in West Lothian. The financial pressures of our partners also need to be considered and reflected in our future service planning.

One of the many challenges faced by social work and social care services in West Lothian is the recruitment and retention of a suitably qualified workforce. This is a challenge that we share with our partners and the organisations that we commission to deliver services on our behalf. The challenge of maintaining a stable highly skilled workforce has been further exacerbated by the uncertainty surrounding the of the impact of Brexit and changes to free movement of workers across the European Union.

Social Policy services have continued to have an awareness of the impact that welfare reform legislation is having on the growth in demand for services, as the impact of the reforms takes hold. Alongside this, the personalisation of services is being applied across all areas underpinned by legislation and policy directives.

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<sup>1</sup> [Audit Scotland Report - Social Work in Scotland](#)

As well as the challenges faced in 2017-18 there have also been many positive and improvements. Health and social care services in West Lothian are well advanced in applying a much greater focus on prevention and early intervention, including building capacity within communities to help people maintain their independence wherever possible. It is recognised that for such a model to be successful resources will be required to be moved upstream and that interventions must be early enough to optimise the opportunity for success. The systems and processes set up for measurement have enabled the West Lothian Community Planning Partnership to make informed decisions about costs and benefits, enabling a greater number of individuals to experience more positive and fulfilling lives and thus mitigate to some extent against future pressure on reactive, high-tariff services.

The Chief Social Work Officer also has a key role in providing advice and guidance to the West Lothian Integration Joint Board for the social work functions that have been formally delegated to the IJB.

Social Policy continues to seek areas and opportunities to move resources upstream or to identify existing service gaps that if measures were put in place would lead to improved outcomes and reduce social inequalities.

Social Policy makes a meaningful and measurable contribution to the delivery of the Council's Corporate Plan 2018/23 as detailed in the following table:

Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2017/18 Performance	2018/19 Target
<b>2 Delivering positive outcomes and early interventions for early years</b>	(P2.1) Develop more sustainable models of parenting support work within home, community and education settings.	<ul style="list-style-type: none"> <li>■ Children and Young People Teams for Mental Wellbeing, Attendance Improvement and Parenting Groupwork</li> <li>■ Integrated Early Years Services</li> <li>■ Family Placement Team</li> <li>■ Social Work Addictions Team</li> </ul>	<b>SPCF130</b> % of Children and Families Care Inspectorate Inspections graded good, very good or excellent.	100%	100%
<b>2 Delivering positive outcomes and early interventions for early years</b>	(P2.2) Providing support to vulnerable children and young people to achieve sustainable positive outcomes and destinations in line with priorities in the West Lothian Corporate Parenting Plan.	<ul style="list-style-type: none"> <li>■ Child Care and Protection Teams</li> <li>■ Child Disability Service</li> <li>■ Reviewing Officers Team</li> <li>■ Domestic and Sexual Assault Team</li> <li>■ Social Care Emergency Team</li> <li>■ Whole Family Support Service</li> <li>■ Residential Houses</li> <li>■ Inclusion and Aftercare Service</li> <li>■ Family Centres</li> </ul>	<b>SPCF138</b> % of children involved with the Whole Family Support service who have avoided becoming accommodated who were assessed as being at high risk of being accommodated.	74%	75%
<b>3 Minimising poverty, the cycle of deprivation and promoting equality</b>	(P3.6) Contributes to providing a route out of poverty through work and continuing to support those further from the labour market to progress towards work.	<ul style="list-style-type: none"> <li>■ Whole Family Support Service</li> <li>■ Inclusion and Aftercare Service</li> <li>■ Sure Start</li> <li>■ Youth Justice Team</li> <li>■ Community Payback Team</li> <li>■ Access to Employment</li> <li>■ Support to adults with physical disability and mental health issues</li> <li>■ Domestic and Sexual Assault Team</li> </ul>	<b>SPCF127</b> % of young people eligible for Aftercare homeless	3.3%	3%
<b>4 Improving the quality of life for older people</b>	(P4.1) Through the delivery of the Integration Joint Board Strategic Plan, older people are able to live independently in the community with an improved quality of life	<ul style="list-style-type: none"> <li>■ Assessment and Care Management Services (including Self Directed Support)</li> <li>■ Facilitating Hospital Discharge</li> <li>■ Care Homes including respite care</li> </ul>	<b>CP-CC017</b> % of customers who rated overall satisfaction with the Older Peoples service they received as good or excellent	98.5%	98%

<b>4 Improving the quality of life for older people</b>	(P4.2) To increase the range of available support to enable older people to achieve better outcomes by choosing and directing their own support.	<ul style="list-style-type: none"> <li>■ Housing with Care</li> <li>■ Day care and personalised support</li> <li>■ Care at Home and specialist provision</li> </ul>	<b>SPCC019</b> Number of delayed discharges from hospital per month	Not yet available	15
<b>4 Improving the quality of life for older people</b>	(P4.3) Redesigning services for older people with a focus on supporting those most in need and maximising the use of technology enabled care where appropriate.	<ul style="list-style-type: none"> <li>■ Provision of Home Safety Service and development of Telecare</li> <li>■ Reablement and Crisis Care Services</li> <li>■ Occupational Therapy Service</li> <li>■ Home Safety and Technology Enabled Care programme</li> </ul>	<b>P:SPCC020</b> % of people 65+ with intensive needs receiving 10 hours + care at home	36.28% (latest available data as of 2016/17)	37%
<b>4 Improving the quality of life for older people</b>	(P4.4) Developing a more sustainable service delivery model targeted to those most in need with an increased emphasis on reablement to retain or regain independence within their home or community setting.		Increasing the number of people aged 75+ supported by technology to remain at home	New indicator	10% to 2022/23
<b>4 Improving the quality of life for older people</b>	(P4.5) As part of the delivery of the Integration Joint Board Commissioning Plan for Older People, the council will focus on: a) Improving dementia care, with particular emphasis on improving post-diagnostic support; b) Expanding use of technology-enabled care to support older people and carers of older people; c) Supporting older people to live at home or in a homely setting for longer; d) Ensuring specialist mental	<ul style="list-style-type: none"> <li>■ Assessment and Care Management services for older people</li> <li>■ Reablement and Crisis Care</li> <li>■ Short Breaks/Respite and Day Care</li> <li>■ Review Housing with Care</li> <li>■ Redesign of Post Diagnostic Support Service</li> <li>■ Provision of Home Safety Services and development of Telecare</li> <li>■ Review of Care Home Liaison service</li> <li>■ Older People Acute Care Team</li> <li>■ Review Access Systems</li> </ul>	<b>P-SPCC020</b> % of people 65+ with intensive needs receiving 10+ hours care at home	36.3%	37.%
			Increasing number of carers of older people who have an adult carer support plan	New indicator	5%
			Increase the number of people aged 75+ supported by technology to remain at home	New indicator	10% to 2022/23
			<b>SPCC019a</b> Number of	Not yet	15

	health provision for the over 65's; e) Ensuring support needs of carers are met, particularly carers of those with dementia; f) Developing single points of information for all older peoples' service provision.		delayed discharges from hospital per month  Improve uptake of personalised options	available  New indicator	45% 2022/23
<b>6 Delivering positive outcomes on health</b>	(P6.1) The development of more targeted care at home, the use of assistive technology and provision of reablement will positively contribute to improved outcomes for people.	<ul style="list-style-type: none"> <li>Reablement and Crisis Care</li> <li>Home Safety Service and Development of Technology</li> </ul>	<b>CP-SPCC015</b> Number of households receiving telecare	4,360 (latest data available 16/17)	4,300
<b>6 Delivering positive outcomes on health</b>	(P6.2) Through the delivery of the Integration Joint Board Strategic Plan, increase well-being and reduce health inequalities across all communities in West Lothian. Locality planning will provide a key mechanism for strong local, clinical, professional and community leadership.	<ul style="list-style-type: none"> <li>Assessment and Care Management</li> <li>Improve % of Personalised Care Options</li> <li>Develop Core and Cluster Housing Models</li> <li>Access to Employment</li> </ul>	<b>SOA:1307_19</b> Premature mortality rate per 100,000	411 (latest data available 16/17)	411
<b>6 Delivering positive outcomes on health</b>	(P6.3) Improving our approach to integrated models for mental health services for children, young people and adults recognising the importance of mental health and wellbeing on people achieving positive outcomes.	<ul style="list-style-type: none"> <li>Acute Care and Support Team</li> <li>Child and Adolescent Mental Health Service</li> <li>Older People Acute care Team</li> <li>Post Diagnostic Support (Dementia)</li> </ul>	Reducing hospital admissions rated for mental health patients (new indicator)	13.5%	12%
<b>6 Delivering positive outcomes on health</b>	(P6.4) Improving support to carers over the next five years through improved identification of carers, assessment, information and advice, health and well-being, carer support, participation and	<ul style="list-style-type: none"> <li>Joint management of the Community Equipment Store</li> <li>Support to adults with physical disability and mental health issues</li> </ul>	Increasing number of carers of older people who have an adult carer support plan  <b>SOA1306_17</b> % of carers who feel supported in their	New indicator  38% (latest	5% 45%

