



## ***Partnership and Resources Policy Development and Scrutiny Panel***

West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
EH54 6FF

28 January 2021

A meeting of the **Partnership and Resources Policy Development and Scrutiny Panel** of West Lothian Council will be held within the **Webex Virtual Meeting Room** on **Friday 5 February 2021 at 9:30am**.

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, declarations of interest in any urgent business and consideration of reports for information.  
  
The Chair will invite members to identify any such reports they wish to have fully considered, which failing they will be taken as read and their recommendations approved.
4. Confirm Draft Minutes of Meeting of Partnership and Resources Policy Development and Scrutiny Panel held on Friday 04 December 2020 (herewith)
5. Sickness Absence (1 April 2020 - 31 December 2020) - report by Head of Corporate Services (herewith)
6. Policy on Protection of Children and Protected Adults - report by Head of Corporate Services (herewith)

7. Horizon Scan - joint report by Head of Finance and Property Services and Head of Planning, Economic Development and Regeneration (herewith)
8. Risk Based Verification - report by Head of Finance and Property Services (herewith)
9. Council Tax Scenarios 2021/22 and 2022/23 - report by Head of Finance and Property Services (herewith)
10. Corporate Strategy Annual Update 2019/20 - Corporate Asset Management Strategy - report by Head of Finance and Property Services (herewith)
11. Property Asset Management - Performance Update - report by Head of Finance and Property Services (herewith)
12. Review of Community Benefit Leases in Council Properties - report by Head of Finance and Property Services (herewith)
13. Lothian Valuation Joint Board - report by Chief Executive (herewith)
14. Workplan (herewith)

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

## 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](mailto:julie.whitelaw@westlothian.gov.uk), James Millar, Governance Manager, 01506 281695, [james.millar@westlothian.gov.uk](mailto:james.millar@westlothian.gov.uk), Carol Johnston, Chief Solicitor, 01506 281626, [carol.johnston@westlothian.gov.uk](mailto:carol.johnston@westlothian.gov.uk), Committee Services Team, 01506 281604, 01506 281621 [committee.services@westlothian.gov.uk](mailto: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 the PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL held within WEBEX VIRTUAL MEETING ROOM, on 4 DECEMBER 2020.

Present – Councillors Lawrence Fitzpatrick (Chair), Kirsteen Sullivan, Janet Campbell, Chris Horne, Andrew McGuire (substituting for Dave King), George Paul and Damian Timson

Apologies – Councillor Dave King

In Attendance – Donald Stavert (Joint Forum of Community Council's Representative) and Tom Carr-Pollock (Unison)

1. DECLARATIONS OF INTEREST

Agenda Item 15 (Review of Scheme of Establishment of Community Councils in West Lothian) – Donald Stavert declared an interest in that as a member of the Joint Forum of Community Council's he had been part of the working group dealing with this item of business.

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

2. MINUTE

The panel approved the Minute of its meeting held on 18 September 2020.

3. SCOTTISH PUBLIC SERVICES OMBUDSMAN: ANNUAL REPORT 2019-2020

The panel considered a report (copies of which had been circulated) by the Chief Executive providing an update on the Scottish Public Ombudsman's annual report 2019-20.

1. The Panel was asked to note the Scottish Public Services Ombudsman's (SPSO) annual report 2019-2020, and recommend that it be submitted to the Council Executive for information;
2. The Panel was asked to note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome; and
3. The Panel was asked to note the learning from SPSO complaints which was appended to this report for information.

Decision

1. To note the contents of the report; and

2. To refer the report to a future meeting of Council Executive for information.

4. REVISED COUNCILLORS' CODE OF CONDUCT - CONSULTATION RESPONSE

The panel considered a report (copies of which had been circulated) by the Governance Manager asking the panel to consider a proposed response to the Scottish Government consultation on a revision of the Councillors' Code of Conduct.

The panel was asked to consider the following recommendation that would be reported to Council Executive for determination: -

To agree a response to the Scottish Government's consultation on revised Code of Conduct for Councillors.

Decision

1. To note the content of the report and proposed consultation response; and
2. To forward the report to the next appropriate meeting of Council Executive with the recommendation that the report and proposed consultation response be approved.

5. COMMUNITY WEALTH BUILDING

The panel considered a report (copies of which had been circulated) by the Chief Executive advising of the Community Wealth Building approach and work underway within West Lothian Council compatible with its further development.

The panel was asked to note the summary on the Community Wealth Building approach and the ongoing work being undertaken by officers to develop activities consistent with this approach and to further explore how a Community Wealth Building approach could be implemented in West Lothian.

Decision

1. To note the contents of the report; and
2. To request that officers liaise with the Lothian Pension Fund to examine their ethical investment charter and report back to members on their policy and analysis of the investments that the pension fund had.

6. CONSULTATION - RENEWING SCOTLAND'S FULL POTENTIAL IN A DIGITAL WORLD

The panel considered a report (copies of which had been circulated) by the Depute Chief Executive advising of the Scottish Government's consultation which commenced in October, on the revised focus for a refreshed Digital Strategy in collaboration with local government and to agree a response to be returned by 23 December 2020.

It was recommended that the panel :-

1. Notes the content of the proposed consultation response at appendix 2; and
2. Agrees to recommend the proposed consultation response to the Council Executive.

Decision

1. To note the contents of the report;
2. To consider strengthening the response in terms of the need for more funding for local authorities post Covid-19; and
3. To present the report to the next appropriate meeting of Council Executive for approval.

7. QUARTERLY PERFORMANCE REPORT - QUARTER 2 OF 2020/21

The panel considered a report (copies of which had been circulated) by the Depute Chief Executive providing the current level of performance for all indicators that support the council's Corporate Plan and are the responsibility of the Partnership and Resources Policy Development and Scrutiny Panel.

It was recommended that the panel note the performance information and determine if further action or enquiry was necessary for any of the performance indicators in the report.

Decision

To note the content of the report

8. HORIZON SCAN

The panel considered a joint report (copies of which had been circulated) by the Head of Finance and Property Services and Head of Planning, Economic Development and Regeneration providing the panel with :-

1. A summary of the latest UK economic indicators and announcements, particularly regarding the implications of the

Covid-19 pandemic;

2. An update of the latest potential implications of the UK's exit from the European Union (EU); and
3. An update on the estimated revenue budget position facing the council as a result of ongoing unavoidable spending pressures and government funding constraints, including highlighting budget model risks and uncertainties.

It was recommended that the Panel notes:

1. The results of the horizon scan for the UK, Scotland, West Lothian and West Lothian Council; and
2. That officers will be undertaking a detailed review of the budget model for 2021/22 and 2022/23, in advance of the revenue budgets being presented to Council in early 2021, to take account of changes in circumstances and updated forecasts, especially in relation to the Covid-19 pandemic.

#### Decision

To note the contents of the report

#### 9. 2020/21 FINANCIAL PERFORMANCE – MONTH 6 MONITORING REPORT

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an update on the financial performance of the Partnership and Resources portfolio.

It was recommended that the panel: -

1. Notes the financial performance of the Partnership and Resources portfolio as at month 6;
2. Notes that the Partnership and Resources portfolio position at month 6 is part of the overall council budget position that was reported to Council Executive on 17 November 2020;
3. Notes any actions required to be taken by Heads of Service and budget holders to manage spend within available resources.

#### Decision

To note the content of the report



10. SOCIAL SECURITY, BENEFITS AND WELFARE REFORM UPDATE

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services advising of recent developments in and the continuing implications of the ongoing programme of welfare changes.

It was recommended that the panel notes the impacts of the welfare changes in West Lothian and the actions which the council and community planning partners are taking in response.

Decision

To note the content of the report

11. MACMILLAN@WEST LOTHIAN AND IMPROVING THE CANCER JOURNEY PROJECTS UPDATE

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services updating the panel on the Macmillan@ West Lothian Cancer Information and Support Service Annual Report (2019-20) and to inform the panel of the Improving the Cancer Journey project; a new partnership between West Lothian Council, West Lothian Health and Social Care Partnership, NHS Lothian and Macmillan Cancer Support.

It was recommended that the Panel notes the terms of the report and, in particular:

1. The contents of the Macmillan @ West Lothian Cancer Information and Support Service Annual Report (2019-20);
2. The establishment of the Improving the Cancer Journey (ICJ) service in West Lothian, which was a partnership between Macmillan Cancer Support, NHS Lothian, West Lothian Council and West Lothian Health and Social Care Partnership;
3. Expanding the role of Macmillan @ West Lothian Advisory Group to include Improving the Cancer Journey West Lothian Operational Group;
4. The appointment of Link Workers (Improving the Cancer Journey); to conduct Holistic Needs Assessments; and
5. The development of an action plan to support the delivery.

Decision

To note the contents of the report

12. SICKNESS ABSENCE (1 APRIL 2020 - 30 SEPTEMBER 2020)

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services providing sickness absence rates during the period 1 April 2020 to 30 September 2020 and to also provide an update on the ongoing application of the council's Policy & Procedure on Managing Sickness Absence.

The report also provided an overview on the levels of absence attributed to the Covid-19 pandemic.

The panel was asked to note the contents of the report

#### Decision

To note the content of the report

### 13. REVIEW OF THE SCHEME FOR ESTABLISHMENT OF COMMUNITY COUNCILS IN WEST LoTHIAN

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services advising of the outcome of the preliminary round of statutory consultation on the council's proposal to adopt an amended Scheme for Establishment of Community Councils in West Lothian and to outline the next steps.

The panel was asked to: -

1. Note the outcome of the preliminary round of consultation;
2. Note the terms of the initial draft modal scheme
3. Note the options for boundary changes
4. Note the next round of consultation to be undertaken

#### Decision

To note the content of the report

### 14. CUSTOMER SERVICE EXCELLENCE REPORT

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services providing information on key strengths and areas for improvement identified during the 2019/20 corporate Customer Service Excellence (CSE) Standard assessment.

It was recommended that the panel:-

1. Note that the council has retained the CSE Standard.
2. Agree to progress the CSE corporate improvement actions.

Decision

To note the content of the report

15. ANNUAL REVIEW - CORPORATE PROCUREMENT STRATEGY

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services providing a review of the Corporate Procurement Strategy 2019-2023 and which included progress against the planned actions and an overview of the performance to March 2020.

It was recommended that the Panel note the terms of the report:

1. Notes the performance against the outcomes;
2. Notes the progress made in implementing the key activities and actions;
3. Agree to removal of the indicator “Percentage of suppliers paying the living wage as a percentage of all contracts awarded”; and
4. Agree any recommendations for improvement.

Decision

To note the contents of the report

16. CORPORATE STRATEGY ANNUAL UPDATE - INTERNAL AUDIT AND COUNTER FRAUD STRATEGY

The panel considered a report (copies of which had been circulated by the Head of Finance and Property Services providing a review of the Internal Audit and Counter Fraud Strategy 2018-2023 including progress against the planned actions and an overview of the performance to date.

It was recommended that the panel: -

1. Notes the performance against the outcomes.
2. Notes the progress made in implementing the key activities and actions.
3. Agrees any recommendations for improvement.

Decision

To note the contents of the report

17. CORPORATE STRATEGY ANNUAL UPDATE - RISK MANAGEMENT STRATEGY

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing an overview of the Risk Management Strategy 2018-2023 including progress against the planned actions and an overview of the performance to date.

It was recommended that the panel :-

1. Notes the performance against the outcomes.
2. Notes the progress made in implementing the key activities and actions.
3. Agrees any recommendations for improvement.

#### Decision

To note the contents of the report

#### 18. ICT ASSET MANAGEMENT PLAN (2019/20 TO 2027/28) – ANNUAL REVIEW

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services providing a review of the ICT Asset Management Plan 2019/20 to 2027/28, including progress against planning outcomes and an overview of the performance to date.

It was recommended that the Panel :-

1. Notes the performance against the planned outcomes; and
2. Notes the progress made in delivering the planned capital investment.

#### Decision

To note the content of the report

#### 19. CORPORATE SERVICES MANAGEMENT PLAN 202/21

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services introducing the 2020/21 Management Plan for Corporate Services.

The panel was asked to consider the plan, a copy of which was attached to the report at Appendix 1 and provide comments as appropriate.

#### Decision

To note the content of the report and the Corporate Services Management Plan 2020/21

20. FINANCE AND PROPERTY SERVICES MANAGEMENT PLAN 2020/21

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Service introducing the 2020/21 Management Plan for Finance and Property Services which was provided as an appendix to the report.

It is recommended that the Panel notes:

1. The Finance and Property Services Management Plan for 2020/21 as set out in the appendix to this report
2. The summary of the work undertaken in previous years and the improvements achieved
3. The outcomes, priorities and activities for the service for the forthcoming financial year set out in the plan
4. That the plan would be the control document

Decision

To note the content of the report and the Finance and Property Services Management Plan 2020/21

21. CIPFA FINANCIAL MANAGEMENT CODE

The panel considered a report (copies of which had been circulated) by the Head of Finance and Property Services providing a summary of the Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code (FM Code), published in October 2019. Following the publication of guidance notes, this report will outline officer responses which demonstrate compliance with the financial management standards set out in the code as well as a suggested action plan to ensure full compliance with the code by 2021/22..

It was recommended that the Panel notes the intention to present their report to the Audit Committee and Governance and Risk Committee for consideration, and considers the following recommendations which are intended to be submitted to the Council Executive for approval:

1. Note the CIPFA Financial Management Code;
2. Agree that the council will comply with the code by financial year 2021/22;
3. Note the financial management standards and key messages included in the code;
4. Note the officer responses to demonstrate how existing processes in the council meet the standards of the code following the publication of the guidance notes;

5. Agree the action plan to ensure full compliance with the code by 2021/22.

Decision

1. To note the contents of the report; and
2. To agree that the report be presented to a future meeting of Council Executive for approval.

22. POLICY ON THE MISUSE OF ALCOHOL, DRUGS AND OTHER SUBSTANCES

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services advising on the current position with regard to the proposed implementation of random testing and progress on the actions identified at the PDSP meeting on 18 September 2020.

It was recommended that the Panel;

1. Notes the Integrated Impact Assessment conducted on the review of the list of safety critical posts;
2. Notes the position of COSLA on alcohol and drug testing across all Scottish Local Authorities;
3. Notes the council's position in relation to that of other Scottish Local Authorities; and
4. Notes the extension of the moratorium on random testing until 31 March 2021.

Decision

To note the contents of the report

23. HEALTH AND SAFETY POLICY AND CORPORATE PROCEDURES - PERSONAL PROTECTIVE EQUIPMENT/CONSTRUCTION (DESIGN AND MANAGEMENT)

The panel considered a report (copies of which had been circulated) by the Head of Corporate Services presenting a revised council wide Health and Safety Policy and draft Corporate Procedures for Personal Protective Equipment and Construction (Design and Management).

The panel was asked to note and consider the terms of the revised council wide Health and Safety Policy and draft Corporate Procedures for Personal Protective Equipment and Construction (Design and Management) which are intended to be submitted to Council Executive for approval.

Decision

To note the contents of the report

24. WORKPLAN

A copy of the workplan was circulated for information.

Decision

To note the content of the workplan





Data Label: Public



## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **SICKNESS ABSENCE (1 APRIL 2020 – 31 DECEMBER 2020)**

#### **REPORT BY HEAD OF CORPORATE SERVICES**

##### **A. PURPOSE OF REPORT**

To report on sickness absence rates during the period 1 April 2020 to 31 December 2020 and to provide an update on the ongoing application of the council's Policy & Procedure on Managing Sickness Absence.

The report also provides an overview on the levels of absence attributed to the COVID-19 pandemic.

##### **B. RECOMMENDATION**

That the Panel notes the content of the report.

##### **C. SUMMARY OF IMPLICATIONS**

- |   |  |
|---|--|
| <b>I Council Values</b>   | Focusing on our customers' needs<br><br>Being honest, open and accountable<br><br>Providing equality of opportunities<br><br>Developing employees<br><br>Making best use of our resources<br><br>Working in partnership              |
| <b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | Council policy seeks to strike a balance between effective management of sickness absence and the promotion of a healthy workforce taking into account the council's obligations under Equality legislation.                         |
| <b>III Implications for Scheme of Delegations to Officers</b>   | None   |
| <b>IV Impact on performance and performance Indicators</b>  | The sickness absence SPI for 2020/21 first quarter commenced at inflated rates than previous years however by the end of the third quarter this had decreased and is the lowest rates recorded for December within the last 5 years. |

<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	National Outcome 15: Our Public Services are high quality, continually improving and responsive to local people's needs. Reduced sickness absence levels increase the efficiency and productivity of the council.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Sickness absence is managed within service budgets.
<b>VII</b>	<b>Consideration at PDSP</b>	None
<b>VIII</b>	<b>Other consultations</b>	None

## **D. TERMS OF REPORT**

### **D.1 BACKGROUND**

The Council Executive on 26 June 2018 approved a Policy and Procedure for Supporting Attendance at Work that replaced the former Policy and Procedure on Managing Sickness Absence with effect from 1 September 2018.

This report relates to absence rates for the period from 1 April 2020 to 31 December 2020.

### **D.2 SICKNESS ABSENCE RATES**

#### Standard Performance Indicator – Council Wide

The sickness absence Standard Performance Indicator (SPI) for the full council for the period 1 April 2020 to 31 December 2020 is set out at **Appendix 1** of this report together with the SPI performance indicators for the full years 2016/17 to 2019/20.

The SPI for the cumulative period from 1 April 2020 to 31 December 2020 is 4.38%, which compares favourably with the SPI figure of 5.63% for the same period in 2019/20.

A total of 2635 employees were absent from work for one or more days in the period 1 April 2020 to 31 December 2020.

#### Standard Performance Indicators – Services

The sickness absence SPI for each service area (figures for teaching and non-teaching staff shown separately), for the period 1 April 2020 to 31 December 2020 is set out at **Appendix 2**.

Of the seven council service areas, three reported sickness absence rates above the council target of 3.6% (Housing Customer & Building Services, Operational Services and Social Policy). Education Service is counted as one service although the chart reflects teaching and non-teaching figures separately.

Chief Executive, Finance & Property Services (1.98%), Corporate Services (2.10%), Education Services (2.77%) and Planning & Economic Development (2.38%) are reporting below the council target of 3.6%.

### Long –Term Absence (1 April 2020 – 31 December 2020)

Of the days lost due to sickness absence during this period, a significant proportion of those absences are attributable to long term absence which is defined in the policy as a period of continuous absence 'in excess of 4 weeks.'

A further breakdown of days lost for the three services with rates above the council sickness absence target indicates the following:

- Of the total number of 7,779 days lost in Housing, Customer & Building Services, 6,790 (87.29%) of those days were due to long-term absence and were accounted for by 93 employees.
- Of the total number of 16,656 days lost in Operational Services, 14,467 (86.86%) of those days were due to long-term absence and were accounted for by 203 employees.
- Of the total number of 15,029 days lost in Social Policy 13,278 (88.35%) of those days were due to long-term absence and were accounted by 182 employees.

The average percentage of days lost of the total absence rates from long term absence across the three services was 87.51%.

The average percentage of days lost of the total absence rates due to long term absence across the whole council was 85.49%.

The average length of long-term absence during the period was 69 days with the longest absence lasting 197 days.

### Analysis of Categories of Absence (1 April 2020 – 31 December 2020)

Top four reported reasons for all absences, split by long term are as follows:

**Table 1**

<b>Level 1 Reasons</b>	<b>Days</b>	<b>Long Term %</b>	<b>All Absence%</b>
Mental & Behavioural	24,510	43.08%	39.89%
Musculoskeletal	8,508	14.12%	13.85%
Accidents, Injuries, Poisoning	5,734	9.41%	9.33%
Neoplasms	2,863	5.37%	4.66%
<b>Total</b>	<b>41,615</b>	<b>71.98%</b>	<b>67.73%</b>

### Mental & Behavioural Level 2 Category

The main category for absences is Mental and Behavioural. A breakdown of all mental and behavioural absences recorded is set out below:

**Table 2**

<b>Mental &amp; Behavioural</b>	<b>Days</b>	<b>Long Term %</b>	<b>All M&amp;B Absences%</b>
Stress	14,041	56.74%	57.29%
Anxiety	4,972	20.22%	20.28%
Depression	3,193	13.41%	13.03%
Not specified	1,765	7.33%	7.20%
Other psychiatric illness	294	1.28%	1.19%

Panic attacks	66	0.25%	0.27%
Eating disorder	48	0.21%	0.20%
Self-harm	44	0.20%	0.18%
Obsessive compulsive disorder	44	0.20%	0.18%
Bipolar disorder	36	0.16%	0.14%
Insomnia	5	0.00%	0.02%
Alcoholism	1	0.00%	0.01%
Other substance abuse	1	0.00%	0.01%
<b>Total</b>	<b>24,510</b>	<b>100.00%</b>	<b>100.00%</b>

### D.3 MANAGEMENT OF SICKNESS ABSENCE

#### i) Sickness Absence Case Management

The HR Policy and Advice team continue to work closely with managers across the council, providing advice and guidance on the monitoring and management of sickness. Table 3 below shows the number of employees at each stage of the Policy & Procedure as at 31 December 2020, compared to the previously reported positions.

**Table 3**

	<b>Counselling/ Informal Review Meeting</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Total</b>
Total at 31 December 2020	<b>565</b>	<b>340</b>	<b>182</b>	<b>1087</b>
Total at 31 December 2019	746	393	273	1412
Total at 31 December 2018	346	438	293	1077

A breakdown of live cases as at 31 December 2020 is set out in Table 4.

**Table 4**

	<b>Counselling/ Informal Review Meeting</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Total</b>
Cases on going from 30 September 2020	433	304	180	917
New cases since 30 September 2020	132	36	2	170
<b>Total</b>	<b>565</b>	<b>340</b>	<b>182</b>	<b>1087</b>

#### ii) Other Support Initiatives

##### HR Adviser Input – Management Meetings

During Quarter 3 (2020/21), the following functional areas were targeted for input and support from Human Resources Advisers;

- Education (Teaching & Non-Teaching)
- Care Homes
- Facilities Management

- Waste Services
- NETS, Lands & Countryside
- Roads & Transportation
- Building Services

Within the level of advisory resource available, Human Resources continue to provide as much ongoing support as possible to a number of Service Managers across those functional areas to develop action plans to address issues and to help line managers manage staff absences in line with policy.

#### Employee Assistance Programme

Since 1 November 2018, a telephone-based counselling service (Help EAP) has been in operation provided by our occupational health provider, Optima Health.

Statistics from Quarter 3 (2020/21) show that 42 employees received mental health assessment during this period. This resulted in 23 employees being referred for counselling services, 1 employee was referred to legal advice, 1 employee was signposted to Voluntary/Private Services and a further 2 employees were signposted to their GP/NHS.

Of the 23 employees who were referred for counselling, 18 received structured telephone counselling sessions, 1 employee for video conferencing and 4 employees received computerised Cognitive Behavioural Therapy (CBT).

Contact reasons indicate that 11.90% of calls in Quarter 3 were in relation to work-related issues, 21.43% in relation to personal issues and 66.67% due to a combination of work and personal related issues.

Further analysis of contact reasons identified the following categories:

**Table 5**

<b>Personal Categories</b>	<b>Percentage</b>
Bereavement	14.63%
Carer responsibilities	2.44%
Housing/Accommodation	2.44%
Legal	2.44%
Mental Health (stress/anxiety/depression)	48.78%
Relationships	17.07%
Physical Health	12.20%
<b>Total</b>	<b>100.00%</b>

**Table 6**

<b>Work Categories</b>	<b>Percentage</b>
Change	14.00%
Control	12.00%
Demands	16.00%
Relationships	14.00%
Role	26.00%
Support	18.00%
<b>Total</b>	<b>100.00%</b>

The work categories are the HSE Management Standards which cover the six key areas of work design, that if not properly managed, are associated with poor health and wellbeing, lower productivity and increase sickness absence.

Help EAP also provide a dedicated website for various support articles and have reported during Quarter 3 that the top categories accessed are as follows:

**Table 7**

<b>Webpage Categories</b>	<b>Percentage</b>
Responsibilities	32.26%
Health	25.81%
Disputes	25.81%
Work	6.45%
Consumer & Legal	6.45%
Mental Health	3.23%
<b>Total</b>	<b>100.00%</b>

As this is a confidential service we are unable to canvas employees directly for specific feedback on their experiences, although antidotally, services have reported a mainly positive response from staff who have accessed these services.

HR Advisers will continue to promote the use of this service and the trade unions have been asked to promote these services to their members.

#### **D.4 APPLICATION OF MANAGEMENT DISCRETION (1 April 2020 – 31 December 2020)**

The Policy and Procedure for Supporting Attendance at Work has the provision for the relevant manager, in consultation with Human Resources, to exercise discretion not to progress an employee through a stage of the procedure to take account of extenuating circumstances.

Since April 2020, Human Resources have been consulted in regard to 73 requests for management discretion to be considered. Of those 73 requests, 69 (94.52%) have resulted in discretion being applied to suspend application of the trigger level for a limited period considering the circumstances of the individual case.

A breakdown of the general categories in respect of which requests for discretion have been considered are as follows:

**Table 8**

<b>Main Category</b>	<b>Discretion Applied</b>	<b>Discretion Not Applied</b>
Bereavement	23	0
Industrial Injury	2	0
Medical Treatment	16	2
Personal Difficulties	2	1
Surgery	26	1
Trauma	0	0
<b>Total</b>	<b>69</b>	<b>4</b>

The policy provides for management decisions not to apply discretion to be reviewed by a more senior manager if requested by the employee concerned. No requests for review have been requested during this quarter.

## **D.5 ABSENCE AS A RESULT OF COVID-19**

Since April 2020, the council has submitted a weekly return to COSLA highlighting the number of cases of absence from the workplace which are attributed to COVID-19, including the number of individuals absent because of the requirement to shield.

In Quarter 3, (which commenced October 2020), COVID-19 absence rates have increased from 0.69% to 2.53%. This correlates with West Lothian Council entering Tier 4 restrictions where employees in the shielding category could elect to have a fit note from Chief Medical Officer or work from home if possible.

In line with national advice on terms and conditions of employment for all groups of council staff, COVID-19 absences are not classed as sick leave.

An overview of the COVID-19 absence rates for Quarter 3 are set out in **Appendix 3**

## **E. CONCLUSION**

The sickness absence SPI has seen a significant reduction in the council wide absence rate in Q3 2020/21 in comparison to the absence rate for the same time last year.

Stress continues to be the highest contributor to levels of sickness absence across the council and the focus will continue to be on targeting additional support at those service areas that are reporting high levels of stress related absence.

COVID-19 has had an impact on the number of staff who have been available for work over the period with the absence rates due to COVID-19 symptoms, shielding or in the high risk category due to underlying health conditions increased during the period.

## **F. BACKGROUND REFERENCES**

- Policy & Procedure for Supporting Attendance at Work

Appendices/Attachments: 3

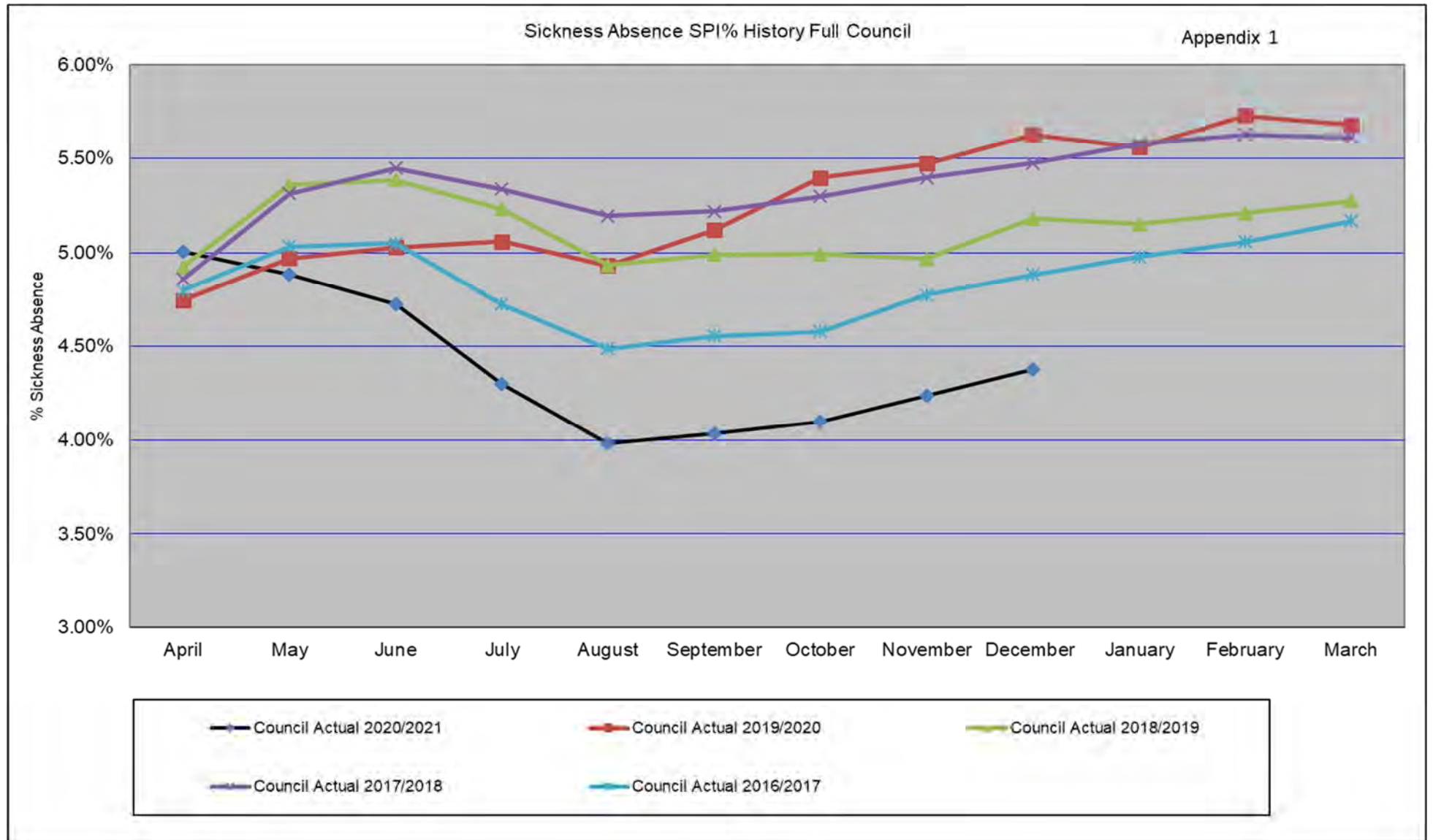
1. Sickness Absence SPI% History – Full Council
2. Sickness Absence SPI% all services – 2020/21
3. Overview of Q3 2020/21 COVID-19 absence rates.

