



West Lothian Council

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

18 November 2020

A meeting of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Tuesday 24 November 2020 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. Fair Justice for Scotland Group - presentation by Silence Chihuri and Frank Crowe
5. Minutes :-
 - (a) Confirm Draft Minutes of Meeting of West Lothian Council held on Tuesday 29 September 2020 (herewith).
 - (b) Correspondence arising from previous decisions (herewith)
 - (c) Note Minutes of Meeting of Audit Committee held on Monday 22 June 2020 (herewith)
 - (d) Note Minutes of Meeting of Education (Quality Assurance) Committee held on Tuesday 03 March 2020 (herewith).

- (e) Note Minutes of Meeting of Employee Appeals Committee (Private) held on Friday 25 September 2020 (herewith).
- (f) Note Minutes of Meeting of Governance and Risk Committee held on Monday 22 June 2020 (herewith).
- (g) Note Minutes of Meeting of West Lothian Leisure Advisory Committee held on Tuesday 03 March 2020 (herewith).

Public Items for Decision

- 6. Election Business
- 7. Review of Decision-Making Arrangements - Deputations and Petitions - report by Governance Manager (herewith)
- 8. Treasury Management - Interim Report at 30 September 2020 - Report by Head of Finance and Property Services (herewith)
- 9. Family Leave Scheme for Members - Changes to Standing Orders - report by Head of Corporate Services (herewith)
- 10. Notice of Motion - Spaces for People Programme - submitted by Councillor Bruce Fairbairn (herewith)
- 11. Notice of Motion - Boghall drop-in Centre - submitted by Councillor Charles Kennedy (herewith)
- 12. Notice of Motion - Covid-19 Financial Challenges - submitted by Councillor Lawrence Fitzpatrick (herewith)
- 13. Notice of Motion - Home Fire Safety Standards - submitted by Councillor Lawrence Fitzpatrick (herewith)
- 14. Notice of Motion - High Street Heroes - submitted by Councillor Kirsteen Sullivan (herewith)
- 15. Notice of Motion - Endometriosis - submitted by Councillor Pauline Clark (herewith)
- 16. Notice of Motion - Face coverings in Schools - submitted by Councillor Moira Shemilt (herewith)
- 17. Notice of Motion - Free School Meals - submitted by Councillor Janet Campbell (herewith)
- 18. Notice of Motion - Menopause - submitted by Councillor Moira Shemilt (herewith)
- 19. Notice of Motion - Third Sector Support - submitted by Councillor Frank Anderson (herewith)

20. Notice of Motion - Safety Plan - submitted by Councillor Willie Boyle (herewith)

Public Items for Information

21. Councillors' Code of Conduct Annual Report 2019/20 - report by Governance Manager (herewith)
22. Chief Social Work Officer's Annual Report 2019-20 (herewith)
23. Documents for Execution
24. Spaces for People Project - Question to Executive Councillor for Environment - submitted by Councillor Charles Kennedy (herewith)
25. Pandemic Costs - Question to Council Leader- submitted by Councillor Frank Anderson (herewith)
26. Mental Health during Covid-19 - Question to Executive Councillor for Health & Care - submitted by Councillor Peter Heggie (herewith)

NOTE **For further information please contact Val Johnston, Tel No.01506 281604 or email val.johnston@westlothian.gov.uk**

CODE OF CONDUCT AND DECLARATIONS OF INTEREST

This form is to help members. It is not a substitute for declaring interests at the meeting.

Members should look at every item and consider if they have an interest. If members have an interest they must consider if they have to declare it. If members declare an interest they must consider if they have to withdraw.

NAME	MEETING	DATE

AGENDA ITEM NO.	FINANCIAL (F) OR NON- FINANCIAL INTEREST (NF)	DETAIL ON THE REASON FOR YOUR DECLARATION (e.g. I am Chairperson of the Association)	REMAIN OR WITHDRAW

The objective test is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.

Other key terminology appears on the reverse.

If you require assistance, please ask as early as possible. Contact Julie Whitelaw, Monitoring Officer, 01506 281626, julie.whitelaw@westlothian.gov.uk, James Millar, Governance Manager, 01506 281695, james.millar@westlothian.gov.uk, Carol Johnston, Chief Solicitor, 01506 281626, carol.johnston@westlothian.gov.uk, Committee Services Team, 01506 281604, 01506 281621 committee.services@westlothian.gov.uk

SUMMARY OF KEY TERMINOLOGY FROM REVISED CODE

The objective test

“...whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor”

The General Exclusions

- As a council tax payer or rate payer or in relation to the council's public services which are offered to the public generally, as a recipient or non-recipient of those services
- In relation to setting the council tax.
- In relation to matters affecting councillors' remuneration, allowances, expenses, support services and pension.
- As a council house tenant, unless the matter is solely or mainly about your own tenancy, or you are in arrears of rent.

Particular Dispensations

- As a member of an outside body, either appointed by the council or later approved by the council
- Specific dispensation granted by Standards Commission
- Applies to positions on certain other public bodies (IJB, SEStran, City Region Deal)
- Allows participation, usually requires declaration but not always
- Does not apply to quasi-judicial or regulatory business

The Specific Exclusions

- As a member of an outside body, either appointed by the council or later approved by the council
- The position must be registered by you
- Not all outside bodies are covered and you should take advice if you are in any doubt.
- Allows participation, always requires declaration
- Does not apply to quasi-judicial or regulatory business

Categories of “other persons” for financial and non-financial interests of other people

- Spouse, a civil partner or a cohabitee
- Close relative, close friend or close associate
- Employer or a partner in a firm
- A body (or subsidiary or parent of a body) in which you are a remunerated member or director
- Someone from whom you have received a registrable gift or registrable hospitality
- Someone from whom you have received registrable election expenses

MINUTE of MEETING of WEST LOTHIAN COUNCIL held within Webex Virtual Meeting Room, on 29 September 2020.

Present – Provost Tom Kerr (Chair), Depute Provost Dave King (Vice Chair); Councillors Alison Adamson, Frank Anderson, Stuart Borrowman, 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, Carl John, Charles Kennedy, Sarah King, John McGinty, Andrew McGuire, Dom McGuire, Andrew Miller, George Paul, Moira Shemilt, Kirsteen Sullivan, David Tait and Damian Timson

Apologies – Councillors William Boyle and Cathy Muldoon

1. OPENING REMARK

The Council observed a minutes silence following the passing of Mary Sharkey, a former councillor of West Lothian District Council.

2. DECLARATIONS OF INTEREST

Councillor Janet Campbell declared an interest in that she was a paid employee of NHS Lothian.

Agenda Item 7 – Councillors Chris Horne, Tom Kerr, Angela Doran, Tom Conn and Andrew Miller all declared an interest as council appointed members to the Board of West Lothian Leisure.

3. ORDER OF BUSINESS

The Provost ruled in terms of Standing Order 11 that Agenda Item 21 (Treasury Management Report) was an item for decision and would be considered as such when council reached the item of business.

4. MINUTE

The Council approved the minute of its meeting held on 17 March 2020.

5. ELECTION BUSINESS

The Council noted the following change to the SNP appointment to the Community Planning Partnership Board :-

- Councillor Moira Shemilt to replace Councillor David Tait on the Community Planning Partnership Board

Decision

To agree the membership change as proposed.

6. WEST LOTHIAN ANNUAL ACCOUNTS

The Provost welcomed, alongside the Head of Finance and Property Service, Stephen Reid and Rob Jones, Ernst and Young LLP to the meeting.

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 2019/20 Audit and to provide a summary of the key points arising from the Auditor's Annual Report.

The auditor issued an unqualified audit opinion on the financial statements and on the nine charitable trusts administered by the council.

As a result of the financial and operational pressures faced by the council in responding to Covid-19, the Auditor placed additional emphasis on management's assessment of going concern particularly the need to report on the impact of financial pressures on the council's future financial sustainability. The council concluded that there were no material uncertainties around its going concern status and enhanced the disclosures around its future financial position in the financial statements to reflect the impact of Covid-19.

It was also noted that the Auditor's Report would not only be referred to the council's Audit Committee but also the council's Governance and Risk Committee as part of the wider scope of audit.

It was recommended that Council :-

1. Notes Ernst & Young LLP's 2019/20 Annual Audit Report;
2. Approves for signature the audited Annual Accounts for 2019/20; and
3. Refers the Auditor's Report and the 2018/19 Annual Account to the Audit Committee for information and scrutiny.

Decision

To approve the terms of the report

7. REVIEW OF DECISION-MAKING ARRANGEMENTS - WEBCASTING AND RECORDING OF MEETINGS

The Council considered a joint report (copies of which had been circulated) by the Governance Manager and Head of Corporate Services to consider proposed changes to Standing Orders in relation to recording and webcasting council and committee meetings.

Council was recommended :-

1. To note that Council Executive on 20 August 2019 instructed officers to bring forward proposals through Partnership & Resources PDSP in relation to extending the audio broadcasting and recording of meetings;
2. To note the present terms of Standing Order 24 on Public and Press – Access (Appendix 1);
3. To agree the proposed rewording of Standing Order 24 to extend the audio webcasting and recording to all meetings of bodies in the Scheme of Administration where technology allows (Appendix 3); and
4. To agree a further change to Standing Order 24 to remove the current restriction on the audio recording of meetings by others (Appendix 3)

Motion

To approve the terms of the report

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

Amendment

To approve the four recommendations contained in the report and to add a fifth recommendation in the following terms :-

“Request that further investigation be carried out for the use of video conferencing for all council meetings. Full costings are also to be carried out in that we should look positively at video conferencing for all council meetings and that whilst the report outlines interim proceedings we would request that full costing and consideration be given to implementing video conferencing as soon as we are able to restart face-to-face meetings”.

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

A roll call vote was taken. The result was as follows :-

Motion

Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan

Amendment

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickon
Bruce Fairbairn
Peter Heggie
Chris Horne

Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moiria Shemilt
David Tait
Damian Timson

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

8. NOTICE OF MOTION - FLOODING IN PYOTHALL COURT, BROXBURN
- SUBMITTED BY COUNCILLOR JANET CAMPBELL

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Janet Campbell in the following terms :-

“West Lothian Council agrees that the safety and well-being of all our residents is a priority. West Lothian Council further agrees that in the aftermath of a localised disaster, this local authority will do everything within its power to provide relief, support and the provision of aid to the community or families affected

Council welcomes the news that there has been an urgent investigation into the possible causes of the recent devastating flood in Broxburn and notes that although Barony Housing have put into place flood prevention measures on this site, until now West Lothian Council have not. Council also notes that until planning permission was granted by a previous administration, there was no history of flooding at this site.

Council further agrees that the implementation of the necessary flood prevention measures, working in partnership with our colleagues from Scottish Canals and Scottish Water is now vital in order for the residents of Pyothall Court to continue to enjoy security of tenure. Council also accepts that we remain the co-ordinating body for localised disasters which we saw in Broxburn on August 27th.

West Lothian Council therefore instruct the Chief Executive to:

1. Discuss a timetable for the implementation of the necessary and vital flood preventions works which need to be carried out with our partners in Scottish Canals and Scottish Water.
2. Prepare a report for West Lothian Council advising on the timetable, potential costs, sources of funding and potential challenges for these works.
3. Urgently prepare a protocol with regards to West Lothian Council future response to localised disasters, ensuring that local facilities

are made available for the relief effort at the earliest opportunity”.

- Moved by Councillor Janet Campbell and seconded by Councillor Diane Calder

Amendment

“Council notes on the evening of 27th August 2020, an intense, localised rain storm fell across Broxburn. The rain fell on already saturated ground over a steep and short catchment and resulted in unprecedented water levels in the Liggat Syke causing flooding in Pyothall Court causing distress to the resident and damage to their homes and property.

- At 18.00hrs the council’s water level monitor on the Liggat Syke (upstream of the canal culvert) issued both the ‘High Water’ and ‘Flood’ alerts.
- Within 45 minutes the river level had exceeded these thresholds, triggered both alarms, rose out of bank and overtopped the bunds at Pyothall Court, a rapid rise of 1.74m.
- The flow volumes exceeded the capacity of the culvert beneath the Union Canal causing flood water to back up resulting in the residential properties in Pyothall Court and Nicol Road being flooded.
- The water level continued to rise until 20.15hrs when it peaked at 2.61m

No warnings of severe water had been issued in advance by the Met Office and no Flood Warnings had been issued in advance by SEPA.

A ‘High Water’ and ‘Flood’ Alert were both automatically sent to a number of council officials and pre-subscribed residents at 18.00hrs. During the flood, the council’s Flood Alert System operated as expected. Such was the intensity of the rainfall into the steep and saturated catchment, flooding occurred within 30 minutes of the alert being issued.

As part of the multi-agency response the Community Centre at the Strathbrock Partnership Centre was opened as a place of safety with the potential to safely operate as a Rest Centre should it have been required. The Council has a leading role in recovery and the Council has supported West Lothian Housing Partnership in assisting their tenants in the aftermath. It should be noted that the normal availability of premises is affected by the restrictions in place as a result of the Covid-19 pandemic.

The **2007 Broxburn Flood Protection Scheme** was designed to mitigate the risk of flooding to residential and business properties in the West Burnside and Burnside Village areas of the town from the Brox Burn and Caw Burn, and mitigate the risk of flooding to residential properties in the Nicol Road, Pyothall Court and Galloway Crescent areas from the Liggat Syke. Construction of formal flood defences was phased to provide areas at greatest with defences first commencing at East Burnside.

Council notes with disappointment that funding provided by the Scottish

Government for the flood protection scheme was insufficient to complete its final components.

Council further notes that a bid for funding to the Scottish Government as part of the **Local Flood Risk Management Plan 2016-2022** was publicly announced but later withdrawn by the Scottish Government.

In 2019, £1.8m of council funding was approved for the development of the **Liggat Syke Flood Protection Works** to mitigate the risk of flooding for up to 40 residential properties.

	£'000	£'000	£'000	
	Budget	Budget	Budget	
	2020/21	2021/22	2022/23	
Broxburn Flood Protection Scheme	165	400	2,139	

Additional monies have been allocated to include Holygate and Parkwood.

Consultants on behalf of the Council are currently developing further flood protection measures for this area comprising what it is hoped will be the final component of the Broxburn Flood Protection Scheme. Detailed design is underway with a view to works being tendered in summer 2021, and the bulk of the work taking place in 2022/23. The review of hydrology necessitated by the flood event will impact on this programme.

Council is asked to note the above and receive regular reports on progress to be made through the Environment PDSP".

- Moved by Councillor Tom Conn and seconded by Councillor Angela Doran

A roll call vote was taken. The result was as follows :-

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moir Shemilt
David Tait

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire

George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

9. NOTICE OF MOTION - BLENDED WORKING - SUBMITTED BY COUNCILLOR JANET CAMPBELL

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Janet Campbell in the following terms:-

“West Lothian Council recognise the responsibility we have to ensure safe and healthy working environments for all of our people. This Council also recognises we have a responsibility for the health and well-being of all people living in West Lothian. The pandemic has shown that access to blended working, with a mixture of both home and office working, is now possible due to technological advances.

West Lothian Council therefore agrees to conduct an audit of people's experiences of home working during the Covid-19 pandemic. This will include eliciting people's personal experiences and will also include dialogue with Trade Unions. Council agrees to bring forward a report, at the earliest opportunity, outlining future opportunities for blended working, where possible, across all disciplines working within West Lothian Council.

West Lothian Council also agrees to write to both the Scottish Government and the Westminster Government seeking assurance that the health and well-being of the working population is a priority and further request that serious consideration is given to implementing policy which makes it easier for a blended model of working to be enacted where this has the potential to improve lives, enhance health and well-being and strengthen work / life balance”.

- Moved by Councillor Janet Campbell and seconded by Councillor Sarah King

Amendment

“Council agrees that it fully accepts its statutory responsibilities as regards the health and wellbeing of its staff.

Council notes that it is the case that since the start of lockdown on 23 March 2020 a significant number of council employees have been working from home and continue to do so. Staff have been provided with the technology and equipment which allows them to continue to deliver council services from home, whilst also ensuring that managers and staff can maintain regular contact with each other.

To support employees working from home for all or part of their week, the council suspended the flexi-time scheme in recognition of the fact that, particularly where employees were managing childcare during school closures or had other caring responsibilities, it was not always easy for employees to meet their normal working hours. This arrangement recognised the need for flexibility whilst acknowledging the work conducted over and above normal working hours by some employees in response to the unprecedented circumstances.

These homeworking arrangements have also demonstrated the benefits that might be realised from continued homeworking arrangements with some services reporting improvements in productivity and a reduction in sickness absence.

A survey of homeworking staff was conducted in April and responses indicated that the majority of staff had settled well into the homeworking routine and were able to use the technology provided to them to access council systems to facilitate delivery of council business and to communicate with customers and colleagues.

The homeworking arrangements will continue while the council conducts a council wide review of home and flexible working. The review will include consideration of how the council could support homeworking going forward through use of advancing technology.

Members are asked to note that as part of the review the council is gathering benchmarking information from other Scottish Local Authorities, a number of whom are also in the process of developing new approaches to flexible working. To inform the review, the council also intends to seek the views of employees and managers to understand their experiences of homeworking during the COVID-19 pandemic by conducting a survey of all those currently homeworking.

Members are asked to agree that in reviewing the flexible working arrangements, council seeks to provide options that will improve service and customer performance and encourage a committed and flexible workforce who are supported to deliver critical services while maintaining a work-life balance. Also, that we recognised trade unions will be consulted on any proposals brought forward as a result of the review.

Members are also asked to agree that a report will be brought to Council Executive at the earliest date”.

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

Councillor Damian Timson and Councillor Lawrence Fitzpatrick agreed that the following be incorporated into the amendment :-

That in the last paragraph of the amendment it would say “Members are also asked to agree that a report will be brought to Partnership and Resources PDSP and Council Executive at the earliest date”

A roll call vote was taken. The result was as follows :-

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moir Shemilt
David Tait

Amendment

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

Decision

Following a vote, the amendment was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

10, NOTICE OF MOTION - WHITBURN ACADEMY - SUBMITTED BY COUNCILLOR DAVID DODDS

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

“Council congratulates Whitburn Academy on becoming the first secondary school in Scotland to achieve a Reading Schools Gold level award. This reflects the drive and determination to embed a reading culture in Whitburn Academy.

This follows hard on the heels of Whitburn Academy winning the COSLA award in the Tackling Inequalities and Improving Health category and the First Minister’s prize for reading.

In addition to these successes, attainment levels of students at Whitburn Academy have continued to rise this year building on improvements over the past few years.

The award is a testament to the hard work and enthusiasm of the students at Whitburn Academy, the fantastic support provided by their families, and the dedication and hard work of the teaching and non-teaching staff.

Council instructs the chief executive to write to the Head Teacher of Whitburn Academy congratulating her on the school's achievement."

Decision

To unanimously approve the terms of the motion.

11. NOTICE OF MOTION - THIRD SECTOR - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

"Council recognises the invaluable contribution of the Third Sector in responding to the needs of our communities during the Covid-19 pandemic Council notes that the Voluntary Sector Gateway and the West Lothian Social Enterprise Network, along with local charities, social enterprises, community groups and individuals have acted with an incredible agility and flexibility to support West Lothian citizens at a time of unprecedented need and stress.

Council further acknowledges the commitment of the Third Sector to partnership working with community partners including West Lothian Council as evidenced through joint projects such as the deliver of care for keyworker children, the delivery of PPE to carers, and the delivery of provisions and meals to those unable to access food (these projects were cited at the recent Third Sector Covid-10 Recovery Summit)

Council commends the Third Sector on its efforts and ongoing support and expresses gratitude to all those who have come forward to offer assistance."

Decision

To unanimously approve the terms of the motion

12. NOTICE OF MOTION - WASPI WOMEN - SUBMITTED BY COUNCILLOR KIRSTEEN SULLIVAN

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

"The Council calls upon the UK Government to make fair transitional state pension arrangements for all women born on or after 6th April 1950, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification. This translates into a 'bridging' pension to provide an income until State Pension Age – not means-tested - and with recompense for losses for those women who have already reached their SPA. There are no specific age groups within the period

mentioned above that are favoured above others.

3.8 million women had significant pension changes imposed on them by the Pensions Acts of 1995 and 2011 with little/no personal notification of the changes. Some women had only two years notice of a six-year increase to their state pension age.

Many women born in the 1950's are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment. Women born in this decade are suffering financially. These women have worked hard, raised families, and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time. The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

The Council calls upon the UK Government to reconsider transitional arrangements for women born in the 1950s, so that women do not live in hardship due to pension changes they were not told about until it was too late to make alternative arrangements”.

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

Amendment

West Lothian Council agrees that the decision to equalize the state pension age for men and women addresses the long standing inequality between men and women's state pension age. Council notes that the new state pension age of 66 becomes law on 6 October 2020.

Pension rules were changed in 1995 so that women were no longer treated more preferentially than men. During the Blair / Brown years, the Labour government decided that a state pension age fixed at 65 was no longer affordable or sustainable. The Pensions Act 2007 introduced an increase in state pension age to ages 66, 67, & 68.

The coalition government brought in further changes under the Pensions Act 2011 which accelerated the equalization of women's state pension age and brought forward the increase in men and women's state pension age to 66 by 2020.

Pressure groups like Back to Sixty and WASPI have continuously tried and failed to make pension changes back to sixty or make compensation payments to women. In one High Court ruling the case on the grounds gender discrimination was dismissed and also lost out again on appeal. Many women had cruelly been led to believe they could claim

compensation for many years and contributed towards legal funding. These pressure groups continue to offer false hopes after being repeatedly advised there is no case to answer to.

Claims that the women had not been notified of changes were dismissed after government showed that in 1995 advertising campaigns and leaflets were produced and those affected by the 1995 Act were sent individual letters informing them of the change. Between 2009 and 2011 letters were sent to 1.2 million women and those affected by the Pensions Act 2011 were sent letters between 2012 and 2013 which involved 5 million letters and leaflets. This evidence was accepted by court.

There are 1.2 million people over the age of 65 currently in employment. This is something to be celebrated. Experienced workers have the capacity to teach younger people in the workplace and play a valuable part in our economy. Women now under the age of 66 are still classed as working age adults and this is significant in making lifestyle changes with regards to non-paid work. Caring responsibilities and providing childcare for grandchildren should not be taken for granted and these women deserve support. However, this is not a pension's issue.

The Labour manifesto of 2019 said there would be an allocation of £58 billion towards the impact of the 1995 Pensions Act. This payout proposed essentially reintroduces the very same discrimination they were trying to eliminate. There could be a legal claim by men in a notionally similar position claiming they are being unfairly discriminated against on the grounds of gender. (If so, the £58 billion becomes £116 billion!).

The state pension must be maintained on an affordable footing for future generations of pensioners and tax payers. It is right to ensure that as we live longer that people have security and dignity in later life when we retire. That is why the Government will continue to provide support for people in later life, including the triple lock and maintaining universal benefits such as the winter fuel payment. The state pension is now over £1,600 a year higher than in 2010. The triple lock meant an increase of 3.9% in pension for 2020.

West Lothian Council will write to the UK Government to give support for taking the difficult but necessary decisions required to bring our pensions into line with equality laws and supporting longer lives.

- Moved by Councillor Alison Adamson and seconded by Councillor Peter Heggie

A roll call was taken. The result was as follows :-

Motion

Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Harry Cartmill
Pauline Clark

Amendment

Alison Adamson
Bruce Fairbairn
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr

Tom Conn
Robert De Bold
Jim Dickson
David Dodds
Angela Doran
Lawrence Fitzpatrick
Carl John
Dave King
Sarah King
John McGinty
Andrew McGuire
Dom McGuire
Andrew Miller
George Paul
Moir Shemilt
Kirsteen Sullivan
David Tait

Damian Timson

Decision

Following a vote, the motion was successful by 23 votes to 7, with 2 members absent, and it was agreed accordingly.

13. NOTICE OF MOTION - PANDEMIC RESPONSE - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council records its immense appreciation to all their staff for their outstanding contribution to serving the West Lothian community over the lockdown period.

Council agrees the ingenuity and sheer effort for all the staff in continuing the provision of vital services over the period had been inspirational and uplifting.

The “can do” approach of trade unions and all staff has ensured that despite restrictions on social distancing and the raft of Covid-19 criteria issued by Scottish Government, staff have demonstrated a willingness to go that extra mile to support our residents and businesses.

Council also puts on record its huge thanks to the many volunteers who gave their time to deliver meals, food, prescriptions as well as broad assistance.”

Decision

To unanimously approve the terms of the motion.

14. NOTICE OF MOTION - PANDEMIC COSTS - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council notes that the Covid-19 pandemic presented unprecedented challenges for individuals, communities, organisations and businesses in West Lothian. With an understanding of the local community and its needs, the council has provided essential support and delivered services, including ensuring that national arrangements have been implemented, adapted and matched to local circumstances.

As the council continues to lead the local response to the pandemic, West Lothian Council calls on the Scottish Government to acknowledge the significant additional associated costs being incurred by the council and to act now to ensure that sufficient funding is provided to the council, in particular, the council calls on the Scottish Government to immediately release all outstanding funding to the council, for areas such as loss of income, the council tax reduction scheme, school logistical support and health and social care. The council also calls on the Scottish Government to ensure that all local government associated Barnett Consequentials are fully allocated to support councils in Scotland.

Council notes that the pandemic has had a very significant impact on council finances across all 32 authorities in Scotland. Councils were already experiencing severe financial constraints, with expenditure pressures such as the demographic challenges of a rapidly increasing elderly population with more complex care requirements being exacerbated by the pandemic and the ongoing problem of insufficient funding from the Scottish Government. Recognising that the effect of the pandemic will be felt for some time to come, Council calls on the Scottish Government to ensure an appropriate, fair and properly funded local government finance settlement for 2021/22 to allow the council to continue to respond to the challenges from the pandemic whilst delivering core services which are valued by our local communities.”

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

Amendment

“West Lothian Council SNP Group are rather bemused and confused by the Labour Group motion, saying the Council are leading the response and calling on the Scottish Government to ‘immediately release all outstanding funding to the council.

Firstly, this Council has not spent a single penny of its budget tackling the pandemic. It has provided no additional funding, from its own resources, to the heroic efforts of the Third Sector during this pandemic. As the so called 4th Emergency Service, this Council has been found wanting by the

court of public opinion, and this Council has been a let-down with regards to its response to this unprecedented pandemic. AS every current projection and analysis shows, the financial implications for most people will be catastrophic and affects many peoples' lives. Meanwhile, this Council has stood aloof and done nothing to alleviate the pending financial disaster facing our constituents nor, to fully support our Third Sector financially. We have already accepted and praised our workforce for the tremendous work they are doing in delivering core services and volunteering, but we, as a Council cannot by any stretch of the imagination claim to be "leading the local response to the pandemic".

Secondly, whilst claiming an increase in costs 'dealing' with the pandemic this Council has, since the start of the pandemic, increased its reserves from £2M to almost £3M, has accepted £505K from the Scottish Government for free school meals and is holding this as a contingency to 'cover potential food costs over the remainder of the year' and had around £3,144M in the Modernisation Fund which it doesn't need this year. In total this Council has access to over £6,5M, surplus to its needs for this financial year, not including Millions lying in Insurance Funds which have not been touched for over 10 years. Furthermore, the Labour Group agreed to allocate almost £18M from the £28.5M saved from reprofiling the loans repayments to the Modernisation Fund rather than to safeguard or develop services that would benefit our communities. With these reserves 'for a rainy day', unforeseen circumstances, is it any wonder that the Council is in danger of being seen as a pariah, profiting from the pandemic. If a pandemic is not seen as 'a rainy day', then we would hope to avoid the Armageddon which qualifies for this Council to utilise its reserves for the benefit of our communities.

It is apparent to the SNP Group that this Council is being led and driven by officers during this pandemic rather than by political leadership.

The SNP Group therefore calls on Council to

- Request officers to prepare a report on how our reserves and any currently uncommitted funding can be utilised to mitigate the financial pressures on our constituents, support our Third Sector in their endeavours to continue to provide the much-needed food parcels, meals etc, and to put this money into our local economy helping to safeguard local employment. This report to be presented to the next full Council to take any decisions.
- This report to include how this Council can ease the financial burden on our constituents by allowing a rent and Council Tax free 'holiday' period, preferably over the Christmas period.
- Moved by Councillor Frank Anderson and seconded by Councillor Janet Campbell.

A roll call vote was taken. The result was as follows :-

Motion

Amendment

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

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Carl John
Sarah King
Andrew Miller
Moir Shemilt
David Tait

Decision

Following a vote, the motion was successful by 19 votes to 11, with 2 members absent, and it was agreed accordingly.

15. NOTICE OF MOTION - MR ANDY MOUNT, LIVINGSTON - SUBMITTED BY COUNCILLOR LAWRENCE FITZPATRICK

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

“Council noted with appreciation the retiral of Andy Mount from the Fair Trade Group. His service to the Livingston community and wider community on the Fair Trade Initiative has been outstanding.

This extended to Fair Trade products appearing in local supermarkets and shops in our schools.

His endeavours and dedication assisted Livingston attain Fair Trade status in 2006, the first new town in the UK to attain this accolade.

Sadly, ailing health had forced Andy to step back from these highly commendable voluntary activities.

Council records its gratitude and requests the Provost to write to Andy to this end.”

Decision

To unanimously approve the terms of the motion.

16. NOTICE OF MOTION - SPEED REDUCTION MEASURES - SUBMITTED BY COUNCILLOR BRUCE FAIRBAIRN

The Council considered a Notice of Motion (copies of which had been circulated) submitted by Councillor Bruce Fairbairn in the following terms :-

“West Lothian Council will monitor the impact of the temporary speed restrictions on vehicle drivers including accident statistics, traffic convictions and complaints, to use these results to assess future speed reduction measures in place of the current measure of "no serious accidents have been recorded" which prevents speed reduction measures being implemented at present”

- Moved by Councillor Bruce Fairbairn and seconded by Councillor Peter Heggie

First Amendment

“Council notes that since 2007/08 through the **Council Casualty Reduction Programme** that speed reduction measures are only installed through the casualty reduction programme. The investigation/analysis work undertaken through this process involves using the recorded injury accident data collected by the police to identify sites for concern and analyse crash patterns to develop remedial measures. The process is used nationally and is endorsed by the Royal Society for the Prevention of Accidents (RoSPA) through its Road Safety Engineering Manual.

Permanent speed limits are set consistently across the country to meet road users’ expectations; therefore, all speed limit reviews are carried out in accordance with Transport Scotland published guidance. When setting or reviewing speed limits on public roads this assessment process takes into account numerous factors such as road hierarchy, character, development, speed assessment, accident history and consultation to review and set speed limits.