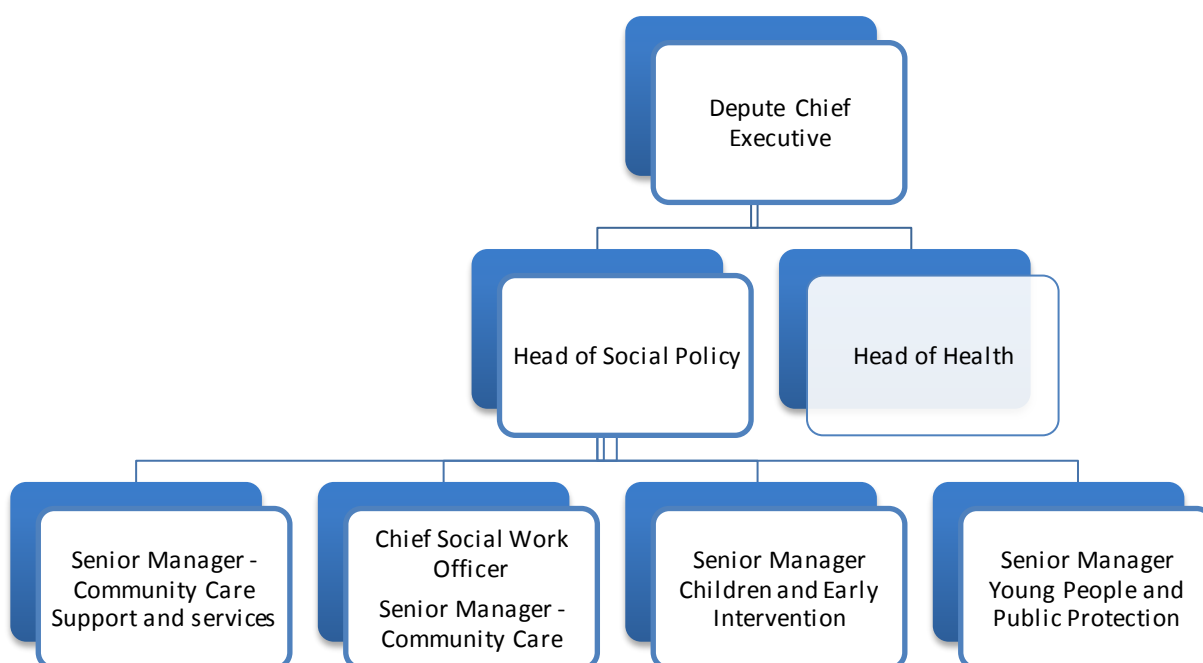
	partnership.		care role	data available 16/17)	
<b>6 Delivering positive outcomes on health</b>	(P6.5) Delivering effective and integrated equipment and technology solutions to promote independence, support the ongoing shift in the balance of care, reduce and prevent hospital admissions and facilitate speedier hospital discharge.	<ul style="list-style-type: none"> <li>■ Day care and personalised support plans</li> <li>■ Occupational Therapy Services</li> <li>■ Access to Employment</li> <li>■ Short Breaks from Caring</li> <li>■ Provision of HSS and development of Telecare</li> </ul>	<b>CP-SPCC015</b> Number of households receiving telecare  <b>CP-SPCC028</b> % of people with a learning disability supported in their own tenancies  <b>CP-SPCC002</b> % of Care Inspectorate Inspections undertaken within registered learning disability services graded good or above	4,360 (latest data available 16/17)  41% (latest available data 16/17)  100%	4,300  41%  100%
<b>6 Delivering positive outcomes on health</b>	(P6.6) Improving the health and well-being of service users through rehabilitation and reablement, which will, in turn, have a positive impact on carers.	<ul style="list-style-type: none"> <li>■ Reablement and Crisis Care</li> <li>■ Joint Management of Equipment Store</li> <li>■ Development of Independent Housing Options</li> </ul>	<b>CP-SPCC015</b> Number of households receiving telecare	4,360 (latest data available 16/17)	4,300
<b>7 Reducing crime and improving community safety</b>	(P7.4) Protecting those in our community who are most at risk by providing effective interventions across the four main strands of public protection; Child Protection, Adult Support and Protection, Violence Against Women and Girls	<ul style="list-style-type: none"> <li>■ Child Care and Protection Teams</li> <li>■ Prison based Social Work Team at HMP Addiewell</li> <li>■ Criminal Justice Throughcare Team</li> <li>■ Domestic and Sexual Assault Team</li> <li>■ Public Protection Team</li> </ul>	<b>CP:SPPPVAWG004</b> % of women who report that they feel safer as a result of intervention by the Domestic and Sexual Assault Team	100%	100%
<b>7 Reducing crime and improving community safety</b>	(P7.5) Working with our partner agencies to deliver the priorities agreed in the Community Justice Strategy; focused on ensuring that those over the age of 16 involved in the justice system are best supported not to reoffend.	<ul style="list-style-type: none"> <li>■ Youth Justice Team</li> <li>■ Community Payback Team</li> <li>■ Unpaid Work Order Team</li> <li>■ Assessment and Early Intervention</li> <li>■ Early and Effective Intervention</li> </ul>	<b>SOA1304_30</b> % of Early and Effective Intervention cases 8 to 15 years who do not reoffend within 12 months of initial referral	87.14%	95%

## 2. Partnership Structures/Governance Arrangements

### i. Service Context

Social Policy is part of the Health and Social Care Partnership directorate and has the responsibility for the operational delivery of health and social care services including children and families, community care and criminal justice services. The management structure is outlined below:

Figure 1 West Lothian Health and Social Care Partnership Management Structure



Social Policy encompasses a wide range of services planned for and delivered to a large number of people with a spectrum of differing needs and works towards achieving the council's strategic aims, in particular:

- Delivering positive outcomes and early interventions for early years
- Improving the quality of life for older people
- Minimising poverty, the cycle of deprivation and promoting equality
- Reducing crime and improving community safety
- Delivering positive outcomes on health

The service contributes to a series of joint plans with key partners including:

- The council’s Corporate Plan and the deliverables for which Social Policy is responsible for achieving or contributing to;
- Supporting the delivery of the council’s transformation programme and Digital Transformation strategy
- Implementing the priorities outlined in the Children’s Services Plan 2017/2020
- Implementing the priorities outlined in the Corporate Parenting Plan 2018/19
- Implementing the priorities outlined Community Justice Strategy 2018/23
- Implementing the priorities outlined Violence Against Women and Girls Strategy 2018/20
- Integration Strategic Plan 2016/26
- Integration Participation and Engagement Strategy 2016/26
- West Lothian Autism Strategy 2015/25
- Joint Commissioning Plans in all main operational areas will ensure a clear focus on delivery of Transforming Your Council priorities

**ii. Partnership**

Social Policy has a key role to play in the wider Community Planning process especially where there is a focus on the needs of vulnerable or disadvantaged people and makes a significant contribution to partnership working by its continued input to the Integration Joint Board, Integration Strategic Planning Group, Children and Families Strategic Planning Group and Safer Communities Strategic Planning Group, all of which sit within the West Lothian Community Planning Partnership. In addition, the Chief Officers’ Group oversees the work of the Public Protection Committee and has responsibility for ensuring that their agencies, individually and collectively, work to protect the children, young people and vulnerable adults of West Lothian.