Contact Person: Lesley Henderson, HR Services Manager

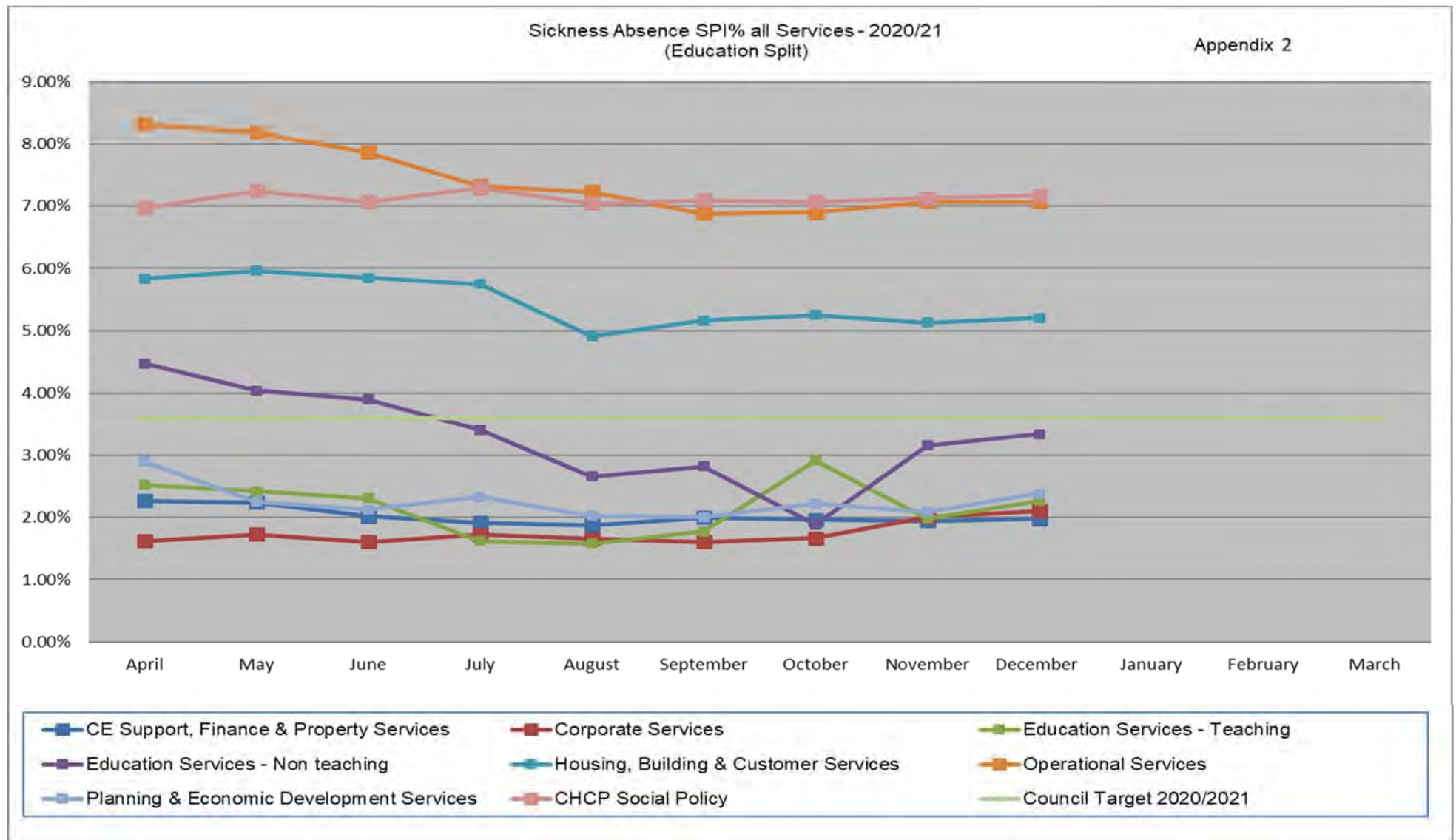
**Julie Whitelaw**

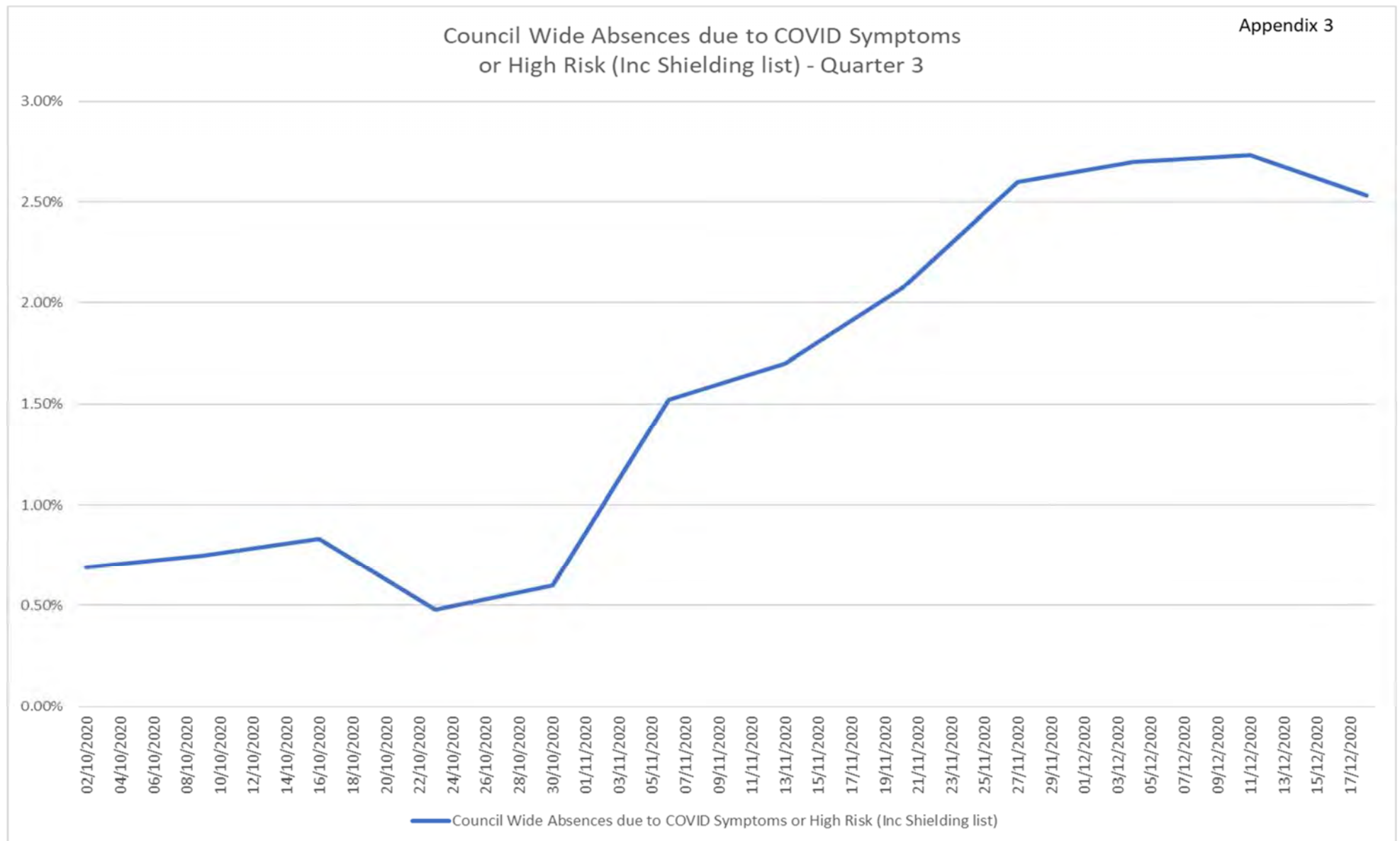
**Head of Corporate Services**

**5 February 2021**









**DATA LABEL: PUBLIC**



**PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

**POLICY ON PROTECTION OF CHILDREN AND PROTECTED ADULTS**

**REPORT BY HEAD OF CORPORATE SERVICES**

**A. PURPOSE OF REPORT**

To update the Panel on the outcome of an internal audit and subsequent review of the Policy on the Protection of Children and Protected Adults.

**B. RECOMMENDATION**

It is recommended that the Panel;

1. Notes the outcome of the internal audit and the related action plan;
2. Notes and provides comments upon the revised Policy and Procedure on the Protection of Children and Protected Adults and supplementary Protection of Vulnerable Groups (PVG) Referral Panel Guidance and Process. It is proposed to refer the draft Policy to Council Executive for approval and to refer the draft Procedure and Guidance to Council Executive for noting.

**C. SUMMARY OF IMPLICATIONS**

**I Council Values**

Being honest, open and accountable

Making best use of our resources

Working in partnership

<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Protection of Vulnerable Groups (Scotland) Act 2007. The council has a statutory obligation to ensure that individuals, who are unsuitable, do not gain access to children or protected adults through their work with the council.
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<b>III Implications for Scheme of Delegations to Officers</b>	None
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<b>IV Impact on performance and performance Indicators</b>	None
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<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	None
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Other consultations</b>	Consultation has taken place with the council's recognised Trade Unions.

## **D. TERMS OF REPORT**

### **D.1 Background**

In accordance with the annual audit plan for 2020/21, Internal Audit conducted a review of the administration of the council's requirements in relation to the Protection of Vulnerable Groups (PVG).

The audit report found a number of key controls to be in place but noted that control over the submission of the annual service manager PVG checklists and the processes in place to evidence compliance require improvement; and that control over the governance arrangements and operation of the PVG Referral Assessment Panel is unsound. This report will focus on the actions required to address the soundness of the governance arrangements and operation of the PVG Referral Assessment Panel.

An action plan has been developed in conjunction with Human Resources and the Performance Improvement Team to address the findings of the audit and includes the requirement to:

- conduct a review of the Policy and Procedure on the Protection of Children and Protected Adults;
- establish a PVG referral process to supplement the PVG revised policy which clearly defines the responsibilities of PVG panel members; and
- implement a more robust process for recording the proceedings of future PVG Referral Assessment Panels

### **D.2 REVISED POLICY AND PROCEDURE ON THE PROTECTION OF CHILDREN AND PROTECTED ADULTS**

In line with the agreed actions of the PVG audit report, a review of the Policy and Procedure on the Protection of Children and Protected Adults was conducted in December 2020.

The following key amendments have been made to the policy and procedure to address the findings of the audit:

- Introduction of the requirement for Nominated Officers to consult the HR Services Manager on whether it is appropriate to convene a PVG referral panel
- Clarification of the council officers that are required to be present at a PVG referral panel. The core Panel comprises three members; the Head of Corporate Services, the council's Chief Solicitor and the Head of Social Policy or the Head of Education Services.

- Introduction of the requirement for the decision of the PVG panel, whether to refer or not, to be endorsed by the Chief Executive. Previously only decisions to refer were passed to the Chief Executive for endorsement.
- Clarification of the roles and responsibilities of the PVG panel chairperson to ensure that decisions of the PVG referral panel are appropriately recorded and endorsed by the Chief Executive, and to ensure that referrals are made to Disclosure Scotland within the required timeframe.
- Introduction of the requirement for Human Resources to maintain a record of decisions not to hold PVG referral panels and a record of any PVG panels conducted and the outcome of those panels.

Further amendments have been made to the Policy and procedure as follows:

- Addition of a document control page to the Policy and procedure;
- Clarification on the content of PVG records in line with the Age of Criminal Responsibility Act 2019; and
- Revision of the PVG risk assessment form to bring it into line with the current health and safety risk assessment process.

A copy of the revised Policy and Procedure on the Protection of Children and Protected Adults is attached at Appendix 1.

### **D.3 PVG PANEL REFERRAL GUIDANCE AND PROCESS**

While PVG referral panel guidance was already in place, it focussed on the legal duties of the panel. In line with the agreed actions of the PVG audit report, the guidance has been supplemented with a step by step process to be followed from notifying the Head of Corporate Services of a matter to be considered by a PVG panel through to sign off and recording of panel decisions. The process also clearly identifies the officer(s) responsible for each action.

In addition, the guidance has been supplemented with a comprehensive PVG referral record form to be used by the panel to record the reason for the panel, evidence considered by the panel and ultimately the panel's decision and decision rationale. The PVG referral record form will also be used to record the Chief Executive's endorsement of the panel decision before any subsequent referral to Disclosure Scotland is completed.

The PVG referral record form will be a key tool in ensuring a robust process for recording the proceedings of future PVG Referral Assessment Panels as it will contain all the relevant information in one place. Using the completed PVG referral record form, the Senior HR Adviser will also ensure that key dates and information are recorded on case management to support future compliance reporting.

A copy of the revised PVG Referral Panel Guidance and Process is attached at Appendix 2.

## **E. CONCLUSION**

The revisions to the PVG Policy and Procedure on the Protection of Children and Protected adults and the supplementary PVG Referral Panel Guidance are considered to satisfactorily meet the relevant requirements of the PVG Audit Report action plan.

The revised documents, processes and recording arrangements will ensure a more robust process that in particular ensures PVG referral to Disclosure Scotland is conducted appropriately and will stand up to internal or external scrutiny.

The Panel are therefore requested to approve the revised Policy and Procedure, and supporting Guidance and Process for referral to Council Executive.

## **F. BACKGROUND REFERENCES**

- Internal Audit Report – Protection of Vulnerable Groups

Appendices/Attachments: Appendix 1 – Policy and Procedure of the Protection of Children and Protected Adults

Appendix 2 – PVG Referral Panel Guidance and Process

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**Julie Whitelaw**

**Head of Corporate Services**

**5 February 2021**



# **Policy and Procedure on Protection of Children and Protected Adults**



Approved Council Executive: 9 October 2012  
Last Revised: December 2020

## DOCUMENT CONTROL

### Policy

<b>Title:</b>	Policy on the Protection of Children and Protected Adults
<b>Owner:</b>	Human Resources

### History

Version	Revision Date	Summary of Changes	Future Revision Date
2	26 February 2014	Removal of umbrella body status. Clarification of third-party checking. Introduction of appendix on storage and retention.	26 February 2019
3	31 December 2020	Amended PVG referral process following PVG Audit and introduction of PVG Referral Record form.	31 December 2025

### Committee Approval

Version	Committee	Committee Date
1	Council Executive	9 October 2012





## **POLICY AND PROCEDURE ON PROTECTION OF CHILDREN AND PROTECTED ADULTS**

**(Covering Employees, Volunteers and Other Workers)**

### **CONTENTS**

1.	POLICY STATEMENT	4
2.	PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007	4
3.	REGULATED WORK	4
4.	LISTING AND BARRING	5
5.	RECRUITMENT & VETTING	5
6.	PVG REFERRAL PROCESS	8
7.	CONSIDERATION FOR LISTING & BARRING	11
8.	RE-CHECKING	13
9.	DUTY TO DISCLOSE	13
10.	ENGAGEMENT OF CONTRACTORS	14
11.	ENGAGEMENT OF VOLUNTEERS AND OTHER WORKERS/HELPERS	15
12.	SECURITY ACCESS	15
13.	STORAGE OF INFORMATION	15
<b>Appendix 1</b>	<b>Roles and Responsibilities</b>	<b>16</b>
<b>Appendix 2</b>	<b>Regulated Work</b>	<b>20</b>
<b>Appendix 3</b>	<b>PVG Risk Assessment Form</b>	<b>24</b>
<b>Appendix 4</b>	<b>PVG Referral Process</b>	<b>27</b>
<b>Appendix 5</b>	<b>Extract from PVG Scheme - Meaning of Harm</b>	<b>28</b>
<b>Appendix 6</b>	<b>Policy on the Secure Handling, Use, Storage, Retention and Destruction of Disclosure Information</b>	<b>29</b>

## **POLICY AND PROCEDURE ON PROTECTION OF CHILDREN AND PROTECTED ADULTS**

### **1. POLICY STATEMENT**

- 1.1 The council is committed to complying fully with the provisions of the Protection of Vulnerable Groups (Scotland) Act 2007 by ensuring that robust procedures are in place to protect children and protected adults from harm while under its care or in receipt of its services.
- 1.2 Only individuals who have membership of the Protection of Vulnerable Groups (PVG) Scheme will be made an unconditional offer by the council to undertake regulated work with children or protected adults as defined within the 2007 Act.
- 1.3 The responsibilities of those officers in the council, who have a key role in ensuring compliance with the 2007 Act, are set out in **Appendix 1** to this document.
- 1.4 This policy and procedure should be read in conjunction with the council's [Policy and Procedure on Recruitment and Selection](#), [Disciplinary Procedures and Disciplinary Code](#) and the [Code of Conduct for Employees](#).

### **2. PROTECTION OF VULNERABLE GROUPS (SCOTLAND) ACT 2007**

- 2.1 The Protection of Vulnerable Groups (Scotland) Act 2007 provides statutory protection to children and protected adults from harm and defines work (paid or unpaid) with children or protected adults as 'regulated work'.
- 2.2 The Protection of Vulnerable Groups (PVG) Scheme is central to the Act and is designed to ensure that those individuals, who are unsuitable, do not gain access to children or protected adults through their work. It also aims to ensure that those individuals who become unsuitable are detected early and prevented from continuing to work, or from seeking work, with children or protected adults.
- 2.3 The PVG Scheme is managed by Disclosure Scotland, which is the body responsible for establishing lists of individuals who are barred from working with children and/or protected adults. Those lists provide the council and other registered bodies with the means of identifying whether prospective or existing employees, volunteers or workers are barred from undertaking regulated work. It is an offence under the PVG Act for the council to employ or offer regulated work to an individual who is listed as barred from undertaking that work.

### **3. REGULATED WORK**

- 3.1 Regulated work falls into two categories - regulated work with Children and regulated work with Protected Adults. Both types of work are defined within Schedules 2 and 3 of the PVG Act by reference to:
  - the activities that a person does;
  - the establishments in which a person works;
  - the position that they hold;
  - or the people for whom they have day to day supervision or management responsibility

- 3.2 Detailed guidance for the purposes of assisting Services identify roles that fall within the definition of regulated work is set out within **Appendix 2** of this document.

#### **4. LISTING AND BARRING**

- 4.1 The PVG Act establishes two separate lists, one which contains the names of those individuals who are unsuitable to do regulated work with children and another for those who are unsuitable to do regulated work with protected adults.
- 4.2 'Listing' refers to the inclusion of an individual in the PVG Children's List or the PVG Adults List. 'Barring' is the consequence of listing.
- 4.3 Through the PVG Scheme checking process, Disclosure Scotland will advise the council if an applicant is being considered for listing or is barred from carrying out regulated work with children and/or protected adults (where the council has requested a disclosure record for the type of work to which the consideration for listing or barring relates). Where an individual is listed they can no longer be a PVG Scheme Member for the type of work to which the listing relates.
- 4.4 Disclosure Scotland will issue a PVG Scheme Record to individuals who are not barred. Where an individual is being considered for listing, this would be disclosed on the Scheme Record. The Scheme Record provides vetting information relating to any unspent and some spent criminal convictions that an individual may have and/or relevant information held by the Police. This information enables the employing service to carry out a risk assessment to determine an applicant's suitability for the position for which they have applied.

#### **5. RECRUITMENT & VETTING**

- 5.1 The PVG Act makes it a criminal offence for an individual to undertake regulated work from which he/she has been barred and also for the council to offer the person that type of work.

##### **Offers of Employment**

- 5.2 PVG Scheme Record checks will only be carried out on the preferred candidate who will be issued with a conditional offer of employment.
- 5.3 No unconditional offer of employment or engagement (either verbal or written) will be made to any applicant for a role designated as regulated work with children and/or protected adults until a satisfactory PVG check and other satisfactory recruitment checks have been received. This applies equally to casual workers, contracted workers and volunteers.
- 5.4 The PVG Scheme provides the following categories of checks;
- PVG Scheme Membership Statement (applied for by individuals)
  - PVG Scheme Record (undertaken by organisations)
  - PVG Scheme Record Update (undertaken by organisations)

- 5.5 Only individuals with a satisfactory PVG Scheme Record or a PVG Scheme Record Update obtained by the council (as the employing organisation) will be engaged in a regulated role. It should be noted in this regard that, the PVG Scheme Membership Statement (available to an individual from Disclosure Scotland) confirms that the individual is not barred from participating in regulated work but **does not itself provide vetting information and therefore is not suitable for assessing overall suitability for employment.**
- 5.6 **An unconditional offer of employment to carry out regulated work with children and/or protected adults will not be made until all satisfactory employment checks have been received including the PVG Scheme Record check.**

#### **Internal Appointments**

- 5.7 PVG checks must also be obtained for internal applicants who are successful in applying for posts that involve regulated work. If an internal applicant is already a PVG member there will be no requirement to obtain a new PVG record unless the employee is applying to work with a different protected group (eg. moving from regulated work with children to protected adults).
- 5.8 Where an employee is moving to work with a different protected group, the employee would need to join the PVG Scheme in respect of work with the relevant workforce.

#### **Unsatisfactory PVG Checks**

##### Barred from Regulated Work

- 5.9 Where confirmation is received that a preferred candidate is barred from regulated work, any conditional offer of employment made to that individual will be withdrawn in writing in accordance with the provisions of the council's [Policy and Procedure on Recruitment and Selection](#).

##### Under Consideration for Listing

- 5.10 If confirmation is received that a preferred candidate is being considered for listing, the Service Manager will decide whether to;
- a) await the outcome of the consideration process, or
  - b) withdraw the conditional offer prior to employment.

The consideration for listing process can be a lengthy one (PVG Act limits the process to 6 months) and accordingly managers will need to consider the impact of the potential delay on the recruitment process/service needs.

Following the consideration process, an individual will either be listed and barred from regulated work or will become a PVG member. If, an individual's PVG membership is subsequently confirmed, it will not be an offence for the council to employ that individual subject to satisfying the normal risk assessment process to determine suitability for employment.

### Criminal Convictions

- 5.11 Where it is confirmed that the preferred candidate is not barred or being considered for listing, but vetting information on criminal convictions is provided by Disclosure Scotland, the Service Manager will determine suitability in consultation with Human Resources. If, having discussed the position with the candidate, the individual is considered to be unsuitable for the post, the conditional offer of employment will be withdrawn in writing.

### **Assessing Vetting Information and Determining Suitability**

- 5.12 The PVG Scheme Record will list any unspent and some spent criminal convictions in accordance with the Rehabilitation of Offenders Act 1974 and the Age of Criminal Responsibility (Scotland) Act 2019.
- 5.13 When considering vetting information and determining an individual's suitability for employment in a regulated role, the recruiting manager should consider:
- the nature and relevance of the offence
  - the date of the offence
  - the individual's age at the time of the offence
  - the penalties applied (as an indication of the gravity of the offence)
- 5.14 If, as a result of the vetting information, it is likely that a conditional offer of employment will be withdrawn, the recruiting manager should meet with the candidate to discuss the matter and obtain any additional information necessary to inform his/her decision.
- 5.15 A PVG Scheme Record Update does not contain vetting information, but will indicate whether any new vetting information has been added to the PVG Scheme Membership Record. Recruiting managers must be satisfied that they have all relevant vetting information from previous records. If the manager is not satisfied that all vetting information is available or where new vetting information has been added, application for a fresh PVG Scheme Membership Record that details all current vetting information should be made.

### **Professional Registration**

- 5.16 Where it is a condition of professional registration that an employee/prospective employee has PVG Scheme membership, the relevant governing body (eg GTCS, SSSC) will be responsible for conducting the necessary check as part of the registration process. The council will, however still be required to carry out a PVG Scheme Record Update as part of the recruitment process. This Scheme Record Update will register the council's interest in the individual for the purposes of obtaining future information from Disclosure Scotland. Where new vetting information has been added then an upgrade to a Scheme Record would be required. Where no new vetting information has been added then the Scheme Record Update along with a copy of the original Scheme Record will provide the Council with vetting information.

## **6. PVG REFERRAL PROCESS**

- 6.1 If the council becomes aware of information or conduct which indicates that an individual may be unsuitable to do regulated work, the council is obliged to pass

on information to Disclosure Scotland so that a full evaluation can be made and appropriate action taken as necessary. A summary of the PVG Referral Process is attached at **Appendix 4**.

- 6.2 Information calling into question an individual's suitability to engage in regulated work may come to the council's attention as a result of for example, misconduct in the workplace, an incident reported by a member of the public or a client, or a police report received.

#### **Grounds for Referral to Disclosure Scotland**

- 6.3 The process of providing information to Disclosure Scotland in relation to an employee's conduct is called 'making a referral'. The PVG (Scotland) Act 2007 places a duty on the council to make a referral in circumstances whereby;
- (a) an individual doing regulated work is considered to have done something to harm a child or a protected adult; and
  - (b) the impact is sufficiently serious for the employing organisation to permanently remove (or would have removed) the individual from regulated work
- 6.4 Behaviour which may result in referral does not necessarily have to take place in the course of employment. The person who is the subject of the referral must have done one or more of the following;
- harmed a child or protected adult
  - placed a child or protected adult at risk of harm
  - engaged in inappropriate conduct involving pornography
  - engaged in inappropriate conduct of a sexual nature involving a child or a protected adult
  - given inappropriate medical treatment to a child or protected adult

Further guidance on the definition of 'harm' and 'risk of harm' is contained in **Appendix 5**.

#### **Notification of Incidents Requiring Potential Referral**

- 6.5 Where there are grounds to suspect that an individual, who is currently working in a regulated role, has done something to harm a child or a protected adult (whether or not in the course of his/her work) the matter must be immediately notified to the relevant Head of Service.
- 6.6 Information regarding an employee's conduct or recent conviction may come from a variety of sources including: colleagues, customers, clients, a member of the public or confidential police disclosure. Receipt of any such information should be discussed with Human Resources to agree appropriate action.

## **Risk Assessment and Investigation Process**

### Employees

- 6.7 If the individual concerned is employed by the council under a contract of employment, the Head of Service in conjunction with Human Resources, will consider the information available and conduct an immediate risk assessment (Appendix 3). Based on the outcome of that risk assessment, the Head of Service will determine the most appropriate course of action including whether the matter is to be investigated under the terms of the council's disciplinary procedures. Temporary removal from regulated work or precautionary suspension from duty may be appropriate at this stage depending on the outcome of the risk assessment.

### Volunteers/Other Workers

- 6.8 If the individual is engaged in a capacity other than under a contract of employment (for example, a volunteer) the Head of Service will ensure that as much relevant information as possible is gathered to enable a decision to be taken regarding the individual's continued engagement by the council and any necessary subsequent referral to Disclosure Scotland.

### Former Employees/Workers

- 6.9 Should information subsequently come to light that an individual formerly employed/engaged by the council in a regulated position, has harmed a child/protected adult or put a child/protected adult at risk of harm (whether or not in the course of their work), the matter must be immediately notified to the relevant Head of Service so that a decision on referral can be determined.

## **Role of the PVG Referral Assessment Panel**

- 6.10 The PVG Referral Assessment Panel is responsible for determining whether the criteria have been satisfied to merit a referral to Disclosure Scotland under the relevant provisions of the Protection of Vulnerable Groups (Scotland) Act.
- 6.11 The core Panel comprises three members, the Head of Corporate Services, the council's Chief Solicitor and the Head of Social Policy or the Head of Education Services. Where a member of the core panel is unavailable, another officer of equivalent seniority may be nominated to attend. Other officers may be required to attend the panel to provide additional background information where necessary.
- 6.12 A member of the Human Resources team will also attend in an advisory capacity and will ensure that all relevant supporting information and formal referral documentation is available to the Panel members.
- 6.13 On each occasion it meets, a Chairperson will be appointed from the core panel members. Where the Panel determines that a referral is to be made to Disclosure Scotland, the Panel Chairperson will sign off the official referral documentation on behalf of the council. The decision of the Panel, whether to refer or not must be endorsed by the Chief Executive.

- 6.14 Specific guidance to assist members of the panel in determining whether or not referral is appropriate in any given circumstance is provided separately to this policy and procedure and can be accessed on Mytoolkit.

### **Referral Assessment Process**

#### Referral Following Disciplinary Action - Timescales

- 6.15 If a decision is taken to either dismiss the employee or permanently remove the employee from regulated work, the Nominated Officer must consult the HR Services Manager on whether it is appropriate to convene a PVG referral panel. The decision whether or not to convene a PVG referral panel will be recorded on case management.
- 6.16 Where it is determined that a PVG panel should be convened, the Nominated Officer will request that the Head of Corporate Services arranges for a meeting of the PVG Referral Assessment Panel.
- 6.17 In order to assist the council in meeting Disclosure Scotland referral timescales (see Paragraph 6.20 below), **a panel should normally be convened within 4 weeks of the decision being taken to either dismiss or permanently remove the employee from regulated work.** It would be helpful however, if the panel were aware of any appeal lodged by the employee before meeting. Any such appeal must be lodged within 10 days of the effective date of dismissal.
- 6.18 The Nominated Officer, in conjunction with Human Resources, will ensure that all the relevant information is made available for consideration by the PVG Referral Assessment Panel in determining whether the criteria for referral to Disclosure Scotland have been met.
- 6.19 Where an employee, who is suspected of harming a child or a protected adult, leaves the council's employment, for whatever reason, before an investigation or subsequent disciplinary proceedings have been concluded, the PVG Referral Assessment Panel must consider the available evidence and determine whether it is reasonable to conclude that dismissal or removal from regulated work would have been a likely outcome.
- 6.20 Where the PVG Referral Assessment Panel has determined that the relevant criteria have been met, referral must be made to Disclosure Scotland **within 3 months of the decision being taken to either dismiss or permanently remove the employee from regulated work.** Disclosure Scotland provide a referral form for this purpose which can be downloaded from the [Disclosure Scotland website](#)
- 6.21 **It should be noted that, where there are grounds, a referral must still be made irrespective of whether the individual challenges the decision through the council's Disciplinary Appeals process or external Employment Tribunal process.**
- 6.22 Following a decision to make a referral, the Head of Corporate Services will arrange for the employee concerned to be advised of the decision in writing. Any subsequent acknowledgement or notifications from Disclosure Scotland will be advised to the PVG Referral Assessment Panel.



### Retrospective Receipt of Information

- 6.23 Where the council subsequently receives information that a former employee harmed or placed a child or protected adult at risk of harm (whether or not in the course of the employee's work), and this information was not available at the time the employee left the council's employment, a referral must still be made to Disclosure Scotland in the circumstances set out in paragraph 6.9.
- 6.24 If the PVG Referral Assessment Panel concludes that had the information been available before the individual left the council's employment, he/she would or might have been dismissed or removed from regulated work a referral must be made to Disclosure Scotland.
- 6.25 There is no time bar on making referrals. The nature of the harm or risk of harm to a child or protected adult, the availability and adequacy of evidence and the wider public interest will determine whether referral is to be made by the council rather than merely the passage of time since the alleged incident took place.

### Referral of Other Workers

- 6.26 Where a decision has been taken to dispense with the services of a volunteer/worker engaged by the council in a regulated role, on the basis that there are grounds to believe that they have harmed or placed at risk of harm a child or protected adult, the PVG Referral Assessment Panel shall refer the details to Disclosure Scotland.
- 6.27 The same considerations that apply in respect of retrospective information received concerning former employees will also apply to volunteers/helpers formerly engaged by the council in a regulated role in relation to whether they are to be referred to Disclosure Scotland.

## **7. CONSIDERATION FOR LISTING & BARRING**

### Consideration for Listing

- 7.1 The Council will be notified automatically by Disclosure Scotland if a PVG Scheme member working for the council is under consideration for listing or is barred if the Council has requested a disclosure record for the type of work for which the individual is considered for listing or barred.

### Notification by Council's PVG Scheme Lead Signatory - Listing

- 7.2 Where the Council is advised that an employee/worker is being considered for listing the Council's Lead Signatory for the PVG Scheme shall notify the relevant Head of Service immediately.
- 7.3 The Head of Service in conjunction with Human Resources must arrange for a risk assessment (Appendix 3) to be undertaken to consider whether, pending the decision of the consideration process, the individual should be:
- allowed to continue in the regulated post (subject to appropriate risk management measures);

- temporarily transferred into a non-regulated post (where temporary transfer is considered appropriate, the individual should be transferred to a post on the same salary grade where possible. Where this is not possible, the employee should continue to be paid at their substantive grade);
  - suspended on full pay pending a disciplinary investigation; or
  - in the case of a volunteer/supply worker, temporarily removed from their regulated role.
- 7.4 If Disclosure Scotland have not provided sufficient information on the reasons for the employee being considered for listing, the line manager or other appropriate officer, may need to meet with the employee to obtain as much information as possible to inform the risk assessment process. It may also be necessary to obtain a new PVG scheme record in order to view the latest vetting information.

#### Notification by Council's PVG Lead Signatory - Barred Individuals

- 7.5 Where the Council is notified that an employee/worker is listed and therefore barred from undertaking regulated work, the council's PVG Scheme Lead Signatory shall notify the Head of Service who will arrange for the immediate removal of the employee from regulated work.
- 7.6 Pending a full investigation, the employee shall be transferred to non-regulated work or where that is not practicable, the employee shall be suspended on full pay. The Head of Service or other nominated senior officer will meet the employee and the action taken will be confirmed to the employee in writing in accordance with the council's Disciplinary Procedures.
- 7.7 The Head of Service will nominate an appropriate senior officer to investigate the matter under the terms of the council's Disciplinary Procedures.
- 7.8 Becoming barred from undertaking regulated work will not necessarily result in an employee's dismissal and the possibility of redeployment into a non-regulated post may be an option depending on the merits of the case.
- 7.9 Where a volunteer/helper is barred from undertaking regulated work, the Head of Service will confirm the termination of their engagement by the council in writing.

### **8. RE-CHECKING POLICY**

- 8.1 As a registered body for PVG Scheme purposes, the Council is notified automatically if an employee is being considered for listing or has been barred from regulated work if the Council has requested a disclosure record for the type of work for which the individual is considered for listing or barred. However, the council is not automatically advised of convictions of a less serious nature which would not trigger consideration for listing or barring. For example: An individual employed in residential care who was convicted of theft may not be barred from regulated work, however by its very nature the conviction is likely to render such an individual unsuitable for work in a residential care home.

- 8.2 To ensure the continued suitability of individuals for regulated work therefore, the Council requests a PVG Scheme Record Update **every 3 years** in line with Care Inspectorate recommended best practice. Should a Scheme Record Update indicate that new vetting information has been added since the last check, a full up to date PVG Scheme Membership Record will be obtained to enable the information to be assessed. If a full up to date PVG Scheme Membership Record is to be obtained this will require the employee's consent.

## **9. DUTY TO DISCLOSE**

- 9.1 In addition to disclosing criminal convictions, it is a condition of employment for council employees who carry out regulated work with children or protected adults that they disclose details of any of the following that occur prior to commencing, or during the course of employment:

- Involvement in police investigations
- Criminal charges
- Police cautions
- Disciplinary action taken by professional or regulatory bodies.

- 9.2 The Council will assess the information disclosed and decide whether or not it materially affects the individual's suitability to work with children or protected adults. Minor issues or offences will be disregarded if they have no direct relevance to an individual's job.

- 9.3 The relevant provisions are reflected in the following policies and procedures:

- Disciplinary Procedures (Paragraph 9.2) and Teachers' Procedures, Paragraph 10.2)
- Disciplinary Code (sections relating to Theft, Fraud and Misrepresentation and to Other Forms of Gross Misconduct)
- Code of Conduct for Employees (Section 13, Duty to Disclose Personal Information)

## **10. ENGAGEMENT OF CONTRACTORS**

- 10.1 The Council must be satisfied that contractors (including the Council's own in-house contracting services) comply with the terms of the Protection of Vulnerable Groups (Scotland) Act 2007. Contractors should be subject to the same restrictions and arrangements that apply to non-disclosed employees. The Service Manager responsible for engaging a contractor must undertake a risk assessment before a contractor commences work. Where staff of the contractor are to carry out regulated work with children or protected adults or both, that Service Manager must ensure that he/she is provided with written confirmation that all such staff have been PVG vetted. However, the Council is not entitled to view PVG disclosure records in these circumstances.

- 10.2 Where contractors/trades persons are to carry out maintenance/repairs/works at (a) schools, or (b) homes which are exclusively or mainly for children or (c) care homes or residential establishments (provided under the Social Work (Scotland) Act 1968 or section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003) occupied mainly or exclusively by individuals aged 16

years or over the Head Teacher or Manager responsible for engaging the contractor/trades persons must apply the following tests:

Tests numbered 1 and 2 below apply to regulated work with children and tests numbered 1, 2 and 3 below apply to regulated work with protected adults.

1. Is it part of the individual's normal duties? Normal duties are something the individual might be expected to do as part of their post on an ongoing basis (e.g. appearing in a job description). For example, a plumber called in for one emergency would not be working as part of his normal duties. If the normal duties test is satisfied, the test below should be considered.
2. Does anything permitted or required in connection with the position give the opportunity for unsupervised contact with children or protected adults? This does not include individuals who may have the opportunity for unsupervised contact if they act outside their authority. For example, a builder permitted to work in part of a school which is sealed off for refurbishment who goes into part of the school which is in use is going beyond what is permitted or required of him.
3. Where there is contact with protected adults, is the individual doing anything permitted or required in connection with the position which is more than incidental? For example, in the case of a repairman on a call out contract to a care home to carry out repair work which involves being in residents' rooms, the contact would be more than incidental as being in residents' rooms is an essential part of carrying out the repair. However, in the case of a decorator who has been contracted to carry out work in part of a care home which has been sealed off for refurbishment (and has to walk through functioning parts of the home to get to his work location), any contact with protected adults would only be incidental.

If tests 1 or 2 are not satisfied it is not regulated work with children. If tests 1, 2 or 3 are not satisfied it is not regulated work with protected adults. If it is not regulated work, good recruitment practices can still be used e.g. checking references, skills and qualifications. Any individual can also apply for a basic disclosure in their own name. This only discloses unspent convictions. PVG vetting is not applicable where it is not regulated work.

If it is regulated work, confirmation should be obtained from the contractor that the individual has been PVG vetted. However, the Council is not entitled to view the PVG disclosure records.

## **11. ENGAGEMENT OF VOLUNTEERS AND OTHER WORKERS**

- 11.1 Services must assess whether volunteers and other workers engaged in work with children or protected adults are carrying out regulated work and require PVG membership.