On 28th April, the Cabinet Secretary Michael Matheson announced a funding stream for **Spaces for People**, a temporary infrastructure programme in Scotland which offers funding and support to make it safer for people who choose to walk, cycle for essential trips and exercise during COVID-19.

There was a “bid-in” process for the original £10m that comprised 9 funding streams.

All projects had to be submitted to and approved by Sustrans.

Temporary 20mph and 40mph speed restrictions were identified as a temporary way to assist in the delivery of safer environments post lockdown and will be initially in place for a period of 18 months from 16th July 2020. These temporary speed restrictions will be removed upon changes to ongoing Scottish Government COVID Guidance whereby these temporary speed limits will revert back to their original speed limits.

In conclusion, Council instructs the Chief Executive, or designated officer, to submit a report to the Environment PDSP on the effectiveness of all the temporary measures implemented as part of the Spaces for People initiative on a 6-monthly basis, with the first report being submitted 2nd February 2021. Any measures that are considered to be made more permanent then they would have to go through a formal review process.”

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

Second Amendment

“The SNP Group recognise the Motion and would support measures to monitor temporary speed restrictions but would also support wider measures within the AIP Scheme to monitor and assess all future incidents/accidents that fall out with the measure of “no serious accidents recorded”.

We have highlighted in the past that the Accident Incident Prevention Scheme does not go far enough in recognising that accidents/incidents which have happened and do not result in fatalities do not necessarily recognise the potential for further serious and life changing harm and are not recorded as such.

Therefore, West Lothian Council should monitor and assess temporary schemes of speed restrictions including these measures within the AIP Scheme plus the inclusion of lamppost repair/replacement, crash barrier repairs, structural repairs of masonry all caused by speeding or unsafe driving of vehicles and use these results to assess future speed reduction for the means of prevention of potential and serious accident/incidents”.

Prior to securing a seconder to her amendment Councillor Diane Calder intimated that she would consider a composite motion with that moved by Councillor Fairbairn. The amended motion was therefore agreed as follows :-

“West Lothian Council will monitor the impact of the temporary speed restrictions on vehicle drivers including accident statistics, traffic convictions and complaints, to use these results to assess future speed reduction measures in place of the current measure of "no serious accidents have been recorded" which prevents speed reduction measures being implemented at present.

We have highlighted in the past that the Accident Incident Prevention Scheme does not go far enough in recognising that accidents/incidents which have happened and do not result in fatalities do not necessarily recognise the potential for further serious and life changing harm and are not recorded as such.

Therefore, West Lothian Council should monitor and assess temporary schemes of speed restrictions including these measures within the AIP Scheme plus the inclusion of lamppost repair/replacement, crash barrier repairs, structural repairs of masonry all caused by speeding or unsafe

driving of vehicles and use these results to assess future speed reduction for the means of prevention of potential and serious accident/incidents.”

-

A roll call vote was taken. The result was as follows :-

Motion

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Bruce Fairbairn
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moir Shemilt
David Tait
Damian Timson

Motion

Alison Adamson
Frank Anderson
Stuart Borrowman
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Jim Dickson
Bruce Fairbairn
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Sarah King
Andrew Miller
Moir Shemilt
David Tait
Damian Timson

Decision

Following a vote, the motion was successful by 19 votes to 11, with 2 members absent, and was agreed accordingly.

17. NOTICE OF MOTION - NUCLEAR FREE - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian Council SNP Group are proud of this Council’s affiliation to the Nuclear Free Local Authorities Association and its continuous efforts to curtail the proliferation of Nuclear in our society. However, the SNP Group are concerned that the apparent regular and unreported transport of WMD and nuclear material through West Lothian endangers the lives of our residents. This movement of nuclear material within West Lothian makes a mockery of this Council declaring itself to be nuclear free.

The SNP Group calls on Council to:

- Request the relevant officers to prepare a report, for next Council meeting, detailing how we can insist in being notified, in advance,

of any intention to transport WMD or nuclear material through West Lothian

- The report to detail any legal options available to this authority to prohibit these transport convoys from travelling through West Lothian to and from Faslane”
- Moved by Councillor Frank Anderson and seconded by Councillor Carl John

First Amendment

“Council applauds all efforts of those who strive to uphold peace and work towards reducing international conflict and ideally a world where all nations agree to eliminate nuclear weapons.

However, it is accepted that council has no legal avenue to insist from the Ministry of Defence, detailed information or the timing of routes of transportation of military convoys carrying defence nuclear material.

Council also accepts that it would be an act of sheer folly and increased risk to the public to bring such information into the public domain.”

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

Second Amendment

“The ambition to have a world free of nuclear weapons is one that is no doubt shared by all.

However, until a multilateral nuclear disarmament status can be achieved, it is quite correct that as part of our commitment to NATO a nuclear deterrent is provided by Great Britain as has been the case for a number of decades.

This deterrent has been the deciding factor in ensuring the world has not suffered a nuclear war and at a time when it is reported Russia is expanding its nuclear weapon capability it is nothing short of reckless to unilateral disarm NATO’s nuclear weapon capability.

In all the time nuclear materials have been transported across the UK there has not been one instance of risk to the public through this.

It is nonsensical to suggest that Councillors be notified in advance of any transportations of nuclear material or nuclear weapons and as is the case across the country, West Lothian Council will leave this skilled work in the hands of the experts. All nuclear arms movements are coordinated with local police forces who have the responsibility of safeguarding the local population.

Therefore, the above is noted and West Lothian Council will continue to support the Government National Security Strategy which operates an NCND policy (Neither Confirm nor deny). All nuclear arms movements are

coordinated with Police Scotland who have the responsibility of safeguarding the local population.”

Prior to securing a seconder for his amendment Councillor Timson indicated that he would agree a composite amendment and Councillor Fitzpatrick intimated that he would incorporate the last three paragraphs of Councillor Timson’s amendment into his own amendment. Councillor Timson agreed to this course of action so the following was agreed :-

Amendment

“Council applauds all efforts of those who strive to uphold peace and work towards reducing international conflict and ideally a world where all nations agree to eliminate nuclear weapons.

However, it is accepted that council has no legal avenue to insist from the Ministry of Defence, detailed information or the timing of routes of transportation of military convoys carrying defence nuclear material.

Council also accepts that it would be an act of sheer folly and increased risk to the public to bring such information into the public domain.”

In all the time nuclear materials have been transported across the UK there has not been one instance of risk to the public through this.

It is nonsensical to suggest that Councillors be notified in advance of any transportations of nuclear material or nuclear weapons and as is the case across the country, West Lothian Council will leave this skilled work in the hands of the experts. All nuclear arms movements are coordinated with local police forces who have the responsibility of safeguarding the local population.

Therefore, the above is noted and West Lothian Council will continue to support the Government National Security Strategy which operates an NCND policy (Neither Confirm nor deny). All nuclear arms movements are coordinated with Police Scotland who have the responsibility of safeguarding the local population.”

-

A roll call vote was taken. The result was as follows :-

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Carl John
Andrew Miller
Moira Shemilt
David Tait

Amendment

Alison Adamson
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Bruce Fairbairn
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy

Abstain

Stuart Borrowman

Tom Kerr
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 18 votes to 9, with 1 abstention, and 4 members absent, and it was agreed accordingly..

18. NOTICE OF MOTION - INTERNAL MARKET - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian Council SNP Group believes that all members of this Council are elected to represent the views of the people we were elected to represent. Normally we would leave national events to other elected politicians. However, the SNP Group fervently believe that this Council could not stand idly by whilst the Westminster government blatantly puts forward, for debate, legislation which categorically breaks International Law. It is inconceivable that any democratic legislature, which makes laws, can consider breaking International laws for its own selfish partisan reasons. As elected politicians we are all expected by our electorate, the court of public opinion, to respect and uphold the law.

The SNP Council Group urges this Council to condemn the Conservative Westminster government for bringing forward the ‘Internal Market’ bill, realising it will break International law and jeopardise the Good Friday agreement. The impression given by this tactic could be seen either as ‘bully boy’ tactics or a hankering for the days of the Empire. There is no place in today’s international society for any country which deliberately and flagrantly sets out to break International laws.

Therefore, Council will

- Write to the PM expressing our total opposition to his proposed Bill and urging him to withdraw it
- Send a copy of this motion to the FM requesting that the Scottish Government does all in its powers to oppose this Bill.
- Moved by Councillor Frank Anderson and seconded by Councillor Pauline Clark

Councillor Fitzpatrick, who had an amendment to the motion, intimated

that he would be willing to agree a composite motion. Thereafter, the following was agreed :-

“West Lothian Council fervently believes that all members of this Council are elected to represent the views of the people we were elected to represent. Normally we would leave national events to other elected politicians. However, the SNP Group fervently believe that this Council could not stand idly by whilst the Westminster government blatantly puts forward, for debate, legislation which categorically breaks International Law. It is inconceivable that any democratic legislature, which makes laws, can consider breaking International laws for its own selfish partisan reasons. As elected politicians we are all expected by our electorate, the court of public opinion, to respect and uphold the law.

Council notes with regret the decision by the UK Government for bringing forward the ‘Internal Market’ Bill, clearly understanding that it will breach International law and jeopardise the Good Friday agreement. Members share serious concerns that the Bill, allied to any agreements which may or not be agreed with the European Union reduce UK’s standing in the international community and potentially cause grave harm to our economy and jobs.

Therefore, Council will

- Write to the PM expressing our total opposition to his proposed Bill and urging him to withdraw it
- Send a copy of this motion to the FM requesting that the Scottish Government does all in its powers to oppose this Bill.

-

Amendment

“As has become evident over recent years, the SNP have no regard to the well-being, the health or the economy in Scotland. All the SNP wish for is separatism at any cost and this has been demonstrated recently with SNP MSP candidates stating the most important issue at this time is independence; not health, not the economic recovery out of the pandemic, not what United Kingdom we have once we leave the EU, but independence, that is all the SNP care about.

By introducing the internal market, common frameworks will protect the UK Internal Market. They do this by providing high levels of regulatory coherence in specific policy areas through close collaboration with devolved administrations to manage regulation.

The UK Government is protecting over half a million Scottish jobs by ensuring there are no barriers to trade with the rest of the UK. The SNP are trying to break up the UK internal market and put those livelihoods at risk.

In 2018, Michael Russell agreed for the need of a common frameworks

agreement across the UK

Over 100 more powers are coming to Holyrood while not a single one is being removed. The SNP want to hand control of all new powers straight back to Brussels.

The following organisations have spoken out in support of the Internal Market, each stating the benefit it will have to jobs and the economy in Scotland; CBI, Scottish Retail Consortium, Oil & Gas UK and Quality Meat Scotland.

The Internal Market will protect jobs in Scotland and improve the economy in Scotland, the SNP on West Lothian should be pressing their leaders in Holyrood to work with the UK Government and not against it.

Sixty per cent of our trade is with the rest of the UK – worth over £50 billion. Scottish exports to the rest of the UK are worth £51.2 billion against £16.6 billion in EU exports and £17.7 billion to the rest of the world

Therefore, the Chief Executive of West Lothian Council is to write to the First Minister and express the wish of West Lothian Council that the Scottish Government reverses it's decision taken a year ago to withdraw from the UK Internal Market discussions and work with the UK Government in order to achieve the best outcomes for West Lothian and Scotland when we leave the EU".

- Moved by Councillor Damian Timson and seconded by Councillor Bruce Fairbairn

A roll call vote was taken. The result was as follows :-

<u>Motion</u>	<u>Amendment</u>	<u>Abstain</u>
Frank Anderson	Alison	Stuart Borrowman
Diane Calder	Bruce Fairbairn	
Janet Campbell	Peter Heggie	
Harry Cartmill	Chris Horne	
Pauline Clark	Charles Kennedy	
Tom Conn	Tom Kerr	
Robert De Bold	Damian Timson	
David Dodds		
Angela Doran		
Lawrence Fitzpatrick		
Carl John		
Dave King		
John McGinty		
Andrew McGuire		
Dom McGuire		
George Paul		
Moir Shemilt		
Kirsteen Sullivan		

David Tait

Decision

Following a vote, the motion was successful by 19 votes to 7, with 1 abstention and 4 members absent and it was agreed accordingly.

19. NOTICE OF MOTION - LOCAL AUTHORITY LOTTERY - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian Council SNP Group extend our thanks and appreciation to the many voluntary groups and charities which immediately ‘rose to the challenge’ right from day one of this Covid pandemic, ignoring the possible financial consequences for their organisations. The SNP Group are concerned that the Budget available each year for distribution between these groups is diminishing. Without government resilience funding this year, many could have ‘gone to the wall’, The reduction in grants combined with the cancellation of fundraising events means that income generation for local charities and good causes has been devastated

The SNP Group therefore call on Council to launch a ‘local authority lottery’ as a tool for community income generation, to enable more funding to be available for distribution amongst West Lothian’s incredibly hard working groups supporting our communities.

As an initial step, Council agrees to,

- Request officers prepare a report, for the next Council meeting, on the options available for such a venture using as an initial benchmark the Gatherwell option
- Set up a meeting with voluntary organisations, via an open invitation, to discuss initiating a West Lothian lottery and the role of both the Council and the voluntary organisations in its operation and success.
- Report back to next Council meeting, following the initial discussions, on the options best suited to maximise the income for community groups based in West Lothian.
- Review the partnerships and work of the Council with third sector organisations, post Covid-19. Report back to the Voluntary Organisations PDSP the outcome of the review, within 2 months. This review to form the initial consultation and discussions on the way forward for West Lothian with its local partners.

- Moved by Councillor Frank Anderson and seconded by Councillor Moira Shemilt

Amendment

“Council recognises that there are many nationwide (both at UK and Scottish level) lotteries which raise funds for various good causes and have considerable prize funds including National Lottery, Euromillions, Postcode Lottery, Scottish Children’s Lottery, Scottish Heritage Lottery, Scottish Air Ambulance Lottery and Scottish SPCA Lottery.

Council notes that the Gambling Act of 2005 empowers local authorities to promote and facilitate a lottery to cover anything for which they have the power to incur expenditure; to do so they must apply to the Gambling Commission for an operating license. Council appreciates that gambling law is complex and there are onerous legal requirements in relation to local authority lotteries. Where an External Lottery Manager (ELM) is employed to run all or part of a local authority lottery, the local authority as holder of the lottery license is ultimately responsible for compliance with the conditions of the operating license and the law regarding the operation of such a lottery. There are also ongoing costs such as an annual operation fee and marketing expenditure, all of which can be subtracted from the proceeds thereby reducing the fundraising amount.

Council notes that 86 local groups in West Lothian currently operate their own lotteries for fund raising purposes and are registered with the Council as small society lotteries. Council further notes that the requirements imposed by legislation on small society lotteries are significantly less onerous than those for local authority lotteries.

Council acknowledges that there is a thriving Third Sector within West Lothian, with representatives such as the Voluntary Sector Gateway (as the local Third Sector Interface) and the Third Sector Strategy Group (TSSG) regularly organising local events such as funding fayres, and that the sector has both the agency and ability to come together to address common issues and seek opportunities, and also to operate a local lottery should they wish to do so.

Council commends the West Lothian Third sector for its tremendous response to the Covid-19 pandemic both in its delivery of services and in its commitment to partnership working to deliver those services. Council agrees that Third Sector organisations should not have to rely on precarious funding models and that sustainable investment should be made in the sector by the Scottish Government to reflect the value of the services they deliver to support our local communities, instead of cuts to local authority budgets which have in turn reduced support to the sector, as most recently seen in Glasgow City Council.

Council notes the report to the Voluntary Organisations PDSP on 24th September 2020 on the West Lothian response to Covid-29, detailing the partnership working between council service areas, Third Sector organisations and other community partners to meet the needs of our

local communities at a time of unprecedented demand. A full update will also be presented to the Community Planning Partnership Board on Wednesday 30th September 2020 spanning a number of partnership areas.

Council instructs officers:

- To consult with local Third Sector representatives as to their desire to set up a community lottery and report back to a future Voluntary Organisations PDSP.
 - To contact the Improvement Service for an update on any work undertaken to investigate local authority lotteries and bring a report to a future Voluntary Organisations PDSP.
 - To bring a report to a future Voluntary Organisations PDSP on the experience/ progress of the community council lottery in Darvel, East Ayrshire”
- Moved by Councillor Kirsteen Sullivan and seconded by Councillor Andrew McGuire

A roll call vote was taken. The result was as follows :-

Motion

Alison Adamson
Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold
Peter Heggie
Chris Horne
Carl John
Charles Kennedy
Tom Kerr
Moira Shemilt
David Tait
Damian Timson

Amendment

Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds
Angela Doran
Lawrence Fitzpatrick
Dave King
John McGinty
Andrew McGuire
Dom McGuire
George Paul
Kirsteen Sullivan

Decision

Following a vote, the motion was successful by 14 votes to 12, with 6 members absent and it was agreed accordingly.

20. NOTICE OF MOTION - WINTER SERVICE PLANNING - SUBMITTED BY COUNCILLOR FRANK ANDERSON

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

“West Lothian Council SNP Group note that with the continuing Covid

pandemic and the threat of a second wave, we need to update our winter plans to cope with the possible restrictions around Covid. As local elected members are knowledgeable about their areas, their input into any planning would be invaluable. As we normally operate the service from the 31st of October, the Council should be consulting on any necessary changes/additions that are needed to ensure our Service continues to operate as efficiently as possible.

We pass on our thanks to all the staff involved in the great job they have done to keep West Lothian moving in what can be described as extreme conditions on many occasions and know that they will continue to provide an excellent service even under the trying restrictions possibly presented by this pandemic.

SNP Group therefore calls on Council to

Prepare a report on the contingency plans for the winter service and present to the relevant PDSP and Council Executive prior to its publication.”

- Moved by Councillor Frank Anderson and seconded by Councillor Diane Calder

Amendment

The Council's statutory responsibilities regarding the Winter Service are defined in Section 34 of the Roads (Scotland) Act 1984, which requires “that a road authority shall take such steps as it considers reasonable to prevent snow and ice endangering the safe passage of pedestrians and vehicles over public roads”.

The Code of Practice recommends that councils should review and approve their Winter Service Plan annually.

Council notes the current Winter Service Plan was approved by Council Executive on 8th October 2019.

Council is asked to note that the 2020/21 Winter Service will be presented to Council Executive on 6th October 2020 and will include contingency plans deemed necessary to cope with any COVID 19 restrictions and any necessary changes/additions raised with Roads and Transportation by elected members as feedback from the 2019 Winter Service Plan.

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

A roll call vote was taken. The result was as follows :-

Motion

Frank Anderson
Diane Calder
Janet Campbell
Pauline Clark
Robert De Bold

Amendment

Alison Adamson
Stuart Borrowman
Harry Cartmill
Tom Conn
David Dodds

Carl John
Moir Shemilt
David Tait

Angela Doran
Lawrence Fitzpatrick
Peter Heggie
Chris Horne
Charles Kennedy
Tom Kerr
Dave King
John McGinty
Dom McGuire
George Paul
Kirsteen Sullivan
Damian Timson

Decision

Following a vote, the amendment was successful by 17 votes to 8, with 7 members absent and it was agreed accordingly.

21. TREASURY MANAGEMENT ANNUAL REPORT 2019/20

The Council considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of the activities and results of treasury management operations for the year to 31 March 2020 and to ask Council to approve revised investment counterparty limits for 2020/21.

It was recommended that the Council :-

1. Notes the report in Appendix 1 on the treasury management operations for 2019/20;
2. Notes the exercise of the Head of Finance and Property Services' delegated treasury management powers; and
3. Approves amendments to the council's investment counterparty limits to help facilitate the retention of increased cash balances during the Covid-19 pandemic.

Decision

To approve the terms of the report

22. DOCUMENTS FOR EXECUTION

The Chief Solicitor presented 192 documents for execution.

23. APPEAL ON DUALLING OF A801 - QUESTION TO EXECUTIVE COUNCILLOR FOR DEVELOPMENT & TRANSPORT - SUBMITTED BY COUNCILLOR STUART BORROWMAN

A question to the Executive Councillor for Development and Transport, Councillor Cathy Muldoon, was submitted by Councillor Stuart Borrowman in the following terms :-

“ A recent (9 July 2020) DPEA decision upheld an appeal by a developer against an obligation imposed by the Council to contribute to the dualling of part of the A801.

1. What lessons are to be drawn from the Reported not supporting the Council's position ?
2. How much is the anticipated financial loss should the development go ahead ?
3. What are the implications for the upgrading of this road ?

In the absence of Councillor Muldoon, Councillor Tom Conn provided a verbal answer to the written question.

Councillor Borrowman indicated he wished to put a supplementary question as provided for in Standing Orders. He did so and Councillor Conn provided a verbal answer to the supplementary question.

Decision

1. To note the question put and the verbal answer given; and
2. To note the supplementary question put and the verbal answer given.

24. PANDEMIC COSTS - QUESTION TO LEADER OF THE COUNCIL - SUBMITTED BY COUNCLLLOR DAMIAN TIMSON

A question to the Leader of the Council, Councillor Lawrence Fitzpatrick, was submitted by Councillor Damian Timson in the following terms :-

“To date what the figure West Lothian Council have spent due to the Covid-19 pandemic and the extra demands on the Council and what extra had been received from the Scottish Government to cover this ?”

Councillor Fitzpatrick provided a verbal answer to the written question and undertook to circulate additional detailed figures to members after the meeting.

Councillor Timson indicated he wished to put supplementary questions to Councillor as provided for in Standing Orders. He did so and Councillor Fitzpatrick undertook to provide further information after the meeting.

Decision

1. To note the question put and the verbal answer given; and

2. To note the supplementary question put and that Councillor Fitzpatrick undertook to provide an answer after the meeting.



Chief Executive Office

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

Our Ref: CEO/MH
Your Ref:

**Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk**

Private and Confidential
The Rt Hon. Nicola Sturgeon MSP
First Minister
T4.25
The Scottish Parliament
Edinburgh
EH99 1SP

5 October 2020

Dear First Minister

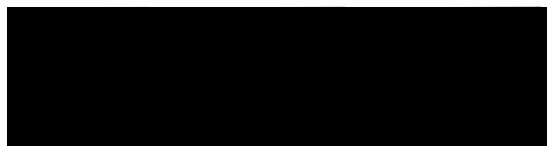
COVID-19 Pandemic Costs

A meeting of West Lothian Council was held on 29 September 2020, at which the above matter was discussed.

The COVID-19 pandemic has presented unprecedented challenges for individuals, communities, organisations and businesses in West Lothian. The council continues to lead the local response to the pandemic, which has had a significant financial impact on the council's finances which were already under severe constraints and expenditure pressures.

I attach a copy of the agreed Notice of Motion for your consideration.

Yours sincerely



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

Mr A Mount
55 Talisman Rise
Livingston
EH54 6PL

5 October 2020

Dear Andy

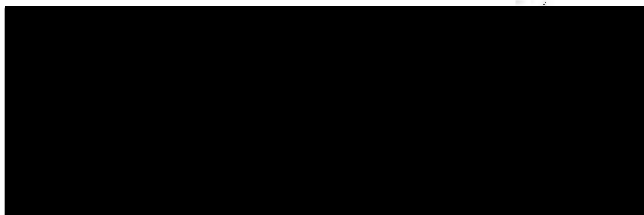
I am writing on behalf of West Lothian Council and the People of West Lothian to commend you for your excellent work promoting Fair Trade in West Lothian for over 20 years.

Your dedication to the Fair-Trade movement has resulted in significant positive outcomes among private, public and voluntary sectors promoting the selling and purchasing of Fairtrade products.

We are grateful for all your efforts with the Fair Trade Steering Group and all you achieved for farmers and small business suppliers across the world, including your contribution towards Livingston being the first New Town to attain Fair-Trade Status in 2006.

Please accept my thanks and very best wishes for a long and happy retirement.

Yours sincerely



Provost Tom Kerr

DATA LABEL: PUBLIC

Corporate Services



The Right Honourable Dr Thérèse Coffey
Secretary of State for Dept of Work and Pensions
House of Commons
London
SW1A 0AA
(sent by email)

Committee Services
Carol Johnston
Chief Solicitor

Civic Centre
Howden South Road
Livingston
West Lothian
EH54 6FF
e-mail: val.johnston@westlothian.gov.uk

Contact: Val Johnston
Tel: 01506 281604

6 October 2020

Dear Minister

WASPI WOMEN

At a meeting of West Lothian Council held on 29 September 2020, the Council considered a motion entitled 'Waspi Women'.

I would be grateful if you could consider the terms of the motion (copy attached). I would ask that your response be directed to Graham Hope, Chief Executive, West Lothian Council, Howden South Road, Livingston, EH54 6AA.

Yours sincerely

A solid black rectangular box used to redact the signature of the Chief Executive.

for Graham Hope
Chief Executive

Enc



Chief Executive Office

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

**Our Ref: CEO/MH
Your Ref:**

**Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk**

Private and Confidential
The Rt Hon Boris Johnson MP
The Prime Minister
10 Downing St
Westminster
London
SW1A 2AA

5 October 2020

Dear Prime Minister

Internal Market Bill

A meeting of West Lothian Council was held on 29 September 2020, at which the above matter was discussed.

At the meeting it was agreed that I write to you to express the council's total opposition to the proposed Bill and urge you to withdraw it.

I attach a copy of the agreed composite Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Encl.



Chief Executive Office

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

**Our Ref: CEO/MH
Your Ref:**

**Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk**

Private and Confidential
The Rt Hon Boris Johnson MP
The Prime Minister
10 Downing St
Westminster
London
SW1A 2AA

5 October 2020

Dear Prime Minister

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At the meeting it was agreed that I write to you to express the council's total opposition to the proposed Bill and urge you to withdraw it.

I attach a copy of the agreed composite Motion for your consideration.

Yours sincerely

Graham Hope
Chief Executive

Encl.



**West Lothian
Council**

Chief Executive Office

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

**Our Ref: CEO/MH
Your Ref:**

**Contact: Graham Hope
Tel: 01506 281697
e-mail: graham.hope@westlothian.gov.uk**

**Ms Tracey Loudon
Head Teacher
Whitburn Academy**

Sent by email

5 October 2020

Dear Tracey

Whitburn Academy - Reading Schools Gold level award

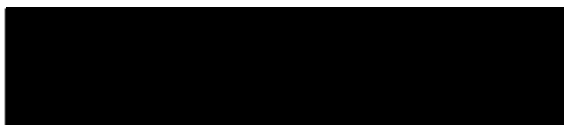
A meeting of West Lothian Council was held on 29 September 2020, at which the recent achievement of Whitburn Academy becoming the first secondary school in Scotland to achieve a Reading Schools Gold level award was reported.

On behalf of the council, I am writing to congratulate you on this outstanding achievement. I am aware that this follows the recent success of Whitburn Academy winning the COSLA award in the Tackling Inequalities and Improving Health category and the First Minister's prize for reading.

This award is testament to the hard work and enthusiasm of students and staff at Whitburn Academy.

On behalf of the council, I wish you continued success.

Yours sincerely



**Graham Hope
Chief Executive**



Graham Hope
graham.hope@westlothian.gov.uk

Our Reference: 202000107771
Your Reference: CEO/MH

6 November 2020

Dear Mr Hope,

Thank you for your correspondence of 5 October, addressed to the First Minister, regarding the financial impact of COVID-19 on West Lothian Council. The First Minister has noted the agreed Labour Group's motion and asked me to thank you for your correspondence, and reply on her behalf as local government finance falls within my area of responsibility.

To date, the Scottish Government have taken decisive action to commit £382.2 million in additional funding to local authorities in Scotland.

As you will know, the Cabinet Secretary for Finance also announced a package of financial flexibilities and extra funding on 8 October for Scotland's local authorities to combat COVID-19. Scotland's councils have been granted additional spending powers to address the financial pressures caused by COVID-19 which could be worth up to £600 million over the next two years.

Working with COSLA and local authorities the Scottish Government will finalise a lost income scheme, including support for ALEOs, worth an estimated £90 million which when added to the committed £49 million consequentials will provide an extra £139 million of funding. The Scottish Government are awaiting final sign-off from COSLA on the lost income scheme and critically, we are still awaiting confirmation from the UK Government on what consequentials will be allocated.

Taken together these measures will provide councils with an overall financial flexibility and funding package of up to £750 million, this brings the value of the overall COVID-19 support package for

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councils to around £1 billion.

Turning now to West Lothian, the 2020-21 local government finance settlement announced in March means that West Lothian Council were due to receive £360.1 million to fund local services. Taken together with the Council's decision to increase council tax by 3% in real terms, the council had an initial extra £22.5 million to support vital day to day services in 2020-21 which was the equivalent of an additional 6.9% on 2019-20.

To date, the council have been allocated an additional £16.9 million to respond to the COVID-19 pandemic, plus £27.3 million to support local businesses, and will receive their fair share of a further £178 million which is currently undistributed but will be allocated following agreement with COSLA on how it is to be distributed.

Finally, I can confirm that decisions on budget allocations for future years are subject to negotiation with COSLA and the results will be confirmed as part of the Scottish Budget.

I hope you find this information helpful.

Yours sincerely

Daniel McCarron

LGAS : LG Finance, Local Taxation Policy & Business Rates Unit

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St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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MINUTE of MEETING of the AUDIT COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 22 JUNE 2020.

Present – Councillors Chris Horne (Chair), Damian Timson, Lawrence Fitzpatrick, John McGinty and Moira Shemilt (substituting for councillor Carl John); Moira Glencorse (Lay Member)

Apologies – Councillor Carl John

In attendance - Graham Hope (Chief Executive), Donald Forrest (Head of Finance and Property Services), James Millar (Governance Manager) and Kenneth Ribbons (Audit, Risk and Counter Fraud Manager); Rob Jones and Stephen Reid (EY)

The Chair welcomed Moira Glencorse, who had been appointed as the new Lay Member, to the committee.

The committee also agreed to the meeting being audio broadcast.

1 DECLARATIONS OF INTEREST

Agenda Item 8 - Consideration of 2019/20 Annual Accounts (Unaudited)

Councillor Chris Horne declared an interest as he was a member of the West Lothian Leisure Board of Directors. A specific exclusion applied, which allowed Councillor Horne to participate in the item of business.

2 MINUTE

The committee approved the minute of its meeting held on 27 January 2020. The Chair thereafter signed the minute.

3 INTERNAL AUDIT PLAN 2020/21

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the 2020/21 internal audit plan.

It was noted that further work might be required on the plan as the Covid-19 situation developed.

It was recommended that the committee approve the 2020/21 internal audit plan.

Decision

To approve the terms of the report.

4 INTERNAL AUDIT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the work undertaken by internal audit during 2019/20, reporting on internal audit's performance, and advising of the Audit, Risk and Counter Fraud Manager's conclusion on the council's framework of governance, risk management and control.