**Figure 2 Strategic Planning Structure**



■ **West Lothian Integration Joint Board**

The Integration Joint Board has responsibility for the governance of the range of health and social care functions including all Social Policy services delivered to adults and older people, plus domestic abuse and health improvement functions. The functions that have been delegated to the West Lothian IJB are set out in the West Lothian Integration Scheme ([West-Lothian Integration Scheme.pdf](#)).

In 2017/18 the Integration Joint Board Strategic Plan 2016-26 underwent its first annual review. The key recommendation resulting from the review was that that a replacement Strategic Plan should be developed to take account of new



legislation, national contract changes, market and workforce factors and to drive forward transformational change in health and social care aligned to the medium term financial plan.

Work on the development of the replacement plan is now underway and it is expected that it will be in place by the end of March 2019.

- **West Lothian Children and Families Strategic Planning Group**

The West Lothian Children and Families Strategic Planning Group oversees the development of the Getting It Right For Every Child (GIRFEC) framework across West Lothian and has responsibility to enact the range of duties of the Children and Young People (Scotland) Act 2014, including the development of a joint Children's Services Plan, a Corporate Parenting Plan and to oversee the implementation of the Named Person services for West Lothian.

In compliance with the requirements of part 3 of the Children and Young People (Scotland) Act 2014, the first annual report on progress made in taking forward the priorities detailed within the West Lothian Children's Services Plan 2017-2020 has been published.

- **West Lothian Public Protection Committee**

The Public Protection Committee has oversight of the areas of Child Protection, Adult Protection, Multi-Agency Public Protection Arrangements (MAPPA) and Violence Against Women and Girls. The Committee works alongside other key groups including Children and Families and Safer Communities Strategic Planning groups and the Integration Strategic Planning Group to work towards better outcomes for the most vulnerable populations in our society.

- **Community Justice**

New Community Justice arrangements came into place in April 2017, with oversight across the partnership services involved in the delivery of Community Safety and the compliance with multi-agency Criminal and Youth Justice arrangements.

We will continue to work closely with key partners in the West Lothian Community Planning Partnership to share information which will enable us to identify those most at risk and to intervene to prevent harm.

- **Locality Planning**

Locality planning contributes to the successful delivery of services at a community level. The Health and Social Care Partnership has established two locality groupings, East (incorporating the ward areas of Linlithgow; Broxburn, Uphall and Winchburgh; Livingston North; Livingston South; East Livingston and East Calder) and West (incorporating the ward areas of Bathgate; Armadale and Blackridge; Whitburn and Blackburn; Fauldhouse and the Breich Valley) with the aim of joining up health and care services ever more closely within communities.

### iii. The Role of the Chief Social Work Officer

The Chief Social Work Officer (CSWO) in West Lothian is responsible for monitoring all social work service activity across the council.

Monitoring is in place to ensure that agreed targets are being met, professional standards are maintained and reports to outside agencies reflect the true position of services either provided directly or purchased by the Council. The CSWO is a member of significant decision making teams and groups, both within the Council and in multi-agency settings, providing reports to and receiving reports from them, and having the opportunity to contribute to decision making as appropriate.

The CSWO is required to report annually to the council and the arrangements set out here will form the basis of the content of the annual report.

Significant case reviews: the CSWO will sign off all significant case review reports across Social Policy.

External audits and inspections: the CSWO is the lead officer for all social work related audits and inspections, and needs to be notified of any related issues as they arise. In general, the external body will communicate directly with the CSWO. The CSWO must be informed of any requirements imposed by the Care Inspectorate on any of the council's registered services (adults or children), or on any registered service purchased by the council on behalf of service users or delivered within West Lothian to vulnerable clients.

Human resources: the CSWO needs to be aware of any matters which may impinge on 'Safer Recruitment' practices within the council. The CSWO will be involved in all instances where referral of a staff member to the Scottish Social Services Council on conduct issues is being considered; or where referral of a member of staff to the Central Barring Unit (Protection of Vulnerable Groups legislation) or the Disqualified from Working with Children List is being considered.

Senior meetings within the council or with partner agencies the CSWO is a member of the:

- Corporate Management Team
- West Lothian Health and Social Care Partnership Senior Management Team
- Social Policy Senior Management Team
- West Lothian Integration Joint Board
- West Lothian Integration Strategic Planning Group
- Protection of Vulnerable Groups (PVG) Referral Panel
- Chief Officers Group
- Public Protection Committee
- Edinburgh, Lothian and Scottish Borders Strategic Oversight Group

The CSWO also attends:

- Full Council Meetings as required
- Council Executive Meetings as required
- Council Executive Management Team as required

- Social Policy, Policy Development and Scrutiny Panel
- Health and Care Policy Development and Scrutiny Panel

There are two types of specific reporting:

1. Regular, planned reports relating to statutory decision making.
2. Critical incident reports, where the CSWO will need to know of events so that appropriate decisions can be made, action taken, and where necessary, information relayed to other bodies.

#### ■ **Planned Reports: Statutory Decision Making**

Delegated statutory decision making: the CSWO must monitor the statutory decision making, which has been delegated to managers across the Council. This will be achieved in two ways:

1. By regular summaries of the activity; and
2. By sampling of a number of cases on an agreed and regular basis.

The main areas for monitoring are listed below. There are some less frequent statutory decisions, which are delegated and these will be discussed with the relevant managers in order for a mutually agreeable system to be developed.

Complaints: the CSWO receives regular reports on Social work complaints, the outcomes and actions taken as a result if the complaint is upheld.

Secure accommodation authorisations: a three monthly report will be provided to the CSWO by the relevant manager, summarising the decisions made in that period and indicating the reasons for the decisions.

Emergency movement of children subject to a supervision requirement: a quarterly summarised report will be submitted.

Adoption and fostering: the CSWO retains an oversight of decisions through delegated authority to the senior managers for Children & Families.

Mental Health Officer decisions: the relevant managers will submit quarterly reports to the CSWO, summarising the decisions made in that period.

Adults with Incapacity Act decisions: the relevant managers will submit quarterly reports to the CSWO, summarising the decisions made in that period.

Multi-Agency Public Protection Arrangements (MAPPA): the relevant managers will submit quarterly reports to the CSWO in relation to all high and very high risk offenders; the CSWO is required to attend MAPPA Level 3 case conferences.

#### ■ **Critical Incident Reporting**

These reports are required so that the CSWO can make a judgment as to whether additional measures need to be put in place, and whether outside

agencies need to be informed. This is intended to be a helpful process, by which the CSWO can offer advice and support to lessen the impact of serious incidents, both on the council as a whole and on individual staff at a stressful time.

- The CSWO must be informed at the earliest possible time of the death of, or serious harm to, a child looked after by the council; on the Child Protection Register; receiving a service from the council; or referred for a service, but awaiting allocation. This will take the form of a written report detailing the facts of the incident and the actions put in place.
- The CSWO must be informed of the death of, or serious harm to, an adult subject to a statutory order under the mental health legislation; in residential or supported accommodation, whether provided or purchased by the council; receiving a service; or referred for a service, but awaiting allocation. This will take the form of a brief report detailing the facts of the incident and the actions put in place.
- The CSWO must be informed of any potentially adverse media attention to social work services. A verbal report from the communications team is required at the earliest opportunity.
- The CSWO must be informed of serious adverse staffing matters, such as the suspension of a member of staff, which may attract media interest or where the continued running of a service is under threat. This will take the form of a verbal report from the senior manager responsible for the service.

#### ■ **Significant Occurrence Notification**

Both Community Care and Children and Families operate a significant occurrence notification procedure. All of the above incidents would result in a notification under these procedures, however, there will be other examples covered by the procedures. For consistency, the CSWO should be copied in to all significant occurrence notifications.

#### iv. **Corporate Governance**

West Lothian Council, has adopted the Charter Institute of Public Finance and Accounting (CIPFA)/ Society of Local Authority Chief Executives (SOLACE) framework and has developed a Code of Corporate Governance in which each principle has a number of specific requirements which have to be met for the council to show that it complies with the Code, and for each of those requirements a responsible officer in the council has been identified.

In West Lothian it is recognised that good governance is not merely an auditing requirement; it is crucial for effective public services and achieving the social outcomes which are the council's objective.

#### v. **Customer Engagement**

Social Policy actively engages customers and potential customers in the delivery and redesign of services to ensure that these are accessible and focused on their needs and preferences.