## **12. SECURITY ACCESS**

- 12.1 Managers must ensure that staff whose jobs may require them to visit schools, nurseries or other premises where children or protected adults are present comply strictly with the security measures in place at those establishments at all times. It is essential that individuals display their employee identification badge or be prepared to provide alternative evidence of their identity on request.

## **13. STORAGE OF INFORMATION**

- 13.1 Counter-signatories (under the direction of the council's Lead Signatory) are responsible for ensuring that PVG records are stored in secure conditions in accordance with the Code of Practice in connection with the use of disclosure information and with the functions of registered persons. Certain of the requirements of that Code are set out in a sub-policy covering at **Appendix 6**.
- 13.2 Documents should be kept in lockable and non-portable containers. Access to documents should be restricted to the council's Human Resources Administration Team or counter-signatories.
- 13.3 Legislation prohibits the photocopying or retention of other images of PVG Scheme Records. Disclosure information must not be retained in an employee's personal file.
- 13.4 Once a recruitment decision has been made PVG records must be securely shredded.
- 13.5 For the purposes of providing evidence to inspection bodies that appropriate checks have been carried out, Human Resources will retain details on a secure database (limited to: Date the PVG check was requested, disclosure Reference Number, Date of the PVG Record and Name of the individual for whom it was carried out).
- 13.6 The purpose of PVG disclosure is to determine suitability for regulated work and aside from certain limited exceptions, it is an offence to share PVG records with a third party.

**Human Resources**  
**December 2020**

## Appendix 1

### ROLES AND RESPONSIBILITIES

#### The PVG Referral Assessment Panel

The role of the Panel is to determine whether the criteria have been satisfied to merit a referral to Disclosure Scotland under the relevant provisions of the Protection of Vulnerable Groups (Scotland) Act 2007.

Where the Panel concludes that the individual in question is to be referred to Disclosure Scotland, the Panel Chairperson will sign off the official referral form on behalf of the council. It is the responsibility of the Panel Chairperson to ensure that:

- Decisions of the PVG referral panel are appropriately recorded;
- Decisions of the PVG referral panel to refer or not refer are endorsed by the Chief Executive prior to any subsequent referral; and
- Referrals are made to Disclosure Scotland within 3 months of the decision to dismiss or permanently remove from regulated work.

#### Heads of Service

Heads of Service are responsible for ensuring that:

- managers, teachers and other supervisory staff in their services are aware of and comply with the PVG Act in so far as it impacts on their roles and functions.
- communication systems are in place to ensure that incidents, which may require the potential referral of individuals to Disclosure Scotland, are reported at the earliest opportunity.
- incidents that may require potential referral of individuals to Disclosure Scotland are investigated and appropriate action taken in line with the council's disciplinary and referral procedures as appropriate.
- where a decision has been taken to refer an individual to the List, appropriate steps are taken to notify the police and any appropriate professional bodies.
- regulated post assessments are conducted within their service in relation to all work with children or protected adults undertaken by employees, volunteers or other workers.
- arrangements are in place to review regulated post assessments annually.
- adequate resources are made available to support the PVG checking process in their service.
- the Recruitment & Vetting procedures set out within Section 5 of this policy and as set out in the council's Recruitment and Selection Policy and Procedure in respect of PVG checks are rigorously applied.

## Line Managers and Head Teachers

Line Managers and Head Teachers are responsible for ensuring that:

- through the Human Resources service, PVG Scheme Membership checks are taken up for individuals being recruited to work in regulated positions as defined within the PVG (Scotland) Act 2007.
- incidents that require potential referral to Disclosure Scotland are notified to the Head of Service at the earliest possible opportunity.
- that managers acting in the capacity of Nominated Officers notify the Head of Corporate Services immediately following an employee's dismissal or removal from regulated work to enable a meeting of the PVG Referral Assessment Panel to be convened within appropriate referral timescales.
- the Recruitment and Vetting provisions set out within Section 5 of this Policy and Procedure and Procedure in respect of PVG Scheme Membership checks are rigorously applied.
- individuals who are being considered for listing or are barred from regulated work are not appointed/engaged in posts involving work from which they are barred.
- regulated post assessments are conducted within their service in relation to all work with children or protected adults undertaken by employees, volunteers or other workers.
- arrangements are in place to review regulated post assessments annually.
- regulated post assessments are conducted when changes to posts and working arrangements arise through service restructuring, to identify any implications for protection of vulnerable groups; and that any necessary changes to existing disclosure practice are implemented accordingly.
- approved protocols and practices in respect of the engagement of contractors, engagement of volunteers/helpers and the letting of council premises are rigorously observed.
- identifying all posts that fall within the definition of regulated work as defined under the PVG (Scotland) Act 2007 and as summarised in Appendix 2 of this policy,
- advising Human Resources of changes to the duties and responsibilities of any post that either brings that post under the definition of regulated work or removes it from that definition.

## Head of Corporate Services

The Head of Corporate Services is responsible for ensuring that:

- As part of the recruitment process, PVG checks are obtained from Disclosure Scotland for those individuals appointed to regulated posts.

- Advice is provided to managers and Head Teachers on the vetting and appointment of individuals to regulated posts, and the process for referral of individuals to Disclosure Scotland.
- Following notification from the relevant Nominated Officer, PVG Referral Assessment Panels are convened and appropriate advice and support is provided to those panels.
- A written security policy is in place for handling, holding and destroying Disclosure information and that the processing of disclosure information is in line with the Code of Practice published by the Scottish Ministers under Section 122 of the Police Act 1997 – Code of Practice in connection with the use of disclosure information and with the functions of registered persons.

#### Audit, Risk and Counter Fraud Unit

The council's Audit, Risk and Counter Fraud Unit has a monitoring role and will be responsible for reviewing compliance with the requirements of the PVG Act and this Policy.

In particular, the Audit, Risk and Counter Fraud Unit will consider whether effective systems are in place for ensuring that:

- Services have carried out PVG Scheme Membership checks for all individuals engaged in regulated positions;
- Services have conducted assessments for all regulated posts and put in place a system for reviewing those assessments on an annual basis;
- Arrangements in place for engaging contractors and the letting of council premises satisfy PVG requirements.

#### Council's PVG Scheme Lead Signatory

The council's PVG Scheme Lead Signatory (currently the council HR Services Manager) is responsible for ensuring that the relevant Head of Service is advised of notifications received from Disclosure Scotland regarding individuals who have either been barred or are being considered for listing for barring from regulated work.

#### Human Resources

Human Resources are responsible for ensuring that:

- a record of all regulated positions is maintained;
- PVG Scheme Membership applications are processed and managers advised of scheme record information timeously;
- appropriate advice and support are provided to PVG Referral Assessment panels;
- a database of all PVG Scheme Membership Records is maintained for employees in regulated work;



- PVG Membership Scheme Records are handled, stored and destroyed in accordance with the Code of Practice published by the Scottish Ministers under Section 122 of the Police Act 1997 – Code of Practice in connection with the use of disclosure information and with the functions of registered persons;
- a record of the decisions of any PVG referral panels is maintained.

#### Corporate Procurement Unit

The Corporate Procurement Unit is responsible for ensuring that contracts contain appropriate wording with regard to the Protection of Vulnerable Groups (Scotland) Act 2007 where contracts involve or may involve the contractor, its staff, its sub-contractors or others for whom it is responsible in law carrying out regulated work with children or adults or both as defined in the Protection of Vulnerable Groups (Scotland) Act 2007.

## Appendix 2

### REGULATED WORK

#### 1. Identification of Regulated Posts

To determine whether a post requires a PVG check to be carried out on an applicant, a regulated post assessment must be conducted. The assessment will involve an analysis of the duties of the post and the potential for the post holder to come into contact with children and/or protected adults.

Regulated post assessments should be reviewed on an annual basis or earlier if changes to posts and working arrangements arise in order to identify any implications for protection of vulnerable groups. A record of the assessment decision should be recorded and retained by the Service.

Services must advise Human Resources of any posts that require to be added or removed from the master list of Regulated Posts held by Human Resources.

Further information on the type of posts that require a PVG check can be found at <https://www.mygov.scot/pvg-scheme/types-of-work-covered-by-pvg/>

#### 2. Regulated Work with Children

The PVG Act defines children as an individual aged under 18 years.

##### 2.1 An individual may be doing regulated work with children if their work involves any of the following activities as part of their normal duties:

- Caring for children
- Teaching, instructing, training or supervising children
- Being in sole charge of children
- Unsupervised contact with children under arrangements made by a responsible person
- Providing advice or guidance to a child or to particular children which relates to physical, emotional well-being, education or training
- Moderating a public electronic interactive communication service which is intended for use wholly or mainly by children
- Providing, or working for an organisation which provides an independent health care service which is provided exclusively or mainly for children
- Work on any part of day care premises at times when children are being looked after in that part.
- Being a host parent.
- Providing, or working for an organisation which provides, a care home service which is provided exclusively or mainly for children.

##### 2.2 An individual may be doing regulated work with children if they work in any of the following establishments as part of their normal duties:

- An institution which is exclusively or mainly for the detention of children
- A hospital which is exclusively or mainly for the reception and treatment of children
- A school
- A further education institution

- A hostel used mainly by pupils attending a school or further education institution
- A home which is exclusively or mainly for children and is provided by a council under social work or mental health legislation.

One exception applies to positions in all these establishments, namely that such positions are not regulated work unless doing anything permitted or required in connection with the position gives the person the opportunity to have unsupervised contact with children.

2.3 An individual is doing regulated work with children if they hold any of the following positions without exception:

- Manager, or member of a governing body, body of trustees or other body responsible for the management, of a school, further education institution or hostel – as defined in establishments (but not a member of a council).
- Member of certain council committees, joint committees or sub-committees concerned with the provision of education, accommodation, social services or health care services to children
- Member of a children's panel or certain related committees
- Chief Social Worker of a council
- Commissioner for Children and Young People in Scotland or member of that Commissioner's staff
- Registrar of Independent Schools in Scotland
- Foster Carer
- Charity trustee of a children's charity
- National Convener of Children's Hearings Scotland.
- Principal Reporter.
- Chief education officer (however called) of a council.

2.4 An individual may be doing regulated work with children if they are responsible for the day to day supervision or management of an individual doing regulated work through the activities the individual performs or the establishments in which the individual works. This provision on supervision of an individual does not cover supervising an individual who is in one of the particular positions of trust or responsibility.

### 3. Regulated Work with Adults

3.1 The PVG Act defines a protected adult as an individual aged 16 or over who is provided with (and thus receives) certain care, support or welfare services.

3.2 There are four categories of services receipt of any one of which makes an individual a protected adult:

- Registered Care Services – a service by a person carrying on a support service; an adult placement service; a care home service; or a housing support service
- Health Services
- Community Care Services – social work and mental health services provided or secured by a council, or self-directed support paid for by a council
- Welfare Services – a welfare service includes any service which provides support, assistance, advice or counselling to individuals with particular

needs, meeting out the following conditions. The service must be a service that:

- (a) is provided in the course of work to one or more persons aged 16 or over
  - (b) is delivered on behalf of an organisation
  - (c) requires training to be undertaken by the person delivering the service
  - (d) has a frequency and formality attached to the service and
  - (e) either requires a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out or is personalised to an individual adult's needs.
- 3.3 Most adults are likely to be a protected adult at some time in their lives, for example receiving treatment in hospital or receiving care in later life. But an individual is only a protected adult at the time they receive the service.
- 3.4 It is possible for 16 and 17 year olds to be both children and protected adults. The assessment as to whether or not they are protected adults is no different to that undertaken in respect of any other adult.
- 3.5 An individual may be doing regulated work with adults if their work involves any of the following activities as part of their normal duties:
- caring for protected adults
  - teaching, instructing, training or supervising protected adults
  - being in sole charge of protected adults
  - providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training
  - inspecting adult care services (including inspecting any premises used for the purposes of providing such services).
- 3.6 An individual may be doing regulated work with adults if they work in any of the following establishments as part of their normal duties:
- a care home – meaning accommodation occupied mainly or exclusively by individuals aged 16 or over which is provided by an organisation carrying on a care home service
  - a residential establishment or accommodation occupied exclusively or mainly by individuals aged 16 or over which is provided by, or the provision of which is secured by, a council under social work or mental health legislation
- 3.7 One exception applies to positions in all these establishments, namely that such positions are not regulated work unless doing anything permitted or required in connection with the position gives the person the opportunity to have unsupervised contact with protected adults; and where contact with protected adults, when the holder of the position is doing anything permitted or required in connection with the position, which is more than incidental.
- 3.8 An individual is doing regulated work with adults if they hold any of the following positions without exception:

- member of certain council committees, joint committees or sub-committees concerned with the provision of education, accommodation, social services or health care services to protected adults.
  - Chief social work officer of a council
  - Charity trustee of certain charities
- 3.9 An individual may be doing regulated work with adults if they are responsible for the day to day supervision or management of an individual doing regulated work through the activities the individual performs or the establishments in which the individual works. This provision on supervision of an individual does not cover supervising an individual who is in one of the particular positions of trust or responsibility.
4. Normal Duties
- 4.1 The concept of normal duties is extremely important in limiting the scope of regulated work. For an activity or work in an establishment to be regulated work, the carrying out of an activity or the work in the establishment must be part of the individual's normal duties.
- 4.2 An activity or work is likely to be normal duties when:
- it appears in an individual's job description, task description or contract
  - it can be reasonably be anticipated; or
  - it occurs regularly
- 4.3 An activity or work is unlikely to be 'normal duties' when:
- done in response to an emergency (unless by an emergency worker)
  - arranged at the last minute to stand in for sickness or other unexpected absence of another worker; or
  - done as a one-off activity of short duration which is not part of the individual's normal routine or occupation.

Further guidance on the definition of regulated work can be found in the [Protecting Vulnerable Groups Scheme](#)

## PVG RISK ASSESSMENT FORM

This form should be used when:

- investigating an allegation of harm to a child or protected adult and/or awaiting the outcome of PVG referral
- awaiting the outcome of a consideration for listing process

### SECTION A - POST/POSTHOLDER DETAILS

Post:		Postholder/Candidate:	
Service:		Date of Assessment:	

### SECTION B - INVESTIGATION OR CONSIDERATION FOR LISTING

Please describe the background to the situation.

What are the perceived risks of allowing the individual to continue in regulated work?

What control measures could be put in place to minimise risks?

With control measures in place, please assess the severity and likelihood of potential risks (See attached Impact & Probability Rating form for severity, likelihood and risk rating definitions/scores).

Severity:		Likelihood:		Risk Rating:	
High Risk:	Employee must be removed from regulated duties or suspended on full pay.				
Medium Risk:	Employee must be removed from regulated duties or appropriate supervisions arrangements put in place.				
Low Risk:	Employee may be allowed to continue in regulated work with appropriate supervision arrangements in place.				

Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

Appendix 3

PVG RISK ASSESSMENT

IMPACT AND PROBABILITY RATING

**CONSEQUENCE-** Potential impact of an incident

<b>Catastrophic</b>	5	Broad range of extremely serious implications, such as loss of life, which would be subject to external review
<b>Major</b>	4	Generating a number of substantive issues of a serious nature, which could be subject to external review
<b>Moderate</b>	3	Some serious issues arising, requiring internal review
<b>Minor</b>	2	Some potential issues, but not of a serious nature
<b>Insignificant</b>	1	Little or no perceptible ramifications

**LIKELIHOOD** - The possibility of there being an issue

<b>Very likely</b>	5	A high probability of this issue arising
<b>Likely</b>	4	Its more likely than not this will be an issue
<b>Fairly Likely</b>	3	Given the circumstances its conceivable this could be an issue
<b>Unlikely</b>	2	Its unlikely that this risk might be realised
<b>Very Unlikely</b>	1	Wouldn't anticipate this ever being a problem

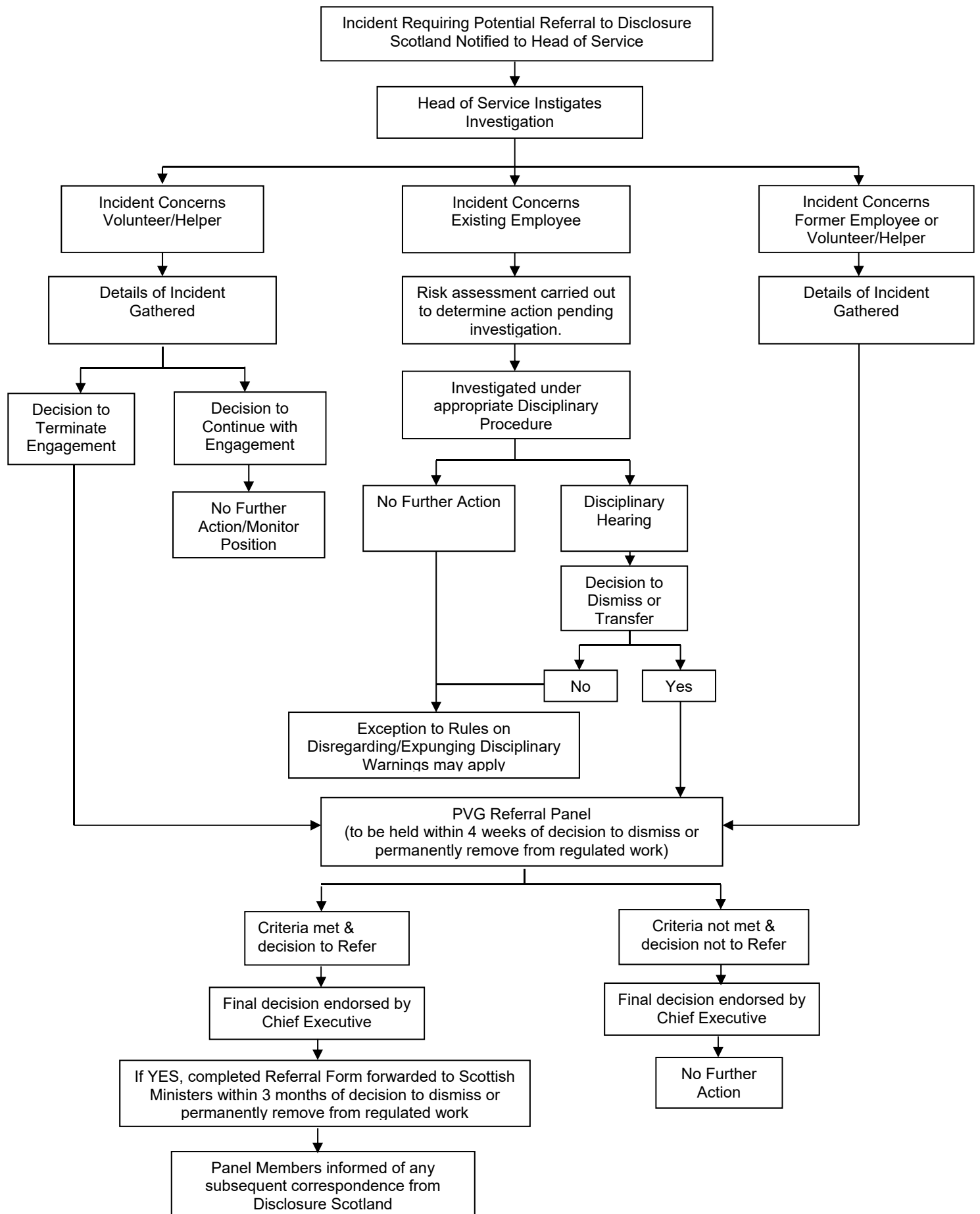
**Consequence (C) x Likelihood (L) = Risk Rating**

	L = 1	L = 2	L = 3	L = 4	L = 5	
C=1	1	2	3	4	5	<b>RISK RATING</b> <b>1 - 5 = ACCEPTABLE</b> Risk is being managed appropriately. Continue to <b>monitor</b> controls to ensure safe working methods are being maintained. <b>6 - 9 = ADEQUATE</b> Controls are adequate but the appropriate level of <b>supervision</b> must be in place to ensure safe working methods are being maintained. <b>10 - 15 = TOLERABLE</b> Risks remain and consideration should be given to lowering the risk level further. This may involve an element of <b>dynamic risk assessment</b> prior to and whilst the activity is being carried out. <b>Increased level of supervision</b> may be required to ensure the safe working methods are being adhered to at all times. <b>17 - 25 = UNACCEPTABLE</b> <b>STOP</b> the activity <b>cannot</b> take place. The risk of injury is too high! Further actions are required and stronger controls introduced to reduce the level of risk involved. Once new controls have been identified the activity/task should be re-assessed.
C=2	2	4	6	8	10	
C=3	3	6	9	12	15	
C=4	4	8	12	16	20	
C=5	5	10	15	20	25	



## PVG REFERRAL PROCESS

Appendix 4



## EXTRACT FROM THE PROTECTING VULNERABLE GROUPS SCHEME

### MEANING OF HARM

The meaning of the word 'harm' is key to the first two grounds for referral.

Harm includes:

- physical harm
- psychological harm (for example: causing fear, alarm or distress); and
- unlawful conduct which appropriates or adversely affects another person's property, rights or interests (for example: theft, fraud, embezzlement or extortion).

The Act also provides a meaning for 'risk of harm' which includes:

- attempting to harm another;
- trying to get someone else to harm another;
- encouraging someone to harm themselves; or
- conduct otherwise causing, or likely to cause, another to be harmed.

When considering the terms 'harm' and 'risk of harm', it is important for individuals and employers to develop an understanding of what sort of actions might result in someone being harmed, or placed at risk of harm. Examples of harmful behaviours include:

- emotional abuse, perhaps by controlling a child with extreme verbal threats;
- neglecting a person's needs, for example by inappropriate feeding or failing to provide appropriate sanitation;
- inappropriate physical restraint;
- failing to attend to whatever health and safety requirements may be in force;
- supplying illegal or unauthorised drugs.

## **POLICY ON THE SECURE HANDLING, USE, STORAGE, RETENTION AND DESTRUCTION OF DISCLOSURE INFORMATION**

### **Policy Statement**

The council complies with the Code of Practice in connection with the use of disclosure information and with the functions of registered persons. The Code is published by Scottish Ministers under Section 122 of Part V of The Police Act 1997 ("the 1997 Act").

The Code sets out obligations for registered bodies, counter-signatories and other recipients of disclosure information issued under the 1997 Act and the Protection of Vulnerable Groups (Scotland) Act 2007 ("the 2007 Act") with particular reference to the handling, holding, storage, destruction and retention of disclosure information provided by Disclosure Scotland.

The Council also complies with the Data Protection Act 1998 ("the 1998 Act") in regard to the use of disclosure information.

### **Usage**

The council will use disclosure information only for the purpose for which it was requested and provided. Disclosure information will not be used or disclosed in a manner incompatible with that purpose nor will it be shared with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.

### **Handling**

In accordance with Section 124<sup>1</sup> of the 1997 Act and Sections 66 and 67 of the 2007 Act, it is a criminal offence to disclose disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. The Council will not disclose information provided under subsection 113B(5)<sup>2</sup> of the 1997 Act, namely information which is not included in the certificate, to the subject.

*1 The Serious Organised Crime and Police Act 2005 ("the 2005 Act") schedule 14, paragraph 12 amended section 124*

*2 Subsection 163(2) of the 2005 Act inserted subsection 113B into the 1997 Act. Subsection 113B(5) of the 2005 Act replaces subsection 115(8) of the 1997 Act.*

## **Access and Storage**

The Council does not keep disclosure information on an individual's personnel file. It is kept securely, in lockable, non-portable storage containers. Access to storage units is strictly controlled and is limited to authorised named individuals, who are entitled to see such information in the course of their duties.

## **Retention**

To comply with the 1998 Act, the Council does not keep disclosure information for longer than necessary. For the 1997 Act, this will be the date the relevant decision has been taken, allowing for the resolution of any disputes or complaints. For the 2007 Act, this will be the date an individual ceases to do regulated work for this organisation.

The Council will not retain any paper or electronic image of the disclosure information. The Council will, however, record the date of issue, the individual's name, the disclosure type and the purpose for which it was requested, the unique reference number of the disclosure and details of our decision. The same conditions relating to secure storage and access apply irrespective of the period of retention.

## **Disposal**

The Council will ensure that disclosure information is destroyed in a secure manner i.e. by shredding. Disclosure information which is awaiting destruction will not be kept in any insecure receptacle (e.g. a waste bin or unlocked desk/cabinet).

Human Resources  
Reviewed December 2020

## PVG REFERRAL PANEL GUIDANCE & PROCESS

### 1. PURPOSE

- 1.1 This guidance is designed to assist members of the council's internal PVG Referral Panel in determining whether a referral to Disclosure Scotland is merited under the provisions of the Protection of Vulnerable Groups (Scotland) Act 2007.
- 1.2 The document comprises relevant extracts from the [Protecting Vulnerable Groups Scheme](#) and should be read in conjunction with the council's [Policy and Procedure on Protection of Children and Protected Adults](#)

### 2. DUTY TO MAKE A REFERRAL

- 2.1 The PVG Act aims to provide a robust system by which unsuitable people are prevented from doing regulated work with children or protected adults, and by which people who become unsuitable are identified. To facilitate this aim, it is necessary for the council to pass on information to Disclosure Scotland that indicates an individual may be unsuitable to do regulated work so that it can be properly evaluated and appropriate action taken. The process of providing such information to Disclosure Scotland is called 'making a referral'.
- 2.2 The PVG Act places a duty on the council to make a referral when certain criteria are met. Broadly speaking, the criteria are that:
  - a) An individual doing 'regulated work' has done something to harm a child or protected adult and,
  - b) The impact is so serious that the council has (or would) permanently remove the individual from regulated work
- 2.3 Failure to refer an individual may mean that an individual who is unsuitable to do regulated work does not get barred from doing that type of work and can go on and harm other vulnerable people in other settings.
- 2.4 If, as a result of any of the referral grounds being met, the council dismisses an individual who was doing regulated work or transfers them to other duties that do not involve that type of regulated work the council must make a referral.
- 2.5 The referral process to Disclosure Scotland is entirely separate from any dispute with the individual as to whether the dismissal was fair or otherwise. Even if a dismissal is challenged by the individual through an internal appeal or Employment Tribunal claim, the referral must still be made to Disclosure Scotland.

### 3. FAILURE TO REFER

- 3.1 It is an offence not to make a referral **within 3 months** of the criteria for referral being met. Failure to refer can result in a fine and a prison sentence of up to 5 years. Individuals within the council may be prosecuted, alongside the council itself, if it can be demonstrated that the offence was committed with their consent, connivance or through their negligence.

#### **4. GROUNDS FOR REFERRAL**

- 4.1 A prerequisite for the council to make a referral is that at least one of the referral grounds set out at Section 2 of the PVG Act has been met. First of all, the individual must be doing '*regulated work*'. The definition of regulated work is provided in Appendix 1 to this guidance document.
- 4.2 An individual must also have done something *harmful or inappropriate* in respect of a child or protected adult.
- 4.3 The referral grounds for those doing regulated work with children and referral grounds for those doing regulated work with adults mirror each other. The subject of the referral must have done one or more of the following:
- Harmed a child or protected adult
  - Placed a child or protected adult at risk of harm
  - Engaged in inappropriate conduct involving pornography
  - Engaged in inappropriate conduct of a sexual nature involving a child or protected adult
  - Given inappropriate medical treatment to a child or protected adult.

#### **5. MEANING OF HARM**

- 5.1 The meaning of the word harm is key to the first two grounds for referral. Harm is defined in Section 93 of the PVG Act and includes:
- Physical harm;
  - Psychological harm (e.g. causing fear, alarm or distress); and
  - Unlawful conduct which appropriates or adversely affects another person's property, rights or interests (e.g. theft, fraud, embezzlement or extortion)
- 5.2 The PVG Act also provides a meaning for 'risk of harm' which includes:
- Attempting to harm another;
  - Trying to get someone else to harm another;
  - Encouraging someone to harm themselves;
  - Conduct otherwise causing, or likely to cause, another to be harmed.
- 5.3 Examples of harmful behaviours include:
- Emotional abuse, perhaps by controlling a child with extreme verbal threats
  - Neglecting a person's needs, for example by inappropriate feeding or failing to provide appropriate sanitation

- Inappropriate physical restraint
- Failing to attend to whatever health and safety requirements may be in force
- Supplying illegal or unauthorised drugs

## **6. REFERRAL INFORMATION**

- 6.1 Schedule 1 of the Protection of Vulnerable Groups (Scotland) Act 2007 (Referrals by Organisations and Other Bodies) (Prescribed Information) Regulations 2010 sets out the information required for referrals by organisations, employment agencies and employment businesses.
- 6.2 Disclosure Scotland provide an [employer referral form](#) along with guidelines for its completion, to assist organisations in ensuring they include all necessary information when making a referral. Use of the form is not mandatory but it makes the referral process easier for both the referring organisation and Disclosure Scotland if it is used.
- 6.3 In brief, the information which must be submitted with any referral includes identity details relating to the individual; details about the referral ground; contact details for the referring organisation; details of the regulated work done by the individual; details of any relationship between the child or protected adult involved; and details of any action taken by the referring organisation.

## **7. KEY ISSUES TO BE DETERMINED BY THE PANEL**

- 7.1 In determining whether or not a referral is appropriate, the PGV Assessment Panel should consider the following questions in the light of supporting evidence (disciplinary documentation etc);
- **Was the employee engaged in regulated work, either with children or protected adults as defined within the PVG (Scotland) Act 2007 (see Appendix for definition of regulated work)?**
  - **Has the individual done something to 'harm' a child or protected adult or placed a child or protected adult at risk of harm?**
  - **If so, was the impact of the individual's actions sufficiently serious to require the permanent removal of that individual from regulated work?**
- 7.2 If the answer to the foregoing questions is in the affirmative, a referral to Disclosure Scotland will be required.

## **8. REFERRAL PROCESS**

- 8.1 The table in Appendix 2 summarises the PVG referral process and identifies the officer responsible for each action in the process. Further details are contained in section 6 of the [Policy and Procedure on Protection of Children and Protected Adults](#)

Human Resources  
December 2020

## Appendix 1

### REGULATED WORK

#### 1. Identification of Regulated Posts

- 1.1 To determine whether a post requires a disclosure check to be carried out on an applicant, a risk assessment must be conducted. The risk assessment will involve an analysis of the duties of the post and the potential for the post holder to come into contact with children and/or protected adults.
- 1.2 Risk assessments should be reviewed on an annual basis or earlier if changes to posts and working arrangements arise in order to identify any implications for protection of vulnerable groups.
- 1.3 A Regulated Post Self-Assessment Tool designed to assist employers to conduct the risk assessment process can be found on Disclosure Scotland's website at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk) A record of the risk assessment decision should be recorded on a Regulated Post Risk Assessment form as attached at Appendix 2.
- 1.4 A list of Regulated Posts in the council for which a PVG check must be carried out on applicants is held by Human Resources.

#### 2. Regulated Work with Children

The PVG Act defines children as an individual aged under 18 years.

- 2.1 An individual may be doing regulated work with children if their work involves any of the following activities as part of their normal duties:
  - Caring for children
  - Teaching, instructing, training or supervising children
  - Being in sole charge of children
  - Unsupervised contact with children under arrangements made by a responsible person
  - Providing advice or guidance to a child or to particular children which relates to physical, emotional well-being, education or training
  - Moderating a public electronic interactive communication service which is provided exclusively for children
  - Providing, or working for an organisation which provides an independent health care service which is provided exclusively or mainly for children
  - Work on any part of day care premises at times when children are being looked after in that part.
  - Being a host parent.
- 2.2 An individual may be doing regulated work with children if they work in any of the following establishments as part of their normal duties:
  - An institution which is exclusively or mainly for the detention of children



- A hospital which is exclusively or mainly for the reception and treatment of children
  - A school
  - A further education institution
  - A hostel used mainly by pupils attending a school or further education institution
  - A home which is exclusively or mainly for children and is provided by a council under social work or mental health legislation.
- 2.3 One exception applies to positions in all these establishments, namely that such positions are not regulated work unless doing anything permitted or required in connection with the position gives the person the opportunity to have unsupervised contact with children.
- 2.4 An individual is doing regulated work with children if they hold any of the following positions without exception:
- Manager, or member of a governing body, body of trustees or other body responsible for the management, of a school, further education institution or hostel – as defined in establishments (but not a member of a council).
  - Member of certain council committees, joint committees or sub- committees concerned with the provision of education, accommodation, social services or health care services to children
  - Member of a children's panel or certain related committees
  - Chief Social Worker of a council
  - Commissioner for Children and Young People in Scotland or member of that Commissioner's staff
  - Registrar of Independent Schools in Scotland
  - Foster Carer
  - Charity trustee of a children's charity
- 2.5 An individual may be doing regulated work with children if they are responsible for the day to day supervision or management of an individual doing regulated work through the activities the individual performs or the establishments in which the individual works. This provision on supervision of an individual does not cover supervising an individual who is in one of the particular positions of trust or responsibility.
3. Regulated Work with Adults
- 3.1 The PVG Act defines a protected adult as an individual aged 16 or over who is provided with (and thus receives) a type of care, support or welfare service.
- 3.2 There are four categories of services receipt of any one of which makes an individual a protected adult:
- Registered Care Services – a service by a person carrying on a support service; an adult placement service; a care home service; or a housing support service
  - Health Services

- Community Care Services – social work and mental health services provided or secured by a council, or self-directed support paid for by a council
  - Welfare Services – a welfare service includes any service which provides support, assistance, advice or counselling to individuals with particular needs, meeting out the following conditions. The service must be a service that:
    - (a) is provided in the course of work to one or more persons aged 16 or over
    - (b) is delivered on behalf of an organisation
    - (c) requires training to be undertaken by the person delivering the service
    - (d) has a frequency and formality attached to the service and
    - (e) either requires a contract to be agreed between the service provider and the recipient of the service prior to the service being carried out or is personalised to an individual adult's needs.
- 3.3 Most adults are likely to be a protected adult at some time in their lives, for example receiving treatment in hospital or receiving care in later life. But an individual is only a protected adult at the time they receive the service.
- 3.4 It is possible for individuals aged 16 and 17 to be both children and protected adults. The assessment as to whether or not they are protected adults is no different to that undertaken in respect of any other adult.
- 3.5 An individual may be doing regulated work with adults if their work involves any of the following activities as part of their normal duties:
- caring for protected adults
  - teaching, instructing, training or supervising protected adults
  - being in sole charge of protected adults
  - providing assistance, advice or guidance to a protected adult or particular protected adults which relates to physical or emotional well-being, education or training
  - inspecting adult care services (including inspecting any premises used for the purposes of providing such services).
- 3.6 An individual may be doing regulated work with adults if they work in any of the following establishments as part of their normal duties:
- a care home – meaning accommodation occupied mainly or exclusively by individuals aged 16 or over which is provided by an organisation carrying on a care home service
  - a residential establishment or accommodation occupied exclusively or mainly by individuals aged 16 or over which is provided by, or the provision of which is secured by, a council under social work or mental health legislation
- 3.7 One exception applies to positions in all these establishments, namely that such positions are not regulated work unless doing anything permitted or required in connection with the position gives the person the opportunity to have unsupervised contact with protected adults; and any contact with protected adults, when the holder of the position is doing anything permitted or required in connection with the position, is more than incidental.