During discussion, it was clarified that the staff survey was now undertaken every two years in order to allow sufficient time for any actions to have an impact; however, individual services could undertake annual surveys should the need arise.

It was recommended that the committee:

1. Note the Audit, Risk and Counter Fraud Manager's conclusion that the council's framework of governance, risk management and control was sound; and
2. Endorse the independence of the internal audit function as set out in section three of the appended annual report.

Decision

To approve the terms of the report.

5 EXTERNAL AUDIT PLAN 2019/20

The committee considered a report (copies of which had been circulated) by the Audit, Risk and Counter Fraud Manager informing members of the external auditor's 2019/20 annual audit plan and annual audit plan addendum.

The plan had been approved under Standing Order 31 (Urgent Business) and further reviews might be required in light of the Covid-19 situation. It was noted that local authorities involved significant risks in audit terms and EY would continue to focus on the completeness of disclosures. The issue of exiting the EU was also raised and EY would provide an updated position in their annual report.

Members also asked for clarifications on the valuation of pension assets and liabilities section and EY undertook to amend the wording in the section to clearly show that the pension deficit shown represented long-term liabilities and not an inability to meet members' current pension entitlement.

It was recommended that the committee note the external auditor's 2019/20 annual audit plan and addendum.

Decision

1. To note the terms of the report.

2. EY to add a clarification on p. 17 of the Annual Audit Plan, *Valuation of pension assets and liabilities*, to explain that the pension deficit did not represent an inability to meet Scheme members' current pension entitlement but rather represents long term liabilities.

6 CONSIDERATION OF 2019/20 ANNUAL ACCOUNTS (UNAUDITED)

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services requesting that members consider the 2019/20 Annual Accounts of the Council (unaudited).

The Centre of Procurement Expertise was discussed and it was concluded that it provided value for money. The significant impact of Covid-19 on council services was also reiterated.

It was recommended that the Audit Committee consider the 2019/20 Annual Accounts prior to submission to Ernst & Young LLP for audit.

Decision

To note the terms of the report.

MINUTE of MEETING of the EDUCATION (QUALITY ASSURANCE) COMMITTEE held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 3 MARCH 2020.

Present – Councillors Stuart Borrowman (Chair), David Dodds, Pauline Clark, Peter Heggie, Chris Horne, Carl John, Charles Kennedy, Andrew McGuire, Andrew Miller, Moira Shemilt and Damian Timson; Appointed Members Lynne McEwen, Myra MacPherson and Margaret Russell

Apologies – Councillors Dave King and George Paul

Absent – Appointed Member Eric Lumsden

1 DECLARATIONS OF INTEREST

Appointed Member Lynne McEwen declared an interest as she had a daughter who was a teacher at Winchburgh Primary School.

Councillor Carl John declared an interest as he had a grandchild attending one of the schools.

2 MINUTES

The panel approved the minute of its meeting held on 14 January 2020 subject to adding Myra MacPherson and Lynne McEwen as present. The Chair thereafter signed the minute.

3 EDUCATION SCOTLAND INSPECTION FINDINGS AUGUST 2017 - JANUARY 2020

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) and a presentation by the Quality Improvement Manager informing members of the national outcome of Education Scotland inspections from August 2017 to January 2020 and West Lothian schools' performance.

In response to questions from members, officers provided further details on Education Scotland's approach to inspections as well as on how schools prepare for inspections. The Depute Chief Executive then advised the committee that Education Scotland had congratulated West Lothian on its inspection results.

It was recommended that the committee note the contents of the report and the performance of West Lothian schools in comparison with national performance.

Decision

To note the contents of the report and presentation.

4 EDUCATION SCOTLAND REPORT: WHITBURN ACADEMY

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) informing members of the outcome of the Education Scotland (HMI) inspection at Whitburn Academy. Tracey Loudon, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

Staffing issues were then discussed and the Head Teacher assured members of the school's resilience and described measures in place to ensure pupils achieved to their full potential. The Head Teacher also stressed that the school did not allow its SIMD ranking to limit aspiration and achievement.

It was recommended that the committee note 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.

5 EDUCATION SCOTLAND REPORT: WHITDALE PRIMARY SCHOOL AND EARLY YEARS CENTRE (EYC)

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) informing members of the outcome of the joint Education Scotland (HMI) and Care Inspectorate (CI) inspection at Whitdale Primary School and Early Years Centre. Lynn Findlay, Acting Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

During discussion, it was noted that the school valued family involvement in children's attainment and employed a family link worker to this end. Members were also informed that the appointment of a permanent Head Teacher was imminent.

It was recommended that the committee note 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 Acting Head Teacher.

6 EDUCATION SCOTLAND REPORT: WINCHBURGH 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) informing members of the outcome of the Education Scotland (HMI) inspection at Winchburgh Primary School and Nursery Class. Ian Harvey, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

The Head Teacher explained the school's approach to the recent area growth and resulting changes in demographics and culture; communication, honesty flexibility and inclusivity were high on the school's priorities list. Members were assured that any performance issues were being successfully addressed. Support under GIRFEC was also discussed.

It was recommended that the committee note 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 EDUCATION SCOTLAND REPORT: WINDYKNOWE PRIMARY SCHOOL AND NURSERY CLASS

Councillor Andrew Miller left the meeting at the start of this item and did not participate in the remaining items of business.

The committee considered a report (copies of which had been circulated) by the Head of Education (Curriculum, Quality Improvement and Performance) informing members of the outcome of the Education Scotland (HMI) inspection at Windyknowe Primary School and Nursery Class. Rita Angus, Head Teacher, was in attendance to provide an update on the school's progress and to answer questions from committee members.

During discussion, the parent council's role was emphasised. It was then noted that staff awareness was key to addressing any GIRFEC-related challenges. In response to a relevant question, the Head Teacher confirmed that there were plans for the school's talent showcase events to continue. The Windyknowe Way as well as the school's approach to different languages and cultures were then further explained.

It was recommended that the committee note 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.

8 WORKPLAN

A workplan had been circulated for information.

Decision

To note the workplan.

MINUTE of MEETING of the EMPLOYEE APPEALS COMMITTEE (PRIVATE) held within WEBEX VIRTUAL MEETING ROOM, on 25 SEPTEMBER 2020.

Present – Councillors George Paul, Tom Conn, Peter Heggie and Dave King (substituting for Councillor Angela Doran)

Apologies – Councillors Angela Doran and Damian Timson

1 DECLARATIONS OF INTEREST

There were no declarations of interest made.

2 MINUTE

The committee confirmed the minute of its meeting held on 16 March 2020. 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

Introductions were made by all parties and the Chair explained the procedure that would be followed.

The committee was invited to consider an appeal by an employee under the Procedure for Hearing Employee Grievances.

The management was represented by Graeme Struthers, Depute Chief Executive, who was accompanied by Alison Egan, Senior HR Adviser. The management called two witnesses.

The appellant was present and accompanied by a work colleague. The appellant did not call any witnesses.

Parties agreed that witnesses would be excluded from the proceedings until called.

The committee heard the appellant and her representative speak in relation to the appeal.

The management was given the opportunity to question the appellant and her representative.

The committee then had the opportunity to question the appellant and her representative.

The committee heard the management speak in relation to the appeal and question their witnesses.

The appellant and her representative were then given the opportunity to question the management and their witnesses.

The committee then had an opportunity to question the management and their witnesses.

The management were given an opportunity to re-examine their witnesses after they had answered questions from the appellant, her representative and committee.

Finally, each side summed up the merits of the case.

All parties then left the meeting to allow the committee to deliberate in private.

After reaching its decision, all parties returned to hear the decision of the committee.

Decision

The committee found that the grounds of the grievance had not been substantiated and therefore the appeal was not upheld.

MINUTE of MEETING of the GOVERNANCE AND RISK COMMITTEE held within WEBEX VIRTUAL MEETING ROOM, on 22 JUNE 2020.

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

The Chair welcomed Robert Armstrong, who had recently been appointed by the council as the lay member to the Governance and Risk Committee.

In attendance – Graham Hope (Chief Executive), Graeme Struthers (Depute Chief Executive), Julie Whitelaw (Head of Corporate Services), Anne Marie Carr (Head of Housing, Customer and Building Services), James Cameron (Head of Education (Learning, Policy and Resources), Donald Forrest (Head of Finance and Property Services), Craig McCorriston (Head of Planning Economic Development and Regeneration), Jo MacPherson (Head of Social Policy), Graeme Malcolm (Roads & Transportation Manager), Tim Ward (Social Policy), Pamela Main (Social Policy), Katy McBride (Housing Customer and Building Services), Sarah Kelly, (Housing, Customer and Building Services), Alison Raeburn (Education Service Officer), Donna Adam (Education Service Officer), Kenneth Ribbons (Audit, Risk and Counter Fraud Manager), James Millar (Governance Manager), Kim Hardie (HR Manager, Health and Safety) and Caroline Burton (Chief Executive's Office).

1. DECLARATIONS OF INTEREST

Agenda Item 6, Corporate Governance 2019/20 Annual Governance Statement, Agenda Item 7, High Risks and Agenda Item 11, Covid-19, Governance Issues – Councillor Chris Horne declared an interest in these items of business in that he was a member of West Lothian Leisure Board of Directors. A specific exclusion applied, which allowed Councillor Horne to participate in these items of business.

2. MINUTE

The Committee confirmed the Minute of its meeting held on 24 February 2020 as a correct record. The Minute was thereafter signed by the Chair.

3. 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 Audit Risk and Counter Fraud Manager's conclusion on the council's framework of governance, risk management and control.

The report recommended that the committee notes the Audit, Risk and Counter Fraud Manager's conclusion that the council's framework of governance, risk management and control was sound.

Following questions with regard to the performance indicators and the council's ranking it was noted that the Audit, Risk and Counter Fraud Manager confirmed that West Lothian Council was ranked as the 2nd

lowest in terms of the cost of internal audit per £1 million which represented value for money.

Decision

To note the terms of the report.

4. CORPORATE GOVERNANCE 2019/20 - ANNUAL GOVERNANCE STATEMENT

The committee considered a report (copies of which had been circulated) by the Governance Manager seeking approval of the draft annual governance statement.

The report recommended the committee:

1. Consider and note the information and evidence in relation to corporate governance in appendices 2, 3 and 4;
2. Note the conclusion, based on the review of the system of internal control, the annual compliance statements, the Local Code of Corporate Governance and progress made on areas of governance concerns, that the council's corporate governance standards had been substantially met in 2019/20;
3. Approve the annual governance statement in Appendix 1 which would form part of the council's accounts to be submitted to the external auditor and published for inspection and objection before the end of June;
4. Authorise officers to update the statement where appropriate prior to its approval for signature to reflect changes in circumstances, in particular in relation to the Covid-19 pandemic; and
5. Note that the table in appendix 4 would be updated to reflect committee's comments and to incorporate the issues identified in the annual governance statement, with progress reported to committee in six-month' time at an appropriate meeting.

The Governance Manager advised committee of an amendment to the report at section 13.2, to reflect that there was nothing that the Audit Risk and Counter Fraud Manager had found to be unsound.

It was also advised that due to Covid-19 there would be a delay to the review of HR policies however, the expectation was that those reviews would be carried out before committee received an interim progress report at its meeting in 6 months' time.

Decision

To approve the terms of the report.

5. 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 report recommended that the committee:

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

A number of questions were asked in relation to pressures on Anti-Poverty Strategy and the financial effects Covid-19 was having on the council. It was explained that there were pressures with council tax collection and that all local authorities were affected at this time. It was also advised that there had been an increase in council tax reduction claims.

Following questions with regard to West Lothian Leisure the committee was advised that a support package had been agreed for the current financial year and that regular monitoring/reviews would be carried out with officers from the council and West Lothian Leisure.

In relation to questions on the impact and risks around schools returning under the current public health guidance, the Head of Education (Learning, Policy and Resources) explained that Education Executive would tomorrow be considering a report on these potential actions and risks, following which updated risks and actions would be reported to a future meeting of the Governance and Risk Committee in the normal way.

Decision

To note the terms of the report.

6. RISK MANAGEMENT ANNUAL REPORT

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing the risk management annual report for 2019/20.

The report recommended that the committee note the progress made on risk management and business continuity planning during 2019/20.

Decision

To note the terms of the report.

7. MANAGEMENT OF HEALTH & SAFETY

The committee considered a report (copies of which had been circulated) by the Head of Corporate Services providing information on Health and Safety incidents reported across all service areas. This report also contained annual incident statistics and a breakdown of violence and aggression incidents within Education.

The report recommended that the committee note the contents of the report.

The Head of Corporate Services advised that unions had agreed the revised Health & Safety Policy and that there were no major legislative changes. The committee was advised that a new lone worker device had been mobilised and implemented. It was also advised that there were no enforcement actions last year arising from Riddor incidents.

Decision

To note the terms of the report.

8. COVID-19 UPDATE

The committee considered a report (copies of which had been circulated) by the Chief Executive providing an update on the ongoing risks and actions in relation to the Covid-19 pandemic.

The report recommended that the committee:

1. Note the update on the risks and actions in relation to Covid-19; and
2. Note that there would be ongoing monitoring of risks and the recovery arrangements.

The committee was interested in the volume of business support grants that had been applied for, paid out and the time taken to process these applications.

The Head of Finance and Property Services advised that 85% of grants had been paid out to business with the majority being paid within 10 days.

Following questions in relation to education resources it was advised that discussions were ongoing with the Scottish Government on additional resources. It was also advised that there was scope for the Scottish Government to provide additional funding for other areas affected by Covid-19.

The Head of Finance and Property Services advised that risks and actions going forward relating to Covid-19 were complex in a changing situation. The key risk to the council at this time was to the financial resilience against the economic downturn and Covid-19 related pressures.

In response to questions asked with regard to potential staffing risks due to self-isolation and track and trace it was advised that there were very few instances of self-isolation due to track and trace reported.

Decision

To note the terms of the report.

9. COVID-19: GOVERNANCE ISSUES

The committee considered a report (copies of which had been circulated) by the Governance Manager providing an initial overview of the governance aspects and effects of Covid-19 pandemic.

The report recommended that the committee:

1. Note the council's internal decision-making powers and their use during the emergency period to date;
2. Note the impact of legislation, guidance and changed procedures on a range of council functions relevant to governance standards; and
3. Identify particular areas of concern and whether recommendations or further reporting were required.

The committee requested information on the number of breaches and enforcement actions against premises in relation to Covid-19 legislation and guidance.

The Head of Planning, Economic Development and Regeneration advised that officers had worked with businesses to solve any issues which resulted in no enforcement action being taken. With regard to the number of premises the officer undertook to provide committee members with this information.

Decision

To note the terms of the report.

10. GOVERNANCE AND RISK WORKPLAN

To note the workplan

MINUTE of MEETING of the WEST LOTHIAN LEISURE ADVISORY COMMITTEE held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 3 MARCH 2020.

Present – Councillors Cathy Muldoon, Alison Adamson, Tom Conn, David Dodds, Charles Kennedy, David Tait

Apologies – Councillor Dave King (Chair)

In Attendance

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

Donald Forrest – Head of Finance and Property Services, WLC

Alan Colquhoun – Project Manager Transformational Change, WLC

Fiona Russell – Group Accountant, WLC

Keith Johnstone – Senior Service Accountant, WLC

Tim Dent – Chief Executive, WLL

Andrew Heron – Head of Finance and Administration, WLL

1. DECLARATIONS OF INTEREST

Councillor Andrew McGuire declared an interest in that he held a membership for West Lothian Leisure.

Councillor David Dodds declared an interest in that his son was an employee of West Lothian Leisure. As his interest was remote, he would participate in all items of business.

2. MINUTE

The Committee confirmed the Minute of its meeting held on 28 November 2019 as a correct record. The Minute was thereafter signed by the Chair.

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 consideration 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, Sport, Leisure and Outdoor Education services delivered by West Lothian Leisure (WLL) as at January 2020.

The report recommended that the West Lothian Leisure Advisory Committee notes the content of the report.

Decision

To note the contents of the report.

5. WEST LOTHIAN LEISURE FINANCIAL POSITION

The committee considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the West Lothian Leisure (WLL) 2019/19 financial position to 31 December 2019.

The report recommended that the committee notes:

1. West Lothian Leisure financial performance to 31 December 2019;
and
2. The update on progress being made by West Lothian Leisure on their three-year plan.

Decision

To note the contents of the report.

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

REVIEW OF DECISION-MAKING ARRANGEMENTS – DEPUTATIONS AND PETITIONS

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To consider proposed changes to Standing Orders and other procedures in relation to deputations, petitions and requests for council support.

B. RECOMMENDATIONS

1. To note that Council Executive on 20 August 2019 instructed officers to bring forward proposals through Partnership & Resources PDSP in relation to deputations and petitions
2. To note the present terms of Standing Order 13 on deputations (Appendix 1) and the separate procedure sitting outwith Standing Orders covering petitions and requests for council support (Appendix 2)
3. To agree the proposed reworking of Standing Order 13 to bring updated rules and procedures for deputations, petitions and requests for council support together into one place (Appendix 3)

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable; making the best use of our resources
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Local Government (Scotland) Act 1973; Standing Orders; Petitions Procedure
III	Implications for Scheme of Delegations to Officers	None at this stage
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	In general terms at Partnership &

Resources PDSP on 24 August and 5 October, both 2018, and 1 February 2019. Specific proposals were considered at the PDSP on 18 September 2020

VIII Other consultations

Elected members; Committee Services

D. TERMS OF REPORT

1 Background

- 1.1 Part of council's decision on the revenue budget report on 13 February 2018 was "to review the economy, efficiency and effectiveness of its present decision-making arrangements and to report to Partnership and Resources PDSP for consideration of possible changes". Reports were considered at several PDSP meetings in 2018 and 2019. Council Executive on 20 August 2019 decided how officers should proceed. Several of the issues covered have been determined already at council or committee. One of the issues still to be considered is a revision of the procedures for dealing with deputations and petitions. It was in Appendix 4 to that report, one of a list of issues which had not attracted any disagreement or political controversy throughout the process of consultation and discussion and consideration at PDSP and committee.
- 1.2 The council's decision-making arrangements are mainly, but not exclusively, found in Standing Orders. The element affected by these proposed changes is Standing Orders for the Regulation of Meetings. They can only be amended by full council.

2 The present rules

- 2.1 The right to request a deputation and what that entails is set out in Standing Order 13 (Appendix 1). It has been in its present form since November 2016 although the right to make a deputation request was in Standing Orders in a slightly different form for several years before that. Standing Order 13 does not apply to PDSPs.
- 2.2 The procedure for dealing with petitions and requests for council support were agreed through Council Executive on 7 February 2012 (for notices from other local authorities asking for support or action) and 25 June 2012 (for petitions and requests for support or action from the public). The procedures were agreed in two stages but the process is the same for each. They have never been incorporated into Standing Orders. They have however been amalgamated into one process (Appendix 2) and made available on the intranet as guidance for members and officers (see Part F).

3 Deputations

- 3.1 It is recommended that the right to request a deputation and the overall approach in Standing Order 13 are retained but that the process is updated and streamlined. The main issues proposed for consideration are as follows:-
 - Making clear that the right is available to members of the public (individuals and organisations) and not councillors
 - Clarifying the reasons for refusing to put it to committee, e.g., excluding what amounts to a service request; confining them to matters within the council's legal powers
 - Stating clearly that no documents, photos, etc. are to be shown or circulated at the meeting

- Informing all members when a deputation request not shown on an agenda is received
 - Leaving unchanged the Chair's right to allow or refuse to put a late request to the meeting
 - Leaving unchanged the meeting's right to decide if a request put to it for consideration should be heard
 - For deputations on items not on an agenda, simply providing (as is presently the case for petitions) that they will go to the next available meeting
- 3.2 A revised version of Standing Order 13 is in Appendix 3. Standing Order 13(1) would apply to deputations. It should be noted that deputations will be able to be heard and answer questions where a meeting is proceeding by remote participation.

4 Petitions

- 4.1 It is recommended that the present procedure relating to petitions is amended but without any major departures. The main issues proposed for consideration are as follows:-
- Making clear that the right is available to members of the public (individuals and organisations) and not councillors
 - Clarifying the reasons for refusing to put it to committee, e.g., excluding what amounts to a service request; confining them to matters within the council's legal powers; requiring the name and address of someone leading on it who will be informed of procedures and outcomes
 - If a request is added to the agenda, provide for an automatic right to the person leading on it to address the meeting instead of requiring a separate deputation request
 - Stating clearly that no documents, photos, etc. are to be shown or circulated at the meeting
 - Bringing the new procedure into Standing Orders
- 4.2 The revised version of Standing Order 13 in Appendix 3 includes the proposed new procedures, in Standing Order 13(2).

5 Requests for council support

- 5.1 The present petitions procedure also covers requests for council support for policy or campaigning positions. These may come from members of the public or from other public bodies such as local authorities. They seldom appear now but at one time were commonplace. It is recommended that a procedure is retained through which these requests can be dealt with and that the current approach is continued but with some improvements. The main issues proposed for consideration are as follows:-
- Making clear that the right is available to members of the public (individuals and organisations) and not councillors

- Clarifying the reasons for refusing to put it to committee, e.g., excluding what amounts to a service request; confining them to matters within the council's legal powers; requiring the name and address of someone leading on it who will be informed of procedures and outcomes
- If a request is added to the agenda, providing an automatic right to the person leading on it to address the meeting instead of requiring a separate deputation request
- Bringing the new procedure into Standing Orders

5.2 The revised version of Standing Order 13 in Appendix 3 includes the proposed new procedures, in Standing Order 13(3).

6 PDSP consideration

6.1 The proposals in this report were considered at partnership & Resources PDSP on 18 September 2020. The representative of the Joint Forum of Community Councils suggested that the deputation should also be given an opportunity to sum up after the question and answer session. Members may wish to bear in mind three relevant points:-

- Summing up by definition involves dealing with points already made during the discussion and not bringing in new matters
- Standing Orders only allow elected members themselves one opportunity to speak during a debate, except for the mover of the motion who has a right of reply
- That right of reply is restricted in time and should not introduce any new matter into the debate

E. CONCLUSION

1 Consideration by council will enable the review instructed by council to be progressed towards conclusion and should clarify and improve the three separate but related processes currently in place.

F. BACKGROUND REFERENCES

- 1 Local Government (Scotland) Act 1973
- 2 Council's Standing Orders - <http://intranet.westlothian.gov.uk/article/6941/Councils-Standing-Orders-and-Corporate-Governance>
- 3 Partnership & Resources PDSP, 24 August and 5 October 2018, and 1 February 2019
- 4 Council Executive, 7 February and 25 June 2012, 26 March and 20 August 2019
- 5 Petitions procedure - <https://intranet.westlothian.gov.uk/article/6951/Petitions-Requests-for-Council-Support-and-Notices-of-Resolutions>

- Appendices/Attachments:
1. Existing Standing Order 13
 2. Existing Petitions Procedure
 3. Proposed new Standing Order 13

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Date of meeting: 24 November 2020

APPENDIX 1

EXISTING STANDING ORDER 13

13 DEPUTATIONS

C

Submission of Deputations

- (1) Every request for a deputation shall be submitted in writing to the Clerk by the individual, or a representative of the organisation or group, wishing to be heard. A request to be heard by a person affected by business such as disabled parking spaces and road or traffic orders shall be considered in the same way as a request for a deputation.

Powers to Hear Deputations

- (2) The Council may hear a deputation on any matter that is included in its powers and duties or delegation, or by a person submitting a petition or a request for council support under the relevant procedures, provided the matter is one of policy. The Council will not hear a deputation on a matter which can be addressed using an alternative procedure or method set up by the Council. Examples of such alternative procedures and methods for addressing matters shall include the appeals and complaints procedures.

Deputations Not Relating to Matters to be Included on the Agenda

- (3) A request for a deputation which does not relate to a matter to be included on the agenda for a meeting shall be delivered to the Clerk by noon no less than six clear days before the meeting. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed by the Clerk on the agenda for a meeting of the Council.

Deputations Relating to Matters Included on the Agenda

- (4) A request for a deputation which relates to a matter included on the agenda for a meeting shall be delivered to the Clerk no later than 12 noon on the working day before the meeting. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed before the meeting of the Council by the Clerk.

Deputations Submitted Late

- (5) A request for a deputation which relates or does not relate to a matter included on the agenda for the meeting may be submitted to the Clerk later than these times. Where the matter raised by the deputation does not comply with Standing Order 13 (2), the request for such a deputation shall not be placed before the meeting of the Council by the Clerk. Where the matter is placed before the meeting it may be considered provided the Chair so rules in terms of Standing Order 7 or 11 as appropriate.

Procedure for Hearing Deputation

- (6) In all cases the Council shall decide whether to hear a deputation. A Member may move that the deputation be not heard. The Member shall explain briefly the reason for so moving and the motion shall be put to the vote without amendment or discussion.

- (7) A deputation shall have five minutes to present its case and shall confine itself to the matter contained in the request to be heard. The Chair may rule that deputations be heard together if the Council decides to hear more than one deputation on the same subject. When deputations are heard together, the Chair shall rule how much time to allow.
- (8) After the deputation has spoken, Members may put relevant questions to the deputation. The Chair shall rule how much time to allow.
- (9) The Council shall consider the views of the deputation and a written or verbal report by officers of the Council at that meeting or a subsequent one before reaching a decision on any matter raised by a deputation.

APPENDIX 2

PETITIONS PROCEDURE

This note covers the procedures for dealing with petitions and requests from the public, and for notices of resolution from other local authorities (in Scotland or elsewhere).

These procedures only apply where the request comes to officers for action, whether that comes directly from outside the council or through an elected member.

Where the request comes to an elected member then it is for him or her to decide what action to take (which may include passing it to officers to be processed through this procedure).

If asked for advice by an elected member, officers should make the member aware of these procedures.

On receipt

Any such request should be passed to Committee Services for action.

Within council powers, or not?

The first decision required is about the subject matter - is it something the council has statutory powers to take action about?

That decision has been delegated to the Chief Executive as the Clerk to the Council. In practice, the decision will be taken under his delegated authority by Committee Services.

Once the decision is taken, a letter of acknowledgement will be sent by Committee Services to confirm receipt and advise of the procedure being followed.

Within statutory powers

If the council has a statutory power to take action on the subject then Committee Services will place the request on the agenda for the next available meeting of the Council Executive or Education Executive (not PDSP).

Committee Services will also notify the relevant Head of Service so that information can be gathered for the Chair and/or Executive Councillor before the matter is considered at committee.

Committee will have a wide range of choices as to how to respond - it may decide there and then to support it or that no action is required; it may hear that the council has dealt with or is dealing with it already; it may call for a report to come back to committee; or it may refer it to PDSP or LAC for consideration.

Without statutory powers

If the council does not have a statutory power to deal with the subject matter then Committee Services will send a copy by email to all elected members and Members Services so that they are aware of it.

It will not be placed on the agenda for any meeting, and each member will be able to decide if he or she wishes to pursue the matter further.

After committee

If action is required as a result of committee consideration of a request then it will be notified and allocated in the Action Note in the usual way.

That may include communicating with the person or body making the request, which will mean that person is aware of the outcome.

Where that is not called for, Committee Services will ensure that the person making the request is informed of the decision and of any action taken or to be taken.

Committee approval

These procedures were approved by Council Executive in two separate parts, although the same process was approved in each case:

- Council Executive, 7 February 2012 - for notices from other local authorities asking for support or action (in and out of Scotland)
- Council Executive, 25 June 2012 - for petitions and requests for support or action from the public (individuals or organisations)

APPENDIX 3

PROPOSED NEW STANDING ORDER 13

13. DEPUTATIONS, PETITIONS AND REQUESTS FOR COUNCIL SUPPORT C

(1) Deputations

(a) A deputation is a request to address council or committee on an item on the published agenda for a meeting or on a new matter. A valid deputation request must meet the following conditions:-

- It must be received by the Clerk in writing, including email
- For an item already on an agenda, it must be received by 12 noon the day before the meeting
- It must identify the person submitting the request, the subject, any organisation or individuals they represent and who wishes to speak
- The subject must be within council's and/or committee's powers and duties
- The subject must be on a matter of policy and not regulatory business or an individual service request
- There must be no alternative procedure available in the council for its determination
- A request received late but otherwise valid will be treated as a late request

(b) The Clerk, in consultation with the Chair, shall determine if a deputation request is valid or not and it shall be dealt with as follows:-

- If it is not a valid request then the person making the request shall be informed, it shall not be put to the Chair or to the meeting and no further action shall be taken by the Clerk
- If it is valid and raises a matter not yet on a published agenda for a meeting it shall be added to the agenda for the next appropriate council or committee meeting and it shall be put to the meeting to decide if it should be allowed
- If it is valid and relates to an item already on a published agenda then all members of council or committee shall be informed and it shall be put to the meeting to decide if it should be allowed
- All members of council or committee shall be informed of a late request and the Chair at Order of Business shall rule under Standing Orders 7 and 11 if it should be put to the meeting as an urgent item of business
- A deputation request put to the meeting shall be allowed unless a motion to the contrary is moved and seconded. The mover shall explain briefly the reason for moving, and the motion shall be put to a vote in accordance with these Standing Orders without amendment or discussion

(c) The procedure for hearing the deputation is as follows:-

- The agenda shall briefly state the subject of the deputation and the reason for the request
- Speakers have five minutes to address members on the subject of the deputation request

- Speakers on the same subject shall be heard together and the Chair may rule on how much time to allow
- They may answer questions put to them by the members
- No documents may be tabled or circulated or displayed by speakers at the meeting
- The meeting will determine any action to be taken whether at that meeting or later
- Officers must be allowed to give advice and the final determination must take into account that advice and the deputation heard

(2) Petitions

(a) A petition is a request supported by a number of members of the public for action by the council or for support for a campaign or policy position. A valid petition must meet the following conditions:-

- It must be received by the Clerk in writing, including email, or in electronic form in such a way that there is a permanent record of it
- It must provide contact details for the person leading on or submitting the petition, its subject and the action being called for
- The subject must be within council's and/or committee's powers and duties
- The subject must be a matter of policy and not regulatory business or an individual service request
- There must be no alternative procedure available in the council for its determination

(b) The Clerk, in consultation with the Chair, shall determine if a petition is valid and it shall be dealt with as follows:-

- If it is not valid then the person leading on or submitting the petition shall be informed and no further action shall be taken by the Clerk
- If it is valid then it shall be added to the agenda for the next appropriate council or committee meeting
- The person leading on or submitting the petition shall be notified of the date of the meeting and of the right to be heard by the meeting

(c) The procedure for dealing with the petition is as follows:-

- The agenda shall state the subject of the petition and the action called for and that the full document can be inspected by members on request
- Any person addressing the meeting shall do so as a deputation
- The meeting will determine any action to be taken whether at that meeting or later
- Officers must be allowed to give advice and the final determination must take into account that advice, the petition and any deputation heard

(3) Requests for council support

(a) A request for support is a formal request from a member of the public, an organisation or another public body that the council expresses its support for and/or takes action on a specified campaign issue or policy position. A valid request for support must meet the following conditions:-

- It must be received by the Clerk in writing, including email

- It must provide contact details for the person leading on or submitting the request, its subject and the action being called for
- The subject must be within council's and/or committee's powers and duties
- The subject must be a matter of policy and not regulatory business or an individual service request
- There must be no alternative procedure available in the council for its determination

(b) The Clerk, in consultation with the Chair, shall determine if a request for support is valid and it shall be dealt with as follows:-

- If it is not valid then the organisation submitting the request shall be informed, all members of council or committee shall be informed of the request and decision and no further action shall be taken by the Clerk
- If it is valid then it shall be added to the agenda for the next appropriate council or committee meeting
- The person submitting the request shall be notified of the date of the meeting and of the right to be heard by the meeting

(c) The procedure for dealing with the request for support is as follows:-

- The agenda will include the request as an item of business and a copy will be circulated with the agenda
- Any person addressing the meeting shall do so as a deputation
- The meeting will determine any action to be taken whether at that meeting or later
- Officers must be allowed to give advice and the final determination must take into account that advice, the request for support and any deputation heard

DATA LABEL: PUBLIC



WEST LoTHIAN COUNCIL

TREASURY MANAGEMENT – INTERIM REPORT AT 30 SEPTEMBER 2020

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 2020.