### Community Care - Customer Consultation Schedule 2018/19

Customer Group	Method	Frequency	Responsible Officer	Feedback Method
All disability groups	Disability Equality Forum	Quarterly	Service Development Officer	Minutes
Older People service users	Survey	Annual	Group Manager	Survey returns
	Senior People's Forum	Quarterly	Service Development Officer	Minutes
Learning Disability service users	Survey	Annual	Group Manager	Survey returns, feedback through newsletter
	Learning Disability Service Users Forum	Quarterly	Group Manager	Minutes
Physical Disability service users	Survey	Annual	Group Manager	Survey returns, feedback through newsletter
	Physical Disability Service Users Forum	Quarterly	Service Development Officer	Minutes
Adult Protection service users	Safe and Sound Adult Protection Forum	Quarterly	Adult Protection Officer	Minutes
Mental Health service users	Survey	Annual	Team Manager	Survey returns
	Mental Health Service Users Forum	Quarterly	Team Manager	Minutes

### Children's Services - Customer Consultation Schedule 2018/19

Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Service users	Survey	Annual	Business Support Officer	Reported via performance indicators
Service users	Consultative Forums	Quarterly (carers)	Team Manager	Newsletter
Partners / key stakeholders	Early Years event	Annual	Group Manager	Newsletter
Having Your Say	Looked After Children's forum	Monthly	Team Manager	Group meeting
Service users	Viewpoint	Monthly	Group Manager	Feedback Report

**Criminal Justice and Youth Justice - Customer Consultation Schedule 2018/19**

<b>Customer Group</b>	<b>Method</b>	<b>Frequency</b>	<b>Responsible Officer</b>	<b>Feedback Method</b>
<b>Service users</b>	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
<b>Partners / key stakeholders</b>	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
<b>Unpaid Work recipients satisfaction feedback</b>	Survey	Ongoing reported/ annually	Unpaid Work Manager	Public performance indicators Reporting on the council's website
<b>Unpaid Work consultation</b>	Focus group	Annual	Unpaid Work Manager	Annual to Policy Development and Scrutiny Panel

### 3. Social Services Delivery Landscape

West Lothian is in Central Scotland, has a population of about 181,310 (National Records of Scotland 2017 mid-year estimate). This is an increase of 0.7% from 180,130 in 2016. Over the same period, the population of Scotland increased by 0.4%.

It covers an area of 165 square miles, two thirds of which are predominantly used for agriculture and a tenth of the area is taken up by urban development. In the east-central band there is a large shale oil field, whilst the area in the west is dominated by Scotland's central coalfield. Both of these natural resources were greatly exploited in the 19th and early 20th centuries and contributed to the development of a number of West Lothian's communities. The rapid development of these 'boom' communities meant the loss of these industries was felt heavily, and this legacy has resulted in some small but prominent concentrations of deprivation.

West Lothian has undergone significant change over the last ten years in demography, physical environment and its economy. These changes have presented opportunities and challenges for West Lothian's communities and the organisations that deliver services in the area.

In the period 2016 to 2026 it is predicted that the population will grow by 6.6%, this is the 6th highest percentage change in population size out of the 32 council areas in Scotland. The population of Scotland over the same time frame is expected to increase by only 3.2%.

Over the period to 2026, each age group is projected to increase in size with the 75 and over age group projected to see the largest percentage increase (+46.0%) this is compared to a 27.3% increase for this age group across Scotland.

#### i. Inequalities

- West Lothian has 239 datazones, 16 of which fall within the worst 15% of the Scottish Index of Multiple Deprivation
- The Campaign to End Child Poverty estimated that 47% of children in West Lothian are living in relative poverty after housing costs, a similar level to that for Scotland as a whole.
- Almost 9000 people in West Lothian live within some of the most deprived areas in Scotland, which accounts for around 5% of West Lothian's total population
- 24% of children in West Lothian live in low income working households, compared to 25% for Scotland
- Around 22,000 households in West Lothian (28%) are defined as fuel poor, spending more than 10% of their income on gas and electricity costs
- A significant proportion of households are earning less than the average weekly wage; a quarter of West Lothian households earn less than £16,000 and approximately 38% earn less than £20,000.

#### ii. Impact of the Economic Downturn

Prior to the economic downturn, the percentage of West Lothian households that were in poverty was relatively stable, however in the last few years this has begun to change. This is a trend that is evident at both a local and national level. Recent

analysis of the income domain of the Scottish Index of Multiple Deprivation (SIMD) indicates that there has been an increase in income and employment deprivation in the most deprived SIMD zones in West Lothian. The continuing economic downturn and political changes, mainly around welfare reform, have increased employment deprivation, financial hardship and homelessness, particularly in already deprived areas where there is less resilience. This has served to increase the inequality gap in West Lothian, Scotland and the UK.

### **iii. Commissioning**

Building on the experience of the former Community Health and Care Partnership a strategic approach has been taken to commissioning and there is commitment to working with partners to:

- Empower people to live independently through applying the principles of personalisation in the way in which we commission services.
- Undertake appropriate consultation and involvement with service users and their carers to achieve their agreed outcomes when commissioning services.
- Engage positively with providers of health and social care services in the public, voluntary and private sector.
- Adhere to relevant procurement legislation and guidance and ensure that services are commissioned in a way that is fair, transparent and open;
- Ensure that quality, equality and best value principles are embedded through our commissioning processes.

Commissioning is an ongoing and evolving process and our approach is based on an annual Analyse, Plan, Do and Review cycle

### **iv. Strategic Commissioning Plans**

The Public Bodies (Joint Working) (Scotland) Act 2014 placed a duty on Integration Authorities to develop a 'strategic plan' for integrated functions and budgets under their control. In compliance with this requirement strategic commissioning plans have been developed for all adult care groups. These strategic commissioning plans incorporate the important role of informal, community capacity building and asset based approaches, to deliver more effective preventative and anticipatory interventions, in order to optimise wellbeing and the potential to reduce unnecessary demand at the 'front door' of the formal health and social care system.

Strategic Commissioning Plans are in place for:

- Substance Misuse Services
- Adults with Learning Disabilities
- Adults with Physical Disabilities
- Mental Health
- Older People.

### **v. Contract Monitoring**

Contract monitoring and review is a fundamental function in the commissioning of social care services. It is required to evidence best value to the council and its regulators as well as ensuring the delivery of outcomes for vulnerable people living in West Lothian.



A comprehensive Contract Monitoring Framework is in place to provide a consistent approach to the monitoring of externally purchased care and support services. It is recognised that due to the impact on the quality of life, health and wellbeing of services users and their carers, the procurement of care and support service requires specialist consideration in order to ensure a focus on outcomes. The framework incorporates best practise for the monitoring and review of social care contracts.

#### **vi. Services for Children and Young People**

Part 3 of the Children and Young People (Scotland) Act 2014 places a duty on Public Bodies to ensure that the local planning and delivery of services is:

- integrated,
- focused on securing quality and value through preventative approaches and
- dedicated to safeguarding, supporting and promoting child wellbeing.

In West Lothian we recognise that investment in our children and young people is one of the most valuable long-term investments that can be made. By investing shared resources in the delivery and development of services focused on prevention and early intervention we can ensure that children's needs are met at the earliest opportunity and are supported to achieve their potential. Partners in West Lothian have worked together to develop the West Lothian Children's Services Plan 2017-2020. This plan outlines the work of the West Lothian Children and Families Strategic Planning Group and follows an outcome based approach to planning as led by the West Lothian Community Planning Partnership.

The development of the Children's Services Plan and the Corporate Parenting Report and Plan marks the start of a comprehensive review of partnership service planning and delivery for children's services which will result in further refinement to the plans and the development of a strategic commissioning plan for children's services.

The strategic commissioning plan for children's services will follow the same approach as that taken for the commissioning plans for adult care groups and will be underpinned by:

- Survey data collected as a result of engagement in the Scottish's Government's Realigning Children's Service Programme
- Strategic Needs Assessments focused on:
  - Early Intervention and Prevention and
  - Looked After Children and Young People
- The Joint Inspection of Children's Services Report.

## 4. Finance

The total net expenditure for Social Policy in 2017/18 was £99,013,000. Within West Lothian there is a growing population which brings demographic pressures. This is particularly true in Older People services.