3.8 An individual is doing regulated work with adults if they hold any of the following positions without exception:

- member of certain council committees, joint committees or sub- committees concerned with the provision of education, accommodation, social services or health care services to protected adults.
- Chief social work officer of a council
- Charity trustee of certain charities

3.9 An individual may be doing regulated work with adults if they are responsible for the day to day supervision or management of an individual doing regulated work through the activities the individual performs or the establishments in which the individual works. This provision on supervision of an individual does not cover supervising an individual who is in one of the particular positions of trust or responsibility.

#### 4. Normal Duties

4.1 The concept of normal duties is extremely important in limiting the scope of regulated work. For an activity or work in an establishment to be regulated work, the carrying out of an activity or the work in the establishment must be part of the individual's normal duties.

4.2 An activity or work is likely to be normal duties when:

- it appears in an individual's job description, task description or contract
- it can be reasonably be anticipated; or
- it occurs regularly

4.3 An activity or work is unlikely to be 'normal duties' when:

- done in response to an emergency (unless by an emergency worker)
- arranged at the last minute to stand in for sickness or other unexpected absence of another worker; or
- done as a one-off activity of short duration which is not part of the individual's normal routine or occupation.

Further guidance on the definition of regulated work can be found in 'Protecting Vulnerable Groups Scheme Guidance for individuals, organisations and personal employers' which can be accessed at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

## Appendix 2

### PVG REFERRAL PROCESS

The table below summarises the steps in the PVG referral process and identifies the officer responsible for each action in the process. Further details are contained in section 6 of the Policy and Procedure on Protection of Children and Protected Adults

Process	Action	Responsible Officer
Step 1	Notify the Head of Corporate Services of a matter for consideration by the PVG Referral Panel.	Head of Service/ Nominated Officer
Step 2	Convene a PVG Referral Panel (comprising 3 panel members and relevant officers) within 4 weeks of the decision to dismiss or permanently remove an individual from regulated work.	Head of Corporate Services
Step 3	Ensure that all relevant information is made available for consideration by the PVG Referral Assessment Panel in order to determine whether the criteria for referral to Disclosure Scotland has been met.	Nominated Officer/ Human Resources
Step 4	Meet and reach a conclusion as to whether the criteria for referral has been met.	PVG Panel
Step 5	Ensure that the decision whether or not to make a referral to Disclosure Scotland and the reasons for the decision of the panel are recorded on a PVG Referral Record (Appendix 3) and seek endorsement of the panel's decision by the Chief Executive.	Panel Chairperson
Step 6	Endorse the decision whether or not to make a referral to Disclosure Scotland.	Chief Executive
Step 6	Where a decision to make a referral to Disclosure Scotland, notify the subject of the PVG referral panel of the outcome of the panel in writing.	Panel Chairperson
Step 7	Complete the <a href="#">employer referral form</a> ready for sign off.	Nominated Officer/ Human Resources
Step 8	Sign off PVG referral documentation and ensure referral is made to Disclosure Scotland within 3 months of the decision to dismiss or permanently remove an individual from regulated work.	Panel Chairperson
Step 9	Record the decision of the PVG referral panel and date of referral on case management.	Human Resources

## PVG REFERRAL RECORD

PANEL MEMBERS	
<b>Members required at each panel:</b> <i>(tick to confirm attendance)</i>	<b>One additional Panel Member from:</b> <i>(tick to confirm attendance)</i>
Head of Corporate Services: <input type="checkbox"/>	Head of Social Policy: <input type="checkbox"/>
Chief Solicitor: <input type="checkbox"/>	Head of Education: <input type="checkbox"/>
Panel Chair:	
Other officers in attendance:	
Date of Panel Hearing:	Click or tap to enter a date.
REFERRAL SUBJECT	
Name:	
Regulated Role:	
Service:	
Status:	Choose an item.
REGULATED WORK	
<b>Which protected group does the referral subject work with?</b> <i>(select as appropriate)</i>	
Children: <input type="checkbox"/>	
Protected Adults: <input type="checkbox"/>	
Both: <input type="checkbox"/>	
ACTION LEADING TO REFERRAL PANEL <i>(tick as appropriate)</i>	
Employee/volunteer dismissed:	<input type="checkbox"/>
Employee/volunteer permanently removed from regulated work:	<input type="checkbox"/>
Employee/volunteer resigned during disciplinary process – outcome would likely have been dismissal or permanent removal from regulated work:	<input type="checkbox"/>
Information received regarding an ex-employee that would have led the council to dismiss or permanently remove the individual from regulated work:	<input type="checkbox"/>
INCIDENT	
Please describe the incident that led to the decision above:	

EVIDENCE	
What evidence has been considered by the panel:	
GROUNDS FOR REFERRAL	
<p><b>Having considered the evidence, it is the opinion of the panel that the subject of the referral:</b> <i>(tick as appropriate)</i></p> <p>*Harmed a child or a protected adult: <input type="checkbox"/></p> <p>*Placed a child or a protected adult at risk of harm: <input type="checkbox"/></p> <p>Engaged in inappropriate conduct involving pornography: <input type="checkbox"/></p> <p>Engaged in inappropriate conduct of a sexual nature involving a child or protected adult: <input type="checkbox"/></p> <p>Gave in appropriate medical treatment to a child or protected adult: <input type="checkbox"/></p> <p>None of the above – grounds for referral not met: <input type="checkbox"/></p> <p><i>* For a definition of 'harm' refer to section 5 of the PVG Referral Panel Guidance.</i></p>	
DECISION RATIONALE	
Provide rationale for decision as to whether grounds for referral have been met or not:	
PANEL OUTCOME <i>(tick as appropriate)</i>	
<p>It is the decision of the PVG referral panel that the subject of the referral should be <b>Referred to Disclosure Scotland</b>: <input type="checkbox"/></p> <p>It is the decision of the PVG referral panel that the subject of the referral should <b>Not be Referred to Disclosure Scotland</b>: <input type="checkbox"/></p>	
Signed (Panel Chair):	Click or tap to enter a date.
CHIEF EXECUTIVE ENDORSEMENT	
Panel decision endorsed <i>(select as appropriate)</i> :	Choose an item.
Signed (Chief Executive):	Click or tap to enter a date.

**Completed form to be passed to the Senior HR Adviser who will arrange for the decision to be recorded on case management.**



## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **HORIZON SCAN**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES AND HEAD OF PLANNING, ECONOMIC DEVELOPMENT AND REGENERATION**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to provide the Panel with:

1. A summary of the latest UK economic indicators and announcements, particularly regarding the implications of the Covid-19 pandemic;
2. An update of the latest potential implications of the UK's exit from the European Union (EU).

##### **B. RECOMMENDATIONS**

It is recommended that Panel notes:

1. The results of the horizon scan for the UK, Scotland, West Lothian and West Lothian Council;
2. That officers will be undertaking a detailed review of the budget model for 2021/22 and 2022/23, in advance of the revenue budgets being presented to Council in February 2021, to take account of changes in circumstances and updated forecasts, especially in relation to the Covid-19 pandemic.

##### **C. SUMMARY OF IMPLICATIONS**

- |  |   |
|--|---|
| <b>I. Council Values</b>   | Being honest, open and accountable, focusing on our customers' needs, making the best use of our resources, working in partnership.   |
| <b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b> | <p>The council is required to approve a balanced revenue budget for each financial year. Audit Scotland and CIPFA best practice guidance recommends medium term financial plans are prepared a five-year period.</p> <p>The Covid-19 pandemic and the UK exit from the EU are likely to have significant implications for West Lothian, the local economy, communities and the council.</p> |
| <b>III. Implications for Scheme of Delegations to Officers</b>   | No implications at this stage.  |
| <b>IV. Impact on performance and performance indicators</b>  | The current EU programmes to 2020 support business development, community regeneration and employment projects. Ongoing government restraint has implications for the council's budget and performance.   |
| <b>V. Relevance to Single Outcome Agreement</b>  | The revenue budget provides the resources necessary to help deliver the Single Outcome  |

Agreement. Effective prioritisation of resources is essential to achieving key outcomes.

- |   |   |
|---|---|
| <b>VI. Resources (Financial, Staffing and Property)</b> | Anticipated Scottish Government grant funding is not sufficient to meet increasing costs and demand for services, meaning savings have to be found on an ongoing basis. |
| <b>VII. Consideration at PDSP</b>                       | This report is part of the regular horizon scan updates to the Panel.   |
| <b>VIII. Other consultations</b>                        | Heads of Service and Depute Chief Executives.   |

## **D. TERMS OF REPORT**

### **D.1 BACKGROUND**

Horizon scan updates are provided to the Panel on a quarterly basis and set out latest information on the UK, Scottish, West Lothian and council economic position, and the potential impact on the council's medium-term financial strategy.

This report provides an update on the latest UK economic indicators and announcements, including the implications of the Covid-19 pandemic. It also includes key developments and potential implications following the UK exit from the EU. The report includes the latest update on economic factors that could have an influence on the council's financial strategy.

### **D.2 HORIZON SCAN – UK**

#### **Covid-19 Pandemic**

The UK is currently experiencing a public health emergency as a result of the Coronavirus (Covid-19) pandemic.

Lockdown measures that began in March 2020 eased gradually over the summer months. However in order to keep Covid-19 under control, from 26 December 2020 the First Minister placed the entire mainland of Scotland in level four lockdown measures. As of 5 January 2021 a new lockdown began, a new "stay at home" message has become a legal requirement across each of Scotland's mainland council areas which means you should remain indoors unless you are venturing out for one of several essential reasons. Further tightening of lockdown rules were announced on 13 January 2021.

As well as serious implications for people's health, the NHS, social care and other public services, coronavirus is having a significant impact on businesses and the economy. On 12 August 2020 it was confirmed the UK was facing a severe recession following two quarterly contractions in a row, the first time the UK has been in recession for 11 years.

#### **Implications of the UK Exit from the EU**

The UK left the EU on 31 January 2020 and following a transition period of 11 months, the UK completed its formal separation from the EU on 31 December 2020. UK ministers have noted there will be some disruption in the coming days and weeks, as new rules bed in and British firms come to terms with the changes. Northern Ireland has different arrangements from other parts of the UK, meaning there will be some customs checks on goods moving between Great Britain and the province.

The deal contains new rules for how the UK and EU will live, work and trade together. While the UK was in the EU, companies could buy and sell goods across EU borders without paying taxes and there were no limits on the number of things which could be traded. Under the terms of the deal, that will not change on 1 January 2021, but to be sure that neither side



has an unfair advantage, both sides had to agree to some shared rules and standards on workers' rights, as well as many social and environmental regulations.

## **UK Economic Update**

### **Debt and Borrowing**

The most recent forecast from the Office for Budget Responsibility (OBR) on 25 November 2020 provided updated UK borrowing forecasts. The OBR forecast public sector net borrowing of £393.5 billion in 2020/21, £164.2 billion in 2021/22, £104.6 billion in 2022/23, £100.4 billion in 2023/24 and £99.6 billion in 2024/25. Public sector net borrowing of £393.5 billion or 19% of GDP for 2020/21, is the highest level in at least 300 years. The budget deficit roughly halves in 2021/22 then shrinks more slowly thereafter, but it still remains above £100 billion in every year until 2024/25.

Public sector net debt rises sharply in 2020/21, reflecting higher borrowing and the fall in GDP. Public Sector Net Debt is expected to increase from 85.5% of GDP in 2019/20 to 105.2% in 2020/21, then 108.0% in 2021/22, 108.6% in 2022/23 before increasing further to 109.4% in 2023/24. Higher cash borrowing and a smaller economy push public sector net debt above 100% of GDP for the first time since the early 1960s.

### **Economic Growth**

The most recent update from the International Monetary Fund (IMF) in October 2020 was the World Economic Outlook. Growth estimates were revised down for the UK given the Covid-19 pandemic, with the IMF expecting growth to slow from 1.5% in 2019 to -9.8% in 2020, and increase to 5.9% in 2021. Projections are less severe for 2020, relative to the June forecast. The revision is driven down by second quarter GDP outturns which were not as negative as had been projected. While uncertainty remains substantial, growth is expected to moderate significantly, following the projected rebound in global activity in 2021.

The medium-term projections assume that economies will experience scarring from the depth of the recession and the need for structural change, entailing persistent effects on potential output. The output losses imply a major setback to living standards relative to what was expected before the pandemic. Not only will the incidence of poverty rise for the first time in over two decades, but inequality is set to increase.

The Office for National Statistics (ONS) released economic growth figures on 22 December 2020. GDP is estimated to have increased by a record of 16% in Quarter 3 (July to September) 2020, this is the largest quarterly expansion in the UK economy since quarterly records began in 1955. The level of GDP in Quarter 3 was 8.6% below where it was prior to Covid-19 pandemic at the end of 2019.

While output in the services, production and construction sectors increased by record amounts in Quarter 3 2020, the level of output remains below Quarter 4 (Oct to Dec) 2019 levels, before the impact of the pandemic was seen. Services output grew by a revised 14.7% in Quarter 3 2020, while production output increased by a revised 14.7%, and construction output expanded by a revised 41.2%. Estimates show that output levels in services, production and construction in Quarter 3 2020 were 8.9%, 6.2% and 7.0% below their Quarter 4 (Oct to Dec) 2019 levels respectively.

The Bank of England GDP forecast is -11% for 2020, 11% in 2021, 3.1% in 2022 and 1.6% in 2023. Projections are conditioned on an assumption that Covid-19 restrictions will weigh materially on UK activity in the near term. Beyond 2021, restrictions are assumed to be loosened with the direct effects of the pandemic on the economy are assumed to fade and spending recovers.

## Exports and Inward Investment

In the immediate wake of the EU referendum, sterling fell sharply making the goods the UK buys from abroad more expensive, affecting the cost of living, but also helping to support UK exports. The pound has been making a very slow recovery against the dollar and, on 11 January 2021, the pound was \$1.35 against the dollar and €1.11 against the euro.

The British Chamber of Commerce (BCC) published its Quarterly Economic Survey in January 2021. The latest survey found that underlying economic conditions remained weak in the fourth quarter as the second lockdown squeezed activity. It revealed that there was no fundamental improvement in the key indicators in Q4 and they remain well below pre-crisis levels.

## Inflation

Consumer Prices Index (CPI) inflation fell to 0.6% in November, down from 0.9% in October. The largest contribution to the 12-month CPI inflation rate in November came from recreation and culture. The largest downward change between October and November came from falling prices for clothing, food and non-alcoholic beverages.

The Bank of England December 2020 Monetary Policy Report stated that twelve-month CPI inflation fell to 0.3% in November, from 0.7% in October. CPI inflation is expected to be around 2% in two years' time.

## Interest Rates

The Bank of England Monetary Policy Committee (MPC) voted unanimously to maintain the Bank Rate at 0.1% on 16 December 2020. At this meeting the MPC sets monetary policy to meet the 2% inflation target, which is intended to assist in sustaining growth and employment. In that context, its challenge at present is to respond to the economic and financial impact of the Covid-19 pandemic. The Committee will continue to monitor the situation closely and stands ready to adjust monetary policy accordingly to meet its remit. The MPC will keep under review the range of actions that could be taken to deliver its objectives. The Committee does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% inflation target sustainably.

## Unemployment

The latest figures published on 15 December 2020 show the UK unemployment rate was estimated at 4.9% over the period August to October 2020, 1.2% higher than a year earlier and 0.7% higher than the previous quarter. There were an estimated 32.52 million people in employment for August to October 2020, 280,000 fewer than a year earlier.

## House Prices

The latest ONS House Price Index published on 16 December 2020 showed that, in the year to October 2020, average house prices in the UK increased by 5.4%, up from 4.3% in the year to September 2020, this is the highest annual growth rate the UK has seen since October 2016. During July 2020, changes were made to Stamp Duty Land Tax, Land Transaction Tax and Land and Buildings Transaction Tax. The UK House Price Index (HPI) is based on completed housing transactions. Typically, a house purchase can take six to eight weeks to reach completion. Therefore, the price data feeding into the October 2020 UK HPI will reflect those agreements that occurred after the tax changes took place.

### **D.3 HORIZON SCAN – SCOTLAND**

#### **Covid-19 Pandemic**

The Scottish economy is being significantly affected by the Covid-19 pandemic. Following two quarterly contractions in a row, a recession was confirmed. The economy has started to grow, with September being the fifth month of increasing GDP. The impact of the pandemic on Scotland's labour market is continuing to emerge. The furlough scheme has continued to be a key support to the labour market, supporting around 30% of employees in Scotland, however unemployment is expected to increase when the scheme ends in April 2021.

#### **EU Implications**

The Scottish economy is likely to be affected by the UK's exit from the EU, in a similar way to that of the UK in general terms, however changes to the tax system now means that Scotland's own economic performance will have a more direct impact on the Scottish Budget.

#### **Scottish Economic Update**

##### **Economic Growth**

The Scottish economy contracted by 19.4% in quarter two of 2020, following a contraction in Q1 of 2.5%. Two quarterly contractions in a row mean a recession is confirmed. The latest GDP data for Scotland is estimated to have increased by 1.6% in September compared to August. This is the fifth consecutive month of increasing GDP following the large drops in March and April, but output remains 7.6% below the level in February prior to the direct impacts of the Covid-19 pandemic.

In September there has been growth in all of the main sectors of the economy, but at a slower rate than seen over the summer months. Output in the services sector is estimated to have increased by 1.6% compared to August, production sector output increased by 1.4%, and construction sector output increased by 2.7%.

##### **Unemployment**

The Scottish Government's latest Labour Market Briefing was published in December 2020. This showed that between August 2020 and October 2020, the unemployment rate was 4.2%, with 118,000 people unemployed. There were 2.672 million people employed, meaning the rate of employment is 74.8%.

##### **House Prices**

The ONS publication for House Price Index showed that the average house price in Scotland increased by 6.0% in the year to October 2020 to stand at £163,000.

### **D.4 HORIZON SCAN – WEST LoTHIAN**

#### **Covid-19 Pandemic**

West Lothian's main economic strengths are located in several key sectors (biotechnology, logistics/distribution, food & drink, electronics, retail, engineering and construction). Around 70% of West Lothian's young dynamic workforce are employed in these fast-growing sectors and that percentage looked set to grow as more companies relocate to West Lothian. However, the Covid-19 pandemic has impacted on businesses and employment throughout West Lothian.

## West Lothian Economic Update

### House Completions

Completions for October to December 2020 (Q4) were 247 compared to 338 for the same period in 2019. Completions in October 2020 were 88, rising to 94 in November, but dropping down to 65 in December in the run up to the end of year and the implementation of Level-4 Covid-19 restrictions in late November.

The latest figures available from Land Registry identify the number of homes sold in West Lothian in August 2020 was 243 compared to 335 in August 2019.

(note that there is a lag in Land Registry house sales data by a few months).

### Unemployment

Unemployment at local authority level is measured by the proportion of working age people not in work. In West Lothian this is 5.5% for November 2020 which is lower than the Scottish rate (6.0%) and less than the British rate (6.3%). It is a decrease of 0.2% from October.

Youth unemployment figures were 1,310 (9.3%), a decrease of 0.2% from October, while the Scottish national level decreased slightly (8.5% for November, from 8.6% in October).

The data in the following table was published on 15 December by Office for National Statistics. It looks at the position across Scotland based on the claimant count change across the region. From February to March there was very little change reflecting the fact that the pandemic had not yet had an impact on the economy as the lock down had only started.

Councils		Working Age People Not in Work									% Change	
		Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Feb-Nov	Oct-Nov
Edinburgh	Count	7,285	13,980	17,775	17,635	18,290	18,840	18,280	17,665	18,390	159%	4%
	Rate	2	3.8	4.8	4.8	5	5.1	5	4.8	5		
East Lothian	Count	1,720	3,185	3,680	3,495	3,620	3,635	3,400	3,195	3,305	87%	3%
	Rate	2.6	4.9	5.6	5.3	5.5	5.5	5.2	4.9	5		
Fife	Count	8,810	13,690	15,050	14,955	15,730	15,840	15,215	14,480	14,505	65%	0%
	Rate	3.8	5.9	6.5	6.4	6.8	6.8	6.6	6.2	6.3		
Midlothian	Count	1,495	2,735	3,160	2,995	3,060	3,145	3,050	2,870	2,970	102%	3%
	Rate	2.6	4.8	5.5	5.2	5.4	5.5	5.3	5	5.2		
Scottish Borders	Count	1,900	3,325	3,735	3,610	3,835	3,830	3,640	3,450	3,525	90%	2%
	Rate	2.8	4.9	5.5	5.3	5.7	5.6	5.4	5.1	5.2		
West Lothian	Count	3,450	5,600	6,645	6,405	6,800	7,005	6,675	6,255	6,400	87%	2%
	Rate	2.9	4.8	5.7	5.5	5.8	6	5.7	5.3	5.5		
South East		24,660	42,515	50,045	49,095	51,335	52,295	50,260	47,915	49,095	101%	2%

## **D.5 HORIZON SCAN – WEST LoTHIAN COUNCIL**

The scale of the economic shock from the Covid-19 pandemic is still being realised, stabilisation is starting to show in economic activity as parts of the economy have reopened. Economic implications from Covid-19 still remain highly uncertain and may not be clear for some time.

In addition, the council has funding confirmed for 2020/21 only, however it is likely that the pandemic will continue to have implications for the council beyond the current financial year. There is no information on future funding at this point given the uncertainty around the full impact of Covid-19 on the economy and government spending.

As the council has approved revenue budgets for the period to 2022/23, it is in as strong as possible a position in the current climate to address ongoing challenges in public sector funding. Economic and budget announcements will continue to be reviewed and taken into consideration to ensure that the approved financial strategy remains reflective of current assumptions. In particular officers will continue to monitor key announcements in relation to public spending, interest rates, CPI forecasts and economic risks, in order to assess the likely impact on the council's budget position for 2020/21 to 2022/23.

## **D.6 HORIZON SCAN BUDGET MODEL RISKS AND UNCERTAINTIES**

There are a number of risks and uncertainties in the long-term financial assumptions underlying the budget model, which have intensified with the pandemic. These include the risk that the increase in costs associated with demand led services, such as social care, is greater than assumed and the increased incidence of ring-fenced funding and the new policy or legislative changes by the UK or Scottish governments which restrict the council's flexibility to decide how to deliver services locally.

The largest risk in the immediate term is the impact of the pandemic on council expenditure, fees and charges income and Scottish Government funding. Although the council has a number of options to balance the budget in 2020/21, including potential national fiscal flexibilities that are being considered by COSLA and the Scottish Government, there is a risk that there are longer term impacts on the council's budget model assumptions.

The nature of forecasting means it is challenging to identify with any certainty expenditure pressures and income. Some of the more general risks and uncertainties which continue to be monitored by officers include:

- Impact of constrained economic growth on public spending levels due to the impact it has on Scottish tax receipts.
- Funding not being provided to fully cover the costs of introducing new legislation.
- Policy changes by the UK or Scottish governments which restrict the council's flexibility to decide how to deliver services locally.
- Ring fencing of grant funding, constraining how local authorities allocate resources.
- EU withdrawal having a potential impact on the cost of goods in the short term and having wider economic implications for public finances in the longer term.
- The level of pay award for 2021/22 and 2022/23.

Until grant funding is confirmed for 2021/22 and 2022/23, there is uncertainty regarding the quantum of grant funding for future years and the level of ring fencing of funding limiting councils' core funding. The Covid-19 pandemic is one of the most important risks facing the council as continued economic uncertainty and constrained growth could have an ongoing impact on public spending. The updated detailed revenue budgets for 2021/22 and 2022/23 will consider and incorporate all of the risk areas outlined above.

## **D.7 CONCLUSION**

The report provides a high-level overview of the latest economic indicators and other announcements likely to have a financial impact on the council, predominantly as a result of the covid-19 pandemic. Economic implications resulting from covid-19 remain uncertain and the UK, Scottish, West Lothian and council position will continue to be reported on a quarterly basis as part of the horizon scanning of factors that could have an impact on the council's medium-term financial strategy.

## **E. BACKGROUND REFERENCES**

None

### Contact Persons:

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**Donald Forrest**

**Head of Finance and Property Services**

**Craig McCorriston**

**Head of Planning, Economic Development and Regeneration**

Date of Meeting: 5 February 2021

DATA LABEL: PUBLIC



## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **RISK BASED VERIFICATION**

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

#### **A. PURPOSE OF REPORT**

The purpose of the report is to inform the Panel of the intention to remove the Risk Based Verification Policy in relation to Housing Benefit and to update the Panel on the proposed Housing Benefit and Council Tax Reduction Verification Policy.

#### **B. RECOMMENDATION**

It is recommended that the Panel notes:

1. The proposed Housing Benefit and Council Tax Reduction Verification Policy which will replace the current Risk Based Verification Policy, and;
2. the intention to seek approval from Council Executive to replace the existing Risk Based Verification Policy with the proposed Housing Benefit and Council Tax Reduction Policy to commence on 1 April 2021.

#### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Focusing on our customers' needs; being honest, open and accountable; making best use of our resources.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The Social Security Administration Act 1992, Housing Benefit and Council Tax Reduction legislation outline the evidence and information a claimant is expected to provide in support of an application. The revised Housing Benefit and Council Tax Reduction Verification Policy will provide this framework.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	The replacement policy will reflect the changing caseload profile as a result of the introduction of Universal Credit. Improved data sharing between the Department of Work and Pensions and local authorities will ensure performance is maintained.

<b>V Relevance to Single Outcome Agreement</b>	We live longer healthier lives. We have tackled significant inequalities in West Lothian society. We take a pride in a strong, fair and inclusive society.
<b>VI Resources - (Financial, Staffing and Property)</b>	None.
<b>VII Consideration at PDSP</b>	The policy requires consideration by the Partnership and Resources PDSP and approval by Council Executive.
<b>VIII Other consultations</b>	Audit, Risk and Counter Fraud Service

## **D. TERMS OF REPORT**

### **D.1 Background**

West Lothian Council has operated a Risk Based Verification (RBV) approach in the verification of evidence for new Housing Benefit (HB) claims and Council Tax Reduction (CTR) applications since 2015. The policy document was considered by the Partnership and Resources PDSP on 4 December 2015 and approved by Council Executive on 22 December 2015.

There is no legal requirement for local authorities to adopt RBV as the approach to administration of new claims, and authorities are free to continue with traditional methods of verification. The adoption of RBV allowed resources to be targeted towards those cases with greater risk of fraud and error.

The RBV approach involves all new claims being risk scored at the point of submission, allowing officers to ensure the appropriate level of resource is invested in verifying evidence from those claims presenting the highest risk. Each new claim for HB and CTR is placed in one of three risk bands; high, medium or low risk.

Dependant on the risk band, the level of verification required will be varied. Low risk claims need minimal verification, medium risk continue to be verified and high risk cases are subject to a more robust checking regime which involves additional checks being carried out.

The DWP indicated in its circular S11/2011 that it would expect a risk profile in the region of 55% low risk, 25% medium risk and 20% high risk.

### **D.2 RBV Performance**

The introduction of UC full service in West Lothian from 16 May 2018 has produced a growing deviation from the profile distribution of risk categories expected by the DWP. As at November 2020, 87% of claims were classified as low risk, 9% at medium risk and 4% at high risk.

Analysis has identified that the changing profile of benefit claimants as a result of the continued roll out of UC has reduced the effectiveness of RBV. With fewer new HB claims being received, and fewer being classified as 'medium' or "high" risk means the performance of RBV is now contrary to the original policy intention set out by the DWP within circular S11/2011.



### **D.3 Issues**

It has been confirmed that Transunion, the company which provides the RBV software, will cease delivering the service from September 2021. Therefore, there would not be any updates, support or advice should there be any issues with the system. Any changes to the verification policy will need to be introduced at the start of the financial year as changing verification standards in-year would cause complications for the HB subsidy audit process.

### **D.4 Revised Verification Policy**

Local Authorities must take into consideration the Social Security Administration Act 1992, Housing Benefit and Council Tax Reduction legislation when considering what verification is required for applications. Housing Benefit Regulation 86 states:

“a person who makes a claim, or a person to whom housing benefit has been awarded, shall furnish such certificates, documents, information and evidence in connection with the claim or the award, or any question arising out of the claim or the award, as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to housing benefit and shall do so within one month of being required to do so or such longer period as the relevant authority may consider reasonable.”

Council Tax Reduction legislation also frames this in a very similar way. The Council Tax Reduction (Scotland) Regulations and The Council Tax Reduction (State Pension Credit) (Scotland) Regulations also state:

“...an applicant must furnish any certificates, documents, information and evidence in connection with an application for council tax reduction or existing entitlement to council tax reduction as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, council tax reduction...”

The proposed Housing Benefit and Council Tax Verification Policy (appendix A) strikes a balance between a robust approach for evidence and verification, helping to protect public funds from fraud and error and ensuring a streamlined and convenient process for claimants. It is intended to report to the Council Executive to seek approval for the revised policy.

## **E. CONCLUSION**

The revised Housing Benefit and Council Tax Reduction Verification Policy recognises the impact of Universal Credit and provides standard and consistent evidence and verification process for all new claims for Housing Benefit and for Council Tax Reduction.

## **F. BACKGROUND REFERENCES**

Social Security Administration Act 1992

The Housing Benefit Regulations 2006

The Housing and Council Tax Benefit (Decision and Appeals) Regulations 2001

The Council Tax Reduction (Scotland) Regulations 2011

Subsidy circular HB/CTB S11/2011

Appendices/Attachments:

Appendix A – Housing Benefit and Council Tax Reduction Verification Policy

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**Donald Forrest**  
**Head of Finance and Property Services**  
**5 February 2021**

## **Appendix A**



## **Housing Benefit and Council Tax Reduction Verification Policy**

## **Housing Benefit and Council Tax Reduction Verification Policy**

### **1. Introduction**

The council is committed to reducing fraud and error within the Housing benefit and Council Tax Reduction system. Efficient and effective verification of all details supplied by claimants will minimise the risk of fraud and error entering the system.

Verifying information supplied by claimants enables the council to determine entitlement to Housing Benefit and/or Council Tax Reduction.

The Housing Benefit Regulations 2006 86(1) and the HB (Persons who have attained the qualifying age for state pension credit) Regulations 2006 67(1) state:

“...a person that makes a claim shall furnish such certificates, documents, information and evidence in connection with a claim...as may be reasonably required by the appropriate authority to determine that person’s entitlement to housing benefit.’

The Council Tax Reduction (Scotland) Regulations and The Council Tax Reduction (State Pension Credit) (Scotland) Regulations also state:

“...an applicant must furnish any certificates, documents, information and evidence in connection with an application for council tax reduction or existing entitlement to council tax reduction as may reasonably be required by the relevant authority in order to determine that person’s entitlement to, or continuing entitlement to, council tax reduction...”

The Regulations do not impose a requirement on authorities in relation to what specific information and evidence they should obtain from a claimant. However, it does require an authority to have information which allows an accurate assessment of a claimant’s entitlement, both when a claim is first made and when the claim is reviewed. A test of reasonableness is to be applied.

### **2. Policy Aims and Objectives**

Verification ensures that:

- Claims for Housing Benefit and Council Tax Reduction are fully supported and documented by all necessary evidence required to determine a claimant’s entitlement
- The risk of fraud and error entering the benefit system is minimised
- Where fraud and error are identified, it is corrected
- Discrepancies identified through the verification of claims are resolved.

### **3. Verifying identity and National Insurance Numbers (NINO)**

A National Insurance number and identity confirmation must be made for the claimant and where applicable the partner in all cases. Identity and NINO can be verified through THE Department of Work and Pensions Searchlight System, Automated Transfer of Local Authority document (ATLAS) or Universal Credit Data Share document where verification has already been undertaken by DWP.

Identity and NINO can also be established with reference evidence provided on a previous claim in order to support a current claim.

Where neither of these options are possible, a claimant must verify their identity through the provision of original documents as outlined in Appendix A.

In some circumstances a claimant or partner either does not know or has not been issued with a NINO. If eligibility to Housing Benefit and/or Council Tax Reduction has been established the Benefit and Financial Assessment Officer will apply for a NINO on the claimant's behalf.

There is no requirement for a claimant to provide evidence of a NINO:

- where the claimant is liable to make payments in respect of a dwelling that is a hostel, or
- for any child or young person included in the Housing Benefit claim, or
- for a partner who does not have leave to enter or remain in the UK and who has not previously been allocated a NINO.

#### **4. Verification of income**

Where possible claimant and partner income will be verified by utilising DWP and HMRC data accessible via Searchlight, ATLAS, Universal Credit Data Share and the Verify Earnings and Pensions service.

Where income cannot be verified through this means the claimant will be requested to provide evidence as outlined in Appendix A.

Where a claimant and/or partner is in self-employment, the officer will look at each case on an individual basis and set an appropriate income "assessment period". Verification will be dependent on the assessment period set but may include latest trading accounts or an estimate of earnings.

Where an estimate of earnings has been used in an assessment this will be reviewed after the assessment period ends.

#### **5. Verification of Capital**

Verification of capital will only be requested where the level of capital declared by claimant and/or partner is above the following thresholds:

- £6,000 for claimants of working age
- £10,000 for claimants of pension age

Where declared capital exceeds these thresholds or the claimant and/or partner has declared an interest in property or land, which would not fall to be disregarded, verification of capital will be requested as outlined in Appendix A.

#### **6. Verification of rent**

Verification of rent for council tenants will be automatic through the council's Open Housing system.

Where a claimant rent from a Housing Association or other Registered Social Landlord (RSL), where the claimant has given consent, confirmation of rental liability will be verified directly with the appropriate landlord.

For claimants who rent privately or have not given consent for the service to contact their landlord verification of rent will be required as outlined in Appendix A.

## **7. Submission of evidence**

A range of options are available to support applicants submit relevant evidence and documentation.