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 2020/21 and on the exercise of delegated treasury management powers;
2. Notes the change to the council's permitted investments approved by Council on 29 September 2020 to help facilitate the retention of increased cash balances during the Covid-19 pandemic;
3. Agrees amendments to the prudential indicators, as set out in Appendix 4 of the report.

C. SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable, making the best use of our resources.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	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.
III Implications for Scheme of Delegations to Officers	No changes are proposed to the current scheme of delegation for treasury management activities.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	Treasury management provides capital resources necessary to help deliver the council's capital programme.
VI Resources - (Financial, Staffing and Property)	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 2020 is attached.

The council's list of permitted investments has been updated to reflect the decision of Council on 29 September 2020 to amend the limits for money market funds and local authority investments. These changes do not expose the council to any increased treasury risks but provide some flexibility during this challenging time when it is preferable to have instant access to cash balances and interest rates are at historically low levels.

Following changes to the forecast capital expenditure and capital resources agreed by Council Executive in June 2020, Council is asked to approve changes to the following prudential indicators:

- 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 2020/21 complied with the annual treasury plan approved by Council on 28 February 2020 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 2020/21 (approved by Council on 28 February 2020)
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: 24 November 2020

DATA LABEL: PUBLIC

WEST LOTHIAN COUNCIL

TREASURY MANAGEMENT

Interim Report for the Six Months to 30 September 2020

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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 2020/21 Annual Treasury Plan, approved by Council on 28 February 2020, sets out the planned approach to treasury management for 2020/21. This report assesses the application and outcome of the plan for the first six months of the financial year.

2.0 Current Portfolio Position

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

31 March 2020			30 September 2020	
Principal £m	Rate %		Principal £m	Rate %
548.6	3.9%	DEBT Fixed Rate Funding: PWLB Market Total Fixed Rate Funding Variable Rate Funding Temporary Funding Total Debt	538.6	3.9%
60.6			60.6	
609.2			599.2	
-	-		-	-
5.0	0.9%		-	-
614.2	3.9%		599.2	3.9%
	40.9 years	Average Life of Debt		41.8 years
£m	Rate %	INVESTMENTS	£m	Rate %
108.0	1.1%	Cash Deposits	135.3	0.4%

Debt during the period has reduced by £15 million to £599.2 million with £10 million of PWLB borrowing maturing in May 2020 and temporary borrowing of £5 million being repaid in June 2020. No new borrowing has been undertaken to date in 2020.

Investments have increased by £27 million during the first six months of 2020/21. The average investment rate has decreased since the start of the financial year, from an average of 1.06% to 0.40%. This is partly due to the Bank of England base rate decreasing from 0.75 % to 0.25% on 11 March and then to the current rate of 0.10% on 19 March. However, the main reason for the reduction in interest rates is because the council has been retaining maturing investments in highly liquid cash accounts to ensure that the council does not encounter any cash flow issues during the pandemic. Normally when a fixed term deposit matures, it would be reinvested for a period up to one year to maximise the return on investment whilst ensuring security of funds. With increased costs, and anticipated reductions in income, a delegated decision was taken to retain these maturing investments in the overnight bank account and highly liquid money market funds. This approach has ensured that the council has not encountered any cash flow issues, however the rate of return is less than what can be achieved from longer fixed term deposits. The latest investment benchmarking data for June 2020 from the council's treasury advisors, Link Asset Services, indicates that the council continues to perform very well compared to other councils, with a return nearly 0.5% higher than the Scottish average.

3.0 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:

2019/20	Headline Performance Indicator	2020/21
3.81%	Average Cost of Servicing Loans Fund Advances in Year	Year End
0.06%	<ul style="list-style-type: none"> Loans Fund Interest Rate Loans Fund Expenses Rate 	Year End
3.87%		
	Local Performance Indicators	
12.31%	1. Percentage of Debt at period end which is Short Term or Variable	11.78%
13.93%	2. Percentage of Debt at period end repayable in each of the next two years	11.78%
1.64%	3. Average Interest Rate of Borrowing raised in period	N/A
29.0 years	4. Average Maturity of Borrowing raised in period	N/A

There has been no borrowing undertaken in the first six months of 2020/21. 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.

4.0 The Strategy

4.1 Interest Rate Forecasts

The plan for 2020/21 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 0.75% until after Quarter 3 of 2020. This was mainly due to the ongoing uncertainty over a trade deal with the EU and the possibility that there would not be a deal agreed by the end of the transition period in December 2020. The Monetary Policy Committee (MPC) agreed on 11 March 2020 to decrease the bank rate to 0.25%, and then further reduced the rate from 0.25% to 0.10% in an emergency move to help control the economic shock of the coronavirus pandemic. At the most recent meeting of the MPC on 16 September 2020, the committee voted unanimously to maintain the bank rate at 0.10% and there is no expectation for the rate to be increased before the final quarter of 2023 as economic recovery is expected to be gradual and prolonged. The council's forecast reflects these forecasts. The forecast for PWLB rates to March 2021 is now 2.0% for five years, 2.10% for ten years and 2.50% for twenty-five years. Both the short term and the longer term PWLB rates have decreased since the forecast in the treasury plan reported to Council in February 2020.

4.2 Capital Finance Plan

The annual plan in February 2020 reported a new borrowing requirement of £23.4 million with replacement borrowing of £6.4 million. This gave a total borrowing requirement for 2020/21 of £29.8 million.

Forecasts demonstrated a range of options available to implement the borrowing strategy in 2020/21. 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.

5.0 The Economy and Interest Rates

The first half of 2020/21 has seen UK economic contraction of 21.8%. This was due to the coronavirus pandemic and the fact that the UK economy is heavily skewed towards consumer-facing services, an area particularly vulnerable to lockdowns. Forecasting is particularly challenging in the current economic climate and the Bank of England's MPC has acknowledged that medium-term projections are a less informative guide than usual. With second waves of the virus impacting many countries, including the UK, any spikes in virus infections are likely to mean further restrictions impacting on the economy. The last three months of 2020 are likely to show no growth as consumers will possibly remain cautious in spending and there will be uncertainty over the outcome of the UK/EU trade negotiations which are due to conclude at the end of the year.

Inflation, as measured by the Consumer Price Index (CPI), fell from 1.0% in July to 0.2% in August consistent with temporary impacts on inflation from the Government's Eat Out to Help Out scheme and the cut in VAT for hospitality, holiday accommodation and attractions. CPI is expected to remain below 1% until early 2021. The path of growth and inflation will depend on how the pandemic evolves and measures taken to protect public health. It will also be dependent on the nature of, and transition to, the new trading arrangements between the EU and the UK, and the responses of households, businesses and financial markets to these developments.

The following table provides details of interest rates at the start and end of the period. PWLB interest rates have decreased during the first six months of 2020/21 for both short and longer-term borrowing, although rates for 50 years have marginally increased, with ongoing uncertainty in the markets expected to continue over the rest of 2020/21 and beyond.

	At 1 April 2020	At 30 September 2020
Bank Rates	0.10%	0.10%
5 Year PWLB	2.12%	1.94%
10 Year PWLB	2.30%	2.22%
50 Year PWLB	2.52%	2.60%

The council, as set out in the annual treasury plan, continually monitors interest rates and consults with treasury advisors to determine the most opportune time to borrow throughout the year. The decrease in PWLB rates and the effect this will have on borrowing decisions will continue to be assessed, with the council committed to considering all funding options that provide best value. This includes continuing to monitor PWLB rates to take advantage of any opportunities to borrow that may arise, borrowing from other sources (within the parameters set out in the treasury plan) and the use of internal borrowing.

There is likely to be little upward movement in PWLB rates over the next two years as it will take economies, including the UK, a prolonged period to recover from the sharp recession caused during the coronavirus shut down period.

Gilt yields had been on a generally falling trend up until the coronavirus pandemic hit western economies in March. Gilt yields spiked up during the initial phases of the crisis, but have since fallen sharply to unprecedented lows as major central banks took rapid action through massive quantitative easing purchases of government bonds to relieve stress in financial markets. This has also put downward pressure on government bond yields at a time where there has been a rapid expansion of government expenditure financed by issuing government bonds. Such unparalleled levels of issuance would have caused bond yields to rise sharply out with the pandemic, but at the close of the day on 30 September, all gilt yields from one to six years were in negative territory, while even 25-year yields were only 0.76% and 50 year at 0.60%.

6.0 Capital Finance Activities

The original forecast new borrowing requirement for 2020/21 of £23.4 million needs to be revised to £17.2 million. The revised borrowing position reflects the updated capital programmes for 2020/21 and the decision of the Council Executive on 23 June 2020 to reprofile borrowing for 2020/21. 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 2019/20 under borrowing, which is the borrowing required to fund the 2019/20 capital programmes that was not secured with external debt. With replacement borrowing of £15.0 million, the total revised borrowing requirement for 2020/21 is £40.7 million.

The council's overall debt portfolio has an average rate of 3.9% for 41.8 years. The council has not yet undertaken any long term borrowing from the PWLB in 2020/21.

Appendix 1 confirms that no borrowing has been undertaken in the first six months of 2020/21.

7.0 Debt Rescheduling

The annual plan stated that due to the introduction of different rates for new borrowing and early repayment of debt, the spread 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 2020.

8.0 Management of Cash Flows and Investments

8.1 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 2020 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.

8.2 Investment Plan

As investment rates for short periods are low, the previous 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 was 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. The approach for 2020/21 has changed due to Covid-19 and the council is now keeping investments short term to provide liquidity during this uncertain time. Due to the low Bank of England base rate the difference in long term and short term rates is no longer significant, however limited longer term investments have been undertaken based on maximising income where cash flow allows.

8.3 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. 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:

Average Investment	Rate of Return	Benchmark Return*
£119 million	0.72%	-0.06%

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

The majority of investments are now short term however before the pandemic investments were fixed for up to twelve months where interest rates were significantly higher. This has resulted in a return of 0.78% above the benchmark. During the six months to 30 September 2019, the amount

lent to approved organisations, including instant access and short term investments, ranged from a low of £88 million to a high of £144 million.

Investments at 30 September 2020 were £135 million which have been invested throughout the period at an average daily rate of return of 0.72%. This represents a robust return on investments as rates have remained low during the first six months of 2020/21.

Authorised institutions and investments at 30 September 2020 are found in Appendix 2.

8.4 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.

Following Council approval of Treasury Management Annual Report 2019/20 on 29 September 2020, the counterparty limit for each money market fund has increased from £10 million to £15 million however the 35% limit of total investments in money market funds remains the same. The current monetary limit of £10 million total investment for local authority investments has been removed however the current limit of 20% of total investments has been retained. The maximum limit for individual local authorities remains at £5 million.

West Lothian Recycling Ltd was wound up effective from 10 October 2019 and from 2020/21 will no longer form part of the Group Accounts or permitted investments.

No other changes to the approved investments are proposed at this time. Appendix 3 details the updated 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.

9.0 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 2020/21 indicators were originally approved by the Council on 28 February 2020 and it was agreed that these indicators would be monitored and revised, if required, throughout the year by the Council. The 2020/21 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 2020/21, as approved by the Council Executive on 23 June 2020.

10.0 Conclusion

This report details the treasury activities undertaken in the six months to 30 September 2020. Actions taken have complied with the annual treasury plan for 2020/21, approved by the Council on 28 February 2020, 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: 24 November 2020

Appendix 1

WEST LOTHIAN COUNCIL

Borrowing in 2020/21

Date	Amount Advanced £m	Details	Repayment Period (Years)
<u>PWLB</u> None			

Temporary Borrowing – Local Authorities
None

Total Borrowing	<u><u>0.0</u></u>
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Long and Short Term Debt Undertaken to Date in 2020/21

Average Rate – N/A

Average Life – N/A

APPROVED ORGANISATIONS FOR INVESTMENT

	2020/21 Investment Limit £	Investment at 30 September 2020 £
<u>Council Bankers</u>		
Lloyds Banking Group (inc Bank of Scotland)	70,000,000	70,000,000
<u>WLC Rating Category 1*</u>	22,000,000	
No institutions in this category		
<u>WLC Rating Category 2*</u>	19,500,000	
No institutions in this category		
<u>WLC Rating Category 3*</u>	17,000,000	
HSBC Bank plc		0
<u>WLC Rating Category 4*</u>	14,500,000	
No institutions in this category		
<u>WLC Rating Category 5*</u>	10,000,000	
No institutions in this category		
<u>WLC Rating Category 6*</u>	7,000,000	
Sumitomo Mitsui Banking Corporation		7,000,000
Santander UK plc		7,000,000
<u>Local Authorities, Public Bodies & DMO**</u>	27,055,020	
<i>Maximum of 20% of total investments</i>		
All UK Local Authorities		10,000,000
UK Public Bodies		0
Debt Management Office – Deposit Account		0
Treasury Bills		0
<u>UK Nationalised Banks</u>	35,000,000	
National Westminster Bank plc		0
<u>Money Market Fund – AAA rated***</u>	47,346,285	
<i>Maximum of 35% of total investments</i>		
Aberdeen Standard Money Market Fund		10,000,000
Federated Hermes Money Market Fund		10,000,000
Deutsche Money Market Fund		10,000,000
Insight Money Market Fund		980,000
Invesco Money Market Fund		10,000,000
<u>Other Permitted Investments</u>		
West Calder High School DBFMCo Ltd	350,000	295,101
TOTAL		135,275,101

* 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 £135.275 million, the limit would be £27.255 million.

*** This limit fluctuates according to total investments. Based on current investments of £135.275 million, the limit would be £47.346 million.

Appendix 3

WEST LOTHIAN COUNCIL PERMITTED INVESTMENTS

Permitted Investment Instrument	Minimum credit rating	Maximum Percentage of Total Investments	Treasury Risks	Mitigating Controls
Cash Investments up to one year				
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
Cash Investments up to one year				
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.
Cash Investments between one year and up to two years				
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.
Non Treasury Investments				
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
Non Treasury Investments				
Loans to Third Parties – Small Business Loans	Small amounts not subject to credit ratings	At 31 March 2020, 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 – 2020/21

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 2020/21.

	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
General Services	69,211	46,544
Housing	38,850	29,241
Total	102,061	75,785

Performance

The original estimate for this indicator was approved in February 2020 before the revised 2020/21 capital programmes for both General Services and Housing were approved in June 2020. The indicator therefore needs to be updated to bring it in line with estimated spend on the overall capital programme for 2020/21. 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.

	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
General Services	467,551	466,163
Housing	274,102	261,184
Total	741,653	727,347

Performance

The capital financing requirement was approved by Council on 18 February 2020 and covers the council's total borrowing requirement. The estimate has been revised to incorporate updated capital expenditure and resources programmes approved by Council Executive on 23 June 2020.

AFFORDABILITY INDICATORS (Item 3)

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.

	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
General Fund	6.2%	6.2%
Housing	23.7%	21.8%

Performance

The estimate for 2020/21 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 2020/21 will not be available until after the end of the financial year.

FINANCIAL PRUDENCE INDICATOR (Item 4)

4. 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.

	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
Net External Borrowing	741,653	727,347
Capital Financing Requirement	741,653	727,347
Under limit by	-	-

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 5 to 8)

5. 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.

Authorised Limit for:	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
Gross External Borrowing	756,253	706,355
Other Long-Term Liabilities	83,613	83,415
External Debt	839,866	789,770

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 may reduce if 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.

6. 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.

Operational Boundary for:	Council 18 February 2020 2020/21 Estimate £'000	Revised 2020/21 Estimate £'000
Gross External Borrowing	746,253	696,355
Other Long-Term Liabilities	82,613	82,415
External Debt	828,866	778,770

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 may reduce if 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. ACTUAL EXTERNAL DEBT

Purpose of the Indicator

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

	31 March 2018 £'000	31 March 2019 £'000	31 March 2020 £'000
Actual External Borrowing	585,889	620,854	620,570
Actual Other Long-Term Liabilities	64,241	89,568	86,138
Actual External Debt	650,130	710,422	706,708

Performance

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

8. TREASURY MANAGEMENT INDICATOR

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

8.1 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.

8.2 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.

8.3 Maturity structure of fixed rate borrowing for 2020/21

	Approved Upper Limit	Approved Lower Limit
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.

8.4 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.

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

FAMILY LEAVE SCHEME FOR MEMBERS – CHANGES TO STANDING ORDERS, etc.

REPORT BY GOVERNANCE MANAGER AND HEAD OF CORPORATE SERVICES

A PURPOSE OF REPORT

To agree changes to Standing Orders and related procedures following adoption of the Family Leave Scheme for Elected Members.

B RECOMMENDATIONS

1. To note the terms of the Family Leave Scheme for Elected Members approved at Council Executive on 6 October 2020 (Appendix 1)
2. To agree changes to Standing Orders for the Regulation of Meetings and other documents to give effect to the Scheme (Appendix 2)

C SUMMARY OF IMPLICATIONS

I Council Values	Being honest, open and accountable, providing equality of opportunities, making best use of our resources
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	No legal right to family leave currently exists for people in elected office. Local Government (Scotland) Act 1973; Local Governance (Scotland) Act 2004; Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007
III Implications for Scheme of Delegations to Officers	The Scheme of Delegations will be amended (Appendix 2)
IV Impact on performance and performance indicators	None
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	Any additional payments to members will be covered by existing budgets
VII PDSP consideration	Partnership & Resources PDSP on 7 February and 18 September 2020

VIII Other Consultations

HR Services; Monitoring Officer; COSLA
policy development team

D TERMS OF REPORT

- 1 On 27 September 2019, Council Leaders at COSLA endorsed Family Leave Guidance with a view to increasing the diversity of experience, age and background of councillors by removing barriers to participating in local government and public office. It aims to set out key principles to support elected members during periods of maternity, paternity, shared parental and adoption leave. The Guidance, subsequently updated in April 2020, was circulated to Scottish councils for adoption on a voluntary basis. Legislative changes came into effect on 1 April 2020 to remove the statutory barriers to full implementation. Following discussion at Partnership & Resources PDSP on 7 February and 8 September 2020 the council's Family Leave Scheme for Elected Members was approved at Council Executive on 6 October 2020 (Appendix 1).
- 2 Implementation of the Scheme requires changes to Standing Orders for the Regulation of Meetings and other documents since it deals with attendance at and absence from meetings, appointing members during leave on an acting-up basis, and receipt of senior councillor payments. The proposed changes are shown in Appendix 2 with a brief explanation for each. The annual Publication of Elected Members Remuneration, Expenses and Allowance Information will include information about its use and will show any additional sums paid to "acting-up" members.

E CONCLUSION

- 1 The council has been supportive of COSLA aims to encourage participation as councillors by individuals who may otherwise have been unable or reluctant to do so. Approval of changes to the formal rules concerning the new Scheme will ensure it operates effectively.

F BACKGROUND REFERENCES

- 1 Family Leave Guidance for Councils – COSLA
- 2 Council Executive, 6 October 2020

Appendices / Attachments: 1. Family Leave Scheme for Elected Members
2. Changes to Standing Orders and other procedures

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Julie Whitelaw, Julie.whitelaw@westlothian.gov.uk, 01506 281626

24 November 2020

APPENDIX 1

FAMILY LEAVE SCHEME FOR ELECTED MEMBERS

1. Introduction

- 1.1 While there is no legal right to family leave of any kind for people in elected public office, the objective of this guidance is to ensure that as far as possible, Elected Members can take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio holders and others in receipt of Senior Councillor payments during any period of leave taken.
- 1.2 The provisions of this guidance confer no contractual or worker/employment status and can be amended or withdrawn at any time. Councillors continue to retain their status as office holders.

2. Leave Provisions

- 2.1 The provisions of this guidance extend to Maternity, Paternity, Shared Parental, Adoption and Surrogacy Leave only as detailed below:

Type of Leave	Provision
Maternity Leave	<p>Up to 6 months (26 weeks) leave from 28 days before the expected due date.</p> <p>In the event of premature birth (before the 37th week of pregnancy), maternity leave may be extended by a period equivalent to the period between the date of birth and the expected due date.</p> <p>In the event of a stillbirth or death of a child after 24 weeks of pregnancy, the Elected Member will retain the entitlement to Maternity Leave.</p>
Paternity Leave	Up to 2 weeks leave for the father or nominated carer of the mother.
Shared Parental Leave	Up to 6 months (26 weeks) shared parental leave where maternity leave is appropriately curtailed. Only any unused statutory maternity leave will be available to be taken as shared parental leave up to a maximum of 6 months (26 weeks). Leave is limited to 6 months (26 weeks) in total even where both parents are elected members.
Adoption Leave	<p>Up to 6 months (26 weeks) leave from the date of placement.</p> <p>Where a couple jointly adopt a child or children, they must decide which partner will take leave as the main carer. The Elected Member will only be granted adoption leave under these provisions if their partner is not also taking a period of adoption leave.</p>

Surrogacy Leave	Up to 6 months (26 weeks) leave from the date of placement or from a fixed date up to 14 days before the expected date of placement.
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3. Pay Provisions

- 3.1 All members will continue to receive their basic remuneration in full while on maternity, paternity, shared parental, adoption or surrogacy leave.
- 3.2 Members entitled to a Senior Councillor Payment and the Provost and Council Leader will continue to receive their additional remuneration during a period of maternity, paternity, shared parental, adoption or surrogacy leave for a period of up to six months, or until the date when the member taking the leave stands for re-election, whichever date is sooner. At such a point, the position will be reviewed and may, where appropriate, be extended by council to allow the member re-elected to remain on leave for the remainder of the 6 month period with the appropriate additional remuneration.

4. Notice Requirements

- 4.1 A minimum of 4 weeks notice is required prior to a Member taking maternity, paternity, shared parental, adoption or surrogacy leave. The Elected Member Family Leave Notification form can be used for this purpose.
- 4.2 Notification must be accompanied by the following certification as appropriate:

Type of Leave	Certification Required
Maternity Leave	Maternity Certificate (MATB1)
Adoption Leave	Matching Certificate
Shared Parental Leave	Confirmation of the curtailment of maternity leave.
Surrogacy Leave	Parental Order and copy of the Maternity Certificate (MATB1)

5. Member Responsibilities during Leave

- 5.1 Any member taking a period of maternity, paternity, shared parental, adoption or surrogacy leave retains their legal duty under the Local Government (Scotland) Act 1973 to attend a qualifying meeting of the Council or an outside body within a six-month period unless the reason for non-attendance is accepted by the council. Absence whilst on family leave taken under this Scheme will be deemed to be an acceptable reason for non-attendance.
- 5.2 Arrangements should be made prior to a period of leave for other duties to ensure there is minimal impact on the relevant ward. This may include arranging for another councillor to attend surgeries to represent and pursue constituents' interests, or arranging substitutes for committee meetings as permitted by council standing orders. In making such arrangements consideration must be taken of data sharing legislation in relation to constituents' personal information.
- 5.3 Members on maternity, paternity, shared parental, surrogacy or adoption leave may choose to attend council meetings or undertake other duties during their period of leave.

Doing so will not affect the period of leave which has been agreed or bring it to an end prematurely. Similarly, any time spent on duties during the period of leave will not extend the period of leave beyond the maximum period.

6.1 Senior Councillor Substitution

Should a Member appointed to replace the Member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one senior councillor payment shall apply.

Members appointed to replace the Member on maternity, paternity, shared parental or adoption leave will continue to receive the additional remuneration until the return of the Member on leave or until that Member stands for re-election, whichever date is sooner.

7. Return from Leave

- 7.1 Unless the Member taking leave is removed from their post whilst on leave they will return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.
- 7.2 If a Member decides not to return at the end of their leave and so to resign as a councillor they must notify the council in writing with at least 4 weeks' notice. All allowances will cease from the effective resignation date.
- 7.3 If an election is held during a Member's leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and senior councillor payment, if appropriate, will cease from the date they cease to be a councillor.

8. Administration and Review

- 8.1 The Head of Corporate Services is responsible for the administration of the Scheme.
- 8.2 The Scheme shall be reported to the statutory first meeting of full council after each local government election for re-adoption as part of the approval of the Scheme of elected Member Remuneration, Allowances and Reimbursement of Expenses.

**Human Resources
October 2020**

APPENDIX 2

CHANGES TO STANDING ORDERS AND OTHER SCHEMES AND PROCEDURES

STANDING ORDERS FOR THE REGULATION OF MEETINGS

Standing Order 1 - Definitions

To amend existing definitions and to add new definitions required to fit the effects of the Scheme into Standing Orders. The following definitions are affected and there will be some re-numbering required as a result:-

- *“Chair” means the Chair of a body listed in the Council’s Scheme of Administration and, where the context requires, includes acting positions under the Family Leave Scheme, and “Vice-Chair” means the Vice-Chair of such a body*
- *“Executive Councillor” means a Councillor who the Council has appointed to have responsibility for a portfolio comprising a specific area of the Council’s functions and, where the context requires, includes acting positions under the Family Leave Scheme*
- *Family Leave Scheme means the Family Leave Scheme for Elected Members approved by council on 24 November 2020 and any amendment or replacement of it*
- *“Leader of the Council” means an Elected Member, if any, appointed to that office, and, where the context requires, includes acting positions under the Family Leave Scheme*
- *“Position(s) of additional responsibility” means Provost, Depute Provost, Leader, Depute Leader, Chair, Vice-Chair, Executive Councillor, Portfolio Holder and council-appointed Spokespersons, and, where the context requires, includes acting positions under the Family Leave Scheme*
- *“Provost” means the Chair of the Council and “Depute Provost” (if any) means the Vice-Chair of the Council, each elected under Section 4 of the Local Government etc. (Scotland) Act 1994, and, where the context requires, includes acting positions under the Family Leave Scheme*

Standing Order 12 – Minutes, attendance, apologies (*“attendance” is added to the title*)

To ensure an absence through the scheme is automatically recorded as such in the minute of the meeting. Add this new sentence to the end of SO12(4):-

- *The absence of a member attributable to the Family Leave Scheme and properly notified to the Clerk shall be recorded as such by the Clerk.*

Standing Order 30 – Duration of appointments, attending and failing to attend meetings (*first two parts of the title are new*)

To permit members to attend council meetings whilst on leave but as ordinary members only; to move existing SO2(2) to a more appropriate and logical place; to provide as far as possible for family leave not to lead to breach of the six month rule.

Amend to read as follows:-

(1) Subject always to the terms of Standing Order 28, appointments to positions of responsibility shall be reviewed by the Council at any time, subject to a relevant motion appearing on an agenda

for a meeting of the Council, and subject to giving three months' notice in writing to the Clerk of the motion.

(2) The appointment of a member to any position of additional responsibility or to any body governed by these Standing Orders shall cease when the member ceases to be a councillor, or resigns the position, or as a result of a review under SO30(1). Any acting position arising through that member under the Family Leave Scheme shall cease at the same time.

(3) During any period of their leave under the Family Leave Scheme members will be entitled to attend and take part in meeting of council but only as an ordinary member.

(4) If a Councillor fails under section 35 of the Local Government (Scotland) Act 1973 to attend meetings for six months, the Clerk shall inform the Council and shall identify any part of the period of absence which is attributable to the Family Leave Scheme. Unless the Council decides that the failure to attend was due to some reason approved by it, the Councillor shall stop being a Member of the Council. Subject to a decision by the council to the contrary, absence attributable to the Family Leave Scheme and notified under Standing Order 3(7) is presumed to be an approved reason.

Standing Order 36 – Chair *(this applies to committees)*

To permit members to attend committee meetings whilst on leave but as ordinary members only.

Add:-

(2) During any period of their leave under the Family Leave Scheme members will be entitled to attend and take part in meetings of committees to which they are appointed but only as ordinary members.

Standing Order 46 – Chair *(this applies to sub-committees)*

To permit members to attend sub-committee meetings whilst on leave but as ordinary members only.

Add:-

(2) During any period of their leave under the Family Leave Scheme members will be entitled to attend and take part in meetings of sub-committees to which they are appointed but only as ordinary members.

Standing Order 50 – Policy Development & Scrutiny Panels

To permit members to attend PDSP meetings whilst on leave but as ordinary members only.

Add to 50(7):-

- *During any period of their leave under the Family Leave Scheme members will be entitled to attend and take part in meetings of PDSPs to which they are appointed but only as ordinary members.*

Standing Order 52 – Working groups involving members

To permit members to attend working group meetings whilst on leave but as ordinary members only.

Add to 52(7):-

- *During any period of their leave under the Family Leave Scheme members will be entitled to attend and take part in meetings of working groups to which they are appointed but only as ordinary members*

SCHEME OF ADMINISTRATION

No changes are required. The Scheme of Administration is technically part of Standing Orders for the Regulation of Meetings (see Standing Orders 34, 44, 50, and 51). The changes to those, including the new and amended definitions, will therefore apply to the Scheme of Administration as well.

SCHEME OF DELEGATIONS

No addition is required to the Chief Executive's responsibilities since the Chief Executive is already designated as Clerk to the Council.