### Areas of pressure include:

- External Placement for Looked After Children
- Kinship Care
- Care at Home for Adults – Particularly Specialist Care for Learning Disability
- Care at Home for Older People has also seen significant growth.
- Residential Care for Older People.

In common with Social Services across Scotland the council is operating within the constraints of Public Sector funding and as such is required to deliver savings on an annual basis.

### Savings

Social Policy delivered £1,817,000 of savings in 2017/18. The council continues with its ambitious project management approach to ensuring a break even budget is achieved at the end of each financial year. To this end the council has agreed a five year budget strategy covering the period through to 2022/23 and a detailed budget plan covering the next three years. The strategy outlines the requirement for the council to deliver savings of £65 million over the next five years of which Social Policy will be required to deliver £23.3 million. Plans are in place and progressing to deliver this challenging target.

## 5. Service Quality and Performance including delivery of statutory functions

Performance during the year is monitored and reported using the council's performance management system, Pentana. The Social Policy Management Plan outlines how services contribute to delivering these outcomes. There is alignment between Management Plans, Activity Budgets and services, providing a link between resources, performance targets and outcomes.

This information is reported annually to the Social Policy, Policy Development and Scrutiny Panel. The service performance is monitored on a monthly basis at the Senior Management Team meeting.

The Social Policy Management Plan is the key document that details the strategic direction for service delivery, plans to improve outcomes and services. The Management Plan does not stand alone but is part of a wider planning and service development approach

Social Policy also contributes to, and as a service is aware of, the benefits of the wider Community Planning process especially where there is a focus on the needs of vulnerable or disadvantaged people.

Social Policy continues to make a significant contribution to the preventative agenda by the work being taken forward by the West Lothian Community Planning Partnership (CPP). The service continues to seek areas and opportunities to move resources upstream or to identify existing service gaps that if measures were put in place would lead to improved outcomes and reduce social inequalities across West Lothian.

## Regulation, Inspection and Improvement Activity

### i. Inspection of Registered Services

During the inspection year 2017/2018, all of West Lothian Council's services received the minimum level of inspection:

#### ■ Children and Families

The quality inspection reports from the Care Inspectorate of Services for Children and Young People show that of all areas assessed 100% were awarded Grades of '3 Adequate' or above with 80% awarded 5 Very Good or 6 Excellent.

Services for children and young people	Quality of Care & Support	Quality of Environment	Quality of Staffing	Quality of Management and Leadership
<b>Whitrigg House</b> August 2017	5 Very Good	Not Assessed	5 Very Good	Not Assessed
<b>Torcroft House</b> August 2017	5 Very Good	Not Assessed	6 Excellent	Not Assessed
<b>Letham House</b> July 2017	5 Very Good	3 Adequate	Not Assessed	Not Assessed
<b>Whitdale Family Centre</b> March 2017	6 Excellent	5 Very Good	Not Assessed	Not Assessed
<b>Adoption Services</b>	No inspection during the period.			
<b>Fostering Services</b>	No inspection during the period			
<b>Through Care After Care</b> December 2017	5 Very Good	Not Assessed	Not Assessed	4 Good
<b>Livingston Family Centre</b>	No inspection during the period			

#### ■ Adults and Older People

The quality inspection reports from the Care Inspectorate of Services for Adults and Older People show that of all areas assessed 100% were awarded Grades of '3 Adequate' or above with 58% being awarded 5 Very Good or 6 Excellent.

Care Homes	Quality of Care & Support	Quality of Environment	Quality of Staffing	Quality of Management and Leadership
<b>Burngrange</b> November 2017	4 Good	Not Assessed	Not Assessed	4 Good
<b>Craigmair</b> July 2017	4 Good	Not Assessed	Not Assessed	3 Adequate
<b>Limecroft Care Home</b> July 2017	4 Good	5 Very Good	Not Assessed	Not Assessed
<b>Whitdale House</b> Aug 2017	4 Good	Not Assessed	5 Very Good	5 Very Good

Day Care, Care at Home and Support Services	Quality of Care & Support	Quality of Environment	Quality of Staffing	Quality of Management and Leadership
<b>Ability Centre</b>	No inspection during the period			
<b>Burnside Respite</b> <b>March 2018</b>	5 Very Good	Not Assessed	Not Assessed	4 Good
<b>Deans House</b>	No inspection during the period			
<b>Eliburn Day Centre</b>	No inspection during the period			
<b>Holmes Gardens Day Resource</b> <b>May 2017</b>	6 Excellent	Not Assessed	5 Very Good	Not Assessed
<b>Adult Placement Service</b>	No inspection during the period			
<b>Pathways</b> <b>May 2017</b>	6 Excellent	Not Assessed	Not Assessed	5 Very Good
<b>Housing with Care</b> <b>March 2018</b>	5 Very Good	Not Assessed	4 Good	Not Assessed
<b>Support at Home Services</b> <b>December 2017</b>	5 Very Good	Not Assessed	Not Assessed	5 Very Good
<b>Whitdale Day Care</b>	No Inspection during the period			

Inspection reports are analysed and action plans to address any recommendations produced by the relevant service. These are routinely reported to elected members who have the opportunity to scrutinise progress.

Despite the above external scrutiny, responsibility for the quality of service delivery rests with the council and not with external scrutiny bodies. The council's social work services have a range of internal mechanisms to monitor the quality of provision and any improvement activity required. These include:

- Direct supervision of front-line practice by senior practitioners and team managers
- Individual reviews of care plans and packages by case managers
- Analysis of social work complaints
- Monitoring of service level agreement and contracts for the purchase of care
- Regular case file audits
- An annual programme of quality assurance, reviews of teams and services
- Routine performance monitoring
- Self-evaluation through Customer Service Excellence/ West Lothian Assessment Model
- Monthly Covalent Performance Reporting

## ii. **Joint Inspection of Services for Children and Young People**

On 29<sup>th</sup> August 2017 the Care Inspectorate published the inspection report of the Joint Inspection of Services for Children and Young People in West Lothian. The inspectors reported that they were confident that outcomes for many children, young people and families living in West Lothian were improved as a result of committed leadership, an ambitious shared vision and effective community planning arrangements.

The Inspection Team highlighted a number of strengths, in particular:

- a coherent shared vision to tackle inequalities, supported by a range of approaches and a commitment by partners to realign resources in order to achieve this;
- robust performance monitoring, management and reporting processes
- effective community planning arrangements, supported by strong leadership and robust governance across strategic groups
- innovative and effective early intervention and prevention programmes and services
- meaningful consultation, collaboration and inclusion of children and young people in policy and service development.

It was recommended that partners in West Lothian should ensure that:

- quality assurance processes led to sustained improvement in the quality of assessments, children's plans and integrated chronologies
- staff understand and implement the processes for initiating, undertaking and recording inter-agency referral discussions and that a single quality assurance process is agreed and applied
- child sexual exploitation policy is reviewed and updated and practice is improved to ensure that vulnerable young people are kept safe
- sustained improvements are made to educational attainment of looked after children and outcomes for care leavers.

An Improvement Plan had been developed and agreed with the Care Inspectorate to address the areas highlighted in the Inspection Report. The Children and Families Strategic Planning Group will monitor the progress made in making these improvements.

## iii. **Delivery of Statutory Functions**

The council's scheme of delegation allows senior social work staff to make certain decisions on behalf of the local authority in the following areas:

- Mental health
- Looked After Children and Young People:
  - Adoption
  - Secure accommodation and emergency placement of children
- Protection and Risk Management:
  - Child Protection
  - Adult Protection
  - MAPPA

Details of the annual monitoring in these areas are included in the subsequent paragraphs.

## Mental Health

Section 32 of the Mental Health Care & Treatment (Scotland) Act 2003 places a statutory duty upon local authorities to appoint a sufficient number of Mental Health Officers (MHO) within their area to appropriately discharge the functions of Mental Health Officers.

The core tasks and responsibilities of Mental Health Officers stem from 3 main Acts of the Scottish Parliament and these are:

- Mental Health (Care and Treatment) (Scotland) Act 2003
- Criminal Procedures (Scotland) Act 1995
- Adults with Incapacity (Scotland) Act 2000

The additional and more recent Adult Support and Protection (Scotland) Act 2007 has also brought significant additional duties and responsibilities for all council staff including MHOs.