Evidence can be submitted electronically using the evidence upload facility on the council's website or by e-mail.

Alternatively, original documentation can be submitted at any designated council office, original documents will be verified by an officer who has received the appropriate verification training and returned to the applicant.

## **8. Full Compliance**

It is also important to recognise that full compliance is not always possible. This may be where documentation is unavailable to an applicant due to a disaster or for those fleeing domestic violence.

In some cases where it is clear from the customer's application form that, given their declared circumstances, they would fail to qualify for Housing Benefit or Council Tax Reduction, for example where capital is declared in excess of upper capital limits, claims will be processed without requesting full verification.

Where any such cases are identified, the officer must record the action taken and why.

## **9. Policy Review**

The Council's policy will be reviewed annually or sooner if appropriate, by the Head of Finance and Property Services. The Head of Finance and Property Services is authorised to make minor or administrative changes to the policy. Any proposed significant changes will be reported to the Partnership and Resources PDSP and then Council Executive for approval.

Donald Forrest  
Head of Finance and Property Services  
25 January 2021

## **Appendix A**

### **1. Verification of Identity and National Insurance Number (NINO)**

If evidence of NINO and/or identity cannot be obtained through The Department of Work and Pensions Searchlight System, Automated Transfer of Local Authority document (ATLAS) or Universal Credit Data Share documentation the claimant must provide one form of identification and one form of evidence of NINO, only original documents are acceptable.

The following may be used to provide evidence of identity:

- Birth, marriage or civil partnership certificate; or divorce, annulment, separation or ending of a civil partnership papers in your current name. If your name has changed because of marriage or civil partnership, provide your marriage or civil partnership certificate as well.
- Passport (current and valid) or Biometric Residence Permit.
- Medical card or television licence in your name.
- Gas, electricity, water or telephone bill (but not a mobile phone bill), in your name, received within the last three months.
- Current full or provisional driving licence (photocard or paper).
- Bank or building society statement or passbook.
- Certificate of employment in HM Forces or Merchant Navy.
- Letter from the Home Office about immigration status.
- Residence permit, Police Registration Certificate, Immigration and Nationality Directorate travel document, standard acknowledgement letter (SAL1 or 2) or Application Registration Card (ARC).
- Home detention curfew licence.

The following may be used to provide evidence of NINO:

- P45 or P60.
- Letter from HM Revenue and Customs about tax or tax credit.
- Bank statements showing the claimants/partners benefit payments which shows the NINO on the statement.
- Payslips, salary statement or works pension statement which shows claimant/partners name and NINO.
- Letter that the Pension Service or Jobcentre Plus
- NINO card

### **2. Verification of income and capital**

Original, copied and digital evidence is acceptable to verify income and capital as outlined below.

#### **Earned Income**

Where a claimant and/or partner are in employment they should provide:

- last five weeks if you are paid weekly, or
- the last two months if you are paid monthly, or
- the latest three fortnightly payslips

Average weekly earnings are to be calculated over the period received to date where the claimant has been:

- employed for less than five weeks or two months, and
- earnings already received is likely to represent average earnings

Where earnings have not yet been received an estimate of likely weekly earnings from the employer should be established.

Where the claimants and/or partner claimant has had a recent change in circumstances which has resulted in a change to their earnings, the officer shall use whichever period is deemed reasonable to establish an average of the claimants and/or partners earnings.

Where a claimant and/or partner is in self-employment, the officer will look at each case on an individual basis and set an appropriate income "assessment period". Verification will be dependent on the assessment period set but may include latest trading accounts or an estimate of earnings.

### **Unearned Income**

Where a claimant and/or partner have unearned income, they should provide:

- Benefit award letter from the Jobcentre Plus or The Pension Service, or
- Private pension payment letter or recent bank statement confirming payment.

### **Capital**

Where a claimant and/or partner have capital, they should provide:

- The latest two months bank statements for all accounts held by claimant and/or partner. Internet banking statements are permitted if they include the website address, name of the account holder, account number and sort code.
- Share certificates or dividend statements for stocks, shares or bonds.
- Where an interest in a property or land, which would not otherwise fall to be disregarded, is declared valuation of capital value will be determined using current processes.
- Evidence of any other capital or asset required under housing Benefit and/or Council Tax Reduction legislation.

## **3. Verification of Rent**

Original, copied and digital evidence is acceptable to rent as outlined below.

Evidence of rent can be any of the following:

- Tenancy agreement
- Rent book
- Letter from landlord/agent

The evidence of rent must include the following information:

- The name and address of the owner of the property or managing agent.
- The date the agreement started
- The amount of rent charged
- Details of what is included in the rent, for example, heating, lighting, cleaning, meals.
- The rent payment frequency.



DATA LABEL: PUBLIC



## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **COUNCIL TAX SCENARIOS 2021/22 AND 2022/23**

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

##### **A. PURPOSE OF REPORT**

To provide the Panel with an appraisal of potential scenarios regarding future council tax increases to inform discussions on the approach to achieving a balanced budget for the remaining two years of the revenue strategy for the period 2021/22 to 2022/23.

##### **B. RECOMMENDATION**

It is recommended that Panel:

1. Notes the benchmarking information provided in section D.2.2 on the rates of council tax across Scotland and England;
2. Notes the potential rates of council tax for the period 2021/22 to 2022/23 set out in section D.3 and the potential council tax scenarios to significantly reduce the extent of further service reductions to 2022/23;
3. Notes the considerations and factors to mitigate the impact of raising council tax on the poorest in West Lothian communities provided in section D.4.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable, making the best use of resources, focusing on our customers' needs and working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council is required to approve a balanced revenue budget for each financial year. Audit Scotland, the Accounts Commission and the Chartered Institute of Public Finance and Accountancy (CIPFA) best practice guidance recommends medium term financial plans are prepared for at least five years in duration, with detailed budgets prepared for at least three years.
<b>III Implications for Scheme of Delegations to Officers</b>	No implications at this stage.
<b>IV Impact on performance and performance Indicators</b>	Ongoing restraint in relation to government grant funding inevitably has implications for the council's budget and performance.
<b>V Relevance to Single Outcome Agreement</b>	The revenue budget provides resources necessary to help deliver the Single Outcome Agreement, Corporate Plan and council activities. Effective prioritisation of resources is essential to achieving key outcomes.
<b>VI Resources - (Financial, Staffing and Property)</b>	Scottish Government revenue grant funding is not sufficient to meet the increasing costs and demand for services.

Subject to the local government finance settlement, the aim is to balance the budget on a recurring basis with no additional savings, where possible. It is anticipated that one off resources can be used to address temporary pressures associated with the Covid-19 pandemic.

## **VII Consideration at PDSP**

The Partnership and Resources PDSP receives quarterly updates on the financial outlook facing the council.

## **VIII Other consultations**

There were consultations with the public on future levels of council tax in West Lothian as part of the Delivering Better Outcomes consultation.

# **D. TERMS OF REPORT**

## **D.1 BACKGROUND**

On 28 February 2020, West Lothian Council agreed an updated financial plan for three years and detailed revenue budgets for the three years 2020/21 to 2022/23. The approved budgets included budget savings to balance the budget in each of the three years along with the allocation of one-off resources to a number of priority areas of investment. In addition, Council agreed budget savings of £34.5 million over the three year period to 2022/23.

The emergence of the pandemic has created a number of financial challenges for the council. Currently there is considerable uncertainty regarding 2021/22 onwards. However, it is inevitable that there will be further Covid-19 financial pressures to be considered in the next few years.

## **D.2 COUNCIL TAX BACKGROUND**

### **D.2.1 Scottish Government Policy in relation to Council Tax**

During the nine year period 2008/09 to 2016/17 Scottish Government policy resulted in a council tax freeze in all Scottish local authorities. This was during a period where average inflation was 2.6% per annum and the population of West Lothian increased from 171,380 in 2008 to 181,310 in 2017.

The council's share of the Council Tax freeze funding over the nine year period 2008/09 to 2016/17 was £18.8 million. This income is equivalent to a 3% per year increase in Council Tax. This freeze resulted in the rate of council tax no longer taking account of the increasing costs of providing services, and it also removed the ability of local authorities to balance their budgets using council tax, which resulted in significant additional savings having to be agreed.

If council tax had been increased by 3% per annum in each of the nine years between 2008/09 and 2016/17, band D council tax would have been £1,561.42. This is £285 more than the 2020/21 council tax band D rate of £1,276.42. This demonstrates that, even with the opportunities to change the rates of council tax following 2016/17, households are still in receipt of relatively lower charges for services and significant additional savings have been required to cover the shortfall resulting from not increasing council tax for an extended period of time.

The Scottish Governments policy on council tax was that all councils had the ability, should they wish, to increase council tax by 3% in 2017/18 and 2018/19. In 2019/20 the Scottish Government announced new council tax flexibilities allowing local authorities to increase council tax by 3% in real terms, which was a 4.79% maximum cash increase in 2019/20 based on the GDP deflator. Similarly in 2020/21 the new council tax flexibilities allowed an increase of 4.84%. Information is expected in the Scottish Budget announcement on 28 January on council tax policy for 2021/22, and a verbal update will be provided on this at the PDSP meeting.

## **D.2.2 Benchmarking**

A review of the rates of council tax in Scotland and England has been undertaken to better understand the range of council tax rates in comparison to West Lothian, as well as considering wage growth versus council tax growth to consider our communities ability to pay council tax.

### **Council Tax in Scotland**

The Scottish average band D council tax (based on total band D equivalents) is £1,308 compared with the West Lothian 2020/21 band D rate of £1,276.42, meaning that West Lothian has the tenth lowest council tax band D rate in Scotland. A table setting out the band D rates across Scotland is attached in Appendix 1.

From 2017/18 to 2020/21 the average band D council tax rate for Scotland has increased from £1,173 to £1,308, an increase of £135 (11.5%) or 65p per week for four years. West Lothian's band D rate has increased by £148.42 (13.2%) or 71p per week over the same period.

As noted in section D.2.1, in financial year 2019/20 the Scottish Government announced new council tax flexibilities allowing local authorities to increase council tax by 3% in real terms, which was a 4.79% maximum cash increase based on the GDP deflator. Following this, West Lothian Council agreed that council tax would be increased by 4.79% in 2019/20, along with ten other councils. A total of 21 councils (including West Lothian) increased the rate of council tax by more than 3% in 2019/20. It should be noted that this increase had no negative impact on the collection of the 2019/20 council tax charges, with the year end collection rate being 0.23% higher than 2018/19. Under the Scottish Government policy of continuing real terms increase of 3%, local authorities had the power to increase council tax by 4.84% in 2020/21. Including West Lothian Council, 20 councils increased their council tax by 4.84%, with 27 councils (including West Lothian Council) increasing their council tax by more than 4%.

### **Council Tax in England**

In local authorities in England, including social care and parish precepts, the average band D rate has increased by £68 (3.8%) over the period 2019/20 to 2020/21. With the rate increasing from £1,750 in 2019/20 to £1,818 2020/21, the average band D rate is £517 higher than the Scottish average and £542 higher than West Lothian. It should also be noted that in 2019/20 the average increase applied by English local authorities was 4.69%.

### **Average Wage Increases**

The average full-time weekly wage in Scotland increased by 2.7% between 2019 and 2020, resulting in individuals having an average weekly increase of £15.70, increasing from £577.00 per week to £592.70 per week. When this increase is compared with the increase in Band D council tax in 2020/21 which equates to £1.13 per week, it can be demonstrated that the increase in council tax only accounts for 7.22% of the average weekly salary increases.

## **D.2.3 Transforming Your Council Consultation and 2020 Feedback**

The transforming your council consultation was completed in November 2017 and received 7,026 responses, with over 45,000 comments from all respondents. The consultation was prior to the Scottish Government allowing additional council tax flexibility. However the consultation responses supported a council tax increase of 3% per annum over each of the five years, with a small majority agreeing with the potential of increasing council tax above 3%.

Following the increase in council tax of 4.84% in 2020/21 there has been two formal complaints received by the council about the increase.

## **D.3 POTENTIAL COUNCIL TAX SCENARIOS FOR THE PERIOD 2020/21 TO 2022/23**

### **D.3.1 Budget Model Assumptions**

The budget model for the period 2021/22 to 2022/23 is currently based on the following assumptions regarding council tax:

- 800 and 900 new houses will be built per annum in each of the two years.
- 4.8% and 3% council tax increase per annum in 2021/22 and 2022/23 respectively.
- Council Tax Base 2020 (properties as at the end of August 2020) is used for the base number of band D properties. It is a financial requirement to use the most recent council tax base return for the basis of setting council tax.

Therefore it should be noted that any option to reduce council tax by less than these amounts would have an adverse impact on the budget position.

### D.3.2 Potential Council Tax Scenarios

The scenarios outlined below show the impact of percentage changes ranging from 2% in increments of 0.5% up to 5% increase, including the budget assumption of 4.8%, on both the annual income raised for the council but also on the monthly and weekly council tax band D rates.

The table below summarises the impact on the value of council tax income in one year (2021/22) of changes to the rate of council tax, a more detailed table is provided in Appendix 1:

*Table 1: Impact of different increases in Council Tax Income in 2021/22 Compared to Budget Assumptions*

	New Houses CT Income	Increase CT Income from Percentage Increase	Total Additional CT Income	Current Budget Assumption (4.8% increase)	Movement in CT Income Compared to Budget Assumption
%	£'000	£'000	£'000	£'000	£'000
2.00%	1428	1,767	3,195	5,669	(2,474)
2.50%	1428	2,209	3,637	5,669	(2,032)
3.00%	1428	2,650	4,079	5,669	(1,590)
3.50%	1428	3,092	4,520	5,669	(1,148)
4.00%	1428	3,534	4,962	5,669	(707)
4.50%	1428	3,976	5,404	5,669	(265)
4.80%	1428	4,241	5,669	5,669	0
5.00%	1428	4,417	5,846	5,669	177

The following table sets out the potential additional council tax income over the two year period compared with the assumed 4.8% and 3% per annum for 2021/22 and 2022/23 respectively, this includes the assumed council tax growth due to new house building in each year. The potential additional income is calculated based on the same percentage increase in each of the two years.

*Table 2: Total Increase in Council Tax Income Compared to Budget Assumptions*

	Potential Total Additional Income	Total Income Current Budget Assumption (4.8% 2021/22 and 3% 2022/23)	Movement in Income vs Budgeted Income
	2021/22 – 2022/23	2021/22 – 2022/23	
%	£'000	£'000	£'000
2.00%	5,900	9,383	(3,483)
2.50%	6,812	9,383	(2,571)
3.00%	7,729	9,383	(1,654)
3.50%	8,650	9,383	(733)
4.00%	9,576	9,383	193
4.50%	10,506	9,383	1,123
4.80%	11,066	9,383	1,683
5.00%	11,440	9,383	2,057

The following table provides an example of the potential band D rates in 2021/22 for each scenario and the impact this would have on monthly and weekly payments.

*Table 3: Example of Potential Band D Rates for 2021/22*

Percentage Increase %	Annual Band D Council Tax £	Monthly Band D Council Tax £	Weekly Band D Council Tax £	Weekly Movement Compared to Budget Assumption 4.8% £
2.00%	1,301.95	108.50	25.04	(0.68)
2.50%	1,308.33	109.03	25.16	(0.56)
3.00%	1,314.71	109.56	25.28	(0.44)
3.50%	1,321.09	110.09	25.41	(0.31)
4.00%	1,327.48	110.62	25.53	(0.19)
4.50%	1,333.86	111.15	25.65	(0.07)
4.80%	1,337.69	111.47	25.72	-
5.00%	1,340.24	111.69	25.77	0.05

## D.4 MITIGATING ACTIONS

Although council tax is applied to all houses, not all households are eligible to pay council tax. There are exemptions and discounts in place to reduce the tax burden for the most vulnerable in society as well as protecting low income households. The table on the following page shows the number of properties in receipt of a form of exemption, discount and Council Tax Reduction Support as at 7 September 2020.

The table helps to provide information on the number of households who are not eligible to fully pay council tax and demonstrates the following key considerations:

- 76% of properties in West Lothian are in bands A to D.
- 65% of properties in bands A to D are in receipt of a form of discount or exemption.
- 17% of properties in bands A to D are in receipt of CTRS.
- Disabled Person Reduction – council tax charged at the band immediately below the band the property is in. For band A properties this equates to a 1/9th reduction.

*Table 4: Properties in Receipt of an Exemption, Discount & CTRS*

	A	B	C	D	E	F	G	H	Total
Properties per Band	17,715	25,044	10,324	8,777	10,120	6,426	2,855	199	81,460
% of Properties	22%	31%	13%	11%	12%	8%	4%	0%	100%
<b>Exempt / Discounts</b>									
Exempt Properties	803	690	235	121	71	40	9	12	1,981
Disabled Person Reduction	43	166	88	81	108	76	42	2	606
50% discount (second homes)	10	17	16	19	15	4	4	1	86
50% discount (empty properties)	166	201	106	74	49	24	9	1	630
50% discount (disregarded adults)	9	12	3	4	4	1	1	0	34
Properties with 25% discount	10,093	10,002	4,144	2,374	1,833	779	262	13	29,500
<b>Total Properties in receipt of exemption / discount</b>	<b>11,124</b>	<b>11,088</b>	<b>4,592</b>	<b>2,673</b>	<b>2,080</b>	<b>924</b>	<b>327</b>	<b>29</b>	<b>32,837</b>
<b>CTRS</b>	<b>4,706</b>	<b>4,314</b>	<b>1,228</b>	<b>532</b>	<b>304</b>	<b>111</b>	<b>34</b>	<b>0</b>	<b>11,231</b>

## **Council Tax Reduction Scheme**

The CTRS is in place to help those on a low income pay all or part of their council tax. Single person households with net income of up to £16,750, and all other households with net income of up to £25,000, with less than £16,000 in savings are eligible to apply for assistance through CTRS. Any increase in council tax will be fully offset by an increase in CTRS, as long as the claimant's circumstances remain the same.

Universal Credit full service was introduced in West Lothian on 16 May 2018. Based on other Scottish local authority experiences, where there was a significant drop in the CTRS caseload as a result of Universal Credit full service introduction, it was recognised that there was a risk of a reduction in applications and resulting awards. This is due to there being a correlation between claimants no longer being able to claim Housing Benefit and CTRS jointly. To prevent a similar trend within West Lothian, the benefit team worked proactively to maximise CTRS take up. Key developments included a targeted take up campaign driven by utilising data held within council systems to identify potential CTRS claimants, telephone application processes and the utilisation of Universal Credit data sharing information as a claim for CTRS. This helped prevent a reduction in CTRS awards and as a result of the current pandemic, CTRS caseload has now increased from 14,457 in November 2019 to 15,420 in November 2020.

To ensure that any increases in council tax do not negatively impact low income households, CTRS continues to be actively promoted to encourage uptake. This is done in liaison with the council's Corporate Communications Team to promote CTRS via social media, the council's Anti-Poverty Service, in liaison with colleagues in Housing and via the council website.

Low-income households in West Lothian are able to access the Anti-Poverty Service for support. The focus of the Anti-Poverty Service is to support those experiencing poverty, or requiring financial assistance or to provide support by sharing resources and identifying more effective methods of delivering services that address all of our customers' needs. The service is closely linked to the West Lothian Anti-Poverty Strategy. Activities within the service remain targeted to meet the needs of the most vulnerable and disadvantaged in our communities, those with an insufficient income to live a socially acceptable lifestyle, those most at risk of financial disadvantage.

### **D.5 KEY CONSIDERATIONS**

Key considerations when looking at the potential scenarios for the level of future council tax increases are set out below.

#### **D.5.1 Requirement to Balance the Budget**

The council have made £132.7 million of savings over the period 2007/08 to 2020/21 and it is becoming increasingly challenging to make savings without impacting on the level of service provided to the public. Increases of 4.8% and 3% for 2021/22 and 2022/23 respectively are currently assumed as part of balanced budgets for these years.

#### **D.5.2 Protecting the Most Vulnerable**

CTRS is in place to help those on a low income pay all or part of their council tax, this is actively promoted to ensure that increases in council tax do not negatively impact on low income households. This is undertaken in conjunction with the promotion of the available discounts and exemptions to ensure there is uptake from those who are entitled to additional support and reductions in liability. It should be noted that any increase in council tax will be fully offset by an increase in CTRS, as long as the claimant's circumstances remain the same. Officers will continue to prioritise how best to promote CTRS and other available support.

#### **D.5.3 Local Government Finance Settlement**

The General fund revenue grant (including Health and Social Care) accounted for 81% of funding to the council in 2020/21, with council tax providing only 19% of the total funding available. Therefore any changes to the local government finance settlement could have a significant impact on the funding available to the council and, without utilising the flexibility in raising council tax, there is limited ability to offset potential reductions to funding. There remains significant uncertainty over

future funding levels which could potentially increase the gap; this includes consideration of the potential impact of Covid-19, Brexit as well as UK and Scottish Government spending decisions.

#### **D.5.4 Impact of Covid-19 Pandemic on Ability to Pay and Collection Rates**

The council has made good progress in providing a number of support packages to communities and businesses across West Lothian to help alleviate the impact of the pandemic, particularly targeted to those most vulnerable. The council has received various elements of funding from Scottish Government to help deliver support packages and manage the financial consequences of Covid-19.

It is anticipated that as the furlough scheme ends at the end of April 2021 and employers have to pay a higher proportion of staff wages, there will be further increases in redundancies. This could impact on council tax collection rates and will result in increases in CTRS claims and awards.

The budgeted council tax collection rate for 2020/21 is 97.75%. As a result of the pandemic, there has been a reduction in council tax collection rates in 2020/21 for in year and prior year charges. This will have an impact on the income received in the current financial year, resulting in an under recovery against budget. Other local authorities are currently seeing a reduction in collection of between 1% and 3%. The table below illustrates the year on year reduction in collection rates from April to December 2020:

*Table 5: Reduction in Council Tax Collection Rates for 2020/21*

<b>Month</b>	<b>Apr-20</b>	<b>May-20</b>	<b>Jun-20</b>	<b>Jul-20</b>	<b>Aug-20</b>	<b>Sep-20</b>	<b>Oct-20</b>	<b>Nov-20</b>	<b>Dec-20</b>
<b>Reduction</b>	-0.41%	-0.82%	-0.86%	-1.15%	-1.22%	-1.21%	-1.40%	-1.43%	-1.68%

For 2020/21 Council Tax income is forecast to under recover by £1.013 million at 31 December 2020, this projected under recovery is based on an estimate of 1.7% reduction in council tax collection for 2020/21. Housebuilding has also been impacted as a result of Covid-19, with sites being closed for the first three months of 2020/21. The budget assumes that 900 new houses will be built in 2020/21, however the projection has been revised to 500 house completions. The financial impact on the 2020/21 budget is not as material as initially expected, due to there being over 600 houses completed between September 2019 and March 2020. These houses were not included in the 2020/21 budget as the budget is set each year on the August band D report

There has been a large increase in CTRS awards in 2020/21 which has meant a significant increase in CTRS costs. CTRS is forecast to overspend by £226,000 at 31 December 2020, this is after accounting for additional funding of £760,000 received from the Scottish Government.

The success of directing those in financial hardship to CTRS scheme has meant that collection rates have remained higher than originally anticipated given the major impact the pandemic is having on household incomes. The exemptions and discounts in place to reduce the tax burden for the most vulnerable as well as protecting low income households will also help with the collection rates.

#### **E. CONCLUSION**

This report sets out for the Panel currently agreed budget assumptions for council tax for the period 2021/22 to 2022/23 along with a range of scenarios for council tax, and the financial implications associated with these. The report also includes consideration of the West Lothian council tax charge in comparison to other local authorities.

The report considers the impact of the potential increases to council tax payers and mitigation available to reduce the impact on the poorest in West Lothian communities.

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

Revenue Budget 2020/21 to 2022/23 – Report by Head of Finance and Property Services to West Lothian Council on 28 February 2020

Appendices/Attachments:

Appendix 1 – Council Tax Tables

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**Donald Forrest**  
**Head of Finance and Property Services**  
5 February 2021



## **APPENDIX 1 – COUNCIL TAX TABLES**

**Table 1 – 2020/21 Scottish Council Tax Band D Rates**

<b>Rank (1 = Lowest 32 = Highest)</b>	<b>Local Authority</b>	<b>2020/21 Band D Rate £</b>
1	Eilean Siar	£1,193.50
2	South Lanarkshire	£1,203.09
3	Shetland Islands	£1,206.33
4	Angus	£1,206.54
5	Orkney Islands	£1,208.48
6	North Lanarkshire	£1,221.24
7	Dumfries & Galloway	£1,222.63
8	Falkirk	£1,225.58
9	Scottish Borders	£1,253.91
<b>10</b>	<b>West Lothian</b>	<b>£1,276.42</b>
11	Fife	£1,280.80
12	East Renfrewshire	£1,289.96
13	West Dunbartonshire	£1,293.54
14	Aberdeenshire	£1,300.81
15	East Lothian	£1,302.61
16	Clackmannanshire	£1,304.63
17	East Dunbartonshire	£1,308.98
18	Perth & Kinross	£1,318.10
19	Moray	£1,322.87
20	Inverclyde	£1,331.84
21	Highland	£1,332.34
22	Edinburgh, City of	£1,388.58
23	North Ayrshire	£1,342.69
24	Stirling	£1,344.29
25	South Ayrshire	£1,344.96
26	Argyll & Bute	£1,367.73
27	Renfrewshire	£1,373.73
28	East Ayrshire	£1,375.35
29	Aberdeen City	£1,377.30
30	Dundee City	£1,379.00
31	Glasgow City	£1,386.54
32	Midlothian	£1,409.00

**Table 2 – 2021/22 Council Tax Increases**

	<b>Band D Council Tax</b>	<b>No of Band D Properties</b>	<b>CT Collection Rate</b>	<b>Total CT Income</b>	<b>Officer Budget Income (4.8% increase)</b>	<b>(Decrease) / Increase in CT Income</b>
<b>%</b>	<b>£</b>			<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
2.00%	1,301.95	70,807	97.75%	90,113	92,587	(2,474)
2.50%	1,308.33	70,807	97.75%	90,555	92,587	(2,032)
3.00%	1,314.71	70,807	97.75%	90,996	92,587	(1,591)
3.50%	1,321.09	70,807	97.75%	91,438	92,587	(1,149)
4.00%	1,327.48	70,807	97.75%	91,880	92,587	(707)
4.50%	1,333.86	70,807	97.75%	92,322	92,587	(265)
4.80%	1,337.69	70,807	97.75%	92,587	92,587	0
5.00%	1,340.24	70,807	97.75%	92,763	92,587	176

**Table 3 - 2021/22 – 2022/23 Potential Impact on Council Tax Income**

	2021/22			2022/23			Total Increase 2021/22 to 2022/23	Total Officer Budget Income (4.8% 2021/22 and 3.0% 2022/23)	Movement in CT Income Vs Budget
	Additional Funding from New Houses	Additional Funding from % Increase	Total Increase	Additional Funding from New Houses	Additional Funding from % Increase	Total Increase			
	£'000	£'000	£'000	£'000	£'000	£'000			
2.00%	1,428	1,767	<b>3,195</b>	885	1,820	<b>2,705</b>	5,900	9,383	(3,483)
2.50%	1,428	2,209	<b>3,637</b>	889	2,286	<b>3,175</b>	6,812	9,383	(2,571)
3.00%	1,428	2,650	<b>4,079</b>	894	2,757	<b>3,650</b>	7,729	9,383	(1,654)
3.50%	1,428	3,092	<b>4,520</b>	898	3,232	<b>4,130</b>	8,650	9,383	(733)
4.00%	1,428	3,534	<b>4,962</b>	902	3,711	<b>4,614</b>	9,576	9,383	193
4.50%	1,428	3,976	<b>5,404</b>	907	4,195	<b>5,102</b>	10,506	9,383	1,123
4.80%	1,428	4,241	<b>5,669</b>	909	4,488	<b>5,397</b>	11,066	9,383	1,683
5.00%	1,428	4,417	<b>5,846</b>	911	4,684	<b>5,595</b>	11,440	9,383	2,057



DATA LABEL: PUBLIC



**PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

**CORPORATE STRATEGY ANNUAL UPDATE 2019/20 – CORPORATE ASSET MANAGEMENT STRATEGY**

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

**A. PURPOSE OF REPORT**

The report provides the Panel with a review of the Corporate Asset Management Strategy for the financial year 2019/20, including progress against the planned actions and an overview of the performance to date.

**B. RECOMMENDATIONS**

It is recommended that the Panel:

1. Notes the performance against the outcomes; and
2. Notes the progress made in implementing the key activities and actions.

**C. SUMMARY OF IMPLICATIONS**

<b>I. Council Values</b>	Focusing on our customers' needs; Being honest, open and accountable; Making best use of our resources
<b>II. Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	None.
<b>III. Implications for Scheme of Delegations to Officers</b>	None.
<b>IV. Impact on performance and performance indicators</b>	A performance scorecard has been developed to support the delivery of the strategy outcomes. This will be used to track and monitor performance of key indicators throughout the period of the strategy and reported publicly.
<b>V. Relevance to Single Outcome Agreement</b>	Priorities identified within the Single Outcome Agreement are supported by an effective Corporate Asset Management Strategy.

- |              |   |   |
|--------------|---|---|
| <b>VI.</b>   | <b>Resources (Financial, Staffing and Property)</b> | Resources deployed in the management of assets are outlined within the specific asset management plans for each asset category.   |
| <b>VII.</b>  | <b>Consideration at PDSP</b>                        | This report is presented annually for consideration by the Partnership and Resources Policy Development and Scrutiny Panel (PDSP).  |
| <b>VIII.</b> | <b>Other consultations</b>                          | The strategy was developed through consultation with the key stakeholders, Depute Chief Executives and Heads of Service and the relevant PDSP. The strategy and relevant resources were approved by Council Executive in February 2018. |

## **D. TERMS OF REPORT**

### **D.1 Background**

The council has a clear mission, values and strategic outcomes. These influence every part of the way that we operate and also how we evaluate our success as an organisation. The council has also developed a set of integrated corporate strategies that will help to improve the quality and value of our services and drive a culture of performance and transformation at all levels of the organisation.

There are two features that allow tracking of progress in the strategy outcomes and measuring delivery, these are:

- Performance indicators that are linked to the strategy outcomes and key activities; and
- Action / Management Plans comprising defined outcomes, actions, timescales, resources and responsible officers.

In line with monitoring and reporting requirements for corporate strategies, this report provides an update for the 2019/20 financial year on the performance of strategy outcomes and progress in the action plan. The report is later than normal due to the impact of the Covid-19 pandemic.

### **D.2 Corporate Asset Management Strategy**

West Lothian Council, in February 2018, approved a new Corporate Asset Management Strategy (CAMS) for 2018/19 to 2027/28. The CAMS covers all assets and resources deployed by the council to support the delivery of services and comprises Property, Open Space, Roads and other Infrastructure, ICT, Housing and Fleet asset categories.

Whilst each asset category has its own asset management plan that is reported upon separately to their appropriate Policy Development and Scrutiny Panel, the CAMS establishes the overall governance structure, strategic outcomes and activity themes.

### D.3 Strategy Outcomes

The general vision of the CAMS is to manage assets efficiently and effectively to support the achievement of corporate priorities and to ensure that resources deployed in their management have maximum benefit. To support the achievement of this, the following strategic outcomes are identified:

1. Compliance
2. Condition
3. Suitability
4. Sufficiency
5. Utilisation
6. Accessibility
7. Sustainability





For each asset category a number of performance measures are used to monitor and measure achievement and progress against these strategic outcomes. Whilst each asset category's management plan is reported separately, a number of performance measures are identified within the strategy.

### D.4 Performance Scorecard

The strategy scorecard is a reporting tool that is used to monitor progress of the performance indicators in each strategy outcome. Achievement in the key activities can be tracked and it also allows officers to identify areas for improvement.

The scorecard provides a snapshot of performance to date across the whole strategy and a copy is included in Appendix 1.

A total of 53 performance indicators are contained in the scorecard and this is managed using the council's performance management system (Pentana). At present, the status of those indicators is as follows:

Summary of Performance Indicator status (RAG)	
Status (against target)	Number of PIs
 Green	43
 Amber	3
 Red	7
 Unknown	0

The following commentary confirms the performance and the corrective action that will be taken to address those indicators that are currently triggering as red.

## Outcome 2: Condition

Indicator: P:ITS090_9b.1c Annual Percentage of ICT Corporate desktop and laptop assets in use beyond their expected lifespan			
Performance 2019/20	Target 2019/20	Target 2020/21	Target 2022/23
25%	0.5%	0.5%	0.5%

The trend chart demonstrates that between 2015/16 and 2018/19 the council's capital investment has maintained the corporate desktop and laptop estate ensuring no desktop equipment was in use beyond the asset lifecycle seven-year period.

Performance in 2019/20 declined as a result of Covid-19, 380 devices were planned to be refreshed or replaced with 95 (25%) failing to be completed. This was as a result of delivery of stock and social distancing measures introduced.

A yearly project is in place to ensure that all devices due for replacement are replaced as part of the seven-year lifecycle.

The target for 2020/21 will be maintained at 0.5%.

## Outcome 3: Suitability

Indicator: P:RTS107_9b.1a Number of people killed or seriously injured in road accidents			
Performance 2019/20	Target 2019/20	Target 2020/21	Target 2022/23
66	43	50	50

This performance indicator shows the number of people killed or seriously injured in road accidents within West Lothian as published annually by the Scottish Government. This indicator is a combination of the separate casualty reduction targets for the number of people killed and the number of people seriously injured in line with Scottish Government national casualty reduction targets.

There was an increase in the number of people killed or seriously injured in West Lothian in 2019 compared to 2018. The figures for 2019 show there were 54 people killed or seriously injured, an increase of nine from 2018. Of these, sadly seven people were killed with 59 people being seriously injured.

## Outcome 3: Suitability

Indicator: SCL05b Percentage of Adults satisfied with Parks and Open Spaces			
Performance 2019/20	Target 2019/20	Target 2020/21	Target 2022/23
85%	90%	90%	90%

This performance indicator was previously based on information gathered via the Scottish National Household Survey. That survey information is now only gathered every three years and for that reason, information for this publicly reported performance indicator is now based on NETs Land and Countryside Services' own



internal customer satisfaction surveys. The 90% target reflects the levels of ongoing investment in the council's parks and public open spaces.