Add this to the list of responsibilities for the Head of Corporate Services:-

- *Family Leave Scheme and other support for elected members*

SCHEME OF ELECTED MEMBER REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

To add a reference to the different rules attaching to payments under the Family Leave Scheme, in section 2.1 of the Scheme:-

Family Leave Scheme

The statutory rules limiting the number of and total spend on senior councillor payments were relaxed in April 2020 where members are utilising council-approved schemes for family leave purposes. The relaxations make it possible for a member in receipt of a senior councillor payment to continue to receive that payment while on leave while at the same time a payment is made to another member acting up in their absence. The same relaxations apply to the position of Civic Head (Provost) and Council Leader and the separate payments to those who hold those positions. Changes were approved on the same date to Standing Orders to make formal provision for the Scheme. The Head of Corporate Services is responsible for administering the Scheme. Notice in writing has to be given to the Chief Executive who reports accordingly to council. The additional payments permitted will become effective on the date the council makes the acting appointments and will last until the arrangement comes to an end as provided for in this Scheme and in Standing Orders.



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

Motion for West Lothian Council
24th November 2020
SPACES FOR PEOPLE PROGRAMME

Officers should carry out an as installed survey against the design criteria for the installation and correct all irregularities and in particular proportion of signage per mile of road, clear speed signage in all directions and at tee junctions entering altered zones, clear signage at the entrance, the midpoint and the exit of all community settlements in a consistent fashion and provide a report to the next Full Council that these have been carried out and the programme of installation is complete.

Councillor Bruce Fairbairn
Whitburn and Blackburn Ward
West Lothian Council Conservative Group

Received at 9.40am on 9 November 2020



WEST LoTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

24th November 2020

Boghall Drop In Centre

This council recognises the work done by Boghall Drop In Centre to support the community of Bathgate and beyond in West Lothian during the Covid 19 pandemic.

West Lothian Council congratulate Boghall Drop in Centre, it's board, staff and volunteers on being selected as the Regional Champions for West Lothian in the National love local awards.

This national recognition acknowledges the outstanding work and the enormous amount of hours, innovation and care that Boghall drop in centre have provided to the West Lothian Community since Covid restrictions began in March 2020

As this is a national award this council instructs the provost to hold a civic reception, once Covid restrictions allow, for Boghall Drop in Centre Board, employees and volunteers to recognise the huge work which they have put into our community and particularly managing members Victoria Dunnett, Heather McCormack, Kelly Drummond and Graham Cavan who have worked tirelessly for our community throughout this pandemic

Councillor Charles Kennedy –Ward 8 - Bathgate
West Lothian Council Conservative Group

Received at 11.13am on 9 November 2020

WEST LoTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Lawrence Fitzpatrick For the Council Meeting on 24th November 2020

Covid-19 Financial Challenges

The response to the Covid-19 pandemic continues to present ongoing financial challenges for local government, businesses and individuals. West Lothian Council calls on the Scottish Government to acknowledge the significant additional financial pressures being faced by councils, businesses and individuals and ensure sufficient funding is provided to address these pressures. This is particularly the case where businesses and individuals are facing financial pressures as a consequence of the restrictions imposed from the lockdown tiers.

The concern surrounding financial challenges is not new, with the Council previously calling on the Scottish Government on three separate occasions to ensure appropriate and fair funding for councils in the current and future years. This is backed by repeated calls from other Scottish authorities and COSLA regarding funding to ensure councils can continue to meet the challenges from the pandemic whilst continuing to deliver core services. These calls for funding are not being fully addressed with pressures continue to grow with more and more Scottish Government decisions creating a resource burden for local authorities.

In addition, to date local government, businesses and individuals have received financial support on a piecemeal basis, with small pots of money being announced on an ad hoc basis, sometimes with little notice. West Lothian Council therefore calls on the Scottish Government to urgently adopt a strategic approach aligned to the published protection levels to providing financial support to councils, businesses and individuals to help alleviate their financial concerns and provide some degree of stability in these uncertain times, and instruct the Chief Executive to write to the First Minister in these terms.



**Councillor Lawrence Fitzpatrick
Leader
West Lothian Labour Group**

Received at 11.32 on 9
November 2020



WEST LOTHIAN COUNCIL LABOUR GROUP

**Notice of Motion from Councillor Lawrence Fitzpatrick
For the Council Meeting on 24th November 2020**

Home Fire Safety Standards

Council notes that members have received numerous enquiries from concerned homeowners on the legislation which came into effect on 16th January 2019 to strengthen fire and smoke alarms standards.

It is understood that the timescale for compliance has been extended to February 2022.

Council notes that in the letter dated 20th October 2020 from the Minister for Local Government, Housing and Planning, addressed to the Convener of the Local Government and Communities Committee, wide concern has arisen on lack of clarity as regards responsibility falling on homeowners.

In particular the letter states: -

"It will be the responsibility of the homeowner to meet the new fire and carbon monoxide standards" .. "However the legislation does not create a direct duty on homeowners" ... "Homes that don't have the right alarms will clearly not be meeting the safety standards, but nobody will be breaking the law if they are not able to comply".

Council understands that in most cases non-compliance will be picked up in the home report when a house is being sold. Council's prime concern is that there may be serious implications for insurance cover if owners, particularly in the instance of a claim, do not meet the new required standards as well as their unawareness of these standards and perhaps the lack of funds to carry out required works.

Given the foregoing, Council instructs the Chief Executive to write to the First Minister to demand a national communication strategy on the new regulations and commit to financial assistance for the many homeowners who lack the funds required for the installation or upgrading to the new standards.



**Councillor Lawrence Fitzpatrick
Leader
West Lothian Labour Group**

Received at 11.32am on 9
November 2020



WEST LoTHIAN COUNCIL LABOUR GROUP

Notice of Motion from Councillor Kirsteen Sullivan For the Council Meeting on 24th November 2020

High Street Heroes

Council congratulates all West Lothian individuals, community groups and organisations (see attached appendix) recognised as High Street Heroes by the Scotland Loves Local campaign.

Council further commends the outstanding achievement of Boghall Drop-in Centre as regional (West Lothian) winner for the awards.

Council recognises the outstanding work undertaken by these High Street Heroes in supporting local communities during this time of unprecedented challenge and thanks them for their invaluable contribution to community life during the COVID-19 restrictions.

Council instructs the Chief Executive to write to the Boghall Drop-In Centre extending congratulations on this award.



**Councillor Kirsteen Sullivan
West Lothian Labour Group**

Received at 11.32am on 9
November 2020



West Lothian High Street Heroes - Appendix

• Regional Champion

- Boghall Drop-in Centre

• Highly Commended

- Pumpherston Volunteers & Community
- Jordan MacDonald, Whitburn COVID-19 help page
- Joanna and Marie Claire, Dream Fitness, Bathgate
- Linlithgow Distillery Ltd

• High Street Heroes

- Jules Meek, Linlithgow
- Lily Green, Linlithgow
- Lynne Shields
- Robert Cumming
- Sandra Meek
- Sharon McLaughlin
- Alexander's Convenience Store and staff, Linlithgow
- Carers of West Lothian
- Complete Health at the Millstone, Linlithgow
- Donna Paterson-Harvie at Neil's Hugs Foundation, Broxburn
- Far from the Madding Crowd, Linlithgow
- Kick Mental Health
- One Stop, Stoneyburn
- Sally Chamness and team at Phoenix Health and Wellness, Bathgate
- Tea J's, Armadale
- Shonagh Brown, The Crannog Café, Linlithgow

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Nunquam Servili!*



Meeting Date - 24 November 2020
Item No.15

Motion to Council 24/11/2020

Endometriosis

Endometriosis is a painful condition that affects 1:10 women in the UK. It is described as a condition where tissue similar to the lining of the womb starts to grow in other places, such as the ovaries and fallopian tubes. Endometriosis can affect women of any age. It is a long-term condition that can have a significant impact on a woman's life. Many girls will start experiencing symptoms of Endometriosis from a very young age, some from their first period. Severe cramping and heavy periods result in many days absence from school each month. Education suffers, girls' physical and mental health suffers, they withdraw from participating in sport and their confidence levels drop in all aspects of lives. It takes an average 8 years for a woman to be diagnosed with the condition.

The SNP group calls on Council to agree the following:

- Council requests officers work with Endo Warriors West Lothian and appropriate health professionals to develop a programme of education to be taught in our schools to all pupils to ensure no girl suffers needlessly and understands the importance of early medical intervention.
- Council also requests that West Lothian Council once again supports Endometriosis month in March and includes a social media campaign to highlight the condition and raise awareness.
- Council requests that West Lothian Council write to the Scottish Government to ask what progress has been made following requests from Endometriosis campaigners to include menstrual well-being as part of the national education programme.
- And Council further requests that West Lothian Council writes to the Scottish Government to enquire what work is being undertaken to reduce the time it takes for a woman to receive an endometriosis diagnosis.

Councillor Pauline Clark

Received at 11.35am on 9 Nov 2020

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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West Lothian Council SNP Group

Leader: Cllr Janet Campbell
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Meeting Date - 24 November 2020
Item No.16

Motion -Council Meeting Nov 2020

Face coverings in schools

Council recognises that, from Monday 2 November, West Lothian has been designated as being in Level 3 in the Scottish Government's Covid Protection Levels. One of the many preventative measures to be taken at this level, is that senior pupils and their teachers are being advised to wear face coverings in classrooms, where social distancing is not possible.

Council understands that evidence suggests that individuals who have hearing impairments might now find life harder due to the use of masks. Masks cover the mouth and face and by doing so prevent people from lipreading or from using (quite often subconsciously) mouth shape and facial expression to assist in accurately hearing and following what is being said.

Masks muffle the sound of voices, not just reducing the volume but, even more importantly, reducing the clarity, so words are harder to properly hear and understand. It is not only individuals with hearing impairments who will struggle. The Royal College of Speech and Language Therapists has highlighted the potential impact of masks on others with communication challenges, including those with dyslexia, autism or with a learning disability. Visual clues are important for assisting the way that we interact with others.

Council understands that a clear panel constructed into the mask, or a full transparent face shield, makes it possible to see the mouth or the full face. This can be of significant benefit to an individual, whose hearing is negatively impacted by mask wearing. Wearing of masks with clear panels would also be of benefit to the wider pupil population.

Therefore, West Lothian Council calls upon council officers to draw up a paper to be presented to the Education Executive on 8 December, 2020 which will:

1. As a matter of urgency,

- a. identify the number of young people who might be adversely affected, in terms of their learning, in West Lothian Schools by the directive to wear face masks in their classrooms;
- b. Identify the cost of the provision of clear panel masks and/or transparent face shields;
- c. Identify a time-scale and strategy for the provision of same to pupils with hearing impairments and/or disabilities where ease of communication is necessary for learning, their classmates and their teachers.

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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2. Identify a time-scale and strategy for the provision of see-through masks and / or face shields to all teachers of senior pupils in West Lothian schools.

Maira Shemilt

Cllr Moira Shemilt

Received at 11.35am on 9 November 2020

V Johnston

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Meeting Date - 24 November 2020
Item No.17

Motion-Council Meeting 24th Nov Free School Meals

West Lothian Council acknowledges the financial difficulties faced by families across the County due to the effects of the global coronavirus pandemic. West Lothian Council further recognises that for children living in food poverty, this can have a serious detrimental impact on their future development. This Council has benefitted from the support offered by the Scottish Government to ensure that children in West Lothian have access to free school meals both during the school calendar and also vitally, when children are on holiday.

In Scotland, in addition to our Government taking the lead in the provision of free school meals for all children during the holidays, free school meals for pupils in Primaries 1 to 3 have been universally available since January 2015. For school pupils in England, they have to endure the indignity of undergoing means testing in order to prove they qualify for Government support to prevent them starving.

The result of Westminster Tories ignoring children in food poverty in England will inevitably have an impact on the ability of the Scottish Government to continue supporting families in need, by the resultant cause of insufficient Barnett consequentials available to the Government of Scotland. The outcome of this will quite obviously mean that here in West Lothian we may not be able to offer this vital and humane support for local people struggling to feed their children.

West Lothian Council therefore agrees to write to the Prime Minister, Boris Johnston and Rishi Sunak, the Chancellor of the Exchequer and request this inequitable share of public funds is addressed as a matter of urgency and free school meals for children in Primaries 1 to 3 and for all school children during the holidays in England throughout the pandemic is instigated immediately.

West Lothian Council SNP Group calls on Council to agree

- Council officers prepare an urgent report on the option of making a cash payment for every child entitled to free school meals during the school holidays, up to and including the Easter holidays, utilising all the money received from the Scottish Government for school meals. This report to be brought to the Council Executive meeting of 15th December, to enable time for implementation this Christmas.

Janet M Campbell

Cllr Janet Campbell

Received at 11.35am on 9 November 2020

V Johnston

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Nunquam Servili!*



West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Meeting Date - 24 November 2020
Item No.18

Motion -Council Meeting Nov 2020

Menopause

This motion seeks to tackle gender inequality by addressing a specific policy gap.

Women employees make up a significant proportion of our workforce and there is currently no formal recognition that for those going through the peri-menopause and menopause, the physical, mental and emotional turmoil they often experience has a major impact on their daily lives. For many women, menopausal symptoms can be severe and have a significant negative impact upon their attendance and performance in the workplace. Menopause is a naturally-occurring female process, which does not mean it is always an easy transition.

Other local authorities, such as Angus, aiming to maximise inclusive working practices for all employees, have implemented a policy targeted at providing support for women experiencing menopausal symptoms. Many women live a third of their lives post-menopausal, often at the peak of their careers and still with high career goals. Therefore, helping them to deal with it effectively matters to us all.

This Council, therefore, requests that the Human Resources team in conjunction with our Equalities Officer, construct a Menopause Policy, drawing on best practice. The policy will reflect the reality of menopause health-related issues for women and include awareness raising procedures for all employees and managers, regardless of sex or gender.

Councillor Shemilt

Received at 11.35am on 9 Novemeber 2020

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Meeting Date - 24 November 2020
Item No.19

Third Sector Support Council Meeting Nov 2020

The SNP Group recognises the tremendous work that the Third Sector were prepared, and continue to be prepared, to carry out during this pandemic. We also recognise that many have struggled with their finance during this period. The biggest hurdle that many of these Groups have struggled with is their hinderance in generating their own income due to the restrictions placed on their fundraising abilities by the Covid pandemic. The SNP Group recognise that, for some of these groups, one of the items of expenditure they still have to find, despite in many cases no actual incoming income, is the rent they have to pay for their premises to this Council.

The current position that faces some of our groups, 8, have to pay rent/service charge/insurance to this Council. In fact, from the total Budget allocation of £944K, we took back almost £125K more than 13% of the Budgeted figure. This is an unfair burden on the Third Sector and could place these groups in jeopardy.

Council agrees to, as a sign of the gratitude of Council for all the great work the Third Sector performed during the current pandemic,

- For the current and next financial year, withdraw these charges from the organisations due to pay.
- Ask officers to prepare a report on the affect this would have on the budget and the potential solution to mitigate the costs
- Ask officers to prepare a report, going forward, why there should be no financial costs to third sector groups for renting Council premises and that a 'community benefit' clause is devised to accept as a contribution to the Council's outcomes in place of a financial rental.

Moved

Cllr Frank Anderson

Received at 11.35am on 9 November 2020

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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Meeting Date - 24 November 2020
Item No.20

Motion Council Meeting Nov 2020

Safety Plan

The West Lothian Council SNP Group recognises the challenges the Council faces during this difficult time in the management of staff. There is great emphasis focused on protecting staff with social distancing, hand sanitiser use, face mask requirements and such like, as well as encouraging working from home.

There is now a realisation of the impact that the fall out of Domestic Abuse can have on employers and the serious contribution that it makes to absenteeism. By recognition of this problem there are steps that can be taken not only to reduce this impact but to lend significant support to staff and to signpost them to professional help.

This can be dealt with by instilling a trust in staff that there is recognition and help available. Encouraging discussion among staff would empower individual to feel safe to come forward. By then introducing a personal safety plan to provide practical support, in participation with the individual, this can offer a vital way forward for what is often a hopeless situation.

Concern must also be given at this time to staff who may require to work from home that may regard their work place as a form of refuge.

The West Lothian Council SNP Group calls on Council to bring forward an urgent report into these matters. This to include proposal to Council of measure that will address a positive way forward for staff subjected to Domestic Abuse.

Cllr. Wm. H. Boyle.

Received at 11.43am on 9 November 2020

DATA LABEL: PUBLIC



WEST LOTHIAN COUNCIL

COUNCILLORS' CODE OF CONDUCT – ANNUAL REPORT 2019/20

REPORT BY GOVERNANCE MANAGER

A. PURPOSE OF REPORT

To inform members of some of the significant happenings in 2019/20 in relation to the Councillors' Code of Conduct.

B. RECOMMENDATIONS

1. To note the summary of the issues arising in 2019/20 in relation to the Councillors' Code of Conduct
2. To note that the annual presentation to members has been decoupled from the November meeting of full council and that training will instead be delivered online in December and January
3. To note that the formal consultation on a revised Code has been started by the Scottish Government with a council response to be developed for the submission deadline of 8 February 2021

C. SUMMARY OF IMPLICATIONS

I	Council Values	Being honest, open and accountable
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Ethical Standards in Public Life etc. (Scotland) Act 2000 and related regulations – members' duties to observe and uphold the Code; council's duties to promote the Code and assist members in its observance
III	Implications for Scheme of Delegations to Officers	N/a
IV	Impact on performance and performance Indicators	N/a
V	Relevance to Single Outcome Agreement	N/a
VI	Resources - (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	Not possible between publication of annual reports and reporting to council on 24 November 2020

VIII Other consultations

Monitoring Officer; Depute Monitoring Officer

D. TERMS OF REPORT

1 Background

- 1.1 The Ethical Standards in Public Life etc. (Scotland) Act 2000 created a statutory framework of ethical standards which applies to local authorities and to other devolved public bodies. There is a national statutory Code of Conduct for Councillors (the Code) backed up by statutory guidance and a growing library of Advice Notes on specific issues. The Code is enforced through complaints to the Commissioner for Ethical Standards in Public Life in Scotland (the ESC) and onwards, if appropriate, to the Standards Commission for Scotland (the Commission). Members found to have breached the Code may be censured, suspended or disqualified from being a councillor. Complaints alleging breaches of the Code can also be submitted to the council. Those are dealt with by the Monitoring Officer through an internal procedure which may divert an issue away from the more formal path but which does not provide a substitute for it.
- 1.2 The council's duties are to raise awareness of the Code; to promote the observance by members of high standards of conduct; to assist members to comply with the Code; and to provide induction and training sessions.
- 1.3 Members' obligations include compliance with the Code and its underpinning statutory rules, having regard to the statutory guidance; attending training and induction sessions; knowing and understanding the Code and Guidance; and promoting and supporting the Code and encouraging compliance by others. Compliance with the Code is the personal responsibility of each member.

2 The ESC's year

- 2.1 The ESC reports completion of its Strategic Plan 2016/20 but without providing any information about targets, outcomes and performance. It refers to a new Strategic Plan 2020/24 and lists four high-level objectives from that – assuring ethical excellence through a high-quality complaints service; evolution and maturity as a regulator; developing a talented professional team; and an effective information governance system. Table 1 in the appendix summarises the complaints received by the ESC during this and the previous five reporting years.
- 2.2 Some of the talking points from this year's annual report are:-
 - A repeat of comments from last year about the current Commissioner's inheritance of historic inefficiencies, key legacy issues and a substantial number of aged complaints against councillors
 - A steadying of the ship in terms of completing investigations and disposing of cases – the inherited backlog dealt with, speedier completion of current investigations
 - A substantial increase in the number of complaints and cases received (173 complaints in 2018/19 compared to 284 this year; 117 cases last year compared to 154 in 2019/20)
 - An increase in complaints against members of devolved public bodies (up from 6 to 10, none of which resulted in a finding of "breach"))

- Complaints from members of the public and officers increased by a greater proportion (from 148 to 213) than complaints by councillors (from 21 to 34)
- Complaints about planning and other regulatory functions grew by the greatest proportion (from 24 last year to 95) followed by disrespect cases (from 60 to 97)
- Submission to the Commission during the year of the highest ever number of breach reports (12 in total comprising 4 cases brought forward from 2018/19 and 8 received in 2019/20)
- Of cases referred on in the reporting year and since disposed of by the Commission, 4 were about disrespect, 3 were about declaration and registration of interests, and 1 concerned campaigning and lobbying
- The number and proportion of complaints and cases that did not proceed to a full investigation report and decision grew substantially. Last year 51% of all complaints did not get that far, whilst this year the figure is 81%. The annual report does not give an insight into the reasons for cases not proceeding

2.4 The current Commissioner has not since her appointment in April 2019 maintained participation in networking arrangements that had been valuable in the past – formal and informal liaison with the Commission, engagement with Monitoring Officers. The annual report states that plans to resume these relationships were interrupted by COVID-19 but the intention to do so remains.

2.5 The restrictions on information provided during the year and in the annual report about “near miss” cases continue. The annual report has helpfully added back some statistical information traditionally provided but missing last year. It contains some trend charts which help provide context as well. As noted below, the ESC received a first statutory direction from the Commission. It was given after the end of the reporting year but the annual report does not mention that as it might have done, as a significant post-year end development.

3 The Commission’s year

3.1 The Commission has set a new Corporate Plan for 2020/24 and reported on the successful completion of its previous plan. The achievements of that include:-

- Issuing five Advice Notes (non-statutory guidance) and revising and streamlining eleven sets of hearings procedures and guides
- Partnership working with stakeholders (Monitoring Officers, Standards Officers; SOLACE, SOLAR, COSLA, Scottish Government, Police Scotland, but, notably absent from the list, the ESC)
- Continuing, increasing and improving regular bulletins and updates via website, press releases, email alerts, and social media
- Holding regional roadshows and other training events for members and officers

3.2 Some of the highlights specifically for the reporting year are:-

- Participation in a lead role in the pre-consultation working group on the revised Code

- Meeting its Service Charter targets for dealing with enquiries, referrals and hearings
 - Hearing dates set within target times on all new referrals and hearings taking place within timescales except where parties requested postponement
 - Instigating a process for immediate suspension pending the conclusion of a case where allegations are serious and significant and there is a risk of harm
 - Four cases brought forward from 2018/19 and four new referrals this year, all involving councillors, none involving members of devolved public bodies
 - Nine hearing cases to be dealt with (one case against three councillors later split in two), all completed except for one carried forward to 2020/21
 - Very unusually, one case was dropped without a hearing
 - Seven remaining cases completed, with breaches found in six of them (seven councillors in total) and one where no breach was found
 - Four interim suspension cases considered, two where suspensions were imposed and two where not
- 3.3 The sanctions it imposed in the breach decisions comprised six censures; one full suspension (from all meetings with possible loss of senior councillor payments); and one partial suspension (from designated committees). No disqualifications were imposed.
- 3.4 Table 2 in the appendix summarises the Commission cases for the year. Table 3 summarises the interim suspension cases. That procedure is only invoked in the worst cases where on the face of the complaint and preliminary investigations there is a real risk of harm unless a suspension is imposed. It is analogous to the precautionary suspension of an employee in a gross misconduct case pending the outcome of a full disciplinary investigation.
- 3.5 The Commission continues to work with the Scottish Government on its review of the Councillors' Code of Conduct. The review was delayed due to COVID-19 but has now entered its formal public consultation stage. A council response will be developed and approved prior to the closing date of 8 February 2021. That Code requires to be approved by the Scottish Parliament. After approval of the new Code the Commission will have to rewrite and re-issue its suite of guidance and advice notes.

4 The council's year

- 4.1 The annual report for 2018/19 was made through P&R PDSP on 6 December 2019 and to Council Executive on 17 December 2019. Committee agreed that the annual report will in future be taken to full council due to its significance for all members.
- 4.2 The annual presentation on the year 2018/19 was given on 28 January 2020. There were 15 members and 16 officers present. The presentation will be decoupled from a council meeting this year. It will be delivered via WebEx and will be split into two or more sessions. Rather than being confined to the previous reporting year it will cover the previous 12 month period so that members have up-to-date advice on decisions and developments.

- 4.3 A briefing was given to members in October 2019 on using social media as councillors. It touched on Commission decisions, in particular on being perceived to be acting as a councillor when political or personal views are expressed, and some risks and pitfalls. Nine members attended.
- 4.4 Members also continued to receive periodic emails passing on and digesting significant events and developments, such as Commission decisions and its quarterly bulletins.
- 4.5 The council's updated history of involvement with the ESC and the Commission, and under its internal procedures, is shown in Tables 4, 5 and 6 of the appendix.
- 4.6 Seven complaints were made through the council's internal procedure, a number in line with those in recent previous years. Two of these seven complaints related to the same member and the same circumstances, so six cases were determined. The outcomes were as follows:-
- One resulted in a finding of a breach, arising from disrespectful language used on social media. Because of the terms used the Article 10 defence did not apply
 - Two cases concerned allegations that coronavirus restrictions were not adhered to. No breach was found in either case since there was no basis to say the member had been acting as a councillor or could be perceived to be so doing
 - One alleged a failure in responding to communications, either at all or after delays. No breach was found because the Code of Conduct contains no requirement or prescription around communications or timeliness of responding to enquiries – it does not constitute a performance framework
 - One complaint concerned an alleged failure to declare an interest as a user of a business with a regulatory application before the council, and no breach was found to have taken place
 - One complaint concerned using councillor status to advance a personal interest and that complaint was not upheld
- 4.7 No complaints against West Lothian councillors were made to the ESC during the year.
- 4.8 One complaint made to ESC in 2018/19 was concluded by the Commission holding a hearing in 2019/20. That led to a finding of a breach, in relation to disrespect in the use of social media, and a three-month suspension from attending council and committee meetings. As required by legislation it was reported to full council on 28 January 2020.

5 Significant messages

- 5.1 The Commission's focus continues to be on disrespect cases, especially those involving bullying, harassment and oppressive conduct to councillor colleagues, officers or members of the public. Cases concerning regulatory business and registration and declaration of interests still feature but the proactive part of the Commission's remit is aimed at disrespect. Its introduction of the interim suspension procedure is a clear indication of that focus.

- 5.2 The Commission has also indicated some concern about the ESC's role and performance. It has issued its first statutory direction to the ESC relating to the conduct of ESC investigations, to try to address significant delays in investigation procedures and then in cases being reported to the Commission for adjudication.

E. CONCLUSION

An up-to-date awareness of issues relating to the Code of Conduct will help members and council fulfil their respective obligations in relation to ethical standards.

F. BACKGROUND REFERENCES

- 1 Councillors' Code of Conduct and Guidance - <https://www.standardscommissionscotland.org.uk/uploads/files/1545151725181218CCfCouncillorsGuidanceDec2018.pdf>
- 2 Commission Annual Report 2019/20 - <https://www.standardscommissionscotland.org.uk/uploads/files/1598604870200820StandardsCommissionScotlandAR.pdf>
- 3 ESC Annual Report 2019/20 - <https://www.ethicalstandards.org.uk/publication/esc-annual-report-and-accounts-2019-20>
- 4 Consultation on revised Code of Conduct, including draft revised Code - <https://consult.gov.scot/housing-and-social-justice/the-councillors-code-of-conduct/>

Appendices/Attachments: 1. Summary of complaints and statistics

Contact Person: James Millar, Governance Manager, Chief Executive's Office, West Lothian Civic Centre, Howden Road South, Livingston, EH54 6FF, 01506 281613, james.millar@westlothian.gov.uk

Date of meeting: 24 November 2020

APPENDIX

Table 1 – ESC cases ¹ (national)						
	14/15	15/16	16/17	17/18	18/19	19/20
Against everyone	692 ² (111)	245 (132)	174 (106)	146 (80)	173 (117)	284 (154)
Against councillors	680	202	165	134	167 (111)	274 (146)
Against public body members	12	33	9	3	6 (6)	10 (8)
From members of the public	663	202	110	123	148	213
From councillors	20	36	54	19	21	34
Planning (regulatory)	81	85	35	39	24	95 ³
Registering interests	4	4	6	4	10	4
Declaring interests	26	19	22	5	13	12
Disrespect	33	75	63	31	60	97 ⁴
Completed	692 (99)	214 (111)	224	176 (90)	153 (109)	269 (150)
Dropped, not competent or did not proceed	135 (73)	157 (82)	111	121 (59)	78	230 (129)
[Percentage of all complaints and cases] ⁵	[20% (66%)]	[64% (63%)]	[64%]	[83%]	[51%]	[81% (84%)]
No breach found	17 (14)	49 (22)	95 (55)	43 (23)	8	13
Breach found, SCS referral	540 (12)	8 (7)	18 (14)	12 (8)	23	4

¹ The first figure is the number of complaints received. The second, in brackets, where relevant, is the number of cases dealt with after complaints are combined

² The number of complaints in 2014/15 was skewed by a large number made against the same councillors arising from the same facts (sending a letter stating the council's position on the independence referendum along with annual council tax notices)

³ For 2019/20, an omnibus category of "quasi-judicial or regulatory", not just "planning"

⁴ (Mis)conduct was towards officers or members of the public in 64 cases, towards councillors in 33 cases

⁵ No insight provided into reasons for not proceeding

Table 2 – Commission cases concluded (national)			
Case	Facts	Decision	Sanction and reasons
Respect			
SL/2153	Uttered “Sieg Heil” loudly at committee meeting when frustrated by Chair abruptly closing off a heated debate. Fascist association and connotations. Offensive and gratuitous. Article 10 defence not applicable	Breach	(Severe) censure. One-off, not premeditated. Remorse. Apology
D/2158	Tweets by non-binary councillor describing complainant as a TERF. Use of term found to be offensive and abusive when coupled with “scum”, “hateful and vile” and the c-word. Perceived to be acting as a councillor. Article 10 defence not applicable	Breach	Full suspension, two months. Course of action. No remorse. No apology. No insight into impact of behaviour
SB/2219	Heated community council meeting. Attendees talking over each other, interruptions, raised voices. Banged fist on table 2/3 times, commented on others “moaning”	No breach	No sanction, but - poor behaviour, unwise words. No evidence of personal attack. Threshold for breach not crossed
WL/2213	Sharing and commenting on online content on social media, including derogatory references to Jewish faith/origin and Hitler’s view of “The Jew” taking over the trade union movement. Found to be antisemitic. Article 10 defence not applicable	Breach	Full suspension, three months. Failed to read full article before sharing. Unaware of religious/ethnic background. Initially double-downed in press interview. Apology later. Attending counselling/training
Regulatory			
Mi/2166 Mi/2169	Planning application. Tennisgate #1, 2 councillors		
	No advice sought from officers, unaccompanied and unofficial site visit to and 30/40-minute meeting with objectors. No such engagement with applicants. Called to committee. Seconded grant on terms helping objectors	Breach	Suspension from Planning Committee, one month. Objective test indicated declaration and withdrawal. No personal gain. One-off event. Not deliberate. Visit not hidden
	No advice sought from officers, unaccompanied and unofficial site visit to and 20-minute meeting with objectors. No such engagement with applicants. Contributed to discussion and decision to grant on terms helping objectors	Breach	Suspension from Planning Committee, one month. Objective test indicated declaration and withdrawal. One-off event. Not deliberate. Visit not hidden. Deep regret
Mi/2166 Mi/2169	Planning application. Tennisgate #2.		
	Past member and committee member of club. Undertook work for club. Friends with club members, acquainted with objectors. Mentioned his connection but no formal declaration made, took part in	Breach	Censured.