A duty Mental Health Officer is available 24 hours a day across the whole council area; MHOs undertake the full remit of work under the Mental Health Care and Treatment (Scotland) Act 2003.

A significant part of the work and responsibility of a Mental Health Officer is work emanating from the Adults with Incapacity (Scotland) Act 2000. Under the Act the council has a protective function towards those adults who lack capacity. The largest area of work for MHOs under the 2000 Act falls within Part 6 of the Act namely Intervention Orders and Guardianship Orders.

Since the introduction of the 2000 Act the trend in Guardianships has changed significantly and the number of applications granted by the Sheriff Courts continue to rise year on year. With the predicted rise in population, and particularly for the over 75 age group, the increase in applications before the Courts is expected to grow placing additional pressure on the MHO service.

The following table indicates assessments undertaken under the Adults with Incapacity (Scotland) Act 2000

	2015/16	2016/17	2017/18
<b>New Guardianships granted</b>	Private 40 CSWO 9	Private 50 CSWO 20	Private 56 CSWO 23
<b>Total</b>	49	70	79
<b>Existing Guardianships</b>	Private 235 CSWO 48	Private 215 CSWO 52	Private 241 CSWO 56
<b>Total</b>	283	267	297
<b>New Intervention Orders</b>	4	5	9
<b>Power of Attorneys granted</b>	1418	1307	1452

The following table indicates assessments undertaken under the Mental Health (Care & Treatment) (Scotland) Act 2003

	2015/16	2016/17	2017/18
<b>Emergency Detention Certificates – Sec 36</b>	66	75	82
<b>Short term Detention Certificates – Sec 44</b>	156	166	170
<b>Compulsory Treatment Orders (new applications)</b>	44	57	65
<b>Assessments (Sect 86, 92, 95)</b>	335	338	352

### Looked After Children and Young People

Local Authorities have a responsibility to provide support to certain vulnerable young people, known as Looked After Children. A young person may become looked after for a number of reasons, including neglect, mental, physical or emotional abuse, parental substance misuse or poor parenting skills, complex disabilities which require specialist care, or involvement in the youth justice system, as well as other reasons.

There are several types of placements that Looked After Children or Young People could be placed in, including at home (where a child is subject to a Supervision Requirement and continues to live in their normal place of residence), foster care, residential unit or school, a secure unit or a kinship placement (where they are placed with friends or relatives).

The total number of Children Looked After in West Lothian at 31/03/2017 and 31/03/2018 by statute and length of time under statute is detailed in the table below:

Age	Period (As at 31 <sup>st</sup> March each year)	Statute				Total
		Supervision Requirement at Home	Supervision Requirement away from Home (excluding a Residential Establishment)	Supervision Requirement away from Home (in a Residential Establishment but excluding Secure)	Supervision Requirement away from Home with a Secure Condition	
Under 1	2017	2	19	0	0	21
	2018	0	8	0	0	8
1 - 4	2017	23	70	0	0	93
	2018	27	68	0	0	95
5-11	2017	42	126	7	0	175
	2018	40	120	6	0	166
12-15	2017	46	82	32	0	160
	2018	34	90	27	0	151
16 +	2017	6	24	13	2	45
	2018	6	22	11	0	39
Total	2017	119	321	52	2	494
	2018	107	308	44	0	459

In West Lothian we recognise the importance of early intervention and engagement and the real potential that early engagement can have in diverting children and families from entering statutory systems. We also acknowledge, however, that early intervention can also result in children becoming looked after at an earlier age and potentially more children becoming looked after where that is appropriate. We are clear that we do not want more children coming into care and staying there. In order to ensure that this does not happen we are focusing on work to achieve early permanence to ensure that each child has a stable, secure, and permanent place to live.

The Council is currently working in partnership with the PACE programme (Permanence and Care Excellence) to identify delays, blockages and difficulties to securing permanence for looked after children in West Lothian. We are committed to improving our permanence practice and ensuring that the needs of each individual child are met.

The table below details the number of children registered for adoption, matched to adopters, and registered for permanence orders be this by permanent fostering or kinship care.

	2016/17	2017/18
<b>Children registered for adoption</b>	5	14
<b>Children matched to adopters</b>	9	14
<b>Children registered for permanence order</b>	14	9
<b>Average number of weeks from the child being accommodated to moving into their permanent placement</b>	54	34

West Lothian's performance in relation to timely reviews, decisions on permanence and efficient implementation of these decisions remains a key priority. The table above highlights the improvements being made to shorten the timescales in achieving permanent outcomes for looked after children.

Council continues to work in partnership with CELCIS (Centre for Excellence for Looked after Children) and St Andrew's Children's Society to further develop the Concurrent Planning Service. This service offers a route to early permanence for babies and very young children whose birth parents have already had children permanently removed from their care. The child is therefore placed with concurrent carers, who have dual approval as foster carers and adopters and will provide a permanent home to the child if reunification is not possible. This essentially enables the uniting of children to their permanent family, be this birth or adoptive, in a time frame within which the child is able to form secure and meaningful attachments.

### **Secure Accommodation of Children**

In very limited circumstances, when children are considered to present a serious risk of harm, either to themselves or to others, the Chief Social Work Officer may authorise their detention in secure accommodation. These decisions must be confirmed by a Children's Hearing and must be kept under close review. Courts also have the power to order the detention of children in secure accommodation.

Emergency placement of children is subject to statutory provisions: Children's Hearings may impose conditions of residence on children subject to supervision requirements. Only a Children's Hearing may vary such conditions. The local authority must ensure that these



conditions are implemented. If a child who is required to reside at a specified place must be moved in an emergency, the Chief Social Work Officer may authorise the move, following which the case must be referred to a Children’s Hearing.

## Protection and Risk Management

The assessment and management of risk posed to individual children, adults at risk of harm and the wider community are part of the core functions of social work.

The effective management of risk depends on a number of factors, including:

- Qualified, trained and supported staff, with effective professional supervision
- Clear policies and procedures and use of agreed or accredited assessment tools and processes
- Consistency of standards and thresholds across teams, service and organisational boundaries
- Effective recording and information sharing
- Good quality performance management data to inform resource allocation and service improvement
- Multi-disciplinary and inter-agency trust and collaboration.

Reflecting the importance of joint working, the following multi-agency mechanisms are well established in West Lothian:

- West Lothian Chief Officers Group
- West Lothian Public Protection Committee
- Community Justice Sub-Committee

The Chief Social Work Officer is a member of each of the above committees. Membership of the Chief Officer’s Group allows the Chief Social Work Officer to have an overview of related risk management activity, both within the council and across agency boundaries.

Each of the areas of Public Protection has a performance framework in place with regular reporting to the Public Protection Committee, Chief Officers Group and Community Planning Strategic Group.

The Chief Social Work Officer also chairs Critical Review Team meetings. Critical Review Teams are multi-agency teams of people of required seniority who meet as and when required to offer direction and guidance in complex cases (for those aged 15+).

A summary of the volume of protection related activity is detailed below:

### Children at risk

	2015/16	2016/17	2017/18
<b>Child protection referrals</b>	427	461	479
<b>Joint Investigations</b>	137	168	207
<b>Initial Child Protection Case Conferences</b>	77	108	88
<b>Children on Child Protection Register</b>	104	72	45
<b>Children looked after at home</b>	115	119	107
<b>Children looked after away from home</b>	336	375	352

## Adults at Risk

	2015/16	2016/17	2017/18
<b>Adult Protection Referrals</b>	411	436	540
<b>Inter-agency Referral Discussions (IRDs)</b>	119	76	70
<b>Adult Protection Case Conferences (this includes Adult Protection Case Conference Reviews)</b>	79	89	72

There has been a year on year increase in the number of Adult Protection referrals recorded in West Lothian. This is positive and better reflects the amount of 'front end' Adult Protection work that has been undertaken. The increase in the recorded number of referrals has been as a result of Social Policy managers and operational staff consistently recording Adult Protection concerns /Adult Protection referrals prior to screening each one. The introduction of an electronic referral option for external agencies to submit reports of concern has also had a positive impact.

In contrast to the increase number of Adult Protection referrals recorded there has been a decrease in the number of Inter-agency Referral Discussions (IRD). It is thought this may be reflective of proportionate multi-agency decision making at Investigation Stage to identify how best to proceed with each case.