#### Outcome 4: Sufficiency

Indicator: HQSLETS001m_9b Average length of time taken to re-let mainstream properties				
Current Performance Dec.2020	Target Dec.2020	Target Jan.2021	Target 2022/23	
43.19	32	32	32	

In November 2020 there were 56 properties let, taking an average of 41.25 days. Although above the target of 32 days, this is an improved position on the previous month.

In October 2020 there were 60 properties let taking 54.27 days. In September 2020 there were 46 properties let taking 44.19 days. The impact of Covid19 remains the key factor for the increase in time to let.

The target for 2020/2021 is set at 32 days and the service anticipates a reduction in the number of properties becoming available for re-letting as the council's extensive new-build programme has been completed, with the majority of the next new-build sites coming on stream in 2021/2022. The impact of Covid-19 is also a factor in terms of turnover.

#### Outcome 5: Utilisation

Indicator: P:PMD162_9b.1c Retail Portfolio – Percentage of Total Shops Let				
Current Performance Dec.2020	Target Dec.2020	Target Jan.2021	Target 2022/23	
81.59%	94%	94%	94%	

The council's Tenanted Non-Residential Property (TNRP) portfolio includes a stock of 103 commercial retail units that are leased on commercial terms to local and national businesses. Occupancy rates across the TNRP portfolio are typically very high and the portfolio performs extremely well. As a consequence of the ongoing trading difficulties arising from the Covid-19 pandemic, a higher than normal percentage of council-owned retail units have fallen vacant. Officers continue to engage with our business tenants to provide support wherever it is possible to do so and confidence remains that occupancy rates will recover as the sector emerges from the pandemic.

#### Outcome 6: Accessibility

Indicator: ITS029_6b.5 Number of ICT Service Desk Telephone calls				
Performance 2019/20	Target 2019/20	Target 2020/21	Target 2022/23	
40,436	32,000	32,000	32,000	

Performance in 2019/20 declined as calls increased by 8,182 over the year, a spike of calls during March as a direct result of Covid19 can account for the majority of the increase as the IT Self-Service portal also saw a rise in usage.

The continued promotion of the self-service portal over the period 2015/16 to 2018/19 has reduced the number of calls received to the IT helpdesk by 12,743. The promotion of the self-service portal remains a key objective for 2020/21, the target remains set at 32,000 for 2020/21.

#### Outcome 7: Sustainability

● Indicator: P:SOA1308\_10 Energy generated as a result of the installation of renewables and low carbon technology. kWh of electricity produced (Cumulative)  
Source: WLC, Annual

Performance 2019/20	Target 2019/20	Target 2020/21	Target 2022/23
248,668	330,000	330,000	390,000

The data is a combination of the outputs from the council's installed solar photovoltaic (PV) systems. Generation has decreased to 248,668kWh in 2019/20, down from 259,866kWh in 2018/19. The causes of this drop were the system at Linlithgow Academy being offline for a period whilst significant electrical works were undertaken over the summer, and an issue with the system at Kirkton Service Centre, which has now been resolved. Achieving the target has been difficult due to delays with the installation at St Kentigern's Academy, although this has now been completed. The aim is to achieve the generation target of 330,000kWh in 2020/21.

### **D.5 Highlights 2019/2020**

Over the course of 2019/20, progress on the delivery of actions and the sustaining and improvement of performance has generally occurred for all asset categories. As noted, each of the asset category has its own asset management plan and these are reported separately. Within these separate update reports, progress is outlined. The following are key highlights on projects and actions progressed during 2019/20 for each of the asset categories.

#### **D.5.1 Property**

The management of property continues to be driven by sustaining and where possible improving performance across all measures and portfolios. Ensuring safe and good environments to support service delivery whilst improving the efficiency of resources deployed in the management of property has continued to be achieved during 2019/20.

In pursuance of this, during 2019/20 approximately £4million has been invested in general planned improvements to the Learning Estate, with building condition being sustained and improved where possible, with all schools continuing to be in satisfactory or better condition. For other operational property, condition is now at over 90% in satisfactory or better condition. We also continue to adopt a pro-active approach to statutory compliance with fire safety, asbestos and legionella being managed effectively. The council invested approximately £8.7million in ensuring our buildings are safe and statutorily compliant.

On suitability, sufficiency / utilisation and accessibility measures performance has been sustained and where advised improved. Projections for 2020/21 indicate that this trend is likely to continue. On sustainability and energy efficiency we have continued to make reductions in consumption and our overall impact on the environment.

Projects to sustain and improve the performance of learning environments have been progressed and completed during 2019/20, the most notable amongst these being upgrades to the Linlithgow Academy Science along with a number of toilet refurbishments at a number of primary schools.

The council's commitment to the improvement and expansion of the learning estate to support residential development across the county continued with significant project development works undertaken to deliver the development of new denominational and non-denominational secondary schools at Winchburgh together with the delivery of two new primary schools at Winchburgh and East Calder. The provision of a new Beattie ASN School was agreed with part-funding being provided by the Scottish Government.

Projects to deliver newly refurbished partnership centres in Livingston North and Whitburn continued to progress during 2019/20 and these will be completed during 2020/21 and 2021/22 respectively.

#### **D.5.2 Roads, Footpaths and other assets**

The management of roads, footpaths and other assets covers a diverse range of assets and mainly focusses on ensuring they are safe, kept in adequate condition and improvements are made where required. The assets include over 1,043 km of public roadway, 1,390 km of public footway, 48,193 street lights, 163 traffic light installations, 2,419 grit bins, 11,295 illuminated and non-illuminated signs and bollards, 578 bridges and other structures.

Notable achievements over the past year have included the investment of approximately £3.1 million in roads and footpaths. A further £2.9 million was invested in road lighting including the replacement LED programme which continues to progress well. A £4 million investment was made in the maintenance and improvement of the council's bridge assets, including £2.2 million on the construction of the new Skolie Burn Bridge.

A programme of Cycling Walking Safer Streets (CWSS) projects continue to be progressed. The provision of a new section of footway on MacIntosh Road was completed. Officers also secured grant funding for the construction of a new cycle path connecting Armadale to Whitburn through Sustrans under Places for Everyone with works programmed to be carried out in 2020/21.

The design of a number of flood prevention and drainage projects progressed throughout the year. The main achievement was the completion of the rock ramp fish passage at Howden Bridge Weir in May 2019, the project being highly commended at the Nature of Scotland Awards 2019

£1.4 million of projects was also delivered in villages and towns across West Lothian through Town Centre funding.

### **D.5.3 Open Space**

Asset performance has continued to generally improve due to investments in excess of £2.7million on Open Space and Sports facilities projects and planned improvements. This demonstrates the council's continued commitment to sustaining and improving the overall availability, accessibility and quality of our open space facilities.

Projects to note for Open Space include completion of new synthetic pitches at Linlithgow Academy and James Young High School; and park improvements at Bridgend Park that include a new pump track. Over £371,000 was also invested in children's play areas including those at Blackburn Road, Blackburn; Almondell Country Park, East Calder; Balbardie Park Play Area, Bathgate; Kirkton Park, Letham Park, Sutherland Way Park in Livingston; and Maryfield Play Area in Mid Calder

### **D.5.4 ICT**

There was good progress on the delivery of ICT asset investments during 2019/20 with completion of the upgrade of the central storage platform (long term storage location for all of the council's information), upgrade of the council's antivirus and cyber security software capabilities across the whole estate and successful migration of desktops/laptops from Windows 7 to Windows 10 across corporate and education.

Procurement of Microsoft Exchange 2019 and Office 2019 licencing completed with the rollout of Microsoft Office progressing well during 2019/20 and continuing into 2020/21.

The council's Windows Central Servers were upgraded during 2019/20, contracts have been awarded for the replacement of Unix servers and Window Server 2019 licences. Both are on target to deliver during this capital programme year.

### **D.5.5 Housing**

Significant resources continue to be invested in the creation and acquisition of new homes, with budgeted resources of £16.489 million in 2019/20. New housing supply includes increasing the existing council housing stock through new builds, open market acquisitions and mortgage to rent properties. Good progress is being made, with a large number of projects completed during 2019/20 at Kirkhill (Broxburn), Drumshoreland (Pumpherston), Deans South (Livingston), Almondell (East Calder) and Almondvale Stadium (Livingston) and a number of new build projects on site. Developments are underway at Wester Inch (Bathgate) and Standhill (Bathgate).

Investment in refurbishments, major elemental upgrades and planned improvements to existing housing stock have progressed well during 2019/20 with approximately £6.9million expended in these areas. These represent major investments in ensuring that our housing stock condition is sustained and where possible improved.

Compliance works to housing stock include asbestos management, legionella upgrades, periodic testing and electrical upgrades and a number of energy efficiency projects aimed at meeting the requirements of Scotland's Energy Efficiency Standard for Social Housing (EESH) regulations by the end of December 2020. These works include central heating upgrades, enhanced investment in external wall insulation and PV panels. The programme consists of approximately: 883 central heating replacements, periodic testing of 1,765 houses and the installation of hard-wired smoke detectors in 1,644 properties.

## **D.5.6 Fleet**

Fleet Services ensure the council continues to comply with the terms, conditions and undertakings of the Goods Vehicle Licensing of Operators act 1995 and hold responsibility for the procurement, management and disposal of the Councils fleet and mechanical equipment. The service is currently undergoing a comprehensive improvement programme to enhance the valued support it provides. Its workshop facility at Whitehill Service Centre has continued to operate throughout nationwide restrictions in support of frontline services including social care and waste collection. The council has also been accepted as members of the nationwide fleet recognition scheme "Eco-Stars" which will help improve fleet efficiency, reduce fuel consumption and emissions and make cost savings whilst reducing environmental impact in West Lothian.

## **D.6 Strategy Activities**

The CAMS does not contain specific actions with timescales and responsibilities as it primarily establishes the overarching priorities and activity areas. For each asset category, activities and workstreams are aligned to the priority performance measures and these are carried through to the appropriate asset management plans.

In addition to the corporate priority measures, there are general activity themes that are identified to support the delivery of improvements and asset modernisation that will improve the overall effectiveness and efficiency of asset management and the investments made. In summary these general activity themes are as follows:

### **D.6.1 Activity Theme: Asset Efficiency and Effectiveness**

Status: Active

Objective: All resources deployed in the management of all assets will be regularly reviewed with proposals to improve the effectiveness and the efficiency of assets in supporting service delivery and the improvement of priority performance measures (i.e. compliance, condition etc).

General Update: Through the council's performance management framework and the monitoring and governance of asset management plans and the capital programme through the Capital and Asset Management Board, Asset Lead Officers are encouraged to review service delivery and ensure that effective monitoring of performance measures associated with their category is undertaken and reported upon regularly. Assessing the effectiveness of assets to support service delivery is a key element of all asset management plans.

This will continue to enable the development of improvement initiatives and programmes (i.e. Office Modernisation; review of open space; LED lighting replacement etc) which will improve the efficiency of assets and the resources we deploy in their use.

### **D.6.2 Activity Theme: Project Management**

Status: Active

Objective: Investment across all asset categories will be prioritised based on corporate and asset management priorities and in supporting service modernisation initiatives. Projects and programmes

developed to deliver these will be subject to effective governance with outcomes identified and measured.

General Update: As part of developing investment proposal strategic outline business cases continue to form the first step and a key component in the prioritising and allocation of resources. For major projects key stage reviews are used to ensure that projects are developed effectively in line with business case requirements and corporate parameters are met and progress is in accordance with timescales.

To ensure that resources allocated are deployed effectively and efficiently, governance arrangements are in place to monitor progress, identify risks and to enable action where necessary.

Examples of effective project management include monthly project monitoring, variance reporting to the Capital Asset Management Board, project updates to the ICT Board and post project reviews and evaluation.

**D.6.2 Activity Theme: Delivery Models**

Status: Active

Objective: All service leads for asset categories and senior responsible officers will review the methods and delivery models for projects and programmes under their remit.

General Update: As part of achieving the effective delivery of projects and programmes, ensuring the appropriate method of delivery or procurement is essential. In support of this activity, Asset Lead Officers will seek to ensure appropriate approaches are applied to projects to ensure effective delivery. Examples of this include using HUBco for some school projects, traditional procurement for small projects, framework contracts for planned improvement works and in-house teams for appropriate maintenance works.

**D.6.3 Activity Theme: Partnership Working**

Status: Active

Objective: Working collaboratively with partners and communities to deliver services will benefit the delivery of outcomes and provide greater opportunities for success across all asset categories. This area of activity will seek to implement activities to maximise opportunities for partnership working where they improve the effectiveness and efficiency of the management and use of our assets.

General Update: The council is committed corporately to working in partnership and good examples include SEstran, Tenants Panel, Digital Office, Scottish Government, partnership centres and community asset transfer.

**E. CONCLUSION**

The Corporate Asset Management Strategy 2018/19 to 2027/28 is designed to support the council's aim of managing its assets effectively and efficiently to support the delivery of services. It has supported the establishment of structures and governance

arrangements in pursuance of this and facilitated a consistent performance framework across asset categories. The strategy remains relevant and appropriate with the scorecard showing that performance continues to generally improve across all asset categories. Where performance targets have not been achieved, appropriate actions are proposed and are outlined in the report.

## **F. BACKGROUND REFERENCES**

Corporate Asset Management Strategy 2018/19 to 2027/28 - Report by Head of Finance and Property Services approved by Council 13 February 2018

### **Appendices/Attachments:**

Appendix 1: Corporate Asset Management Strategy Scorecard

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**Donald Forrest**  
**Head of Finance and Property Services**

5 February 2021








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## Appendix 1

# Asset Management Strategy 2018-28

### Corporate Strategy - Asset Management 2018-28









#### Outcome 1 – Compliance






Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:CSg430_9b.1a Percentage of Properties with a Five Yearly Fire Safety Risk Assessment (FSRA) updated within required timescales.	December 2020	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:CSg450_9b.1a Percentage of Operational Properties with Legionella Risk Assessments less than 30 months old	December 2020	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:CSg655_9b Percentage of buildings with responsible person identified	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:CSg656_9b Percentage of buildings with up to date compliance log books	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:FTS062_9b.1c Percentage of Heavy Goods vehicles passing their MOT test first time	2019/20	96.06%	100%	.Head of Operational Services (J Jack)
	P:HQSARC15_6b Percentage of properties that had a gas safety check and record complete by the anniversary date	2019/20	100%	100%	.Head of Housing, Customer and Building Services (AM Carr)
	P:ITS065_9b.1c Annual Public Sector Network (PSN) compliance certification	2019/20	100%	100%	.Head of Corporate Services (J Whitelaw)









Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:ITS088_9b.1c Annual Percentage of ICT assets that comply with EU safety standards	2019/20	100%	100%	.Head of Corporate Services (J Whitelaw)
	P:NLCS032_6b.5 Play Areas - Percentage of notifications of unsafe play equipment responded to within 1 working day	December 2020	100%	100%	.Head of Operational Services (J Jack)
	P:RTS100_9b.2a Percentage of the overall Road Network which should be considered for maintenance treatment.	2019/20	27.3%	31%	.Head of Operational Services (J Jack)

## Outcome 2 - Condition

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:FTS042_9a.1a Average annual maintenance cost per vehicle - All Cars (Pool).	2019/20	£453.93	£650.00	.Head of Operational Services (J Jack)
	P:HQSHSD421_9b Percentage of council houses meeting the Scottish Housing Quality Standard (SHQS).	2019/20	94.24%	100%	.Head of Housing, Customer and Building Services (AM Carr)
	P:ITS078_9b.1a Annual Percentage of ICT faults related to hardware failure	2019/20	0.8%	3%	.Head of Corporate Services (J Whitelaw)
	P:ITS079_9b.1c Annual Percentage of ICT Corporate desktop and laptop assets in use beyond their expected lifespan.	2019/20	25%	0.5%	.Head of Corporate Services (J Whitelaw)
	P:NLCS104_9b.2a Quality assessment score on Open Spaces in West Lothian	2019/20	95	93	.Head of Operational Services (J Jack)
	P:PAMP203_9b.2 Percentage of Secondary Schools considered to be in Satisfactory or better condition.	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:PAMP204_9b.2 Percentage of Primary Schools considered to be in Satisfactory or better Condition.	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:PAMP205_9b.2 Percentage of Additional Support Needs Schools considered to be in Satisfactory or better Condition	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:PAMP206_9b.2 Percentage of Nursery Schools considered to be in Satisfactory or better Condition	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:PAMP207_9b.2 Percentage of Other Operational Properties (non-education) considered to be in Satisfactory or better Condition	2019/20	94.2%	94%	.Head of Finance and Property Services (D Forrest)
	P:PMD181_9b Percentage of Admin Buildings considered to be in Satisfactory or better Condition.	2019/20	100%	100%	.Head of Finance and Property Services (D Forrest)
	P:RTS100_9b.2a Percentage of the overall Road Network which should be considered for maintenance treatment.	2019/20	27.3%	31%	.Head of Operational Services (J Jack)
	P:SCORPASSET02 Proportion of Internal Floor Area of Operational Buildings in Satisfactory Condition	2019/20	99.6%	99%	.Head of Finance and Property Services (D Forrest)






### Outcome 3 – Suitability



Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	ITS087_9b.1c Annual Percentage of active network accounts fit for purpose	2019/20	100%	100%	.Head of Corporate Services (J Whitelaw)
	RTS094_9b.2a Percentage of lighting columns exceeding life expectancy	2019/20	19.44%	23%	.Head of Operational Services (J Jack)
	P:RTS103_9b.1a Bridges- Percentage failing 40 tonnes (All bridges)	Q2 2020/21	0.88%	1%	.Head of Operational Services (J Jack)
	P:RTS107_9b.1a Number of people killed or seriously injured in road accidents	2019	66	50	.Head of Operational Services (J Jack)
	SCL05b Percentage of Adults satisfied with Parks and Open Spaces	2018/19	81.3%	90%	.Head of Operational Services (J Jack)
	P:SCORPASSET01 Proportion of Operational Buildings that are Suitable for their Current Use	2019/20	96.31%	96%	.Head of Finance and Property Services (D Forrest)

#### Outcome 4 - Sufficiency






Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	HQSLETS001m_9b Average length of time taken to re-let mainstream properties	December 2020	43.19	32	.Head of Housing, Customer and Building Services (AM Carr)
	P:ITS071_9b.2 Maintain Optimum Server Processing Capacity	2019/20	24%	75%	.Head of Corporate Services (J Whitelaw)
	P:ITS072_9b.2 Percentage of Annual Service Continuity Test that Supports WLC1 Business Continuity Plans	2019/20	100%	100%	.Head of Corporate Services (J Whitelaw)
	PMD200_9b.1a Percentage of properties that are considered satisfactory or better in terms of sufficiency	2019/20	100%	95%	.Head of Finance and Property Services (D Forrest)

#### Outcome 5 - Utilisation


Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:FTS067_9b.1c Percentage of Fleet Utilisation	Q4 2019/20	3.22%	4%	.Head of Operational Services (J Jack)
	P:PAMP401_9b.1c Total Office Accommodation Area (m2) per staff FTE	2019/20	13.16	15	.Head of Finance and Property Services (D Forrest)
	P:PAMP405_9b.1c Average School Estate Capacity (% roll to total capacity)	2019/20	80%	83%	.Head of Finance and Property Services (D Forrest)
	P:PMD161_9b.1a Industrial Portfolio - Percentage of Total Units Let	December 2020	96.91%	90%	.Head of Finance and Property Services (D Forrest)
	P:PMD162_9b.1a Retail Portfolio - Percentage of Total Shops Let.	December 2020	81.59%	94%	.Head of Finance and Property Services (D Forrest)







Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:PMD163_9b.1a Office Portfolio - Percentage of Office Units Let	December 2020	88.89%	90%	.Head of Finance and Property Services (D Forrest)
	P:PTS097_9b.1c Percentage of Community Transport bus runs which are completed	2019/20	100%	100%	.Head of Operational Services (J Jack)

#### Outcome 6 - Accessibility

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	ITS025_6b.5 Annual Percentage of Service Desk calls answered within 20 seconds	2019/20	73.1%	80%	.Head of Corporate Services (J Whitelaw)
	ITS029_6b.5 Number of ICT Service Desk Telephone calls	2019/20	40,436	32,000	.Head of Corporate Services (J Whitelaw)
	P:PAMP501_9b.2 Percentage of all operational buildings from which the council delivers services that are fully accessible for disabled persons.	2019/20	75.8%	78%	.Head of Finance and Property Services (D Forrest)
	PTS004_6a.7 Percentage of Service Users who rated the overall quality of the service provided by Community Transport as good or excellent.	2019/20	89.5%	90%	.Head of Operational Services (J Jack)
	RTS038_6b.5 Percentage of Abnormal Loads Processed on Time (2 Days)	Q2 2020/21	100%	100%	.Head of Operational Services (J Jack)

#### Outcome 7 - Sustainability

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	P:CMP001_9b.1 Carbon Footprint - Total annual carbon emissions (tonnes CO2e) from non-domestic buildings, transport, external lighting, waste and water.	2019/20	36,635	49,443	.Head of Planning, Economic Development and Regeneration (C McCorriston)

Status	Performance Indicator	Last Update	Current Value	Current Target	Lead officer(s)
	CMP002_9b.1 Total Annual CO2 - Transport	2019/20	4,666,225	6,056,000	.Head of Operational Services (J Jack)
	ITS056_8b Annual Percentage of IT Desktop equipment with power management policies	2019/20	99.44%	98%	.Head of Corporate Services (J Whitelaw)
	P:PAMP610_9b.2 Number of Properties with renewable and low carbon energy generation installation	2019/20	21	21	.Head of Finance and Property Services (D Forrest)
	P:PMD202_9b Average life expectancy of all property assets	2019/20	16	18	.Head of Finance and Property Services (D Forrest)
	P:RTS093_9b.2b Lighting Energy Consumption (kwh)	Q3 2020/21	3,420,341	3,800,000	.Head of Operational Services (J Jack)
	P:SOA1308_10 Energy generated as a result of the installation of renewables and low carbon technology. kWh of electricity produced (Cumulative) Source: WLC, Annual	2019/20	248,668	330,000	(R)SOA13 Admin



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## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCUTINY PANEL**

### **PROPERTY ASSET MANAGEMENT – PERFORMANCE UPDATE**

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

##### **A. PURPOSE OF REPORT**

This report updates the Panel on the performance of Property Asset Management for 2019/20.

##### **B. RECOMMENDATION**

It is recommended that the Panel notes:

1. The overall condition and suitability of Property Assets for 2019/20;
2. The overall performance of Property Assets;
3. The projects that have contributed to delivery of the council's property asset management priorities.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I Council Values</b>	Being honest, open and accountable, making best use of our resources, working in partnership.
<b>II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The council is required to demonstrate best value through a structured framework for the management of its property assets. No environmental equality or health and safety issues have been identified.
<b>III Implications for Scheme of Delegations to Officers</b>	None.
<b>IV Impact on performance and performance Indicators</b>	Scottish Specified Performance Indicators Framework – Suitability and Condition.
<b>V Relevance to Single Outcome Agreement</b>	<p>The management of our property assets supports all council services and those delivered by partners. Local Outcome Improvement Plan priorities supported include:</p> <ul style="list-style-type: none"><li>• Outcome 1 – Our children have the best start in life and are ready to succeed;</li><li>• Outcome 2 - We are better educated and have access to increased and better quality</li></ul>

- learning and employment opportunities; and
- Outcome 8 – We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.

**VI Resources - (Financial, Staffing and Property)**

The property assets covered by the report are managed and operated in line with provisions of the approved Revenue Budget and the General Service ten-year Capital Investment Strategy for 2018/19 to 2027/28.

**VII Consideration at PDSP**

This report is presented annually for consideration by the Partnership and Resources Policy Development and Scrutiny Panel (PDSP).

**VIII Other consultations**

None.

**D. TERMS OF REPORT**

**D1 Introduction**

The purpose of this report is to update the Panel on the current performance of the council's property assets. The council owns and manages property assets to support the delivery of services, including schools, community, operational, administrative and commercial properties. The estate extends to 244 properties comprising approximately 434,907m<sup>2</sup> (as at 31 March 2020).

The council's approved Corporate Asset Management Strategy for 2018/19 to 2027/28 included the need to manage our assets efficiently and effectively to support the delivery of our service and corporate priorities. In pursuit of this aim, it set out six performance measure. These were compliance, condition, suitability, sufficiency, accessibility and sustainability.

**D2 Property Asset Management Performance Measures**

The Property Asset Management Plan (PAMP) for 2018/19 to 2027/28 sets out the activity themes for the management of property assets and highlights a number of key performance measures. Key performance measures are outlined in Appendix 1 together with the respective results. The following two indicators are reported as part of the Scottish Specified Performance Indicators framework.

**Condition** – The percentage of properties in satisfactory or better condition has remained at 96.31% for 2019/20, which is the same result as 2018/19. In terms of Gross Internal Floor Area considered to be in satisfactory or better condition, this has also remained at the same level of 99.64% for 2019/20 as it was for 2018/19.

During the previous five-year PAMP, the percentage of properties in satisfactory or better condition improved from 87.3% in 2013/14 to 95% in 2017/18. In terms of Gross Internal Floor Area considered to be in satisfactory or better condition, this also increased to 99% in 2017/18 from 95.7% in 2013/14. The current PAMP, which was approved in December 2018, outlines a number of activity themes that will be progressed to improved performance.

**Suitability** – The percentage of properties that are considered satisfactory or better in terms of suitability remained at 93% in 2019/20, which is the same result as 2018/19.



During the previous five-year PAMP, the percentage considered satisfactory or better in terms of suitability improved from 89% in 2013/14 to 93% in 2017/18. The current PAMP, which was approved in December 2018, will continue to seek to improve suitability further.

### **D3 Property Asset Management Highlights**

During 2019/20 a number of significant projects and planned improvements were undertaken and completed, including the following:

#### Winchburgh Schools

Progress of new denominational and non-denominational secondary schools, together with a new denominational primary school at Winchburgh, has commenced and will support the growing population associated with the Core Development Area. These schools are being delivered as a bundle of projects and will be the largest education investment by the council in a single location.

#### Science Lab upgrades

As part of the larger investment in science labs across the estate, Phase 1 & Phase 2 works have been completed at Linlithgow Academy.

#### School Roof and Ceiling Replacement Programme

As part of a programme of roof and ceiling works, there was investment at Toronto, Howden and St. Ninian's Primary Schools and at St. Kentigerns Academy along with cladding replacement work at Stoneyburn Primary School in 2019/20.

#### Early Learning and Childcare & Additional Support Need Strategy

West Lothian Council has approved the largest ever significant investment in provision for Early Learning and Childcare & Additional Support Needs to begin works on a number of projects tiered towards development of the education facilities during early years.

All these projects and the continued significant investment in planned improvements demonstrate the ongoing commitment to improving the performance of the council's property assets.

### **D4 Property Asset Management Plan – Activity Update**

Within the approved PAMP for 2019/20 to 2027/28, there are activity themes that encapsulate projects and programmes to sustain and improve the performance of our property assets. These are outlined in Appendix 2.

### **D5 Future Investment**

Key project and investment programme highlights for the coming years are as follows:

#### Winchburgh Schools

The construction of new denominational and non-denominational secondary schools, together with a new denominational primary school at Winchburgh, will support the growing population associated with the core development area. These schools are being delivered as a bundle of projects and will be the largest education investment by the council in a single location.

#### Learning Estate Investment Programme (Other Schools)

Council Executive 6 October 2020 approved the submission of four previously

identified priority projects for inclusion as part of Phase two of the Learning Estate Investment Programme (namely Deans, Eastertoun, East Calder and St Joseph's, Whitburn Primary Schools)

On 13 October council officers prepared and submitted the approved priority projects for consideration by the Scottish Government for inclusion in Phase Two of the LEIP.

In December 2020 it was announced by Scottish Government that East Calder was accepted as part of Phase Two and would be supported as one of twenty-five national projects under phase two of the programme. Deans, Eastertoun and St Joseph's were confirmed as not being included as part of the programme.

The funding award is revenue based and linked to performance measures which reflect the priorities of the programme. These not only include traditional conditions such as ensuring operational availability by December 2025 and meeting metrics on construction costs but also provision of digital infrastructure, delivering economic benefits and meeting energy efficiency targets. Officers are confident that criteria can be met and that the full revenue funding award over 30 years will be achieved.

#### School Estate Planned Improvements

Over £30million will be invested, including a number of significant investment programmes such as roof replacements, mechanical and electrical improvements, pupil toilet renovations, kitchen upgrades and window replacements.

#### Partnership Centres

The new £5million Whitburn Partnership Centre on the site of the existing Burgh Halls at the Cross, Whitburn will bring together Customer Information Services (CIS), Housing Services, local library and museum facilities. Accommodation to support community needs (i.e. hall and meeting rooms) will be provided together with office space to support service delivery in the Whitburn community. The investment is seen as a catalyst for the regeneration of the town centre. The project is scheduled to complete during the 2021/22 financial year.

The new Livingston North Partnership Centre on the site of the former Carmondean Ability Centre in Livingston will bring together CIS and library services as well as providing modern facilities for the Ability Centre service and other external partners such as McMillan Cancer Research. The new facility is scheduled to become operational during the 2021/22 financial year.

#### Statutory Compliance

Investment of approximately £21million will be deployed on ensuring our property assets are safe and secure for our customers, visitors and members of staff. Works include management of asbestos, legionella, fire systems and gas safety.

#### General Operational Property Projects

Over £16.5million will be invested in the modernisation of general operational property assets. These significant investments reflect the council's commitment to investing in property assets to support the modernisation of service delivery; improving the built environment of our communities and working in partnership.

### **D6 Performance Indicators**

A full list of all performance indicators, their trends and commentary are provided in Appendix 3. This update report would typically have been presented in June 2020 and the performance information provided would have covered the period 1 April 2019 to 31 March 2020. Due to the impact of the Covid19 emergency and the council's reduced committee calendar, the report is on this occasion being presented later in the

financial year and as such the performance information provided relates to the updated twelve-month period from October 2019 to October 2020.

## **E. CONCLUSION**

The Panel is invited to note the ongoing performance of our property assets, the achievements during 2019/20 and the improvement in performance.

## **F. BACKGROUND REFERENCES**

Property Asset Management Plan 2018/19 to 2027/28 approved by Council 18 December 2018

Asset Management Strategy and General Services Capital Investment Programme 2018/19 to 2027/28 approved by Council 13 February 2018

Appendices/Attachments:

Appendix 1 – Property Asset Management Performance Measures

Appendix 2 – Property Asset Management Activity Theme Update Summary

Appendix 3 – Asset Management Performance 2019/20:- PI Report

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**Donald Forrest**  
**Head of Finance and Property Services**

5 February 2021

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## **Appendix 1 – Property Asset Management Performance Measures**

The following are key property asset management performance measures that demonstrate we are efficiently and effectively managing property assets.

### **Condition – Ensuring that our property assets are maintained in a satisfactory or better condition to support service delivery.**

This performance measure demonstrates that our property assets are being effectively maintained so they continue to support the delivery of services. By ensuring property assets are in satisfactory or better condition, we minimise the number of days properties are not available as a result of building failure.

- The percentage of properties in satisfactory or better condition has remained at 96.31% in 2019/20, which is the same result 2018/19.
- In terms of Gross Internal Floor Area considered to be in satisfactory condition or better, this has also remained at 99.64% in 2019/20, which is the same result as 2018/19.
- The number of school days lost due to building condition failure for 2019/20 was zero days, which has continued on from 2018/19 results.

Condition continues to perform at a high level as a consequence of the council's commitment to investing in planned improvements across our property portfolio and through the development of new property assets.

### **Suitability – Ensuring that our property assets are suitable to support the delivery of services**

This performance measure demonstrates that our property assets are fit for purpose in terms of accommodation types and layout to support the delivery of services. By ensuring property assets are suitable, we can ensure the delivery of services is not impeded due to building constraints.

- The percentage of properties that are considered satisfactory or better in terms of suitability has remained at 93% in 2019/20, the same as 2018/19.
- In terms of Gross Internal Floor Area considered to be satisfactory or better in terms of suitability, the performance indicator has remained the same at 95.5% in 2019/20 as in 2018/19.

Suitability continues to be sustained and improved over the longer term as a consequence of the council's commitment to investing in planned improvements across our property portfolio and through the delivery of new property assets.

### **Sufficiency – Ensuring that our property assets are sufficient to support existing service delivery demands.**

This performance measure demonstrates that our property assets are of sufficient size to support the delivery of services whilst not being underutilised. By ensuring property assets are sufficient, we can ensure the delivery of services is not impeded due to building capacity

DATA LABEL: PUBLIC

constraints. This performance measure area primarily relates to the capacity of the school estate.

- The average percentage of school estate capacity occupied is 80% for 2019/20, which is the same as the 80% recorded in 2018/19.

This indicates that the council's investment into school capacity is currently in line with the growing population from the new housing developments.

**Accessibility – Ensuring that our property assets are as accessible as possible for all service users and staff.**

This performance measure demonstrates the proportion of our property assets that are considered fully accessible for service users and staff.

- The percentage of properties that are considered fully accessible has decreased to 75.83% for 2019/20 from 76.38% in 2018/19. The decrease in this performance measure is as a result of there being a smaller number of accessible properties due some properties being temporarily closed for refurbishment works (e.g. the former Carmondean Ability Centre). This figure will improve naturally once those refurbishment projects are complete.

In 2004/05 when the indicator was originally measured, accessibility was 21.7%.

Despite the drop in the performance for this indicator, accessibility continues to improve as a consequence of the council's commitment to investing in planned improvements across our property portfolio and through the delivery of new property assets.

**Sustainability – Ensuring our property assets negative impact on the environment is minimised.**

There is a trend of decreasing emissions from energy usage, which reflects the council's ongoing investment in renewables & energy efficiency.

- Total carbon emissions from property assets (CO2 tonnes) for 2019/20 are confirmed at 19,923 tonnes. This is a reduction from 20,050 tonnes in 2018/19.
- KWh of electricity and gas used per m<sup>2</sup> in the operation of our corporate property assets are 66.63 and 170 Kwh / per m<sup>2</sup> respectively in 2019/20. This has increased from 65.2 and 154.74 Kwh / per m<sup>2</sup> respectively in 2018/19. It is worth noting that weather can have a major impact these figures and the increase can be attributed to colder weather than in previous years leading to an uplift in consumption.

This demonstrates the commitment of the council to sustainability and minimising the impact on the environment through continued investment in energy reduction and efficiency works.

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## **Appendix 2 – Property Asset Management Activity Theme Update Summary**

### **School Estate Improvements**

There was schools planned improvement investment of £4.24 million over the 2019/20 period, incorporating works to the school estate across West Lothian.