Table 2 – Commission cases concluded (national)			
Case	Facts	Decision	Sanction and reasons
	discussion and decision		
Registration			
Fi/2176	Involves declaration and regulatory business too. Previously a spokesperson for windfarm pressure group, resigned 6 months before election. Register covers 12 months before but not registered as a non-financial interest. Carried on as Facebook administrator after election. Letter published in national newspaper identifying herself as a councillor and expressing strong views. Took part in planning meeting on wind turbine application without declaring and withdrawing	Breach	Full suspension, two months. Interest was significant and required to be registered. Once registered, required to be declared and objective test indicated withdrawal required. Apology made.
Declaration			
CES/2214	Involves registration too. Shareholding and directorship in family business. Failed to declare and withdraw when full council accepted a committee recommendation to conclude a property transaction with the company. At a later meeting, declared but did not withdraw when a similar item was discussed. Shareholding not registered although directorship was.	Did not proceed, no action taken	No finding, no sanction. Long delays in the investigation and then referral by ESC after investigation concluded. Further Covid delays probable. Alleged breach was technical. No attempt to hide the interest. No adverse consequences. Respondent stressed out. Not proportionate and not in the public interest to proceed to a hearing

Table 3 – Commission interim suspension cases (national)		
Case	Facts	Decision
P&KC#1	Bullying and harassment allegations, including against council officers. Number of serious complaints over several months. Reported by ESC due to serious allegations, extended period, council officers involved, initial view that if proved a suspension would be appropriate	Interim suspension for 3 months. Reviewed and another three months. Significant risk to officers and disruption of council and IJB business. Proportionate to impose suspension. Recalled after two months when ESC reported completing investigation of some allegations and concluding no breach found. Suspension no longer proportionate
P&KC#2	Bullying and harassment allegation, including against council officers, but on only one occasion. Reported by ESC due to serious allegations and council officers involved. Allegations not clear and information conflicted. No course of behaviour	No suspension. Some risk to officers and disruption of council and IJB business but it could be managed. ESC not able to state that suspension would be a likely sanction if complaint upheld. Not proportionate to suspend
AbCC	Councillor convicted of sexual assault when acting as a councillor and placed on sex offenders' register.	Interim suspension for 3 months (since renewed on several occasions and until hearing on 20 November 2020). Repetition of conduct would be a risk to the public. Reputational damage to council. Erosion of public confidence. Suspension proportionate and in the public interest.
CEC	Complaints of two-year old course of misconduct, some serious allegations with <i>prima facie</i> evidence. No recent behaviour complained of	No suspension. No recent complaints. ESC had not shown that conduct took place when acting or perceived to be acting as a councillor. No evidence of present risk of harm. Not proportionate or in the public interest to suspend

Table 4 – Numbers of complaints to ESC (council)	
2004/05	4
2005/06	6
2006/07	4
2007/08	1
2008/09	7
2009/10	6
2010/11	1
2011/12	2
2012/13	6
2013/14	3
2014/15	2
2015/16	4
2016/17	1
2017/18	0
2018/19	3
2019/20	0
Total	50

Table 5 – Grounds of complaints to ESC (council)	
Conduct in the Chamber	11
Payment of allowances	1
Respect	13
Principles of leadership & accountability	2
Planning applications/declarations	14
Use of council facilities	3
Declaring financial interests/withdrawal	4
Lobbying on planning applications	1
Other (matters not relevant to Code)	1
Total	50

Table 6 – Complaints handled internally	
2011/12	4
2012/13	6
2013/14	4
2014/15	1
2015/16	3
2016/17	1
2017/18	6
2018/19	8
2019/20	7
Total	40

DATA LABEL: PUBLIC



WEST LoTHIAN COUNCIL

CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2019-2020

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 2019 -2020.

B. RECOMMENDATIONS

It is recommended that the Council:

1. note the contents of the Chief Social Work Officer's annual report for 2019 - 2020 and
2. note that the final report will be 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">• Meeting of the West Lothian Integration Joint Board on 19th January 2021
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.

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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 placed to

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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 2019/2020
Contact Person:	Jo MacPherson, Chief Social Work Officer, Head of Social Policy
Tel	01506 28190
	Jo.macpherson@westlothian.gov.uk
Date:	24 th November 2020

Chief Social Work Officer Annual Report

01/04/19 – 31/03/20

28 Sept 2020

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Chief Social Work Officer's Summary

In West Lothian we are committed to providing high quality social work and social care services, albeit within an increasingly complex environment. The last quarter of 2019/20, saw social work and social care service face the unprecedented challenge of responding to the COVID-19 global pandemic. Staff across the Health and Social Care Partnership worked closely with all of our key stakeholders and in particular with our partners in the Third and Independent Sectors, with families, carers and services users to ensure that essential services continued to be delivered during these unparalleled times. Key services were able to be delivered against agreed commitments alongside other services that adapted to the challenges and rapidly changing circumstances presented by Covid-19. Section 5 of this report provides a more detailed overview of the social work and social care response to COVID-19 and the challenges for the months ahead.

In 2019-2020, prior to the pandemic, services were successfully delivered against a challenging financial and complex legislative backdrop. As with other local authorities across Scotland, West Lothian Council faces significant budgetary pressures and difficult decisions have to 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.

The Chief Social Work Officer also has a key role in providing advice and guidance to the West Lothian Integration Joint Board (IJB) for the social work functions that have been formally delegated to the IJB.

Increased personalisation of services, a continuing focus on securing opportunities for prevention and early intervention and an ever increasing requirement for joint working aimed to improve outcomes for people who use services and their families bring considerable organisational and financial pressures to bear on the service.

A range of measures were implemented during 2019-2020 to ensure that planned reductions in budget allocations were taken forward while ensuring that the impact on care was not a negative one, but one that allowed for service improvements through service reform and redesign.

Working in a climate of continuing constrained public spending remains a significant 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, an increase in the demand for services due to an increasing population and increased complexity of need.

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 are 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 impact of exit from the European Union (EU) and changes to free movement of workers across the EU. The Covid 19 pandemic has demonstrated the key importance of the social care workforce in protecting the health and wellbeing of some of our most vulnerable citizens and within that context recruitment challenges become more critical.

As well as the challenges faced in 2019 -20 there have also been many positive developments and improvements for social work and social care services in West Lothian. Although challenging within the current context, health and social care services are committed to applying a much greater focus on earlier intervention across all areas, including building capacity within families and communities to help people maintain their independence wherever possible. It is recognised that for such approaches to be successful resources will require to be moved upstream and that interventions must be early enough to optimise the opportunity for success.

In terms of services for children and in recognition of the importance of mental health and wellbeing for children and young people in West Lothian we are recruiting to a dedicated post to lead to ensure that strategic planning is sufficient to enable children and young people are able to access services and support for their mental health and emotional wellbeing within their community.

Partners in West Lothian remain committed to improving outcomes for our looked after children and young people. We are already working towards shifting the balance of care for looked after children and will work together take forward the findings of the Independent Care Review – The Promise.

In keeping with our vision and aims in 2019-20 there has been a continuing positive downward trend in the use of residential school placements outwith West Lothian. At the end of quarter 4 of 2016-17 there had been 29 young people placed in such resources. By the end of 2019-20 22 young people had been placed in residential care settings outwith West Lothian. This constitutes a 24% reduction over a three year period and demonstrates our commitment to reducing the numbers of children and young people receiving care and education outwith West Lothian. Services have been working positively to ensure that young people at risk of moving to external care placements are supported to remain within West Lothian. There was a slight increase in the use of secure care with 5 young people requiring such provision. All secure placements made during the year were for short time periods. Services have also worked well in reducing the number of young people receiving their day education outwith West Lothian with this figure reducing in 2019-20 by 35% when compared to the figures for 2018-19.

There remains to be effective joint working between Social Work and Education services to improve the position as outlined above. In the longer term, we aim to further shift the balance of care to ensure that, where possible, children are looked after in community settings rather than in residential care, regardless of whether these services are provided by council or by an external provider.

In support of this intention the use of Family Group Decision Making was further extended during 2019-20 to ensure that more children and young people are able to experience wider family network support where they may not otherwise have had the opportunity to do so. We continue to review how we position and provide services to support families at the earliest point and that intensive support is provided to ensure, that where it is safe to do so, that children at risk of being accommodated remain placed within their own families, family networks and communities.

The Looked After Children attainment project is funded by the Scottish Attainment Challenge fund and was developed through collaboration between Education Services and Social Policy. The aim of the project is to provide bespoke packages to support these young people to attain qualifications and achieve positive destinations, linking with their mainstream school placements as far as possible. The 2019-20 cohort of young people supported by the project was identified on a multi-agency basis, with specific criteria including supporting children and young people who have limited engagement with education and are particularly at risk of care placement breakdown. All of the young people who left in summer 2019 to go onto further education sustained their course places for a full year, and were successful in securing spaces at college for term 2020/2021. The success of the project has so far been supported by multiagency working and a core focus on building and maintaining positive relationships with the young people and the adults around them.

There has also been a positive impact in relation to enabling a number of care experienced young people to access and sustain permanent accommodation with person centre intensive support through the Rock Trust Housing First pilot. The West Lothian pilot project provided by Almond Housing Association and Rock Trust was the first Housing First project to be aimed specifically at young people. The Housing First project commenced working with 5 young people and was successful in extending this to a total of 12 young people by the end of 2020/21. Funding allocated through the West Lothian Rapid Rehousing Transition Plan will enable the provision of a further 5 housing first packages by Rock Trust to young people who are homeless or at risk of homelessness. The further development of housing first models for all client groups with multiple complex needs is a key strand for the West Lothian Rapid Rehousing Transition Plan.

It is recognised that the incidents of domestic abuse recorded by the police per 10,000 population for West Lothian remains above the Scottish average and a new Violence Against Women and Girls Strategy will be developed to address this issue. The new strategy will be underpinned by a comprehensive strategic needs assessment and improvement plan. It should be noted however that responses and support in relation to Violence Against Women and Girls in West Lothian continues to be positive with the Domestic and Sexual Assault Team (DASAT) responding to 1620 referrals during 2019/20. During the same period the LISA project supported 206 women, an increase of 45% on the previous period. In 39% of the cases, women were supported to remain in their own homes and prevented them from having to move into temporary accommodation.

In terms of justice services, the Up2U Domestic Abuse Programme was developed in consultation and with the support of a Quality Assurance Group consisting of representatives from Victim Support Services, Mental Health, Children's Services, Substance Misuse Services and Health in Portsmouth, England. The programme is based on research and practice successfully used in service user rehabilitation, motivational interviewing and attachment theory.

It can be tailored to work with both males and females from the age of 16 and can also be delivered for people who use domestically abusive behaviours in same sex relationships. Staff training is now almost complete and due to Covid-19 a review of how this programme can be delivered safely is underway. Options for supporting the programme's review and evaluation are currently being explored.

Positive use continued to be made of Unpaid Work requirements in Community Payback Orders. 168 bikes were repaired, recycled and passed on to members of the community who would otherwise not have benefitted from cycling. 29765 tonnes of metal were recycled and the funding generated through the scrap value were donated to local charities.

Overall, across Social Policy, work continues to redesign services to ensure that they best meet the needs of those who are most vulnerable in our society and are sustainable for the future.

In relation to services for adults, the strategic focus of shifting the balance of care from hospital to community-based services is being supported through the Royal Edinburgh Campus Redesign Programme. This is a collaborative approach to remodel services focusing on people accessing care, support and treatment within the West Lothian Health and Social Care Partnership. At this time consultation was undertaken with service users and the people who care for them via the Learning Disability Forum. Alongside this work took place with leading care providers to learn from their experiences of building similar complexes elsewhere in Scotland.

Plans were approved in June 2019 for a new £3 million housing project for people with learning disabilities who have complex care needs. The proposed accommodation consists of sixteen one-bedroom residences that each provides a main living room, separate double bedroom, galley kitchen, built in storage and toilet/bathroom. All will have their own small separate garden area as well access to the wider garden grounds. Support to individuals will be person centred with individuals being able to make informed decision as far as they are able to on their own model of care and delivery of this. In order for this to be achieved the identification of those individuals who will be moving to their own tenancy has commenced and this being undertaken alongside the individual and their extended family.

The original target for completion of the build was Autumn 2021, however due to the impact of COVID-19 the completion date is now most likely to be Spring 2022.

Our supported employment service continues to provide specialist employability and training support to individuals with a range of disabilities. This year they were short listed for Employment Related Service Association (ERSA) Employability Awards 2020 Team of the Year which provided great national recognition for the work undertaken by the team. There has also been further national acknowledgement of the work of the service through the DFN Project Search Awards where their success was recognised in achieving 80% job outcomes for the participants involved in Project Search.

There have been improvements made in performance in relation to the numbers of people whose discharge from hospital has been delayed and where there is delay, a reduction in the length of that delay. Further detail regarding approaches that have contributed to improvement is outlined in Section 2 of this report.

The two West Lothian's Community Mental Health Teams (CMHTs) were established during 2019/20, becoming fully operational in February 2020. The teams work in the two localities of West Lothian: East based in Strathbrock Partnership Centre and West based in Bathgate Partnership Centre. The teams bring together a range of health and social care staff to work with people with complex mental health problems and associated risks who typically require long term treatment, care and support.

The CMHTs work with service users, families, carers, primary care services and other agencies to design, implement and develop comprehensive care and support packages of health and social care. The teams are made up from the following teams: nursing, psychology, psychiatry, medicine, occupational therapy and social work. Services are delivered in the community, in a suitable environment that best supports the service user.

Referrals to addictions services in West Lothian continue to grow, with 1040 referrals in 2019/20 representing a 10% increase on the previous year. There were an additional 257 referrals to HMP Addiewell.

Over the past year there has been significant improvement in addictions services in West Lothian. Previously services had come under pressure due to changes to funding and staff shortages which had a detrimental impact on waiting times performance against the national target. The A11 target states that 90% of clients should be in treatment within 3 weeks of referral and no people should be waiting more than 6 weeks. Services can now evidence a significant improvement in performance which has resulted in the A11 waiting times target being met every month since June 2019. This progress is the result of an A11 recovery plan which included 3rd Sector partners receiving additional resources to support clients transferring from statutory services.

A pilot project, hosted by West Lothian Drug and Alcohol Service (WLDAS), has been put in place with the aim of providing support for young people with problematic alcohol or drug use or those affected by other problematic use. The pilot will be evaluated to establish effectiveness and inform future developments.

This summary outlines a range of key challenges and some significant policy changes that have applied to the service during 2019/20. Despite the challenging context there have been a range of positive developments and improvements over the year. The service has embarked on major programmes of change and reform with a focus on continuous improvement and meeting the needs of service users in different and more sustainable ways.

Social work and social care employees in West Lothian have worked extremely hard over the year to deliver change and improvement and have made a significant contribution to enhancing outcomes and supporting vulnerable people.

The following information is an extract from the Social Policy Management Plan for 2019/20 setting out an overview of key activities, outcomes and resources required to deliver these over the period. Social Policy makes a meaningful and measurable contribution to the delivery of the Council's Corporate Plan 2018/23 as detailed in the following tables:

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
2 Delivering positive outcomes and early interventions for early years	(P2.1) Providing sustainable models of parenting support work within home, community and education settings.	<ul style="list-style-type: none"> Children and Young People Teams for Mental Wellbeing, School Attendance Improvement and Parenting Groupwork and Support Integrated Early Years Services Family Placement Team Community Addictions Services West Lothian 	SPCF130_Percentage of Children and Families Care Inspectorate Inspections graded good, very good or excellent	88%	100%	100%
2 Delivering positive outcomes and early interventions for early years	(P2.2) Providing support for 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"> Child Care and Protection Teams Child Disability Service Reviewing Officers Team Domestic and Sexual Assault Team Social Care Emergency Team Whole Family Support Service Residential Houses Inclusion and Aftercare Service Family Centre Service 	SPCF138_Percentage 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.	88%	80%	85%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
3 Minimising poverty, the cycle of deprivation and promoting equality	(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"> ■ Whole Family Support Service ■ Inclusion and Aftercare Service ■ Sure Start ■ Youth Justice Team ■ Community Payback Team ■ Support to adults with physical disabilities, learning disabilities and mental health issues ■ Domestic and Sexual Assault Team ■ Community Addictions Services West Lothian 	SPCF127_Percentage of young people who are eligible for Aftercare Services who present as homeless	3.3%	2%	2%
4 Improving the quality of life for older people	(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"> ■ Assessment and Care Management Services (including Self Directed Support and compliance with the Carers (Scotland) Act 2016) ■ Facilitating Hospital Discharge ■ Care Homes including respite care ■ Housing with Care 	CP:CC017_Percentage of customers who rated overall satisfaction with the Older Peoples service they received as good or excellent	97%	98%	98%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
		<ul style="list-style-type: none"> Day care and personalised support Care at Home and specialist provision 	SW03a_Percentage of People Aged 65+ with long-term care needs who are receiving personal care at home	65.7%	64%	64%
4 Improving the quality of life for older people	(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"> Provision of Home Safety Service and further development of Telecare Reablement and Crisis Care Services Occupational Therapy Service Home Safety and Technology Enabled Care programme 	CP:SPCC100_Increasing the number of people aged 75+ supported by technology to remain at home.	2553	2755	2755
4 Improving the quality of life for older people	(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.		CP:SPCC014_Percentage of Occupational Therapy assessments allocated within 6 weeks of referral	58%	90%	70%
			SPCC024_Net cost per head of population on social care services for older people.	£1,493	£1,432	£1,432

4 Improving the quality of life for older people	(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 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.	<ul style="list-style-type: none"> ■ Assessment and Care Management services for older people ■ Reablement and Crisis Care ■ Short Breaks/Respite and Day Care ■ Review Housing with Care ■ Redesign of Post Diagnostic Support Service ■ Provision of Home Safety Services and development of Telecare ■ Review of Care Home Liaison service ■ Older People Acute Care Team ■ Review Access Systems 	CP:SPCC101_Percentage increase, year on year, of the number of carers of older people who have an adult carer support plan.	New Indicator	New Indicator	5%
			SPCC019_Average number per month of West Lothian patients whose discharge from hospital is delayed.	16	13	13
6 Delivering positive	(P6.1) The development of more targeted care at home, the use of assistive	<ul style="list-style-type: none"> ■ Reablement and Crisis Care ■ Home Safety Service and Development of Technology 	P-SPCC015_Number of households receiving telecare	3,681	3,750	3,750

	Alignment with Corporate Priorities / Enablers					
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
outcomes on health	technology and provision of reablement will positively contribute to improved outcomes for people.					
6 Delivering positive outcomes on health	(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"> ■ Assessment and Care Management ■ Improve % of Personalised Care Options ■ Develop Core and Cluster Housing Models ■ Access to Employment ■ Community Addictions Services West Lothian 	SOA:1307_19_Premature mortality rate per 100,000	410	411	411

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
6 Delivering positive outcomes on health	(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"> ■ Acute Care and Support Team ■ Child and Adolescent Mental Health Service ■ Older People Acute Care Team ■ Post Diagnostic Support (Dementia) ■ Development of Core and Cluster ■ Domestic and Sexual Assault Team ■ Criminal and Youth Justice Service 	SPCJ124_9b Percentage of women with mental health issues receiving Almond Project support who report improvement in mental health and wellbeing.	100%	95%	100%
6 Delivering positive outcomes on health	(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 partnership.	<ul style="list-style-type: none"> ■ Joint management of the Community Equipment Store ■ Support to adults with physical disability and mental health issues 	CP:SPCC101_Percentage increase, year on year, of the number of carers of older people who have an adult carer support plan. SOA1306_17 Percentage of carers who feel supported in their care role	New Indicator 42%	New Indicator 46%	5% 46%

Alignment with Corporate Priorities / Enablers						
Council priority / enabler	Deliverable	Social Policy key activities / processes	Indicator(s)	2019/20 Performance	2019/20 Target	2020/21 Target
6 Delivering positive outcomes on health	(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"> Day care and personalised support plans Occupational Therapy Services Access to Employment Short Breaks from Caring Provision of HSS and development of Telecare 	CP-SPCC028_ Percentage of people with a learning disability supported in their own tenancies	56% latest available data 18/19	60%	60%
			CP-SPCC002_ Percentage of Care Inspectorate Inspections undertaken within registered learning disability services graded good or above	100%	100%	100%
6 Delivering positive outcomes on health	(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"> Reablement and Crisis Care Joint Management of Equipment Store Development of Independent Housing Options 	CP-SPCC015_ Number of households receiving telecare	3,681	3,750	3,750

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1. Governance and Accountability

i. Service Context

Social Policy encompasses a wide range of social work services planned and delivered for a large number of people with a spectrum of differing needs. Together with health services managed locally, it is part of the council's Health and Social Care Partnership Directorate.

The Directorate is headed by the council's Depute Chief Executive who is also the Chief Officer of the Integration Joint Board and is accountable to the Chief Executives of the council and NHS Lothian. The Chief Social Work Officer, in the dual role of Head of Service, and the Head of Health Services report to the Depute Chief Executive. Four senior managers have responsibility for defined aspects of Social Policy services: Community Care, Children and Families, and Criminal and Youth Justice Services.

The Health and Social Care Partnership (HSCP) is focused on the delivery of integrated health and care services that will improve the wellbeing, safety and quality of life for people living in West Lothian, particularly those most at risk in society. Social Policy contributes to the aims of the HSCP's. Those include 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; and delivering positive outcomes on health.

Social Policy has responsibility, with the HSCP partners, for the operational delivery of health and social care services for children and families, community care and justice. It is also responsible for carrying out older people's services as directed by the West Lothian Integration Joint Board.

In doing so, the service contributes with key partners to a series of joint plans including:

- The council's Corporate Plan
- The council's transformation programme and Digital Transformation strategy
- Implementing the priorities outlined in plans and strategies for children's services, corporate parenting, community justice, autism, and violence against women and girls
- The Integration Board Strategic Plan and its Engagement Strategy
- Joint Commissioning Plans based on strategic needs assessments to focus clearly on 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. It makes a significant contribution to partnership working in three key strategic planning partnerships: the Integration Joint Board and its Strategic Planning Group; the Children and Families Strategic Planning Group; and the Safer Communities Strategic Planning Group.

Figure 1 – Strategic Planning Structure



■ **West Lothian Integration Joint Board**

The Integration Joint Board (IJB) is a separate statutory body responsible for carrying out health and social care functions delegated by the council and the health board. The delegated functions are set out in the West Lothian Integration Scheme, a statutory agreement between council and health board and approved by the Scottish Ministers. The IJB sets the strategic direction and priorities for those functions and issues statutory directions to council and health board for their delivery. The delegated functions cover all Social Policy services for adults and older people, and domestic abuse and health improvement functions.

The IJB approved its new Strategic Plan for the period 2019-23 in April 2019 and also approved a new planning structure to support the achievement of the strategic priorities. The plan details how high-level outcomes are to be achieved through a process of strategic commissioning plans.

To make sure that services are matched with local need, separate community-based plans for the east and west of West Lothian have been produced. The East and West Locality Plans are closely aligned to the Strategic Plan and set out the key health and social care priorities for each area. The Plans set out the IJB's intention to work more closely with the Community Planning Partnership and other partners to better identify and meet the needs of West Lothian's communities.

■ **West Lothian Integration Joint Board Strategic Planning Group**

The West Lothian Integration Joint Board Strategic Planning Group (IJB SPG) has a significant statutory role in the IJB's delivery against National Health and Wellbeing Outcomes and in accordance with the Integration Delivery Principles. It is responsible for the following:

- Developing the IJB's Strategic Plan and Strategic commissioning priorities
- Developing and overseeing the related three-year Action Plan
- Localities-based activity
- Monitoring performance against national outcomes and locally agreed outputs
- Reviewing the strategic plan and the three year action plan
- Providing input to the IJB in responding to emerging policy and regulations

- Linking with staff on service changes and organisational development
- **West Lothian Integration Joint Board - Health and Care Governance Group**
The Health and Care Governance Group (IJB HCGG) and Care Governance Framework was established in 2017 and it was reviewed and revised in June 2019. It aims to provide assurance to the IJB on quality of care, planning and delivery of services and maintenance of professional standards and regulation of staff. It builds on existing duties, systems and processes already in place in the council and health board for the proactive promotion of safe, high quality, integrated care. It sets out explicit local lines of accountability across health and social care, with clear paths of escalation where evidence of risk is beginning to rise. An action plan has been put in place to further develop the processes required to give that assurance. It focuses on providing transparency and maintaining a culture which supports the safe and effective delivery of care.
- **West Lothian Children and Families Strategic Planning Group**
The West Lothian Children and Families Strategic Planning Group (C&FSPG) is part of the West Lothian Community Planning structure. It can therefore draw on partnership working with community planning partners, such as Police Scotland. It oversees the development of Getting It Right for Every Child (GIRFEC) across West Lothian and has responsibility for the duties in the Children and Young People (Scotland) Act 2014, including the development of a joint Children's Services Plan and the Corporate Parenting Plan. It is responsible for the statutory duty to report on progress on the priorities in the West Lothian Children's Services Plan 2017-2020.
- **Public Protection**
During the course of 2019-20, West Lothian moved from having a single Public Protection Committee (PPC) to having four dedicated committees. The change followed a process of evaluation and review which concluded that four distinct committees would support a more manageable approach to delivering on the agendas across all areas of protection involving different partner bodies and with different statutory and governance arrangements.

Figure 2 – Public Protection



The four committees provide leadership across Adult Support and Protection, Child Protection, Violence Against Women & Girls and Offender Management

(MAPPA). The committees ensure that staff have up to date policies, procedures, guidance and training to ensure that they are equipped to work in partnership to protect those at risk of abuse and harm. They are also responsible for quality assurance and making sure that members of the public have access to relevant information and know who to contact if they have any concerns that a child or adult may be at risk of harm.

The Chief Officers' Group oversees the work of the four separate committees. It is made up of Chief Officers from council, health board and Police Scotland and is chaired by Police Scotland. The CSWO is a member. It is responsible for ensuring that all agencies, individually and collectively, work to protect the children, young people and vulnerable adults of West Lothian. Strong connections therefore remain across the four areas ensuring a holistic and joined public protection approach.

■ **Community Justice**

Since April 2017, statutory Community Planning Partnership arrangements have ensured oversight of the Community Justice partnership service delivering Community Safety and of compliance with multi-agency Criminal and Youth Justice arrangements. It does so through the Community Justice Strategy 2018/23 and its supporting West Lothian Community Justice Strategic Plan 2019-2024.

The vision in the Plan is to make communities safer and more resilient and to support people with criminal convictions to change their behaviour and become valued citizens. The Plan sets out a clear commitment to effective partnership. Its principles cover utilising all available resources from the public, private and third sectors, individuals, groups and communities; working closely with individuals and communities to better understand their needs; making best use of talents and resources; supporting self-reliance; and building resilience. It emphasises the need for early intervention and prevention approaches.

iii. **The Role of the Chief Social Work Officer**

■ **Overview**

The Chief Social Work Officer (CSWO) in West Lothian is responsible for monitoring all social work and social care service activity across the council and within any integrated arrangements.

The CSWO is by law a non-voting member of the (IJB). The influence of high-quality professional leaders in integrated arrangements is central to the effectiveness of improving the quality of care locally and nationally. The CSWO also has a defined role in professional and clinical and care leadership and has a key role to play in the IJB's Health and Care Governance systems.

The CSWO is a member of a number of significant decision-making teams and groups, both within the council and in multi-agency settings. These include internal senior corporate and service management meetings; attendance at council, committee and panel meetings; meetings of the IJB and its committees and groups; strategic planning groups; and scrutiny and oversight meetings such as the Protection of Vulnerable Groups (PVG) Referral Panel, the Child Protection

and Adult Protection Committees and the Edinburgh, Lothian and Scottish Borders Strategic Oversight Group.

There are a range of other roles undertaken by the CSWO and these include:

- Significant case reviews: signing off all significant case review reports across Social Policy and chairing the Child Protection Committee and its Significant Case Review sub-committee
- External audits and inspections: leading on all social work-related audits and inspections and liaising with inspecting agencies
- Human resources: ensuring 'Safer Recruitment' practices within the council including involvement in all instances where referral of a staff member is being considered to the Scottish Social Services Council (professional standards and conduct), the Central Barring Unit (protection of vulnerable groups legislation), or the Disqualified from Working with Children List

■ **Planned Reports: Statutory Decision Making**

The CSWO must monitor the statutory decision-making aspects of the remit which have been delegated on a day-to-day basis to managers across the council. This is achieved by regular summaries of activity, and by sampling of a number of cases on an agreed and regular basis. The main areas for monitoring are listed below. There are some other less frequent statutory decisions which are delegated and discussed with relevant managers to ensure oversight.

- Complaints: receiving regular reports on social work complaints, the outcomes and actions taken any learning to be applied and being awareness of relevant decisions by the Scottish Public Services Ombudsman involving other authorities
- Secure accommodation authorisations: convening a Secure Care Panel where secure care is being considered for a child to review and consider all of the information presented and decide if the legal test has been satisfied and if secure care best meets the child's needs. Regular reviews are carried out to ensure both that the legal test for the placement is still met and that the child's needs are still best met through secure care
- Emergency movement of children subject to a supervision requirement: receiving and scrutinising a quarterly summarised report
- Adoption and fostering: overseeing decisions made through authority delegated to senior managers
- Mental Health Officer decisions: overseeing decisions made through authority delegated to senior managers by receiving quarterly reports
- Adults with Incapacity Act decisions: scrutinising quarterly reports summarising decisions made

- Multi-Agency Public Protection Arrangements (MAPPA): receiving quarterly reports in relation to all high and very high-risk offenders and attending MAPPA Level 3 case conferences

■ **Critical Incident Reporting**

Critical Incident Reports ensure the CSWO can advise and support staff and determine if additional measures need to be put in place, and whether outside agencies need to be informed.

- 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. 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 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 procedures are in place and all the issues listed above, and other issues not specifically described, will result in a notification and that will include the CSWO in all cases.

iv. **Corporate Governance**

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. The council has adopted the Chartered Institute of Public Finance and Accounting (CIPFA)/Society of Local Authority Chief Executives (SOLACE) Framework. It 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.