Of those IRDs held in 2017/2018, 25 cases proceeded to an Adult Protection Case Conference. More than one Adult Protection Case Conference Review was held for some of these cases. The number of Adult Protection Case Conference Reviews held and the frequency of these meetings being held is proportionate to providing adequate support and protection to each adult at risk.

## Domestic Abuse

West Lothian Domestic and Sexual Assault Team (DASAT) provide a unique framework of integrated services, housed within local government, responding to both domestic abuse and sexual assault.

### ■ The Court Advocacy Service

The Court Advocacy Service works closely with the Procurator Fiscal's Officer to deliver a high quality service for victims of domestic abuse involved in the court process. The service received 801 referrals during 2017-2018. Evaluations from service users informed us that 100% felt safer due to court advocacy intervention.

### ■ Living in Safe Accommodation (LISA)

The LISA service aims to keep women and children safe in their own homes and provide multiple housing options to support women experiencing domestic abuse.

In 2017/18 the LISA project supported 126 women. In 32% of the cases, the project has supported women to remain in their own homes and prevented them from moving into temporary accommodation.

### ■ Domestic Abuse and Sexual Assault Team (DASAT) children's service

DASAT children's service provides 1-1 support and group work to children and young people who have experienced domestic abuse. In 2017/18 there were 159 referrals to the service with 98% of children reporting that they felt safer as a result of the service.

■ **West Lothian CEDAR Project**

This project is based on the national CEDAR programme principles which are designed to address the serious childhood adversity created by domestic abuse. CEDAR is delivered on a multi-agency basis by the Domestic and Sexual Assault Team (DASAT) in conjunction with the Children and Young Peoples Team (CYPT) Youth Action Project, West Lothian Women’s Aid and Inclusion and Aftercare Team. . There are 46 staff members from across West Lothian Partnerships who are trained to deliver the CEDAR Project.

In 2017-18, West Lothian CEDAR delivered 3 programmes consisting of 6 children's groups supporting 33 children and 3 women's groups supporting 29 women, all reporting significant qualitative outcomes for their families, such as improvements in their child's:

- Relationship with their parents
- Ability to understand and express feelings
- Ability to express anger in a healthy way
- Understanding of family situation
- Self esteem

**Offenders in the Community subject to Statutory Supervision**

In April 2016 the responsibility for Community Justice moved from the Community Justice Authority to Community Planning Partnerships. In West Lothian this has been undertaken by the Community Justice sub-committee which is part of the West Lothian Community Planning Partnership structure.

	At 31 March 2016			At 31 March 2017			At 31 March 2018		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Community Payback Orders with a requirement for supervision	286	40	326	295	56	351	301	52	353
Community Payback Orders with a requirement for unpaid work	316	39	355	311	51	362	270	31	301
Drug treatment and testing orders	8	2	10	20	4	24	13	4	17
Number of individuals subject to Statutory Through Care	161	3	164	174	3	177	183	2	185

The figures in the table detail new orders that have been put in place during the period April 2017 to March 2018 and does not reflect existing orders that can be in place for up to 3 years. Throughcare Orders can be for life

It should be noted that in 2017 the Scottish Government proposed the extension of presumption against short sentences from 6 months to 12 months. It is expected that the implementation of this proposal would result in the need for more community based support and will provide an additional challenge in the current climate of restricted public finances.

The management of dangerous sexual and violent offenders in the community is one of the highest priorities for Criminal Justice Social Work and Police working together. Housing and Health services along with other statutory agencies also play a significant role in the detailed multi-agency procedures, which are followed in West Lothian. This activity requires to be reported to Scottish Ministers.

When subject to statutory supervision on release from prison or community supervision, such offenders require to comply with any conditions attached to their licence/orders. They are subject to robust risk management. If the offender breaches any of the conditions imposed on them they may be subject to further investigation or a recall to prison, either by Scottish Ministers, the Parole Board or the Courts.

Multi-Agency Public Protection Arrangements (MAPPA) are defined in legislation and national guidance and currently apply to the management of all registered sex offenders. In West Lothian these arrangements are well established. During the period April 2017 – March 2018 partners were able to sustain a robust ability to contain or reduce risk. In 2016-17 this applied to 99.3% of cases and in 2017-18 it related to 97.4% of cases. Criminal and Youth Justice are responsible for 47% of the total offenders managed under MAPPA in the community with the remainder being managed by Police Scotland.

Young offenders are also managed through either the above or the Young Person Risk Management Process depending on age and current statutory status.

#### **iv. Improvement and Performance Activity**

##### **Contract Monitoring**

Contract monitoring and review is a fundamental function in the commissioning of social care services. It is required to evidence best value to the council and its regulators as well as ensuring the delivery of outcomes for vulnerable people living in West Lothian.

The purpose of this Contract Monitoring Framework is to provide a consistent approach to the monitoring of externally purchased care and support services across Social Policy. It is recognised that due to the impact on the quality of life, health and wellbeing of services users and their carers, the procurement of care and support service requires specialist consideration in order to ensure a focus on outcomes.

The contract monitoring framework aims to ensure that service users receive the highest quality of service, which demonstrates value for money, meets contractual standards and is continuously improved.

## West Lothian Assessment Model

Effective internal scrutiny provides performance challenge and helps ensure a proportional approach to internal and external scrutiny activity, based on a strong understanding of current performance and the capacity to improve.

The West Lothian Assessment Model is the council's self-assessment framework which helps services to ensure that they provide good quality and improving services to the people and local communities in West Lothian.

West Lothian Council recognises that there is always a way to make better and more efficient services for the people we serve, balancing quality of service provision with value for money. As a result of this commitment, our services are some of the highest performing in Scotland.

The West Lothian Assessment Model (WLAM) helps the council to do this by providing a consistent and challenging set of questions or statements that services will use to identify their strengths and weaknesses and importantly, it also provides a structure for improvement.

Services are assessed using evidence, performance information and feedback from customers, partners, stakeholders and staff, to answer a set of questions or statements, in order to identify:

- Where the problems in the service are
- How customers, employees, partners and stakeholders feel about the service
- How the service performs and how this performance compares to others
- Where things can be improved

Self-assessment is an important part of the council's improvement strategy, as it encourages innovation from within and involves our strongest asset in the process, our people.

Social Policy has three WLAM Units within the service, Children and Families, Community Care and Criminal and Youth Justice. All of the Social Policy WLAM units have demonstrated an improvement after each cycle of assessment as highlighted by the increase in WLAM score across the service.

WLAM Unit	Cycle	WLAM	Change
Children and Families	2011/13	395	+87
	2014/17	482	
Community Care Services	2014/17	456	+72
	2017/20	528	
Criminal and Youth Justice	2011/13	463	+25
	2014/17	488	

## External Assessment

To supplement our internal improvement processes, the council undertakes planned external assessment on a periodic basis. This ensures that the council is scrutinised across different standards and frameworks promoting excellence and the highest standards of practice. It also allows comparison with the best performers across all sectors in the UK and beyond.

The key external assessment processes for the council are:

Assessment	Assessment Method	Improvement focus	Assessed level
<b>Investors in People (IIP)</b>	Three year programme of corporate assessment	Assessment of the management and development of employees to deliver business objectives.	IIP Gold (2016)
<b>Investors in Young People (IYYP)</b>	Three year programme of corporate assessment	Assessment of the management and development of employees to deliver business objectives	IYYP Gold (2015)
<b>Customer Service Excellence</b>	Three year programme of corporate assessment	Assessment of the organisation's customer focus and overall standards of customer service and delivery.	CSE standard (2018)
<b>European Foundation of Quality Management (EFQM)</b>	Period corporate assessment	Assessment against fundamental concepts of Excellence against a global framework.	EFQM 5-star (2017) EFQM Excellence Award Finalist (2017)

### West Lothian Health and Social Care Partnership (HSCP)

In June 2017, the West Lothian Health and Social Care Partnership (HSCP) achieved Recognised for Excellence 3 Star Assessment. This is a first in Scotland for an organisation of its type.

The Ready for Excellence assessment feedback report will allow the partnership to focus on areas for improvement and development to support the further transformation of health and social care services.