Planned improvement works have been undertaken at schools around the estate, including St Andrews, St Ninians and Stoneyburn Primary Schools and St Kentigern's Academy, along with roof placement and the science lab upgrades at Linlithgow Academy.

The continued investment in planned improvements has resulted in 100% of our schools confirmed as being in satisfactory or better condition. In terms of satisfactory or better suitability, 97.6% of schools achieve this rating. The challenge going forward will be to sustain this performance with an ageing portfolio across the school estate.

There continues to be ongoing investment into the education estate with approximately £8 million programmed during 2020/21, with a focus on Early Learning and Childcare and Additional Support Needs Strategy. This does not include £13 million of developer funded contributions, which included the development of the new denominational and non-denominational Winchburgh secondary schools

### **Service Support Accommodation**

A further phase of the council's corporate property modernisation programme was successfully delivered with the completion partnership centres in East Calder, Armadale, Linlithgow, Bathgate, Broxburn (Strathbrock), Fauldhouse, Blackburn, the West Lothian Civic Centre and Almondbank Centre. Work continues on the development of Whitburn Partnership Centre (due for completion in 2021/22) and Livingston North Partnership Centre (due for completion in 2020/21). These new facilities will build upon this success and support the modernisation of local services to the benefit of our communities.

### **Non-Operational (Tenanted Non-Residential) Property Portfolio**

The performance of the Non-Operational (Tenanted Non-Residential) Property portfolio (TNRP), which incorporates the commercial property portfolio, is reported separately. In summary however, the TNRP continues to support economic development activity and generate vital revenue income in support of council services.

### **Risk Management and Compliance**

Effective compliance and risk management is critical to the success of the Property Asset Management Plan. The council has approved Asbestos, Legionella, Electrical and Fire Safety policies and has undertaken a wide range of works relating to these to ensure that the risks of compliance failures are mitigated as far as is practically possible. The policies and procedures relating to compliance are under continuous review to ensure our properties are as safe as possible.

A comprehensive Responsible Persons' framework, incorporating guidance for those involved, has also been deployed across the council. All maintenance and planned improvement works are prioritised based on the evaluation of risk.

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The council has also invested in a new property asset management solution (Concerto) that provides a systematic approach to the governance and realisation of all property information and works delivery processes for planned and reactive maintenance.

### **Resource Deployment and Financial Planning**

Through established revenue and capital budget monitoring frameworks, the deployment of resource in the management, maintenance and improvement of our property assets is undertaken in a structured and effective manner. This ensures that resources are used efficiently and that decision making processes are robust and transparent.

### **Energy and Sustainability**

Energy efficiency works and the installation of renewables continue to reduce our impact on the environment. A number of policies relating to energy efficiency and carbon emissions are being implemented whilst others continue to be developed. These are reported separately through the Climate Change Strategy and Carbon Management Plans.

Works have been ongoing to ensure an up to date IT infrastructure is in place to support the upgrade of the school estate to a modern Building Management System (BMS) that will provide centration of the heating and lighting controls for all education properties.

## Appendix 3: Asset Management Performance 2019/20 - Performance Indicator Report

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### Corporate Strategy - Asset Management 2019/20

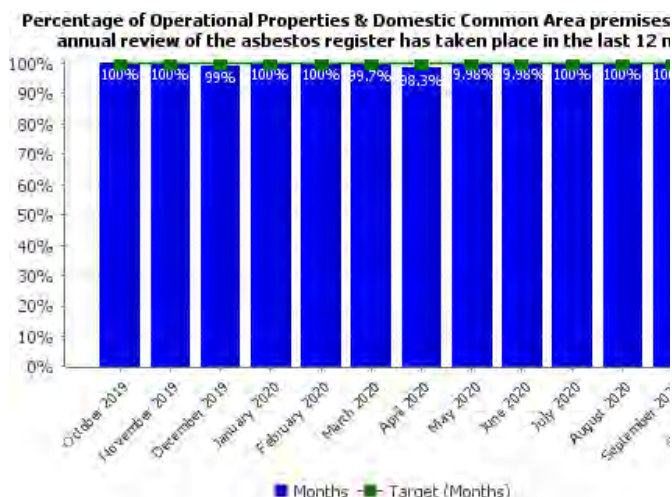


#### (a) Outcome 1 – Compliance

Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:CSg413_9b Percentage of Operational Properties & Domestic Common Area premises where an annual review of the asbestos register has taken place in the last 12 months	Head of Finance and Property Services (D Forrest)
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#### Trend Chart Commentary:

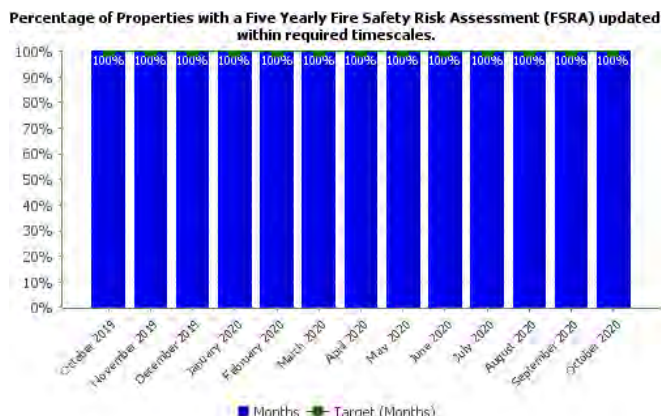
This Performance Indicator (PI) records the overall percentage of operational properties & domestic common areas where a review of the asbestos register has taken place in the last 12 months. Performance overall is high in this area, however there were three months when the target was not met. The target was not met in April 2020 due to Covid19 working restrictions at the Blackburn Emergency Accommodation Unit. Missed re-inspections will be captured once government restrictions have been lifted. The target was not met in December 2019 due to access issues at 6 Nairn Road, Livingston. This missed re-inspection was subsequently addressed in January 2020. The target for 2020/21 will remain at 100%.





P:CSg430\_9b.1a Percentage of Properties with a Five Yearly Fire Safety Risk Assessment (FSRA) updated within required timescales.

Head of Finance and Property Services (D Forrest)



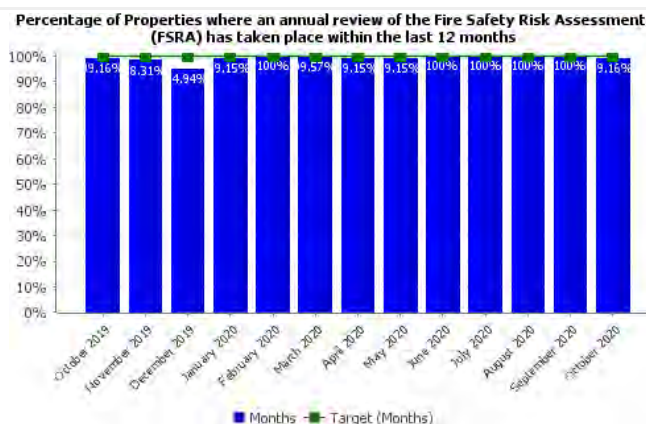
#### Trend Chart Commentary:

The purpose of this performance measure is to monitor the percentage of five-yearly Fire Risk Assessments (FSRA) that fall due to be updated on a monthly basis and are dealt with within required timescales. From October 2019 to October 2020 the target was met. All five-year FRAs were undertaken in line with programme and due date. Following review of performance, the target for 2020/21 remains at 100%.



P:CSg431\_9b.1a. Percentage of Properties where an annual review of the Fire Safety Risk Assessment (FSRA) has taken place within the last 12 months

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

In the month of October 2020 the target was not met. In the months of October 2019 to March 2020 the target was not met. In the months from November 2019 to January 2020 the target was not met. Performance has however remained high as a percentage of the property estate as a whole, achieving over 96% of annual

FSRA returns over a twelve-month period. The total number of operational properties on the asset register for FSRA is 238. The total number reviewed within date was 238. There were no overdue risk assessment relating to open properties. There were 18 overdue risk assessment relating to closed properties for the month.

During COVID 19 outbreak period from March 2020 a number of properties have been closed. The DCE has given dispensation to RPs not to return AFSRA unless it is safe to do so until restrictions are lifted.

There were no overdue assessment from previous months relating to open properties.

Outstanding annual FSRA from previous months are escalated through the Corporate Management Team, Heads of Service and the Property Compliance Working Group. Construction Services continue to enter dates in individual calendars which notifies Responsible Persons two weeks before the due date. Following review of performance, the target for 2020/21 remains at 100%.



P:CSg450\_9b.1a Percentage of Operational Properties with Legionella Risk Assessments less than 30 months old

Head of Finance and Property Services (D Forrest)



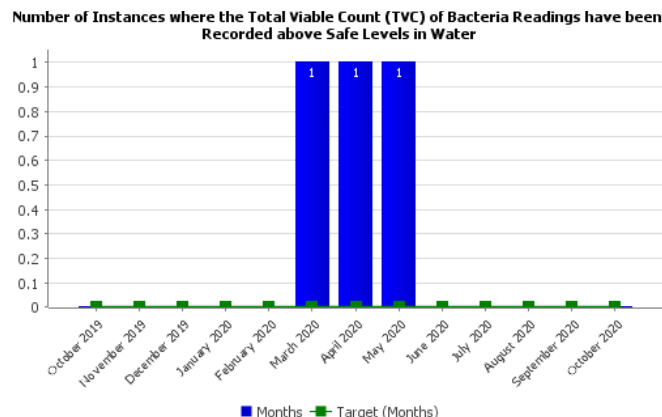
#### Trend Chart Commentary:

The council has a duty to manage Legionella in water systems in accordance with the Approved Code of Practice L8. This monthly indicator measures the number of risk assessments due to be undertaken within each month against the number completed. Performance has consistently met the target for the last twelve months. All 240 risk assessments have been reviewed and updated. A review of the risk assessment programme was undertaken to ensure numbers are evenly distributed throughout the 24-month period over 2019/20 & 2020/21. Following review, the target will remain at 100% for 2020/21.



P:CSg451\_9b.1a Number of Instances where the Total Viable Count (TVC) of Bacteria Readings have been Recorded above Safe Levels in Water

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

This Performance Indicator monitors any instances where the Total Viable Count (TVC) of bacteria including Legionella is recorded above safe levels in water at all operational properties. The trend reflects the rigorous monitoring regime in place across operational properties. However, there have been six instances in the last twelve months where the TVC of bacteria has been recorded above safe levels as outlined below (all high levels related to swimming pools):

- Three related to Inveralmond Community High School and all related to the use of hose reels. In each instance, remedial action was taken immediately and the bacteria readings were returned to normal. The poolside hose has now also been removed from site as the flushing regime was not being adhered to.
- Two related to James Young High School, one relating to use of hose reels and once during closure since the Covid 19 pandemic. In each instance, remedial action was immediately taken and the bacteria readings were returned to normal.
- One was at St Margaret's Academy and related to the use of hose reels. In each instance, remedial action was immediately taken and the bacteria readings were returned to normal.

Corporate Health & Safety also issued a safety alert to all premises with swimming pools to remind them of good practice.



## (b) Outcome 2 - Condition

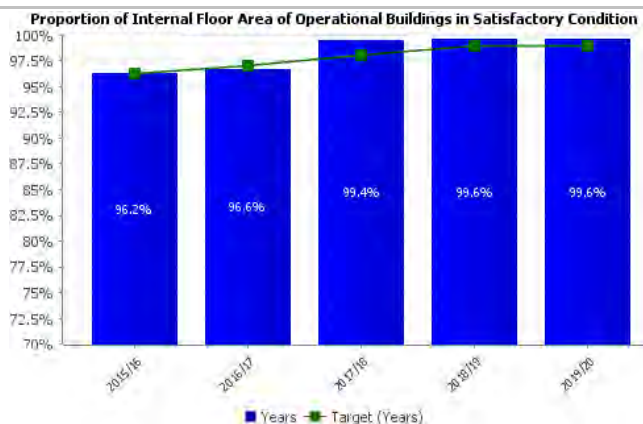
Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:SCORPASSET02

Proportion of Internal Floor Area of Operational Buildings in Satisfactory Condition

Head of Finance and Property Services (D Forrest)



### Trend Chart Commentary:

The Performance Indicator is applicable to all the council's operational property assets and seeks to identify the proportion of floor area that is considered to be satisfactory or better in terms of physical condition.

The Condition and Suitability Assessment for 2019/20 shows no change from 2018/19.

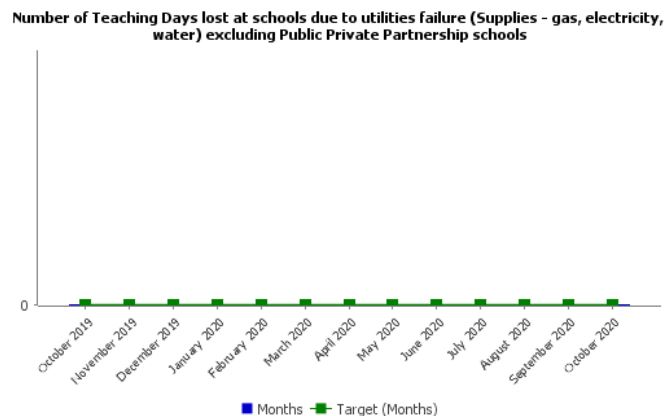
LGBF data has been submitted and the council has consistently been ranked in the upper quartile (currently 2nd) for condition of its operational property assets as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

Target for 2020/21 is set at 99% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained and where possible improved.



P:CSg520\_9b.1a Number of Teaching Days lost at schools due to utilities failure (Supplies – gas, electricity, water) excluding Public Private Partnership schools

Head of Finance and Property Services (D Forrest)



**Trend Chart Commentary:**

This performance indicator measures the teaching days lost as a result of school closures due to utilities failure (gas, electricity, water).

During the last twelve months there have been no school days lost due to utility failure.

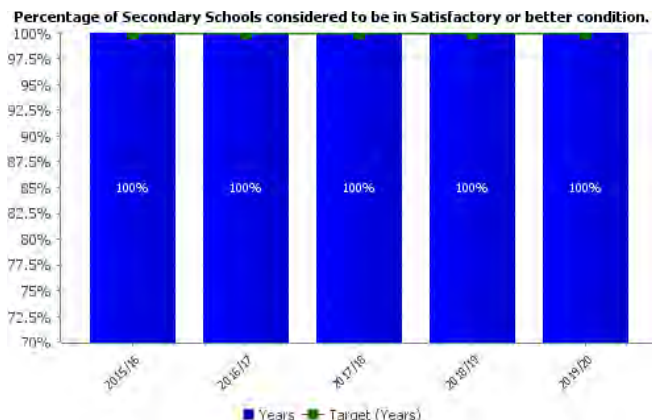
Following a review of performance, the target for 2020/21 remains at 0%.



P:PAMP203\_9b.2

Percentage of Secondary Schools considered to be in Satisfactory or better condition.

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

The performance indicator for secondary schools identifies the physical condition of the building and its component parts. The indicator continues to show that all secondary schools remain in satisfactory or better condition. Performance has remained at 100% for the last five years as a consequence of the council's commitment to investing in its school estate and the rigorous application (where appropriate) of its PPP contracts, which is applicable to part of the education properties. Condition is assessed using an established framework of periodic assessments and surveys.

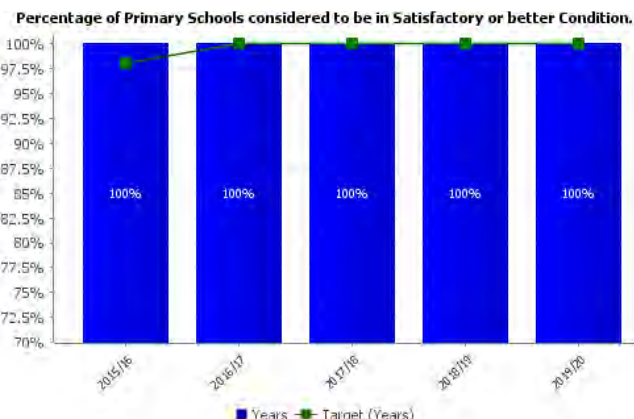
Target for 2020/21 is set at 100% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained.



P:PAMP204\_9b.2

Percentage of Primary Schools considered to be in Satisfactory or better Condition.

Head of Finance and Property Services (D Forrester)



#### Trend Chart Commentary:

The performance indicator for primary schools identifies the physical condition of the building and its component parts. The indicator continues to show that all primary schools remain in satisfactory or better condition. Performance has remained at 100% for the last four years as a consequence of the council's commitment to investing in its school estate and the rigorous application (where appropriate) of its PPP contracts, which is applicable to part of the education properties. Condition is assessed using an established framework of periodic assessments and surveys.

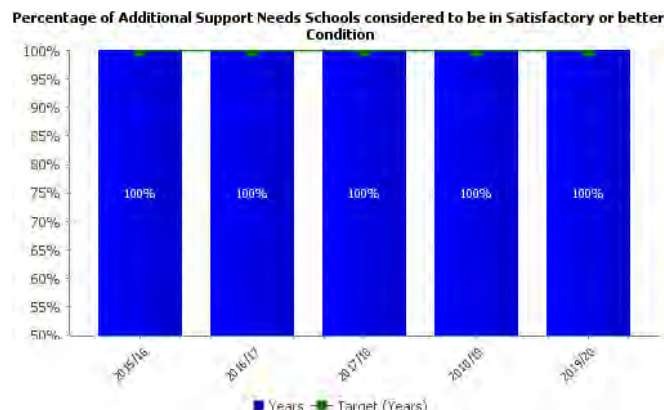
The council's Education Property Assets are evaluated and reported for condition as part of the Scottish Government School Estate Core Facts. Performance has been and is consistently in the upper quartile amongst all 32 Scottish Local Authorities. This is projected to continue based on current investment commitments. In addition, the council has consistently been ranked in the top 3 for school estate condition as part of the CIPFA Asset Management Property Performance Benchmarking group, which involves 21 other Scottish local authorities.

Target for 2020/21 is set at 100% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained.



P:PAMP205\_9b.2  
Percentage of Additional  
Support Needs Schools  
considered to be in  
Satisfactory or better  
Condition

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for Additional Support Needs (ASN) schools identifies the physical condition of the building and its component parts. The indicator continues to show that all ASN schools remain in satisfactory or better condition. Performance has remained at 100% for the last seven years as a consequence of the council's commitment to investing in its school estate. Condition is assessed using an established framework of periodic assessments and surveys.

The council's Education Property Assets are evaluated and reported for condition as part of the Scottish Government School Estate Core Facts. Performance has been and is consistently in the upper quartile amongst all 32 Scottish Local Authorities. This is projected to continue based on current investment commitments. In addition, the council has consistently been ranked in the top 3 for school estate condition as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

Target for 2020/21 is set at 100% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained. It is recognised however, that over the longer term that the condition of the ASN estate will require significant investment to sustain performance and this is included in the council's General Services Property Capital Investment proposals.

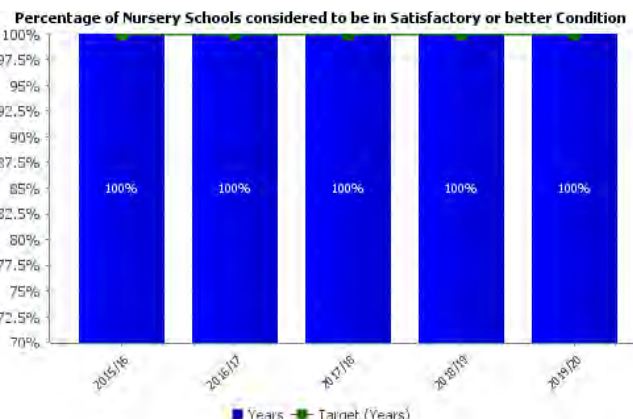




P:PAMP206\_9b.2

Percentage of Nursery  
Schools considered to be in  
Satisfactory or better  
Condition

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for nursery schools identifies the physical condition of the building and its component parts. The indicator continues to show that all nursery schools remain in satisfactory or better condition. Performance has remained at 100% for the last five years as a consequence of the council's commitment to investing in its school estate. Condition is assessed using an established framework of periodic assessments and surveys.

The council's Education Property Assets are evaluated and reported for condition as part of the Scottish Government School Estate Core Facts. Performance has been and is consistently in the upper quartile amongst all 32 Scottish Local Authorities. This is projected to continue based on current investment commitments. In addition the council has consistently been ranked in the top 3 for school estate condition as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

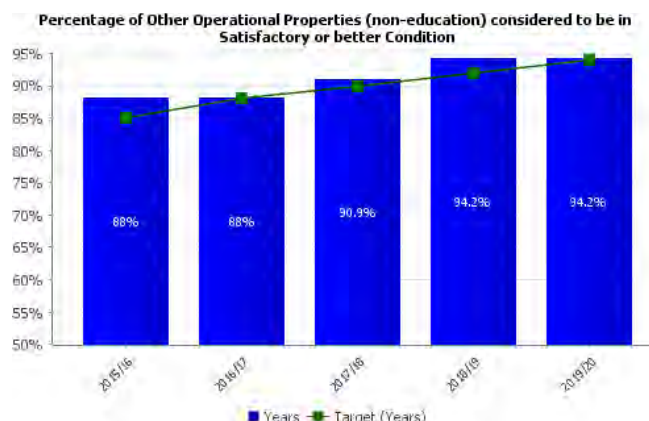
Target for 2020/21 is set at 100% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained. Due to the expansion of early years a number of nursery schools will be subject to significant investment to increase capacity and therefore it is proposed to undertake condition improvement works at the same time thereby maximising investment and sustaining long term condition.



P:PAMP207\_9b.2

Percentage of Other  
Operational Properties  
(non-education) considered  
to be in Satisfactory or  
better Condition

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for the council's operational (non-education) property assets identifies the physical condition of the building and its component parts. The indicator continues to show improvement in condition across the operational estate with those considered to be in satisfactory or better condition increasing from 84.4% in 2013/14 to 94.2% in 2019/20. Performance has improved year on year as a consequence of the council's commitment to investing in its property assets and the rationalisation of accommodation used by services. Condition is assessed using an establish framework of periodic assessments and surveys.

The target for 2019/20 was set at 94% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained and where possible improved. It is recognised however, that over the longer terms that the condition of the operational estate will require significant investment to sustain performance or become more efficient through modernisation to allow greater investment on "core" properties with long term service delivery requirements.

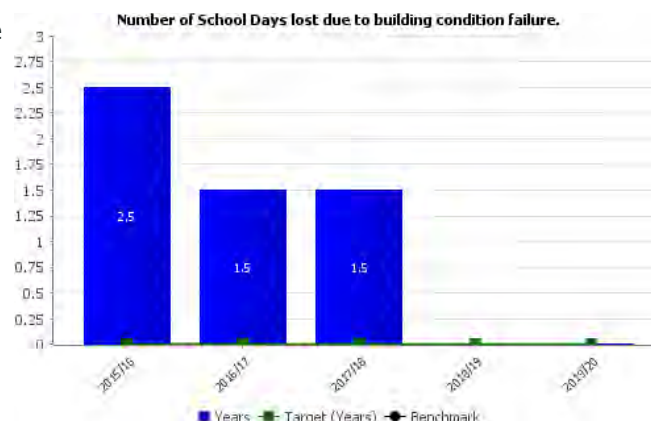
The council benchmarks it's results and is currently ranked 2nd in relation to Operational Property amongst 21 local authorities who participate in the CIPFA benchmarking group.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The target for 2020/21 is 95%, reflecting projects being progressed.



P:PAMP211\_9b Number of School Days lost due to building condition failure. Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

This annual performance indicator shows that the number of school teaching days lost due to condition failure has met the target for 2019/20 (zero). Whilst the aim is to achieve zero days, this target has not always been achieved due to unforeseen events such as burst pipes. The general trend however, shows improvement in reducing the overall teaching days lost (from 2.5 in 2015/16 to zero in 2018/19). This reduction in days lost primarily relates to greater proactivity of maintenance (cyclical inspections and servicing, planning improvements and improved reactive repair response).

In 2019/20 there were no days lost across the school estate.

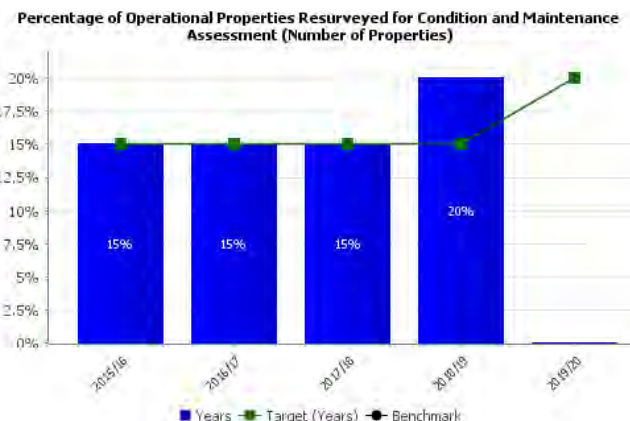
There is no benchmarking undertaken for this performance measure as other LA's who are involved in the CIPFA Scottish Property Asset Management Benchmarking Group either do not collect it or are unwilling to publish it.

The target for 2020/21 will remain at zero with the aim of achieving no days lost due to building condition failure. This will remain the council's target going forward reflecting the high standards set for the management of our school estate.



P:PAMP213\_6b.5  
Percentage of Operational  
Properties Resurveyed for  
Condition and Maintenance  
Assessment (Number of  
Properties)

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

Condition is key priority performance measure within the council's Corporate Asset Management Strategy and Property Asset Management Plan. Condition is measured and reported annually. Each year every asset is subject to a condition and maintenance assessment that identifies maintenance requirements and considered risk elements for inclusion in short term investment requirements. In accordance with best practice and guidance all property assets should be subject to a full detailed condition survey to identify long term investment requirements and condition risks.

The council adopted a risk-based approach to undertake condition and maintenance surveys to properties identified as likely to benefit from significant planned improvements and upon request by services. Review of the Core Facts from the Scottish Government has been carried out and the council is in the process of developing a new quinquennial programme of detailed condition surveys in line with the new Scottish government guidance for 2020/21. New guidance from the Scottish Government will be required for schools, in particular the assessment of condition is undertaken on a rolling 4-5 year programme that will require targets to be raised to 20%.

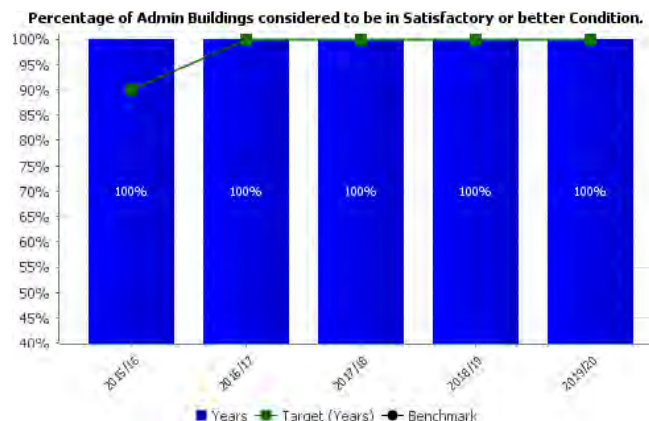
There is no benchmarking undertaken for this performance measure as other Local Authorities who are involved in the CIPFA Scottish Property Asset Management Benchmarking Group do not collect this measure or are unwilling to publish it.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The target for 2020/21 will be 20% to reflect the new quinquennial programme of assessment following new Scottish Government Guidance.



P:PMD181\_9b Percentage of Head of Finance Admin Buildings considered and Property to be in Satisfactory or Services (D better Condition. Forrest)



#### Trend Chart Commentary:

The performance indicator for the council's administrative office property assets identifies the physical condition of the building and its component parts. The indicator continues to show improvement in condition across this part of the estate with those considered to be in satisfactory or better condition being sustained at 100%/. Performance will continue at this level as a consequence of the council's commitment to investing in its property assets and modernisation of office accommodation to support service needs. Condition is assessed using an establish framework of periodic assessments and surveys.

The council has consistently been ranked in the upper quartile (currently 1st) for condition of its operational property (excluding education) assets as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities. The office accommodation portfolio is a sub-set of this.

The target for 2020/21 will be 100% reflecting sustained performance and projects being progressed.



### (c) Outcome 3 - Suitability

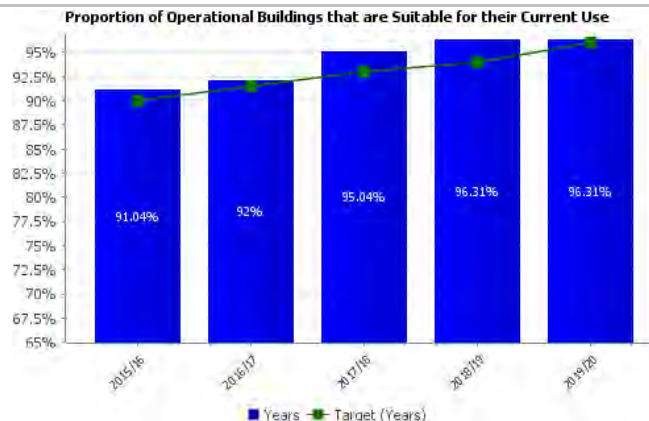
Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:SCORPASSET01

Proportion of Operational Buildings that are Suitable for their Current Use

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

The performance indicator is applicable to all the council's operational property assets and seeks to identify the proportion of operational buildings that are Suitable for their current use. The indicator continues to show that the suitability of the council's property assets has continued to improve for the last five years as a result of effective investment and property improvement programme and the replacement, closure and modernisation of property assets.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The suitability core fact has been subject to a review by the Scottish Government with the council participating in the development of the new statutory guidance, which is proposed to be adopted during 2020/21. The council has been a pilot in the adoption of the new standards and therefore has recognised the potential impact in relation to target setting going forward. The impact is also reflected in investment proposals for the school estate as part of the General Services Capital Programme. LGBF data has been reported and the council has consistently been ranked in the upper quartile (currently 2nd) for suitability of its operational property assets as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

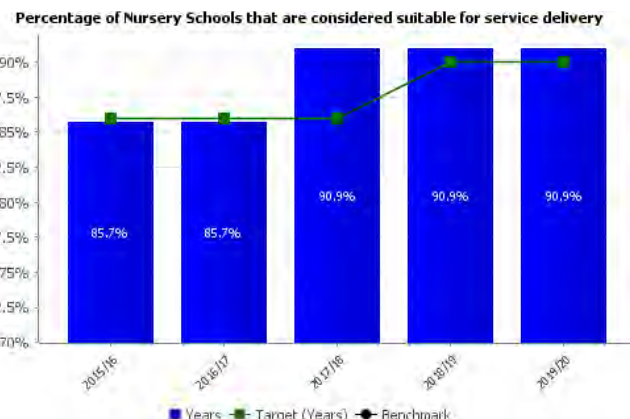
The target for 2020/21 is set at 96% based on existing suitability assessments and investment proposals.



P:PAMP302\_9b.2

Percentage of Nursery  
Schools that are considered  
suitable for service delivery

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for nursery schools identifies the suitability of the building and its environment to satisfactorily enable and support the delivery of service. The indicator continues to show that the suitability of nursery schools has been improved and the assets generally perform well. Only one nursery school is not considered to be satisfactory of better in terms of suitability, namely Eastertoun Nursery School, Armadale.

Whilst performance has been sustained a range of improvements have been undertaken that have improved those that were already considered satisfactory or better thereby improving the overall quality and performance based on a floor area as opposed to property numbers.

The council's Education Property Assets are evaluated and reported for suitability as part of the Scottish Government School Estate Core Facts. Performance has been and is consistently in the upper quartile amongst all 32 Scottish Local Authorities. This is projected to continue based on current investment commitments. In addition, the council has consistently been ranked in the top 5 for school estate condition as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

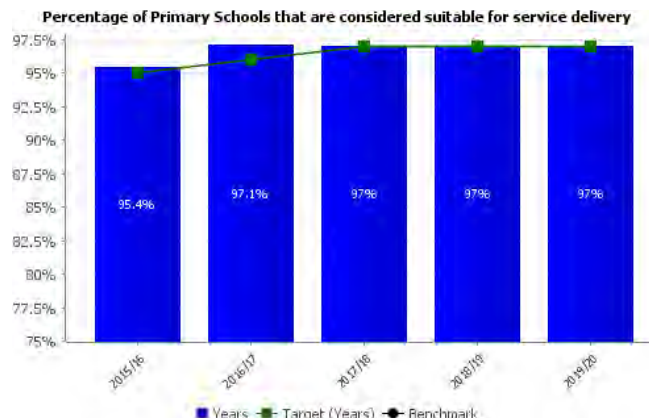
The target for 2020/21 is set at 90% based on existing condition assessments and investment proposals. It is therefore projected that the current level of performance will be maintained. Due to the expansion of early years, a number of nursery schools will be subject to significant investment to increase capacity and therefore it is proposed to undertake improvement works at the same time, thereby maximising investment and sustaining long term suitability.



P:PAMP303\_9b.2

Percentage of Primary  
Schools that are considered  
suitable for service delivery

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for primary schools identifies the suitability of the building and its environment to satisfactorily enable and support the delivery of service. The indicator continues to show that the suitability of primary schools has been sustained and improved over the past 2 years. Two primary schools are not considered to be satisfactory of better in terms of suitability. These are:

- 1.St Pauls Primary School, East Calder – access, internal layout and accommodation are not considered satisfactory.
- 2.Seafield Primary School, Seafield – Storage, accommodation and parking / access not considered satisfactory.

Whilst performance has been sustained and modest improvements made for primary school suitability generally, a range of investments have been undertaken that have improved those that were already considered satisfactory or better thereby improving the overall quality and performance based on a floor area as opposed to property numbers.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The target for 2020/21 is set at 97% based on existing suitability assessments and investment proposals. It is therefore projected that the current level of performance will be maintained and improved where possible.