The statutory CSWO role is currently combined with the management position of Head of Social Policy. The combined role is described in the council's Scheme of Delegations to Officers.

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. The CSWO also reports annually to the IJB. Statute guarantees the right of the CSWO to have access in the council to senior managers and elected members and to report to them whenever required. Similar provision has been made in the IJB's Standing Orders. The council's Scheme of Delegations to Officers ensures the independence of the CSWO and CSWO decisions from senior management control in relation to the statutory functions in the CSWO remit.

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 2019/20				
Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Older People service users	Survey	Annual	Group Manager	Survey returns
	Senior People's Forum	Quarterly	Business Support Officer	Minutes
Learning Disability service users	Survey	Annual	Group Manager	Survey returns, feedback through newsletter
	Learning Disability Service Users Forum	Quarterly	Business Support Officer	Minutes
Physical Disability service users	Survey	Annual	Group Manager	Survey returns, feedback through newsletter
	Physical Disability Service Users Forum	Quarterly	Business Support Officer	Minutes
Adult Protection service users	Safe and Sound Adult Protection Forum	Quarterly	Adult Protection Officer	Minutes
Mental Health service users	Mental Health Service Users Forum	Quarterly	Team Manager	Minutes

Children's Services - Customer Consultation Schedule 2019/20				
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 2019/20				
Customer Group	Method	Frequency	Responsible Officer	Feedback Method
Service users	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
Partners / key stakeholders	Survey	Annual	Group Manager	Public performance indicators Reporting on the council's website
Unpaid Work recipient's satisfaction feedback	Survey	Ongoing reported/ annually	Unpaid Work Manager	Public performance indicators Reporting on the council's website
Unpaid Work consultation	Focus group	Annual	Unpaid Work Manager	Annual to Policy Development and Scrutiny Panel

2. Service Quality and Performance

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 2020 - 21 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.

The wider West Lothian Health and Care Partnership Senior Management Team also meets on a monthly basis and routinely considers service performance measures to enable challenges to be identified at the earliest opportunity. Work is underway to review the performance measures used across the partnership and to develop a more integrated performance framework.

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) and the West Lothian Integration Joint Board (IJB). 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

From 31st July 2018 the Care Inspectorate has been implementing a revised methodology for inspecting care and support services. This was initially rolled out for the inspection of care homes for older people in 2018 and extended in 2019 to care homes for both adults and children and young people including school care accommodation.

Under the new framework Care Inspectorate officers undertake inspections and award grades in relation to the following 5 Key Questions:

1. How well do we support people's wellbeing?
2. How good is our leadership?
3. How good is our staff team?
4. How good is our setting?
5. How well is our care and support planned?

A six-point scale is used to describe the quality:

6	Excellent	Outstanding or sector leading
5	Very Good	Major strengths
4	Good	Important strengths, with some areas for improvement
3	Adequate	Strengths just outweigh weaknesses
2	Weak	Important weaknesses – priority action required
1	Unsatisfactory	Major weaknesses – urgent remedial action required

Inspection of Registered Services

During the inspection year 2019/2020, all of West Lothian Council's services received the minimum level of inspection:

■ Children and Families

The following services were inspected under the new framework:

Services for children and young people	How well do we support children and young people's wellbeing?	How good is our leadership?	How good is our staff team?	How good is our setting?	How well is our care and support planned?
Whitrigg House March 2020	3 Adequate	3 Adequate	3 Adequate	2 Weak	3 Adequate
Torcroft House November 2019	2 Weak	3 Adequate	Not Assessed	Not Assessed	3 Adequate

As noted above the quality inspection reports from the Care Inspectorate of Services for Children and Young People show that of all areas assessed 75% were awarded Grades of 3 (Adequate). Service review work has been undertaken to inform improvement activity.

There was reduced gradings for residential houses and there is a significant programme of reform and change planned for the service aimed at improvement. There has also been a reduction in the number of registered services (closure of a Family Centre) which has also affected performance overall.

The following services were not subject to inspection during the period 1st April 2019 – 31st March 2020:

Services for children and young people	Last Inspection date
Adoption Services	October 2018
Fostering Services	October 2018
Through Care After Care	December 2018

■ Adults and Older People

Of the Care Homes inspected under the new framework 100% achieved grades of 3 (Adequate) across all areas assessed as detailed below. Where services grades of 3 (Adequate) were awarded service review work has been undertaken to inform improvement activity.

Care Homes	How well do we support people's wellbeing?	How good is our leadership?	How good is our staff team?	How good is our setting?	How well is care and support planned?
Limecroft Care Home June 2019	3 Adequate	3 Adequate	3 Adequate	4 Good	3 Adequate

It should be noted that not all care homes have been inspected using the new methodology yet with some services continuing to be inspected on the previous frame work.

The quality inspection reports from the Care Inspectorate of Services for Adults and Older People inspected under the previous framework show that of all areas assessed 100% were awarded Grades of 4 (Good).

Day Care, Care at Home and Support Services	Quality of Care & Support	Quality of Environment	Quality of Staffing	Quality of Management and Leadership
Ability Centre	No inspection during the period			
Elilburn Day Centre	No inspection during the period			
Adult Placement Service	No inspection during the period			
Pathways	No inspection during the period			
Housing with Care	No inspection during the period			
Support at Home Services Feb 2020	Not Assessed	Not Assessed	4 Good	4 Good

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 team managers
- Individual reviews of care plans and packages of care 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 Performance Reporting
- Multi-agency self -evaluation and quality assurance activity in relation to adult and child protection

Joint Strategic Inspection

The Public Bodies (Joint Working) (Scotland) Act 2014 established a legal framework for the integration of health and social care services in Scotland. Scottish Ministers asked the Care Inspectorate and Healthcare Improvement Scotland to report on the effectiveness of strategic planning by integration authorities from April 2017. The focus of strategic inspections is on how integration authorities plan, commission and deliver high-quality services in a co-ordinated and sustainable way. It is important to note that

strategic inspections do not set out to evaluate people's experience of health and social care services in their area. The purpose of the inspections instead is to assess the extent to which health and social care partnerships are making progress in their journey towards integrated service delivery and the aim of achieving better experiences and improved outcomes for people over time.

Between January and March 2020 inspectors from the Care Inspectorate and Healthcare Improvement Scotland visited West Lothian to inspect the effectiveness of strategic planning for adult health and social care services delivered by the West Lothian Health and Social Care Partnership. The inspection considered how well the partnership:

- Improved performance in both health and social care
- Developed and implemented operational and strategic planning arrangements, and commissioning arrangements
- Established the vision, values and culture across the partnership, and the leadership of strategy and direction.

The inspection report was originally due to be published at the beginning of June 2020 but was delayed as a result of the pandemic. The report was finally published on 9 September 2020 and concluded that overall the partnership had made limited progress towards integration since 2016. It included the following evaluations:

- Improvements in partnership performance in both health care and social care – **Good**
- Policy development and plans to support improvements to service (operational and strategic planning arrangements; quality assurance, self-evaluation and improvement; commissioning arrangements) – **Adequate**
- Leadership and direction that promotes partnership - **Adequate**

The inspectors highlighted good performance results in a number of areas and had recognised the work of staff in delivering positive outcomes for the people who use health and social care services in West Lothian.

The position statement submitted in advance of the inspection, the partnership's senior leadership team and the Integration Joint Board had acknowledged that there were areas that needed to be progressed in the journey towards integration and had already begun to take forward plans prior to the inspection.

The inspection report included eight recommendations and an action plan has been developed to address these.

Collaborative Working

West Lothian Health and Social Care Partnership have introduced more collaborative ways of delivering services and have made improvements in several areas including reducing unplanned hospital activity and delays in discharging people from hospital. A range of targeted integrated interventions have been put in place to improve performance in this area:

- **Integrated Discharge Hub**

The Integrated Discharge Hub based at St John's Hospital has been operational since December 2018. It brings together staff from the hospital, community, social work and Carers of West Lothian in one place to work alongside inpatient teams, patients, carers and families. The intent was to improve hospital discharge planning and reduce the length of time people had to wait in hospital for arrangements to be made for ongoing care and support in the community

The hub team holds daily, multi-disciplinary meetings to discuss complex discharges working in partnership with the hospital inpatient teams, carers and families. The discharge planning process has been streamlined because everyone who needs to be involved in decision-making and discharge planning can be consulted almost immediately. Improvements are already being seen such as: better communication, reduction in unnecessary delays and reductions in the average length of stay within the medical inpatient wards.

- **Home First**

On 1st September 2019, the discharge to assess phase of 'Home First' was Introduced. Home First is a model of care which provides a step-down approach to discharge from hospital to the community. The aim is to ensure people do not wait unnecessarily in hospital for assessment of ongoing care and support needs. Decisions made in a hospital environment often do not reflect someone's ability to cope at home and the Home First model addresses that by ensuring assessment of ongoing care and support needs happens in the individual's own home. Home First involves multi-disciplinary working across the health and social care system to:

- reduce unnecessary delays in hospital
- maximise the opportunities for people to return to the community as early as possible.
- provide a period of rehabilitation to maximise independence
- assess ongoing care and support needs in the community

Under the Home First approach, people requiring assessment of ongoing care and support needs on discharge are seen at home on the day of discharge when the process of assessment begins. Short term support is provided in the community by the Reablement Service and/or the Rapid Elderly Assessment Care and Treatment Team until decisions are made about longer term care requirements.

Additional investment has been made in the Reablement Service to increase capacity to deliver Home First. Work is ongoing to refine the pathways required to support the Home First approach and impact will be monitored and evaluated.

While a whole system approach is taken to the delivery of Care at Home services in West Lothian with services delivered by both the internal service and also by our partners in the independent sector, 91% of care hours are delivered by the independent sector. Following a competitive tendering exercise conducted during summer 2019 the West Lothian Care at Home Framework became operational on 1st October 2019. The aim of the framework was to improve the supply of care at home services, by attracting a wider range of providers to and reducing reliance on a few large suppliers and generally building capacity within the market.

Eleven providers were invited onto the framework, five of which were existing framework providers. Internal systems have been reviewed and improved to ensure quicker processes around matching packages of care to individuals and to support providers in the development of their services.

During 2019/20 there was a general improvement in number of days people spend in hospital when they are ready to be discharged when compared to the previous year.

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 Adult Support and Protection (Scotland) Act 2007 has also brought significant additional duties and responsibilities for all council staff including MHOs. There has been an increase in numbers of referrals to the MHO service to consider measures under the Adults With Incapacity Act for service users under the multi-agency Adult Protection procedures. This increase is due in part to better identification of matters relating to financial harm with 9 new applications for Guardianship including financial powers over the reporting period

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. There has been a decrease in the numbers of practising MHOs across the Council over the past year in some part due to maternity leave and the withdrawal from the MHO rota of established MHOs to focus on the demands of their substantive posts. The decrease in number of practising MHO's in West Lothian remains similar to the national picture where there are significant issues with the demographic of the MHO workforce and recruitment and retention of MHOs. While this is a national issue, West Lothian Council continues to prioritise the training of MHOs with a further 2 candidates in place to undertake the 2020/2021 MHO course. The numbers of Emergency Detentions under the MH Act has continued to rise (nationally by 3.3%) but these detentions are increasingly done without MHO involvement (50% without involvement nationally) which is reflected in the number of MHO assessments in this area.

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. Guardianships are now routinely granted for a time limited period by the Court which has led to an increase in demand in relation to provision of MHO reports for renewal of Guardianship applications. 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. There remains a trend towards an increased number of private applications for Guardianship as opposed to local authority applications which is consistent with the picture across Scotland. However, local authority applications have tended to be relate to individuals where there are significant vulnerabilities and safeguarding issues where Guardianship is viewed as a protective measure and require ongoing assertive management of their care.

The following table indicates assessments undertaken under the Adults with Incapacity (Scotland) Act 2000.

	2017/18	2018/19	2019/20
New Guardianships granted	Private 56 CSWO 23	Private 61 CSWO 23	Private 69 CSWO 12
Total	79	84	81
Existing Guardianships	Private 241 CSWO 56	Private 292 CSWO 55	Private 269 CSWO 57
Total	297	347	326
New Intervention Orders	9	4	10

The following table indicates assessments undertaken under the Mental Health (Care & Treatment) (Scotland) Act 2003

	2017/18	2018/19	2019/20
Emergency Detention Certificates – Sec 36	82	44	38
Short term Detention Certificates – Sec 44	170	153	163
Compulsory Treatment Orders (new applications)	65	48	37
Assessments (Sect 86, 92, 95)	338	352	336

Looked After Children and Young People

Local Authorities have a responsibility to provide support to Looked After Children. A young person may become looked after for a number of reasons, including neglect, physical, sexual or emotional abuse, problematic parental substance misuse, complex disabilities which require specialist care, or involvement in the youth justice system, as well as for other reasons.

There are several types of placements where 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 house or school, a secure unit or a kinship placement (where they are placed with friends or relatives).

In 2019-20 11 Unaccompanied Asylum Seeking Children were being looked after in West Lothian. For the most part young people in these circumstances were accommodated in the Council's internal residential provision while assessments were undertaken to enable appropriate support to be provided or placed in community settings within West Lothian.

Of the 11 young people:

- 3 were placed within foster care
- 2 were placed in Supported Adult Placements
- 5 were placed in supported accommodation and
- 1 is residing in their own tenancy and receiving telephone and email support

The total number of Children Looked After in West Lothian at 31/03/2019 and 31/03/2020 by statute and length of time under statute is detailed in the table below:

Looked After Children												
	Under 1		1-4		5-11		12-15		16+		Total	
	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020	2019	2020
At Home with parents	3	3	22	19	38	39	35	27	3	5	101	93
Away from home – Community setting	14	13	58	62	106	115	87	79	24	32	289	301
Away from home – Residential setting	0	0	0	0	5	3	20	18	14	13	39	34
Secure care	0	0	0	0	0	0	1	2	0	0	1	2
Total	17	16	80	81	149	157	143	126	41	50	430	430

West Lothian Council is committed to improving planning for looked after children and strengthening permanence practice to improve the outcomes of all our Looked after Children, providing each individual child with a stable, secure, and permanent place to live.

	2017/18	2018/19	2019/20
Children registered for adoption	11	7	7
Children matched to adopters	12	7	6
Children registered for permanence order with authority to adopt	8	4	6
All children under the age of 12 registered for permanence excluding kinship/residence orders	17	18	10

In West Lothian permanence decisions for children under the age of 3 requiring a permanence order or adoption order are, on average, achieved within 27 weeks. Children under the age of 5 requiring a permanence order or adoption order are having this decision made within 30 weeks. Between 1st April 2019 and 31st March 2020, the children requiring a decision to be made for an adoption plan had this decision made on average within 32 weeks.

We are also working hard to achieve improvements for children above the age of 5 and in kinship care. In 2019/2020 West Lothian Council worked closely alongside the Centre for Excellence for Looked after Children in Scotland (CELCIS) on the Permanence and Care Excellence (PACE) programme. The PACE programme helped identify delays, blockages and difficulties to securing permanence for our looked after children. Data provided by PACE in May 2019 demonstrated that all children requiring a permanence decision under the age of 12 took 62.9 weeks from the date the child was accommodated. By April 2020 this figure was reduced to 52.9 weeks. In partnership with PACE the aim is to reduce the length of time between a child being accommodated and having a permanence decision to 40 weeks. West Lothian Council also aim to lodge permanence applications within 20 weeks of the plan being approved by the agency decision maker. A number of tests for change have been introduced.

Through PACE a number of new guidelines have been introduced. These have included that all children who are under the age of 12 who become accommodated have all their looked after reviews pre planned and dates arranged at the point of becoming accommodated. This includes a mandatory review within 6 months to consider the child's need for permanence. Guidelines for completing parenting capacity assessments have been updated alongside step by step permanence planning guides. Procedures for family finding have been clarified and a new and improved matching consideration form introduced. This alongside our commitment to using the adoption register/ link maker and attendance at adoption activity and exchange days has ensured our ongoing success in finding adopters for our looked after children who have an adoption plan. Work is ongoing to ensure we deliver high quality, robust assessments and advance the knowledge, skills and confidence of our workforce. Staff training is ongoing and consultation and peer support has been made routinely available.

West Lothian Council continues to make good use of the adoption register and have successfully matched a number of children via linkmaker.

West Lothian council recognise the range and complexity of needs of adopted children and their families. Currently every adopted child receives a standardised assessment prior to placement to ensure their future needs are fully planned for. Adopted children who require therapeutic services are routed through the Mental Health and Wellbeing screening group. This includes counselling, parenting, play therapy and resilience services. Post adoption support is also provided as part of our service level agreement with Scottish Adoption. West Lothian Council are currently reviewing our adoption support arrangements to ensure foster carers' who adopt have the same access to services as those adopters approved by independent adoption agencies.

West Lothian Council continues to work in partnership with St Andrew's Children's Society to deliver concurrent planning avoiding unnecessary delay in making permanent plans for very young children.

Extending the use of Family Group Decision Making remains a priority to build upon the strengths of families to ensuring that, where possible, children can remain within their kinship network. Family Group Decision Making is now routinely being used in pre-birth planning.

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 to ensure that the decision is still in the best interests of the child and that the views of the child and relevant persons are taken into account. Courts also have the power to order the detention of children in secure accommodation.

During 2019-20, there was a slight increase in the use of secure care with 5 children requiring such provision during the year and for short time periods.

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 Child Protection Committee
- West Lothian Adult Support and Protection Committee
- Violence Against Women and Girls Strategic Group
- Offender Management (MAPPA)
- Community Justice Partnership

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 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+).

Children at risk

	2017/18	2018/19	2019/20
Child protection referrals	479	413	422
Joint Investigations	227	193	173
Initial and Pre-birth Child Protection Case Conferences	88	84	122

In 2019/20 there was a slight increase in the number of Child Protection referrals made and a slight decrease in the number of Joint Investigations undertaken when compared to the previous period. In the period 2019/20 there has been an increase in the number of Initial and Pre-birth Case Conferences compared to 2018/19 (more than one child can be considered at a case conference).

The Scottish Government notes that there is variability from year to year in the numbers of children on the child protection register at a local authority level due to the small numbers of children involved in each local authority. In many cases, there are no obvious reasons for changes, although in some areas, sibling groups entering and leaving the system has led to fluctuating numbers.

Protecting children at risk is a multi-agency responsibility. The Child Protection Committee has responsibility for ensuring all agencies work together, staff are confident and competent in their roles and that information is provided to the public.

The Quality Assurance and Self-Evaluation subcommittee analyses management information on an ongoing basis to see if there are any identifiable trends in types of abuse, increasing or decreasing numbers of referrals, numbers of case conferences etc. For similar reasons Inter-agency Referral discussions are reviewed regularly.

A Significant Case Review on the theme of neglect was undertaken during 2019 and presented to the CPC in 2020. Lessons learned will be considered and tackled during the coming years.

A multi-agency IRD Review Group meeting of senior staff convenes on a two weekly basis to review all IRDs for quality assurance purposes, to monitor practice and to identify emerging themes. These themes are reported to the Child Protection Committee.

	As of 31 st March 2017	As of 31 st March 2018	As of 31 st March 2019	As of 31 st March 2019
Children on Child Protection Register	72	45	94	98
Children looked after at home	119	107	101	93
Children looked after away from home	375	352	329	337

Adults at Risk

	2017/18	2018/19	2019/20
Adult Protection Referrals	540	732	799
Inter-agency Referral Discussions (IRDs)	70	147	195
Adult Protection Case Conferences			
(this includes Adult Protection Case Conference Reviews)	72	82	82

There has been a year on year increase in the number of Adult Protection referrals recorded in West Lothian. The increase in the recorded number of referrals has been as a result of increased public awareness, through publicity campaigns and engagement events.

The Edinburgh and Lothian wide electronic IRD system was implemented May 2018, enabling all three core agencies to communicate and record information on a single document, reducing the risk of misunderstanding of information. A review group of senior managers continues to quality assure decision making at the IRD stage of adult protection process.

Remote access IRD training was provided to those staff with responsibility for conducting IRDs.

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. In 2019/20 the team received 1620 referral and this is a slight decrease compared to the previous year when 1647 referrals were received. The team offers a range of services including:

- **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 615 referrals during 2019/20 this is a decrease of 4% compared with the previous period.

- **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.

In 2019/20 the LISA project supported 206 women this is an increase of 45% on the previous period. In 39% of the cases, the project has supported women to remain in their own homes and prevented them from having to move into temporary accommodation.

- **Court Contact Children's Right's Service**

The Court Contact Children's Right's Officer aims to increase awareness of domestic abuse in the context of child contact and improve outcomes for women and children, by highlighting how patterns of coercive control can be continued through child contact. The worker ensures that children's voices are heard and their rights upheld within an adult judicial system by allowing Sheriffs to hear directly from the child so decisions can be made in a child's best interests.

Offenders in the Community subject to Statutory Supervision

Since 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 Partnership which is part of the West Lothian Community Planning Partnership structure.

	At 31 March 2018			At 31 March 2019			At 31 March 2020		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
CPO requirement for supervision	301	52	353	284	59	343	269	48	317
CP O with a requirement for unpaid work	270	31	301	258	24	282	253	28	281
Drug treatment and testing orders	13	4	17	9	3	12	13	0	13
Number of individuals subject to Statutory Through Care	183	2	185	161	3	164	160	3	163

The figures in the table detail the new orders put in place during the period April 2019 to March 2020 and does not reflect existing orders that can be in place for up to 3 years. Throughcare Orders can be for life.

The Scottish Government committed in its 2019-20 Programme for Government to extend the presumption against short sentence of 12 months or less, once additional safeguards for victims in the Domestic Abuse (Scotland) Act 2018 were in force. It is likely that this will see an increase in the need for more community based support although 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 currently applies to the management of all registered sex offenders. In West Lothian these arrangements are well established. During the period April 2019 – March 2020 partners were able to robustly contain or reduce risk in 93.03% of cases. Criminal and Youth Justice are currently responsible for 37% of the total offenders managed under MAPPA in the community with the remainder being managed by Police Scotland.

Young people who offend are also managed through either the above or the Young Person Risk Management Process depending on age and current statutory status.

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 (WLAM)

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.

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	2014/17	482	+57
	2017/20	539	
Community Care Services	2014/17	456	+72
	2017/20	528	
Criminal and Youth Justice	2014/17	488	+65
	2017/20	553	

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
Customer Service Excellence	Three year programme of corporate assessment	Assessment of the organisation's customer focus and overall standards of customer service and delivery.	CSE standard (2018)
European Foundation for Quality Management (EFQM)	Period corporate assessment	Assessment against fundamental concepts of Excellence against a global framework.	EFQM 5-star (2017) EFQM Global Excellence Award Finalist (2017) EFQM Global Excellence Award Highly Commended "Adding Value for Customers" (2017)

Complaints

Social Policy adopted the 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. Improvement activity is ongoing with regard to resolution timeframes and training is being rolled out to all staff involved in the complaints process.

The council is committed to improving social work services for 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 2019/20 and their outcome.

Total number of complaints	146
Percentage of complaints upheld	27.4%
Percentage of complaints partially upheld	24%
Percentage of complaints not upheld	48.6%
Percentage of complaints resolved within timescale	55.5%

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 continue to 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 national 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, as users 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.

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 Carers (Scotland) Act 2016.

Our commitment to continue becoming better corporate parents is underpinned by a long and active tradition of engagement with children and young people. The West Lothian Champions Board is an example of this collaborative relationship between those providing and using services for care experiences children, young people and care leavers. This provides the structures and processes for our looked after children and young people to hold us, as Corporate Parents, to account for the progress that we make on delivering the commitments detailed within our Corporate Parenting Plan.

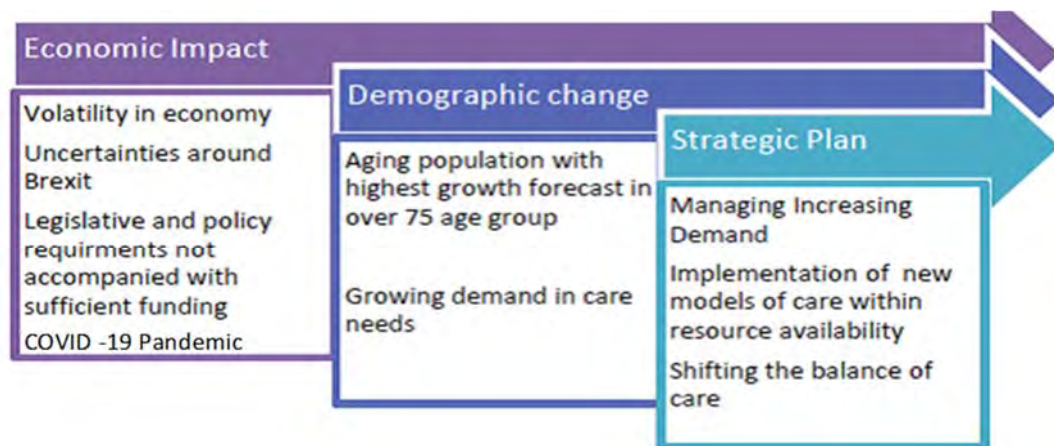
As well as the Champions Board we actively promote listening to childrens views through other mechanisms including: Having Your Say forum, Viewpoint, Advocacy services and Children's Rights service, Residential House Activities, Carers Consultative Forum and Kinship Care Group.

Community Choices places the decisions about investment in our communities into the hands of the people who live and work in them. Tackling poverty and community empowerment are two key priorities which are embedded in the Community Choices ethos. Social Policy is committed to the implementation of Community Choices as we know that our communities in West Lothian are best placed to address the inequalities in their own areas and therefore know what improvements can be made. Social Policy is progressing ways of delivering activities through Community Choices.

3. Resources

The medium term financial plan plays an important role in informing the planning and prioritisation of future service delivery, and strategic planning and commissioning. Financial planning assumptions are reviewed on an ongoing basis to take account of events such as changes to funding levels, economic forecasts, care demands and policy decisions impacting on the delivery of social work services.

Medium-term financial planning requires to take account of a number of risks as summarised below:



In February 2018 West Lothian Council agreed a five year revenue budget strategy including measures to address a budget gap of £65.3 million over the five years from 2018/19 to 2022/23. The Social Policy element of these savings was £23.3 million. Social Policy delivered £3,392,000 of these savings in 2019/20. The council is now in the third year of this strategy and continues with its ambitious project management approach to ensuring a break even budget is achieved at the end of each financial year.

The total net expenditure for Social Policy in 2019/20 was £103,076,000 which represented an underspend of £901,000. This was as a result of early delivery of future year savings of £561,000 and one off underspends related to Care at Home Delivery of £340,000.

While West Lothian Council did report an underspend for Social Policy in 2019/20 there remain a number of significant pressure areas as outlined below

Areas of pressure include:

- External and Internal Residential Placements for Looked After Children
- Residential Care for Adults with Physical Disabilities
- Residential Care for Older People.

These areas are all subject to ongoing monitoring and all form part of the council's redesign programme that will ensure that we can continue to deliver quality services within the available budget.

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.

Social Services Delivery Landscape

West Lothian is in Central Scotland, has a population of approximately 183,100 (National Records of Scotland 2019 mid-year estimate). This is an increase of 0.5% from 182,140 in 2018.

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 had the 9th highest population in 2019, out of all 32 council areas in Scotland. Between 1998 and 2019, the population of West Lothian has increased by 19.5%. This is the 2nd highest percentage change out of the 32 council areas in Scotland. Over the same period, Scotland's population rose by 7.6%.

West Lothian faces a growing and also an ageing population. The West Lothian population is growing faster than the Scottish average and the number of people aged 75 and over is forecast to increase by 119.7% by 2041. During the same period the working age population 25-49 years and 50-64 years are only projected to grow by 2.1% and 4.1% respectively.

The number of carers in West Lothian is similar to the national average and has not changed since the 2011 Census. There has, however, been a significant increase (35%) in the amount of care provided with nearly 7,800 people providing unpaid care for 20 or more hours a week, and 4,600 of these for 50 hours or more.

Inequalities

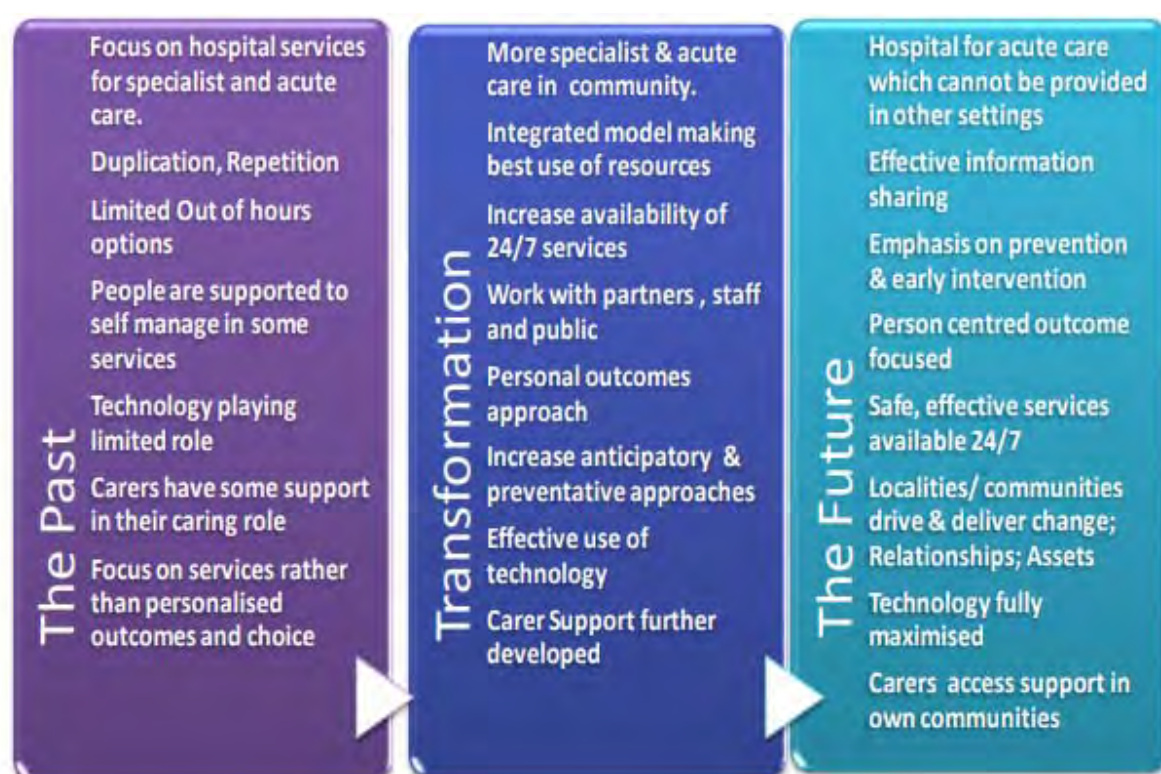
- 15,000 people in West Lothian (8% of the county's population) live within the 15% most deprived areas in Scotland.
- The most recent child poverty statistics (2018) show that 26.0% of West Lothian children are living in poverty. This is an increase of 3.2% from 2015 (22.8%)
- Around 22,000 households 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.