### Complaints

Prior to the introduction of the new Social Work Model Complaints Handling Procedure in April 2017, complaints in fell into one of the following two categories:

- **Statutory Complaints**

A Statutory Complaint made in reference to any of the following issues as they relate to the discharge of social work service functions in respect of an individual client according to legislated power and duties:

- Failure to discharge such functions
- Delay in discharge of such function
- Failure to properly assess the needs of clients and their carers during the discharge of such functions
- Failure to give due consideration to the needs and wishes of individual clients and their carers when making decisions about service provision
- Failure to follow social work services procedure when making a decision or delivering a service in relation to an individual client
- Failure to give due consideration to social work service guidance when making a decision or delivering a service in relation to an individual client
- Providing a service that quantitatively or qualitatively fails to meet the reasonable expectations of a client
- Poor attitude and performance of staff in discharging their duties.
- Failure to properly investigate complaints, advise clients of their rights or respond within identified timescales in relation to complaints

#### ■ Council Complaints

Any complaint made which did not fall into the category of a statutory complaint

Prior to April 2017 if a complainant was not satisfied with the service's response, s/he may have requested that the case be heard by a Complaints Review Committee.

Social Policy adopted the new Social Work Model Complaints Handling Procedure as of April 2017. This is a two stage process:

- Stage 1 Frontline Resolution
- Stage 2: Investigation

Since the introduction of the new procedure the Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland.

The council's social work services are required by statute to report annually on statutory complaints received from service users, would-be service users, their carers and representatives.

The council is committed to improving social work services to the people of West Lothian and recognises that complaints are an important source of customer feedback. The following table provides an overview of the complaints received during 2017/18 and their outcome.

<b>Total number of complaints</b>	<b>125</b>
<b>Percentage of complaints upheld</b>	<b>31.2%</b>
<b>Percentage of complaints not upheld</b>	<b>45.6%</b>
<b>Percentage of complaints part upheld</b>	<b>23.2%</b>
<b>Percentage of complaints resolved within timescale</b>	<b>40%</b>

#### **User and Carer Empowerment**

Social Policy services continue to work in partnership with other agencies, service users and their carers to ensure that the support and care services provided are as person centred and flexible as possible. It is anticipated that an increasing number of people will seek control of their own care and support provision by accessing Direct Payments or other Self Directed Support options.

The Social Care (Self-directed Support) (Scotland) Act 2013; which came into effect on 1st April 2014, is a key building block of public service reform and is part of the nation Self-Directed Support Strategy 2010-2020. The key focus of the strategy is to empower people to have more say in the decisions that affect them both as individuals of social care services and as members of their communities.

Social Policy is committed to the principles of Self Directed Support and recognises that when people have more control over how they live their lives and any support they may require, they are likely to achieve better outcomes.

The Audit Scotland Self-directed Support 2017 progress report looked at the progress being made in implementing Self-directed Support and the findings reflect our experience locally. In West Lothian we have made good progress but we recognise that there is still work to be done

Social Policy values the role that carers play within West Lothian and in particular how they enable the people they care for to enjoy a quality of life and independence that would otherwise not be possible. However, we recognise that without appropriate support there can be a cost to the carer in terms of their own health and well-being. In recognition of this, Social Policy and key partners are working together to identify how best the statutory and the voluntary sector could support carers in their caring role and ensure compliance with the requirements of the implementation of the Carers (Scotland) Act 2016.



## 6. Workforce Planning and Development

West Lothian Health & Social Care Partnership is designed to deliver improvements to our services and to deliver services which are seamless and inclusive. As we reshape and redesign our services to meet our commitments, our workforce will be required to do different things, to work in new and different ways and to further strengthen our partnership working arrangements.

These initiatives will call for a change in organisational culture that will strengthen citizen independence and self-management to implement our personalised and strength based approaches. These service redesigns, integration and modernisation activities will require a resultant focus on the management of change for our employees and stakeholders and will require our workforce development activities to be flexible and reactive to emergent roles.

To ensure that the workforce is supported to continue to have the necessary skills and knowledge to meet these challenges, the Social Policy Learning & Quality Assurance Team will focus on work to deliver on the following key themes:

- Support leaders and managers in managing change
- Continued support to meet the Scottish Social Services Council's (SSSC) registration requirements. Our Support at Home Workforce are currently registering and we will continue to monitor our registration compliance
- Continued partnership working across the Council to ensure the best use of training resources to meet the Council's main objectives
- the continued development of a blended approach to learning with an extended e-learning menu
- the continued development of the Social Policy Scottish Vocational Qualification (SVQ) Centre to continue to deliver new Professional Development Awards as they become available
- the targeting of our resources to ensure mandatory and necessary training is paramount alongside the ongoing development of our in-house learning provision
- Evaluation of the implementation and embedding of changing practices through a robust quality assurance function

The necessary service re-structure and re-design to meet the challenges faced by Social Policy will require to be supported by responsive and innovative learning approaches alongside a focus on core business to re-refresh and continually develop practice which will include:

- Leadership & management training
- Assessment and report writing
- Risk assessment, risk enablement and risk management
- Care & support planning
- Implementation of our reviewed staff supervision policy
- Quality assurance audits

## 7. The Challenge Ahead

The West Lothian population is projected to grow by 6.6% by 2026 against an increase of just 3.2% across Scotland. We are seeing an increase in the complexities of need across all populations supported by Social Policy on particular children, young people and their families, adults with disabilities, those with mental health problems, substance misuse issues and those suffering domestic abuse. There is also a growing demand to meet the needs of children and young people who have suffered neglect and childhood trauma, and who have resultant behavioural issues.

We know that there is an increase in need in our older population this is particularly highlighted with the projected increase in the over 75 population of 46% predicted by 2026, this is the second highest projected increase in this population across all local authorities in Scotland, with only Clackmannanshire showing a higher percentage increase over the same time period of 48%. Across the same time period, we will see a 4% decrease in the working age population and significantly, an 8% decrease in the age group providing most of the unpaid care in West Lothian. Compounding the issue, it is becoming increasingly clearer that public sector funding across Scotland will be constrained over the next five-year period.

Simply put, if we carry on delivering services in the same way, we will fail to meet basic demands within the available funding. The challenge ahead will be to transform the way that we deliver social work and social care services in a measured and robust fashion, ensuring that our service offer meets core needs in line with legislative duties, is fair and equitable and is delivered in partnership with other key stakeholders so as to ensure seamless and safe care to those with priority needs.

Within this agenda, there is the opportunity to modernise social care services in line with a change in customer expectation, shifting towards family and community based care, greater personalisation and choice, and increased use of technology ensuring that people can live in their own homes with less risk. This all requires a radical look at the function of social work services and how the skills, roles and responsibilities of our workforce are aligned to new models of delivery.

It is without doubt that social work services in West Lothian, as across the whole of Scotland, face unprecedented challenges. Services are operating within a context of political and economic uncertainty. The implications of Brexit on the delivery of social services is still unclear, however the launch of the EU Settlement Scheme is likely to have an impact with regards to Adult and Child Protection, Looked After Children and Young People, people who have no recourse to public funds, victims of domestic abuse and the social care sector workforce.

Meeting the challenges ahead will require transformational leadership and whole system innovation across Social Policy's management team. The role of the Chief Social Work Officer will be significant in embedding improvements into social work practice and leading on the transformation of culture, system and practice. The Chief Social Work Officer will continue to play a key role in ensuring the council priorities are met, and that the most vulnerable people of West Lothian are protected and empowered to live a safe and fulfilling life.

# West Lothian Council SNP Group

**Leader:** Cllr Peter Johnston  
**Depute Leader:** Cllr Frank Anderson  
**Secretary:** Cllr Sarah King

*Dico Tibi Verum, Libertas Optima Rerum  
Nunquam Servili!*



## Question to Leader of Council

### PFI Payments

How much does West Lothian Council pay, on an annual basis, for PFI contracts?

What was the total capital costs of the projects and how much will be repaid over the period of the PFI contract?

Frank Anderson

A handwritten signature in black ink, appearing to be 'Frank Anderson', written over a horizontal line.



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## **Question to Executive Councillor for Services to the Community**

**1.1 On how many occasions in the financial year 2017-2018 was there a requirement for repair work, undertaken by or on behalf of West Lothian Council on WLC let properties, to be re-done or subsequent work required due to incomplete or unsatisfactory levels of workmanship?**

**1.2 What was the cost of these repeat visits?**

**Councillor Pauline Clark**

A handwritten signature in cursive script, appearing to read 'P. Clark'.