Social Policy is committed to contributing to the delivery of the [West Lothian Anti-Poverty Strategy 2018-23](#)

Strategic Commissioning

Strategic commissioning is the term used for all the activities involved in assessing and forecasting needs, linking investment to agreed outcomes, considering options, planning the nature, range and quality of future services and working in partnership to put these in place. This includes challenging historical spending patterns in light of what we know about our population needs and in particular managing the major trends of a growing, ageing population with increasing comorbidity.



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

i. 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.

In January 2020 new strategic commissioning plans were approved for services for older people, mental health and people living with learning and physical disabilities. The plan for substance misuse services was developed through the West Lothian Alcohol and Drugs Partnership and was due to be approved in April 2020 but this approval was delayed until September 2020 as a result of the COVID-19 pandemic.

In 2020/21 strategic commissioning plans will be developed for services for children and families and also for Community Justice services.

ii. 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.

4. Workforce Planning and Development

Having the right number of staff, with the right skills, in the right posts, is a basic requirement for the delivery of high quality social work and social care services. It is recognised that good workforce planning that is linked to strategic plans and priorities is key to making informed decisions about changes to our workforce.

The IJB Workforce Planning Development Group oversees implementation of the West Lothian Integration Joint Board's (IJB's) Workforce Development Strategy. The Group ensures that workforce planning is aligned to the delivery of the strategic priorities set out in the IJB's Strategic Plan. Representatives from across health and social care bring substantial knowledge, experience and commitment to ensuring delivery of the action plan developed in support of the West Lothian Workforce Development Strategy. The Group also ensures that the ongoing learning and development needs of the health and social care workforce are identified and progressed across the partnership.

The Group provides assurance to the Integration Joint Board that workforce planning across the Health and Social Care Partnership is robust, evidence based, integrated across all staff groups and is aligned to financial planning and transformational change programmes. Workforce plans will be further refined during the course of the year to ensure that they support the priorities identified in strategic commissioning plans which are being developed.

As our transformational change programmes progress, our workforce will look different, it will be integrated, engaged, motivated and empowered, where innovation and positive response to change is necessary. Our traditional working boundaries will change with new ways of working such as multi-disciplinary team working, across, not just health and local authority, but also with our third and independent sector partners.

Our commitment to workforce development continues to be underpinned by our commitment to deliver excellent services supported by staff who are motivated to be the best they can be through relevant training and development opportunities to ensure they are equipped to meet the challenges ahead and be our workforce of the future.

This year a workforce planning seminar was held to review the demand for social work and social care staff across the Health and Social Care Partnership (HSCP) and an action plan developed for the recruitment, retention and training of staff across the sector. In addition, a succession planning group was established to take our priorities forward. Our priorities for a skilled and valued workforce include:

- Ensure that social care becomes a career of choice for people at all stages of life
- Invest in developing the workforce so that skills are refreshed to meet changing demands
- Support a compassionate, skilled, autonomous workforce
- Equip the workforce and users of services for digital transformation and greater use of technology.

Our recruitment drive also focuses on the importance of developing and building a talent pipeline and inspiring our workforce of the future. Together with our partners in Education, the Health and Social Care Partnership hosted a careers event aimed at primary and secondary pupils, highlighting the wide range of career opportunities available within the

Health and Social Care Sector. The event was attended by almost 1000 pupils from schools across West Lothian and provided an excellent platform for pupils to ask questions and take part in hands on activities and demonstrations.

A similar event was arranged for West Lothian College students where information was provided on social care careers and current vacancies, including locum and supply positions to enable students to consider paid employment and experience whilst undertaking their studies.

A promotional video was produced in early 2020 to showcase careers in Health and Social Care this linked in with the timing of the National Social Care recruitment campaign. The video depicted a wide range of careers within Health and Social Care and featured current staff members from a range of services who shared their opinions on the most rewarding aspects of their daily jobs.

We have continued to offer staff opportunities to enhance their professional development by sponsoring candidates to complete Mental Health Officer training and post-graduate courses in Adult Support and Protection, Practice Education and Child Welfare and Protection.

Partnerships have been developed with Higher Education Institutions (HEI), including the Open University, to provide additional placement opportunities for students. We continue to support our practice educators with the introduction of practice seminars in partnership with the University of Edinburgh

During 2020 a rolling programme of entry level social care qualifications was put in place and officers within Business Support – Customer and Community Team undertook SQA assessor qualifications to enable a robust assessment of candidates and provide a high level of support.

To ensure that the workforce is supported to continue to have the necessary skills and knowledge to meet the challenges ahead work will continue to delivery on the following key themes:

- Continued support to meet the Scottish Social Services Council's (SSSC) registration requirements alongside ongoing monitoring of registration compliance.
- Continued development of the Social Policy Scottish Vocational Qualification (SVQ) Centre to deliver Professional Development Awards (PDA) in Supervision and Dementia.
- Development of a pathway to support SQA assessor qualification to internal and external verification awards.
- Exploration of options for work experience and foundation apprenticeships
- Targeting of resources to ensure mandatory and necessary training is paramount alongside the ongoing development of in-house learning provision.
- Continued partnership working to ensure the best use of training resources
- Continued development of a blended approach to learning with an extended e-learning menu.
- Evaluation of the implementation and embedding of changing practices through a robust quality assurance function.

In West Lothian we also have an ongoing commitment to promoting multi-agency training and events in order for practitioners to develop an understanding of each other's roles, develop trust, share a common approach to protection work, accept responsibility and share good practice. During 2019/20 social policy and multi-agency staff attended the following training sessions:

- **Child Protection Training**

- Child Protection Awareness Raising
- Risk Assessment Training
- Graded Care Profile
- Vulnerable Babies
- Non-engaging families

During 2019/20 an Introduction to Child Protection module was developed for private nurseries to deliver to their own staff

- **Adult Protection Training**

- Adult Protection Basic Awareness Training
- Adult Protection Training
- Adult Protection Council Officer Training
- Home Fire Safety Training
- Self Neglect & Hoarding Training

The following Adult Protection workshops and events were also held:

- The Dewis Choice Initiative - Two sessions were delivered to a multi-agency audience and this training included sharing 'lived experiences' of older survivors of domestic abuse, how the initiative sits within the Adult Support and Protection Framework and the barriers facing older people experiencing abuse.
- The Financial Harm Reduction Group held numerous events with partners to engage communities who may be at risk of financial harm including workshops for people with early onset dementia.

Mandatory and statutory training remains a priority to ensure our workforce is meeting legislative and policy requirements. There are robust arrangements in place to identify and address current and emergent development needs and to deliver and track completion of mandatory and statutory training.

The SSSC report "The Demand for Social Workers" on the supply and demand of social workers in Scotland highlighted that the number of completions from qualifying social work courses in Scotland had fallen consistently over a five year period. This creates a serious challenge for the delivery of social work services and remains the key focus of our workforce planning going forward.

With regard to the effective delivery of social care services in West Lothian we must also consider the impact on our partners workforces. Workforce planning is fundamental to

ensure that we have the staff and skills need to deliver change. Some progress has been made to improve our workforce planning, but more needs to be done in particular we need to be more flexible and agile in how we deploy staff, work with partners and attract new people to work in the delivery of social work and social care services in West Lothian.

5. COVID-19 and The Challenge Ahead

Local government and public services in Scotland are under unprecedented pressure due to COVID-19. The precise scale and ongoing impact of COVID-19 on our communities, critical services and the wider economy is, as yet, unknown. However, the economic impact on public services is likely to be significant not only on funding but as a consequence of increased demand for services.

These new pressures sit within a context of councils for several years having to deal with increasing challenges while continuing to address the needs of local people and deliver on national priorities. Not only are public services facing the immediate and longer-term implications of COVID-19 but alongside this there are existing pressures connected to European Union exit, demographic change, impact of poverty and tackling inequality.

The need to do things differently to address the needs of communities more efficiently and effectively is even more important. Medium to long term financial planning is essential alongside the need for further radical and creative thinking to find sustainable long-term solutions to meet growing service demands within available resources. In going forward improved collaborative working will be key to making the best use of our local resources and there will be a continued focus on the improvement of our workforce planning.

In terms of responses to the pandemic, social work and social care services in West Lothian have adapted at pace.

All efforts have been made to meet statutory requirements and to mitigate and lessen adverse impact on service users of enforced service changes brought on by the pandemic.

Central to this capacity to respond at pace and retain quality of service support has been the skilled, dedicated and committed workforce who have demonstrated great resilience and professionalism during this sustained period of public health crisis.

Social care and social work employees have stepped up and voluntarily moved to work in areas of care and support where people resources were most needed. A significant proportion of the workforce have continued throughout to undertake their roles as prior to the pandemic but with significantly altered practices and approaches to manage the health risks presented by COVID 19.

For services with a strong foundation of relationship based practice, the requirement for remote working for many social work professionals has presented some practice issues. Digital engagement with service users and ensuring access to digital resources for people experiencing poverty will continue to be challenging. However, there are also opportunities for improving engagement and enabling people to participate where previously meetings in person may have been more problematic for some. Risk assessment work was undertaken at an early point of the pandemic to support managers and employees in assessment of safe contacts with people in need of direct care, support and protection visiting.

Home working has become the norm for most social work professions not involved in the provision of direct care. Working remotely and at distance from colleagues whilst offering flexibility in these times has also presented some challenges for social work employees. Finding ways of recreating peer support and the informal work support networks that good

office environments and cultures previously provided has been a priority for managers across services. The importance of effective professional supervision for all and especially newly qualified employees and those experienced practitioners working with the most complex and high risk has never more critical.

In West Lothian we are committed to high professional standards and the constant renewal, enhancement and expansion of social work knowledge and skills.

Supporting and retaining our staff has never been more important. There are some enduring challenges of recruitment to social care posts and within the context of the COVID 19 crisis and the critical importance of these roles we continue to drive to attract more people to join the social work and social care workforce. Whilst there has been some evidence of increased interest in social care employment it is yet too early to know whether this will be a continuing trend. We continue to focus on ensuring that we have succession plans in place to support our excellent employees to step up and lead the service of the future. Despite and because of the challenges presented by the pandemic we must continue to focus on supporting a learning and reflective environment across services and keeping the persons or families needing support at the centre of decisions about their support and care.

The COVID-19 pandemic has further emphasised the importance of the digitalisation agenda for social work and social care services and has brought into sharp focus the need to modernise some key processes. We have developed different ways of working in response to the pandemic and will capitalise on these going forward. There are undoubtedly many opportunities for us to deliver our services differently through technology. However, we must balance digital approaches with the real value of face to face contact, a key element in the delivery of social work and social care.

It is clear that there are also opportunities through increased and advanced use of technology to support more people to retain independence at home for as long as is possible and safe. We aim to further this work with pace and it will be taken forward by the Strategic Planning and Commissioning Boards within the Health and Social Care Partnership.

A key theme at the centre of leadership approaches in West Lothian through the pandemic has been very active engagement with care providers and suppliers of care and support for West Lothian citizens. At a very early stage the Health and Social Care Partnership put in place a range of measures designed to ensure that essential community health and social care services continued to be delivered for the population of West Lothian. This included early intervention to address market fragility by providing financial support to care providers to cover COVID 19 additional costs.

In keeping with the above, the West Lothian PPE centre was established in April 2020 with the aim of ensuring secure supplies of PPE and the timely delivery of essential items to health and care services across the partnership. The PPE centre has now become the main supply route for PPE in West Lothian. Without doubt, this has been a significant undertaking which has been delivered by West Lothian HSCP staff with support from the Unpaid Work team from Criminal Justice and Carers of West Lothian who played a key role in ensuring that unpaid carers and personal assistants in West Lothian have access to appropriate levels of PPE.

Services for Adults and Older People

Keeping people safe is a primary duty of all of our social work and social care services. The COVID-19 pandemic has put a sharp spotlight on the social care and social work sector, its employees and the people of all ages who use its services. In some areas of care there has been significant and understandable focus and no more so than on care homes services for older people.

One of the most serious challenges faced by the social care sector and this continues to be so, is protecting the safety of older people resident in care homes particularly when rates of community transmission of COVID-19 are high.

The number of frail older people who have sadly passed away in care homes where COVID 19 has been a factor in their death has been and will continue to be a focus of scrutiny and concern for all involved in social care and social work. All deaths concern a person whose life is valued and loss felt by family and friends.

There has also been a significant emotional toll on staff working and managing care homes as a consequence of the impact of COVID-19. They have had to respond rapidly to changing practices in terms of infection control whilst also managing the impact of the suspension, restrictions of family visiting into care homes and the balancing of risks at the core of such extremely challenging circumstances.

To ensure the delivery of safe and effective care for people who live in care homes the partnership built on well established relationships across the care home sector to deliver enhanced support in line with Scottish Government guidance.

Arrangements were put in place to ensure consistent contact with care homes with situation reports reviewed at daily care homes oversight meetings involving the Chief Officer, Chief Social Work Officer, Chief Nurse, other partnership senior managers and representatives from NHS Lothian Public Health. These daily reviews allow for the early identification of emerging challenges and risks.

A rolling programme of joint health and social care assurance and support visits to care homes is ongoing. Work is also now taking place to identify how local enhanced care home assurance and support will be delivered going forward post COVID-19 and the workforce requirements associated with that.

In terms of governance and accountability, reports have been provided to the Council Executive on the above noted care homes Clinical and Care Oversight Group arrangements and on the emergency temporary powers relating to care provisions introduced by the Coronavirus (Scotland) (No 2) Act 2020. To this point, none of the new powers have been applied within West Lothian nor to this point has there been a requirement to use the easements to duties.

A single point of access for rehabilitation services was established and pathways were mapped and revised to reflect the important need for patient flow from the hospital to community settings. This work will be used to inform the further development of rehabilitation pathways. The partnership will continue to participate in the development of specialist and intensive rehabilitation outreach and community-based models of care,

working in partnership across Lothian to deliver the major programme of redesign associated with the Royal Edinburgh Hospital. The aim is to deliver services which are community focussed and better integrated.

The role of home carers, both internal and external, has been equally critical in responding to the pandemic and they continue to deliver high quality care at home in challenging circumstances. Care and support at home services to this point have continued to be delivered throughout the pandemic without interruption.

Services adapted to meet the challenges presented by Covid-19 and our dedicated and committed workforce took on the challenge of working in different ways, in different roles to do what needed to be done.

West Lothian's adult and older people's day care service delivery altered considerably during the COVID 19 lockdown restrictions and this has provided an opportunity to consider the re-design and modernisation of day services within West Lothian. Detailed feedback has been sought on service users' experiences of the service during lockdown and this will be used to consider the redesign of the service including opportunities to retain a blended approach of outreach and centre based provision.

Services for Children and Families

Families caring for their children affected by significant and complex disabilities experienced significant pressures as many of the usual routes for providing breaks from caring and support for them were reduced as a result of COVID-19. Alternative supports were developed and an outreach service delivered jointly by Social Policy and Education to provide respite for these families. In addition, a respite resource at Inveralmond Community High School was developed to enable carers of children with disabilities to have a break from caring.

For those children with complex additional support needs, a Hub operated throughout the period of lockdown. This was open for children with additional support needs who also had keyworker parents.

Social Policy and Education staff worked together to prepare for children returning to school. Systems were put in place to manage anticipated increases in referrals to ensure children and their families received appropriate and timely support.

Detailed temporary guidance concerning public protection processes was put in place to ensure that risk and need were identified and plans developed to mitigate risk. There were frequent meetings of the West Lothian Chief Officers Group convened with reporting to provide assurance as to the provision of protection services during the pandemic. Social media messaging was used to promote information for the public about who to contact in relation to any public protection concerns. In the initial stages of the lockdown, the decision to place a child's name on the child protection register was made by the IRD participants and then moved to case conferences taking place virtually with arrangements in place to ensure families are able to participate.

There was a sharp focus on levels of domestic abuse being experienced by women and children during lock down and the Domestic and Sexual Assault Team (DASAT) saw an

increased level of referrals throughout the period. Service was provided in response to this.

Social Policy took a lead role in the provision of support to some of the most vulnerable children and their families in West Lothian. Working in partnership with key third sector providers, weekly support sessions in two 'Safe Space' resources were established in Livingston and Bathgate. Hot meals were delivered to our most vulnerable care leavers through a partnership between the Aftercare team, The Larder, Who Cares (Scotland) and Livingston Football Club. Letham House, a resource temporarily closed, was used as a space for young people to go with a worker and spend some time outwith their family when that is necessary.

The most vulnerable children continued to be seen in line with appropriate guidance. Performance in relation to contact being made with children subject to child protection plans, other multi agency plans and those in receipt of aftercare were reported weekly to Scottish Government and performance was strong.

Justice and Youth Justice Services

Justice and Youth Justice services continued to maintain high levels of contact with those subject to statutory supervision. Whilst the criminal courts were and continue to be operating at greatly reduced capacity with a limited amount of new orders being made and Justice Social Work Reports requested, there remained a high number of individuals subject to community supervision.

Those serving long term prison sentences were still being released at their due date on parole or other licences. The service led on local implementation of a national early release of short-term prisoners initiative in order to relieve pressure on the Scottish Prison Service.

One area of service that was 'paused' in line with national guidance was the Unpaid Work Order scheme, group activity clearly being inappropriate in light of the pandemic. Staff were involved in supporting other areas affected by COVID-19 and supported delivery of meals to vulnerable people, delivery of PPE and also being redeployed to other service areas such as older peoples care homes.

Contact was maintained with those subject to supervision following a clear Red, Amber, Green (RAG) analysis and contact undertaken in line with National Outcomes and Standards and presenting levels of risk.

The service piloted use of video calling in some cases where risk assessment dictated that seeing internal physical environments was necessary.

MAPPAs have continued to operate at all levels through virtual meetings and those presenting as a risk supervised appropriately.

The service has maintained a presence in courts so a response can be provided to those appearing from custody.

Young people involved in offending and subject to orders through the Children's Hearing System continued to be supported by the Youth Justice Team and by Early and Effective Intervention as appropriate.

Conclusion

Overall, social work and social care services within the West Lothian Health and Social Care Partnership and our wider partners have so far responded well to the pandemic with a number of key services able to deliver against agreed commitments. This has been incredibly challenging and continues to be so. There is no complacency about the ongoing work that needs to be done and the scope and scale of the challenges that will continue to present over time. We are reflecting on what has worked well, what has not and we are reviewing our plans with partners and stakeholders to ensure that we have robust arrangements in place for the future development of social work and social care services in West Lothian.

Work is now underway to review strategic commissioning plans in key service areas to reflect learning from the pandemic response and to update plans with revised priorities where necessary. We will build on these lessons to inform our future service design and the redesign of models of care.

With regard to future years, social work and social care services will be faced with significant challenges to meet increased demands and operate within tight fiscal constraints for the foreseeable future. The implications associated with COVID-19 will further increase the financial challenges and may impact on current plans to meet demands. In looking forward we will use all of the lessons learned through our collective response to COVID-19 to improve our practice.

The scale of the challenges ahead promotes a culture of learning from best practice focussed particularly on building capacity within families and communities, taking a strengths-based approach to practice and ensuring that all of our practice is underpinned by the principles of personalisation.

It is recognised that transformational change and whole system innovation will continue to be required across Social Policy to meet these unprecedented challenges.

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 priorities are met, and that the most vulnerable people of West Lothian are protected and empowered to live a safe and fulfilling life.

Finally, I would like to acknowledge the excellent work undertaken by social work and social care teams in West Lothian through some of the most challenging times that we have worked through. The flexibility, dedication, compassion and professionalism of our workforce has been truly outstanding.



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

24th November 2020

Spaces for People Project

With regard the spaces for people project would the executive councillor please advise:

Which projects have been completed to date and what individual costs have been expended on each project, what projects have been identified for future development and what is their individual cost and anticipated completion and does any balance remain from Scottish Government funding and if so when and on what will this balance be spent?

Councillor Charles Kennedy -Ward 8 - Bathgate
West Lothian Council Conservative Group

Received at 10.17am on 9 November 2020

V. Johnston

WEST LOTHIAN COUNCIL LABOUR GROUP

Response to the Question from Councillor Charles Kennedy for the Council meeting on 24th November 2020

Spaces for People

Thank you for your question.

At June's Council Executive meeting approval was given for officers to advance a package of temporary measures.

- Package 1 - Localised footway widening at pinch points/parking suspensions
- Package 2 - Loaning Parking and on street parking suspension
- Package 3 - Introduction of walker / cycle friendly zones on rural roads (reduced speed limits to 40mph)
- Package 4 – Advisory/temporary cycle lanes
- Package 5 - Introduce temporary 20mph areas within towns and villages
- Package 6 - Introduce temporary physical distancing signage
- Package 7 – Strategic clearance works to widen footpaths and cycle tracks
- Package 8 – Public Transport - physical distancing measures at bus stops
- Package 9 – Introduce pedestrian phases at controlled crossing points.

The council's funding application for £601,500 was approved on 4 June and the measures were then advanced. Following further efforts by officers, the grant was subsequently increased to £641,500 to allow "before and after" speed and traffic volume data collection for work packages 3 & 5. A list of the work locations, approved funding costs and the current status of these packages of work are shown in Appendix 1.

In summary, work packages 3,5,6,7 & 9 are already complete. Packages 1, 2 & 8 have commenced on site. Package 4 has been awarded and is estimated at this time to commence in December.

All work packages have costs still to be allocated to them but a grant claim of £127,207 has already been submitted and a further claim of around £250,000 is to be submitted towards the end of November.

It is unlikely that there will be any residual grant monies available for any other projects once these packages of work are complete.



Councillor Tom Conn
Environment Executive Councillor
West Lothian Council Labour Group

West Lothian Council SNP Group

Leader: Cllr Janet Campbell
Depute Leader: Cllr Frank Anderson
Secretary: Cllr Sarah King

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



Meeting Date - 24 November 2020
Item No.25

Questions to Leader of Council Council Meeting Nov 2020

Could the leader of the Council list for me the additional monies, from its own resources, this Council has spent during the Covid pandemic. These figures to exclude any additional money received from the Scottish Government which currently totals £43.77M, with more to come. These figures to list the amount that was in the Budget of February 2019 and the additional monies allocated since the Budget.

So that it is easy for people to understand and see the money this Council has made available to tackle the problems faced by our residents during this pandemic, could the figures be listed under the following headings:

Hardship Fund, Food Fund, Poverty, Third Sector, Welfare/DHP, and Business support.

Cllr Frank Anderson

Received at 11.35am on 9 November 2020

WEST LOTHIAN COUNCIL LABOUR GROUP

Response to the Question from Councillor Frank Anderson for the Council meeting on 24th November 2020

Pandemic Costs

Thanks for the question received in respect of the additional spend that the council is incurring as a result of the current pandemic. The categories of spend noted in the question do not relate to the budget classifications used within the council's revenue budget which are based on the council's service structure and, as such, I have provided the response on this basis.

The council is facing significant financial pressures as a result of the current Covid-19 pandemic made up of additional spending requirements and also significantly reduced income, which is partially offset by some reduced costs over the lock down period. The latest revenue budget monitoring exercise for period 6 reported to Council Executive on 17 December 2020 showed as a significant projected overspend of £3.807 million even after accounting for all currently confirmed funding from Scottish Government and using £994,000 from the General Fund Balance, as agreed by Council Executive on 18 August 2020.

Since the start of the pandemic, the council has provided extensive support to families, businesses, third sector and to the wider communities across West Lothian. In addition to the specific funding received from the Scottish Government, the council has:

1. Allocated £994,000 from the council's General Fund Balance of £994,000 to help manage the projected overspend in 2020/21 which has largely arisen as a result of the financial implications of the current pandemic.
2. Incurred additional spend during the pandemic to provide support and assistance to those most in need. As noted, the 2020/21 general fund revenue budget is currently forecast to overspend by £3.807 million. This includes additional spending in a number of areas which are outlined below:
 - £300,000 additional payments anticipated to families for school clothing grants. Total payments for the year are expected to reach £1.36 million. Budgeted spend in 2020/21 is £1.06 million.
 - The Council Tax Reduction Scheme (CTRS) is currently forecast to overspend by £777,000, after accounting for additional funding of £760,000 providing support by Scottish Government providing support to low income individuals and families across West Lothian.
 - Net additional costs for social care of around £2.338 million providing vital support and care to vulnerable people.
 - Additional spend of £960,000 to ensure the safe return of pupils to schools from August 2020. This is after accounting for specific funding received from Scottish Government of £708,000.
 - Payments to Partner Providers of £450,000 to ensure they continue to be financially sustainable following the lockdown period.

- Payments to supply teachers of £400,000 in line with the SNCT agreement to pay average working hours during the lockdown period
 - Schools have prepared recovery plans taking account of both local and authority wide factors and have reviewed their spending plans to ensure resources are being diverted to help deliver their recovery plans, whilst providing support to pupils and their families, particularly the most vulnerable.
 - Additional support provided to West Lothian Leisure of £1.301 million to help manage their cashflow during these unprecedented times and ensure provision of leisure services to communities in West Lothian.
 - £527,000 contingency created from the monies which the council had already set aside to provide Free School Meals over the summer holidays in advance of Scottish Government funding being allocated to council s for this purpose. £114,000 was used to provide Free School Meals over the September and October school holidays. The remaining balance is available to spend on food related costs.
3. A number of councils have used their Hardship fund allocation to help manage their overall budget position. In West Lothian, this funding stream of £1.687 million has been used to provide additional support across communities, particularly for the most vulnerable. The table below provides a breakdown of how this money has been used:

Purchase of educational and play materials for identified vulnerable families to support 1,000 families through provision of play materials or, where this is not practical £30 vouchers
Increase section payments, under the social Work Scotland Act 1968
Increased self-directed support payments for families with children with complex disability
Increase Scottish Welfare Fund - General
Increase Scottish Welfare Fund – Additional Home Items
Additional school clothing grant funding to all families receiving council tax reduction support (included above)
Increase Discretionary Housing Payments
Funding for Free School Meals throughout summer (included above)
Community Food Grant
Third Sector Hardship Fund to enable the sector to support vulnerable individual and families
Total Expenditure

Officers are continuing to engage with Scottish Government and COSLA around further government funding for the council so that the significant additional costs being incurred in relation to Covid-19 are fully funded.

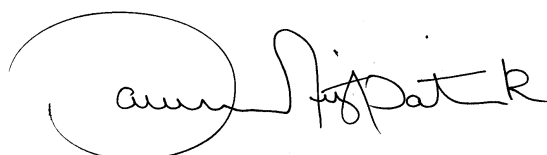
In addition to the council funded support outlined, the council has processed very significant sums to support individual, families and businesses as follows:

	£'000
Small business grant scheme (national scheme)	27,432
Self-employed grant scheme (national scheme)	303
Hardship Fund	1,687

Food Fund	1,045
Scottish Welfare Fund	712
Funding to West Lothian Health and Social Care Partnership	2,444
Discretionary Housing Payments	679
Additional £5 million DHP funding	146
Social Care funding – Living Wage uplift	214
Free School Meals (FSM) during school holidays	505
Additional food support for people at risk	444
Digital devices/connectivity for digital exclusion	
• Capital Funding	721
• Revenue Funding	124
Transitional Support Fund for childcare providers	376
Recruitment of additional teachers and support staff	
• Share of £50 million	1,296
• Share of further £30 million	777
£50 million to meet logistical challenges in reopening schools which will be released in two separate tranches	
• Share of £20 million	708
• Process for distribution of £30 million to be confirmed by Scottish Government	
Funding for Council Tax Reduction Scheme - Share of £25 million	760
Share of £155 million Barnett Consequentials	5,228
Share of £49 million Barnett Consequentials	1,653
Direct Business Support Restrictions Fund and Discretionary Business Hardship Funds	700

Although this funding has been provided by Scottish Government, it should be noted that it has been administered largely by council staff. While no costing exercise has been carried out, this will be a very significant amount of staff time.

In addition, the vast majority of this Scottish Government funding comes from the Barnett consequentials resulting from the coronavirus response package from the UK Government. So far, in 2020/21 the Scottish Government has been guaranteed £8.2 billion in additional funding from Barnett consequentials, meaning their resource budget for the current financial year has now increased by almost a quarter since the budget was set in February 2020. The two budget revisions have provided some information on the planned use of the extra funds, with £3.66 billion allocated at the summer budget and a further £2.4 billion at the autumn budget. The use of the remaining balance of over £2 billion has still to be advised.



Councillor Lawrence Fitzpatrick
Leader
West Lothian Council Labour Group



WEST LOTHIAN CONSERVATIVE AND UNIONIST COUNCIL GROUP

West Lothian Council

24th November 2020

Mental Health during Covid-19

Good mental health is an important part of people's overall health and wellbeing, particularly after so many months of dealing with the challenges which the Covid 19 pandemic has brought. What plans does West Lothian council have in place to support those living with mental health issues in our communities, who are more likely to feel the effects of prolonged isolation and stress?

Received at 11.44am on 9 November 2020

V Johnston

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

WEST LoTHIAN COUNCIL LABOUR GROUP

**Response to the Question from Councillor Peter Heggie
for the Council meeting on 24th November 2020**

Mental Health During Covid-19

Thank you for your question.

Mental health and Addiction services are functions delegated to West Lothian IJB. The integrated nature of these services ensures that people can get the right support from the right resource rather than being moved between different providers.

The Health and Social Care Partnership has developed two Wellbeing Hubs – one at St John's Hospital and one in Boghall. People can attend or contact for support in relation to a range of mental health issues including isolation and stress. The Hubs are staffed by a mix of nursing, Occupational Therapists, psychology and third sector staff who support people through a range of individual interventions and groups (socially distanced) via telephone appointments and links into other services. People access the Hubs via their GP although there are plans for the Hubs to become open access and walk in in the future. They are an initiative funded by the Primary Care Improvement Fund and are managed by Mental Health Services.

NHS24 also provides support via Penumbra to people contacting them who are feeling the effects of stress or are feeling isolated.

More significant mental health issues are managed by a range of community and inpatient services.

Mental Health staff (including a social worker) operate out of the Emergency Department in St John's for people who attend there and who require to be assessed by a mental health professional.



**Councillor Harry Cartmill
Executive Councillor for Health & Care
West Lothian Council Labour Group**