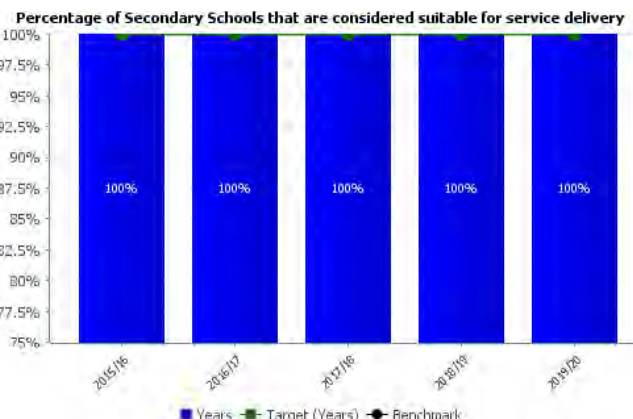




P:PAMP304\_9b.2

Percentage of Secondary  
Schools that are considered  
suitable for service delivery

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for secondary schools identifies the suitability of the building and its environment to satisfactorily enable and support the delivery of service. The indicator continues to show that the suitability of primary schools has been sustained for the last 5 years and improved over the past 2 years. No secondary schools are not considered to be satisfactory of better in terms of suitability,

Whilst performance has been sustained, suitability improvements continue to be made where appropriate within the secondary school estate thereby improving the overall quality and performance based on a floor area as opposed to property numbers.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

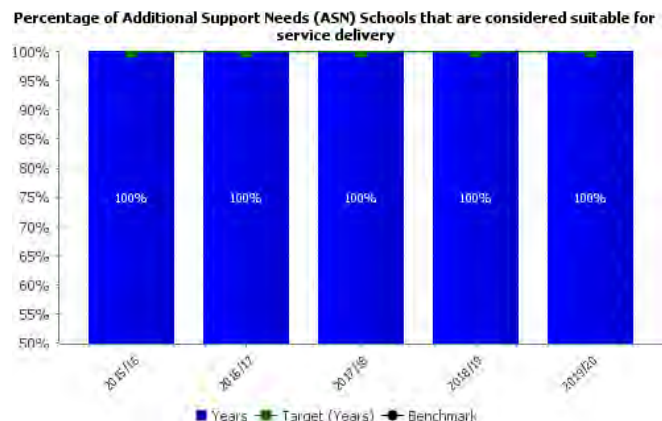
The target for 2020/21 is set at 100% based on sustaining the existing suitability. It is therefore projected that the current level of performance will be maintained over the longer term.



P:PAMP305\_9b.2

Percentage of Additional  
Support Needs (ASN)  
Schools that are considered  
suitable for service delivery

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for Additional Support Needs (ASN) schools identifies the suitability of the building and its environment to satisfactorily enable and support the delivery of service. The indicator continues to show that the suitability of ASN schools has been sustained. No ASN schools are not considered to be satisfactory or better in terms of suitability.

Whilst performance has been sustained, a range of investments have been undertaken that have improved those ASN Schools that were already considered satisfactory or better, thereby improving the overall quality and performance based on a floor area as opposed to property numbers.

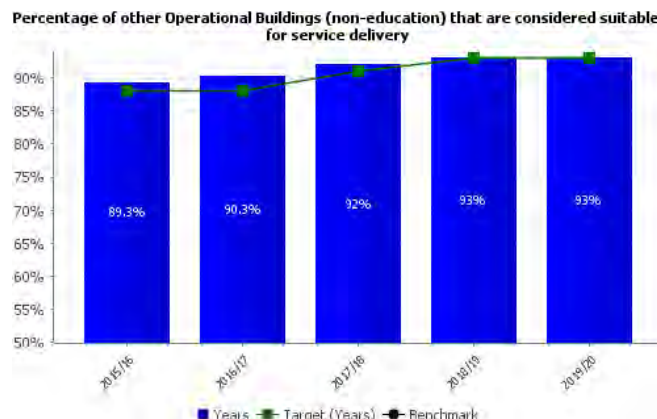
Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The target for 2020/21 is set at 100% based on sustaining existing performance.



P:PAMP306\_9b.2  
Percentage of other  
Operational Buildings (non-  
education) that are  
considered suitable for  
service delivery

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

The performance indicator for the council's operational (non-education) property assets identifies the suitability of the building to support service delivery. The indicator continues to show improvement in suitability across the operational estate with those considered to be satisfactory or better increasing from 87.7% in 2014/15 to 93% in 2019/20. Performance has improved year on year as a consequence of the council's commitment to investing in its property assets and the rationalisation of accommodation of unsuitable property used by services.

The council has consistently been ranked in the upper quartile for suitability (currently 2nd) of its operational property (excluding education) assets as part of the CIPFA Asset Management Property Performance Benchmarking group which involves 21 other Scottish local authorities.

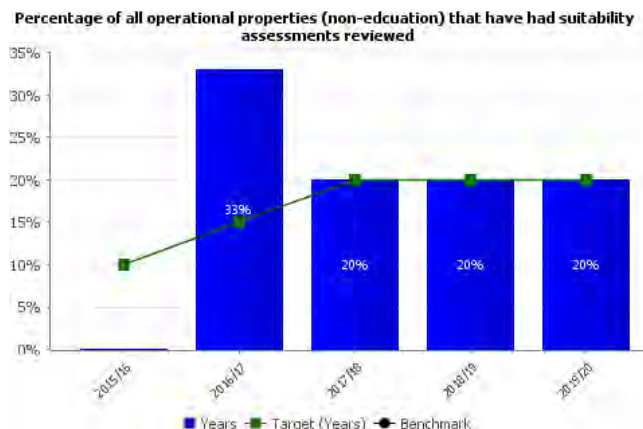
Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

The target for 2020/21 is set at 93% based on existing suitability assessments and investment proposals. It is projected that the current level of performance will be maintained and where possible improved. It is recognised however, that over the longer terms that the suitability of the operational estate will require significant investment to sustain performance or become more efficient through modernisation to allow greater investment on "core" properties with long terms service delivery requirements.



P:PAMP308\_6b.5  
Percentage of all  
operational properties  
(non-education) that have  
had suitability assessments  
reviewed

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

This performance measure has been implemented since 2014 and seeks to demonstrate the ongoing review of property assets for suitability. The trend chart supports the demonstration that West Lothian Council continues to review the suitability of its properties on a minimum of a 5-yearly basis and uses the findings to prioritise works to those properties that can achieve satisfactory or better suitability.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

Further Suitability Assessments for 2020/21 may be required as part of the new Scottish Government Core Facts Review. Property that were subject to investment have suitability assessments undertaken where it is considered as potentially affecting the suitability of a property. In addition to these, a number of properties which are proposed to be subject to investment or declared surplus have assessments undertaken as part of the business case development or decision to dispose process.

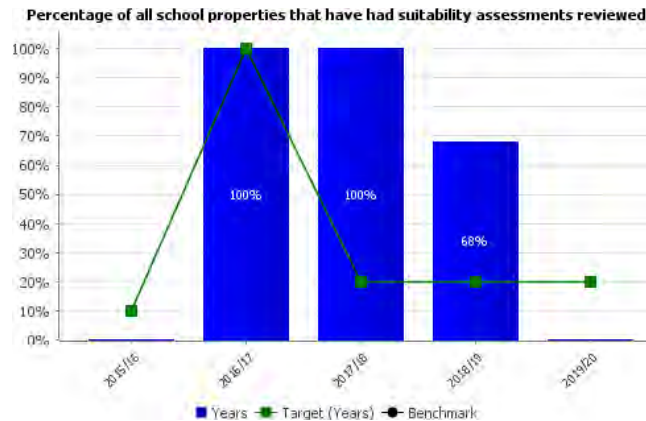
There is no benchmarking undertaken for this performance measure as other LA's who are involved in the CIPFA Scottish Property Asset Management Benchmarking Group do not collect this measure or are unwilling to publish it.

The target for 2020/21 is 20% based on a quinquennial programme.



P:PAMP309\_6b.5  
Percentage of all school properties that have had suitability assessments reviewed

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

This performance measure has been implemented from April 2014 and seeks to demonstrate the ongoing review of school estate property assets for suitability. The trend chart supports the demonstration that West Lothian Council continues to review the suitability of its properties.

A full refresh of the Suitability Assessment is to be carried out by West Lothian Council as part of the new Core Facts Guidance by the Scottish Government, which requires for schools in particular that assessment of suitability is to be undertaken on a rolling 5-year programme.

Currently, 68% of schools have been resurveyed based on the new guidance.

Condition and Suitability Assessment for 2019/20 show no change from 2018/19.

Benchmarking will be considered going forward as part of national benchmarking groups and the review of submissions by Scottish Government, who will monitor and publish the suitability core fact data.

A target for 202/21 of 20% has therefore been adopted in line with the new quinquennial programme.

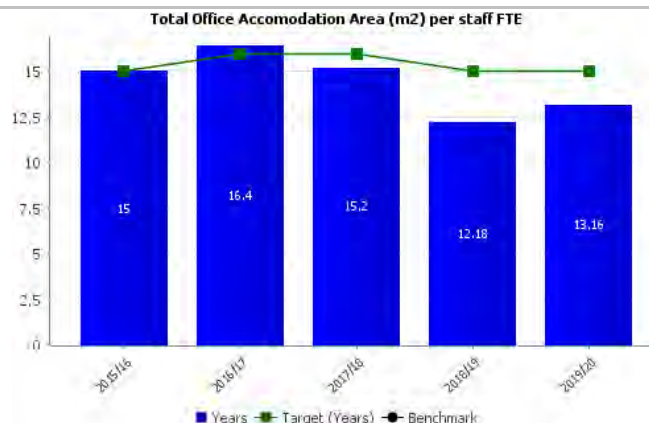


#### (d) Outcome 4 - Sufficiency

Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:PAMP401_9b.1 c Total Office Accommodation Area (m2) per staff FTE	Head of Finance and Property Services (D Forrest)
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#### Trend Chart Commentary:

This performance measure illustrates the area per person within our office accommodation as expressed as a m2 per FTE. The current performance is 13.16 m2 per FTE for 2019/20, which is an increase from 12.18 m2 per FTE for 2018/19.

Current office/ administrative properties include the West Lothian Civic Centre, St David's House and Arrochar House (12,918 m2). This performance indicator currently does not capture office areas within partnership centre buildings. Remeasuring / calibration of floor areas within partnership centres to identify the total office area within each building will be carried out going forward and the outcome will likely result in an increase during 2020/21.

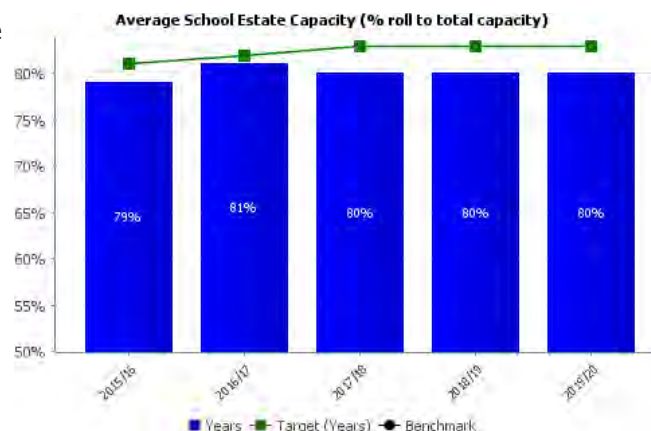
The long terms trend going forwards will be to generally reduce the amount of space per staff member, demonstrating the effectiveness of the Office Modernisation Strategy. This indicator is benchmarked against another 21 local authorities as part of the CIPFA Scotland Benchmarking Group. The council is currently ranked 3rd for space utilisation.

The target for 2020/21 is 15 square metres per FTE, recognising the introduction of office accommodation within partnership centres as part of this indicator (remeasure and calibration required).



P:PAMP405\_9b.1c Average School Estate Capacity (% roll to total capacity)

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

This performance indicator introduced in 2014 allows the council to demonstrate that it maximises the utilisation of its school estate capacity to deliver curriculum activities (i.e. the percentage of the capacity to accommodate pupils that is used). The calculation is based on all primary and secondary school pupils attending as a percentage (the average school roll) against the capacity of the school. This is reported within the School Estate Core Facts.

The general trend for this performance measure is an increasing utilisation of the school estate which when reflected against an increasing school population means that we are accommodating more pupils without adding excessive capacity. Performance measure is calculated by using Base Audible Summary of School Roll Forecasts provided by Education Planning. Primary: 15602 out of 19846, Secondary: 11138 out of 13420. Totals: 26740/ 33266.

The target for 2020/21 is to remain at 83% to reflect increasing school roll. The long-term trend sought will be to have ongoing improvement and the maximisation of utilisation for the coming years.



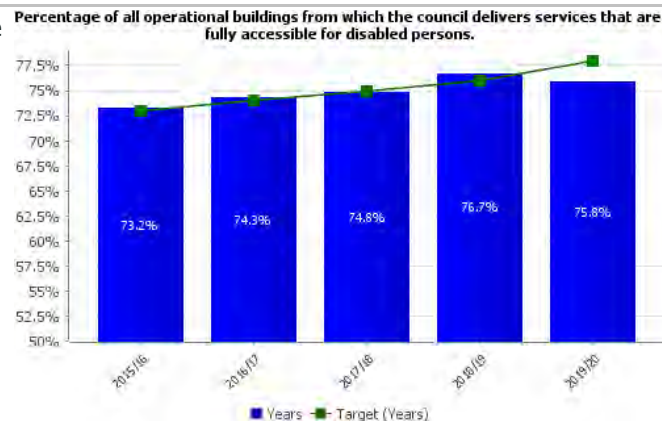
## (e) Outcome 5 - Accessibility

Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:PAMP501\_9b.2  
Percentage of all operational buildings from which the council delivers services that are fully accessible for disabled persons.

Head of Finance and Property Services (D Forrest)



### Trend Chart Commentary:

Performance has continued to improve due to the ongoing investment in customer specific adaptations, general accessibility improvements and the modernisation of the operational property portfolio. This trend chart shows that the council is increasing the accessibility of our operational properties to those members of the public with disabilities as a result of an effective investment.

The target for 2019/20 was 78% with an out-turn of 75.8%. Performance dropped during 2019/20 following an external access audit that identified improvements at properties such as Mid Calder, Stoneyburn & Whitburn Community Centres along with Strathbrock Partnership Centre. Works were delayed during Q3 & Q4 2019/20 as a result of the COVID19 pandemic which is evidenced by this year's drop in performance. Ongoing investment in accessibility works together with the delivery of new and redeveloped properties is expected to improve the performance for 2020/21.

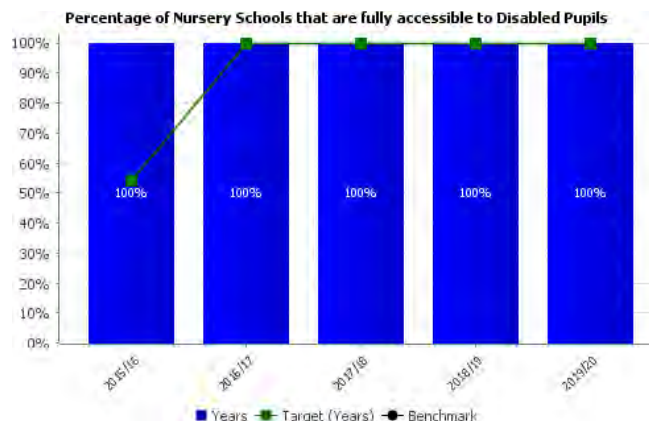
The performance measure is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group. The council is currently rated as 6th amongst 21 other Scottish Local Authorities.





P:PAMP502\_9b.2  
Percentage of Nursery  
Schools that are fully  
accessible to Disabled  
Pupils

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

This performance measure aims to illustrate the number of the councils nursery school property assets as a percentage that are considered accessible for persons who consider themselves disabled together with demonstrating compliance with equalities legislation for the impact on service delivery relating to the built environment. Current performance is 100% of our nursery schools are considered accessible.

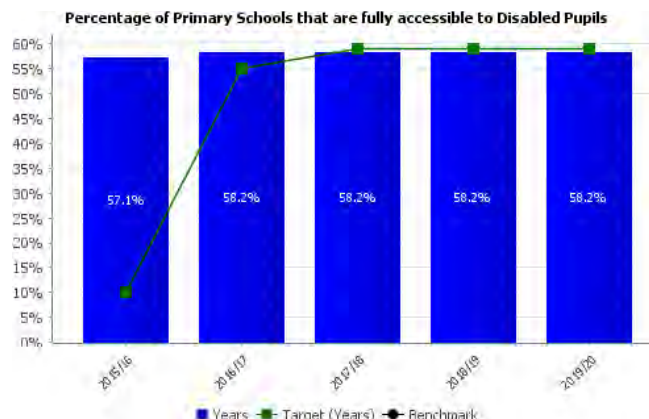
Performance has improved due to the ongoing investment in customer specific adaptations, general accessibility improvements and the modernisation of the nursery school property portfolio. This trend chart shows that the council is increasing the accessibility of our nursery properties to those members of the public with disabilities as a result of an effective investment. A significant investment during 14/15 and 15/16 saw an increase of over 40% in the performance of the nursery school estate.

The target for 2020/21 is 100% representing a sustaining of performance. The wider accessibility performance measure is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group. The council is currently rated as 6th amongst 21 other Scottish Local Authorities. No segmentation / breakdown is provided for nursery schools, however given results, the council will be in the upper quartile.



P:PAMP503\_9b.2  
Percentage of Primary  
Schools that are fully  
accessible to Disabled  
Pupils

Head of Finance  
and Property  
Services (D  
Forrest)



#### **Trend Chart Commentary:**

This performance measure aims to illustrate the number of the council's primary school property assets as a percentage that are considered accessible for persons who consider themselves disabled together with demonstrating compliance with equalities legislation for the impact on service delivery relating to the built environment. Current performance is 58% of our primary schools are considered fully accessible.

Performance has improved due to the ongoing investment in pupil's specific adaptations, general accessibility improvements and the modernisation of the primary schools property portfolio. This trend chart shows that the council is increasing the accessibility of our primary school properties to those pupils with disabilities as a result of an effective investment. A significant investment since 2012/13 has seen an increase of over 35% in the performance of the primary school estate. The council's strategy is to have at least one fully accessible non-denominational and one fully accessible denominational primary school in each electoral ward and secondary school catchment area.

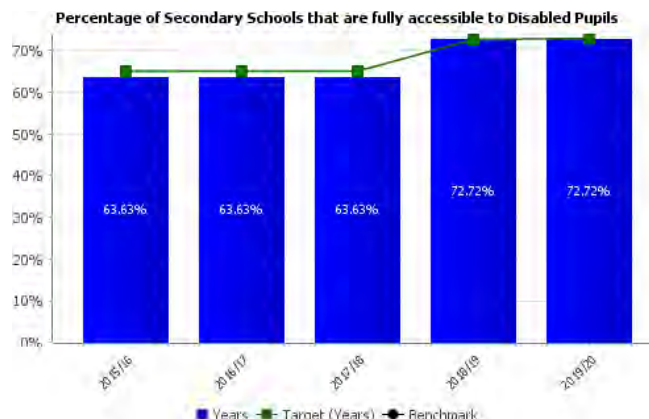
This performance indicator has remained static as no equalities / DDA assessments have been undertaken since 2016/17. It has been assumed that properties previously assessed remain compliant. Full assessment for all School Estate properties is required going forward as part of the new Core Facts review due to be implemented.

The target for 2020/21 is 59% representing a sustaining and modest improvement of performance. The wider accessibility performance measure is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group. The council is currently rated as 6th amongst 21 other Scottish Local Authorities. No segmentation / breakdown is provided for primary schools.



P:PAMP504\_9b.2  
Percentage of Secondary  
Schools that are fully  
accessible to Disabled  
Pupils

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

This performance measure aims to illustrate the number of the council's secondary school property assets as a percentage that are considered accessible for persons who consider themselves disabled together with demonstrating compliance with equalities legislation for the impact on service delivery relating to the built environment. Current performance is 72.72% of our secondary schools are considered fully accessible.

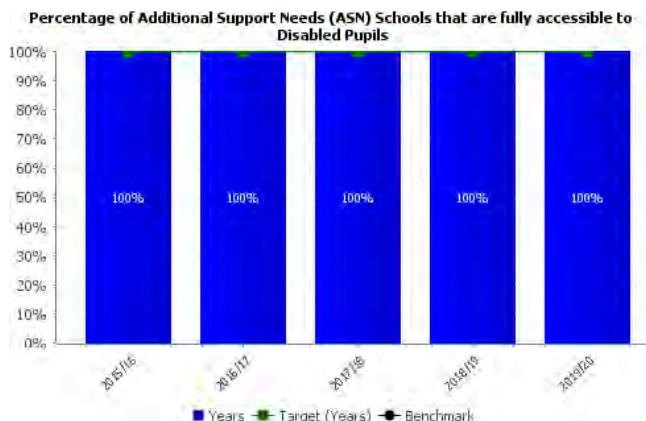
Performance has been sustained and whilst investment in pupil's specific adaptations, general accessibility improvements and the modernisation of the secondary school property portfolio, there are 3 schools which are not fully accessible. These are Broxburn Academy (PPP), Whitburn Academy (PPP) and Bathgate Academy (PPP). This trend chart shows that the council is sustaining the accessibility of our secondary school properties to those pupils with disabilities. Due to the nature of PPP contracts, the improvement of these schools for accessibility is prohibitively costly.

The target for 2020/21 is 73% representing a sustaining of performance. The wider accessibility performance measure is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group. The council is currently rated as 6th amongst 21 other Scottish Local Authorities. No segmentation / breakdown is provided for Secondary Schools.



P:PAMP505\_9b Percentage of Additional Support Needs (ASN) Schools that are fully accessible to Disabled Pupils

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

This performance measure aims to illustrate the number of the council's Additional Support Needs (ASN) school property assets as a percentage that are considered accessible for persons who consider themselves disabled together with demonstrating compliance with equalities legislation for the impact on service delivery relating to the built environment. Current performance is 100% of our ASN schools are considered accessible.

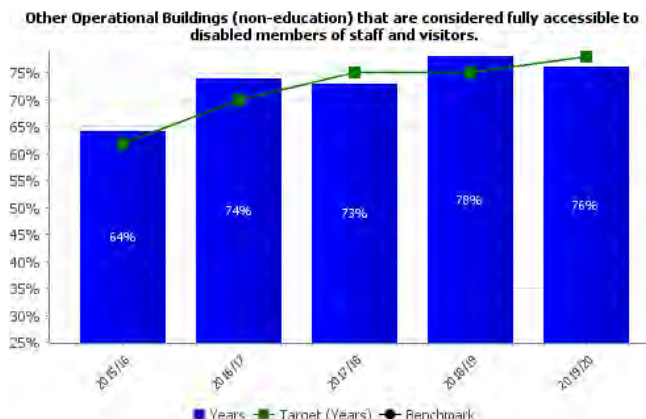
Performance has improved due to the ongoing investment in customer specific adaptations, general accessibility improvements and the modernisation of the ASN school property portfolio. This trend chart shows that the council has increased the accessibility of our ASN school properties to those pupils with disabilities as a result of an effective investment. A significant investment during 14/15 and 15/16 saw an increase of 40% in the performance of the ASN school estate.

The target for 2020/21 is 100% representing a sustaining of performance. The wider accessibility performance measure is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group. The council is currently rated as 6th amongst 21 other Scottish Local Authorities. No segmentation / breakdown is provided for ASN Schools however, given results the council will be in the upper quartile.



P:PAMP507\_9b.2 Other Operational Buildings (non-education) that are considered fully accessible to disabled members of staff and visitors.

Head of Finance and Property Services (D Forrester)



#### Trend Chart Commentary:

This performance measure aims to illustrate the number of the council's operational property assets (excluding schools) as a percentage that are considered accessible for persons who consider themselves disabled together with demonstrating compliance with equalities legislation for the impact on service delivery relating to the built environment.

Performance has continued to improve due to the ongoing investment in customer specific adaptations, general accessibility improvements and the modernisation of the operational (non-education) property portfolio. This trend chart shows that the council is increasing the accessibility of our operational properties to those members of the public with disabilities as a result of an effective investment.

The target for 2019/20 was 78% with an out-turn of 76%. The target for 2020/21 will remain at 78% reflecting a number of projects that are currently in progress and investment in accessibility works. Non-Education assets are not segmented in terms of national benchmarking however, in relation to wider operational property (all asset) which is benchmarked as part of the CIPFA Scotland Property Asset Management Benchmarking Group the council is currently rated as 5th amongst 23 other Scottish Local Authorities.



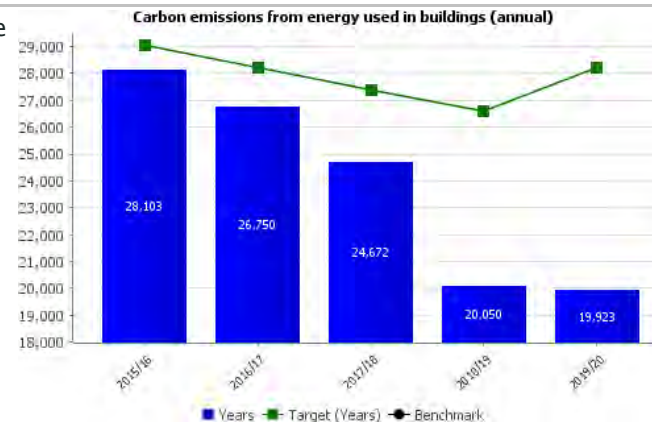
## (f) Outcome 6 - Sustainability

Status	Performance Indicator	Lead officer(s)	Performance Data Trend Chart
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P:PMD191\_9a.1 Carbon emissions from energy used in buildings (annual)

Head of Finance and Property Services (D Forrest)



### Trend Chart Commentary:

2019/20 shows a continued reduction in emissions from previous years because of continued energy efficiency measures and further reductions in emissions factors (particularly for electricity). It is anticipated that further reductions will be seen in 20/21 due to predicted emissions factors, the impact of Covid-19 and other projects coming forward including our Non-domestic Energy Efficiency Framework measures.

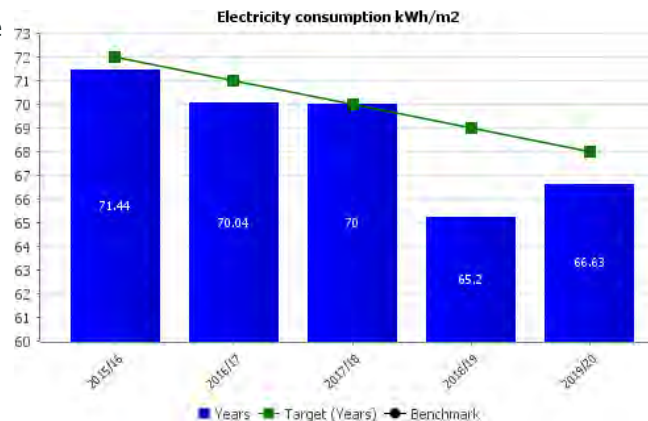
Targets are to be reviewed as part of wider a CMP refresh.

The target for 2019/20 was 26,590 tonnes. Targets reflect the 2013/14 baseline figure and annual reduction of 2.9% set out in the council's approved Carbon Management Plan and Climate Change Strategy.



P:PMD192\_9a Electricity  
consumption kWh/m2

Head of Finance  
and Property  
Services (D  
Forrest)



#### Trend Chart Commentary:

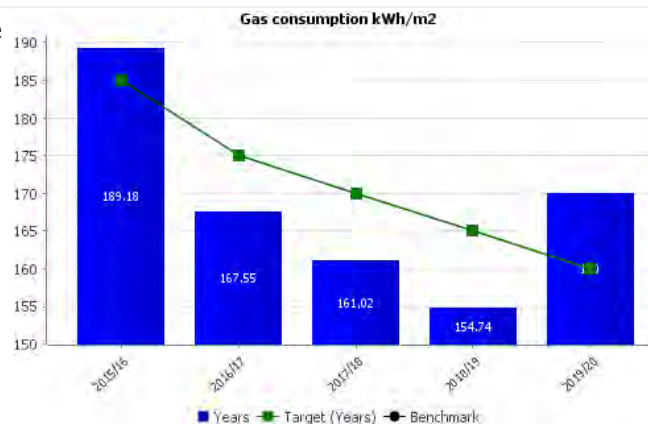
2019/20 saw a slight increase from 65.2 to 66.63kWh/m2, which is still better than target for the year (67). This can be attributed to colder weather than the previous year, leading to an uplift in consumption in our electrically heated sites.

Target for 20/21 is 67kWh/m2. Further improvements to buildings including upgrading of lighting to LED and introduction of more efficient equipment and controls will be the key contributor to reductions.



P:PMD193\_9a Gas  
consumption kWh/m2

Head of Finance  
and Property  
Services (D  
Forrest)



### Trend Chart Commentary:

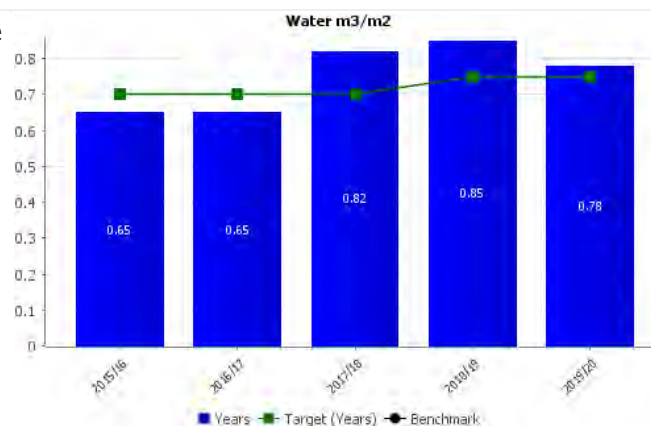
The figure for 2019/20 is 170kWh.m2 against the target of 155, an increase on the previous year caused by an uplift in the number of "degree days".

Further projects are being taken forward in 2020/21 to reduce gas consumption including a number of boiler replacements and other measures.

The target for 2020/21 is 155 kWh/m2. Outcome will be significantly impacted by Covid19, as schools require additional heating due to increased ventilation.



P:PMD195\_9a Water m3/m2 Head of Finance  
and Property  
Services (D  
Forrest)



### Trend Chart Commentary:

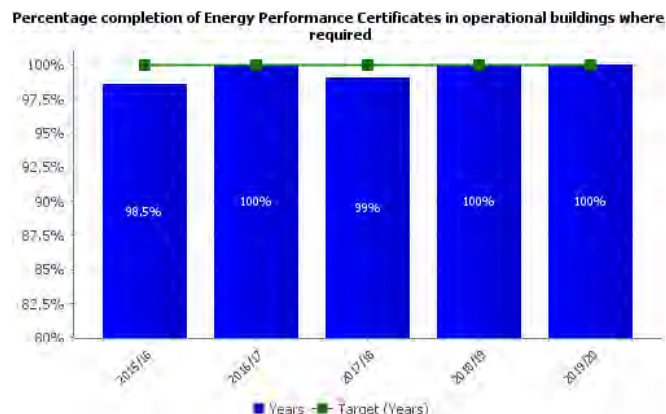
Data shows that water consumption has increased from 0.82m3/m2 to 0.85m3/m2 in 2019/20. There are a number of factors influencing this, including unexpectedly high consumption at a number of sites (some of which we were alerted to and have resolved throughout the year). We continually review with our water provider (Wave) to identify sites where there are high consumption issues with a view to targeting resources to improve this. In addition, supplier data has been improved this year, with consumption data available for more buildings. Some sites still seem high when compared to previous years and we are awaiting clarification on these from Wave. Target for 20/21 is 0.75m3/m2.





P:PMD196\_9b Percentage completion of Energy Performance Certificates in operational buildings where required

Head of Finance and Property Services (D Forrest)



#### Trend Chart Commentary:

Changes to the EPC requirements have meant that a higher number of buildings must have a certificate displayed. All publicly accessible buildings with a floor space of more than 250m<sup>2</sup> must now be included.

Following a comprehensive audit in 2015/16, a number of EPC's were completed in early 2017 which took the council to 100% compliance. In 2018/19, 100% compliance was again achieved. 2019/20 sees the start of renewals for those sites where certificates were first produced in 2009. The renewal process is underway, and a further procurement exercise will be carried out to complete. Target for 2020/21 is for 100% compliance by year end.



DATA LABEL: PUBLIC



## **PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

### **REVIEW OF COMMUNITY BENEFIT LEASES IN COUNCIL PROPERTIES**

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

##### **A. PURPOSE OF REPORT**

The purpose of this report is, as instructed by Council on 24 November 2020, to advise the Panel of existing arrangements for the use of community benefit leases in council properties, and to provide an update on the review undertaken by officers.

##### **B. RECOMMENDATION**

It is recommended that the Panel notes the information in the report concerning community benefit leases and the council's Tenanted Non-Residential Property (TNRP) portfolio and other property portfolios, including the advantages and disadvantages to the council and affected third sector organisations of any potential changes and the relevant legal, equalities and revenue considerations which apply.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Making best use of our resources. Being honest, open and accountable.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	S74 (2) of the Local Government (Scotland) Act 1973, Disposal of Land by Local Authorities (Scotland) Regulations 2010, Community Empowerment (Scotland) Act 2015.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None.
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	Any proposals to approve the use of community benefit leases in TNRP properties would significantly and adversely impact on revenue income currently received from commercial rents. This in turn would impact on associated performance indicators for revenue income from the TNRP portfolio.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<ul style="list-style-type: none"><li>• We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</li></ul>

- Our economy is diverse and dynamic, and West Lothian is an attractive place for doing business.

<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	Any proposals to approve the use of community benefit leases in TNRP properties would significantly and adversely impact on revenue income currently received from commercial rents.
<b>VII</b>	<b>Consideration at PDSP</b>	The report is being presented to PDSP in accordance with the decision of Council on 24 November 2020.
<b>VIII</b>	<b>Other consultations</b>	The Chief Solicitor and the Governance Manager have been consulted on the content of this report.

## **D. TERMS OF REPORT**

### **D1. Background**

Council at its meeting on 24 November 2020 agreed that officers should undertake a review of the use of community benefit leases across the council's estate and consider options for policy and process improvement opportunities that would improve transparency, property utilisation and governance.

Officers were asked to identify any benefits and disadvantages both to the council and to local Third Sector organisations from any proposed changes and to identify any legal and revenue considerations associated with any proposed amendments to the current approach.

The results of that exercise were to be reported to the Panel. A copy of the minute recording the decision is attached in Appendix 1.

### **D2. Current position**

The council has an extensive operational and commercial property portfolio comprising a wide range of assets. Community groups, voluntary organisations and charities regularly approach the council requesting the use of property at concessionary rents.

The management of all property assets is governed by legal requirements. Section 74(2) of the Local Government (Scotland) Act 1973 requires a local authority disposing of an interest in land or buildings to obtain the best consideration reasonably obtainable. This is generally interpreted as being the monetary market value of the asset. The Act allowed disposal at less than the best consideration subject to the Scottish Ministers consent being obtained

The Disposal of Land by Local Authorities (Scotland) Regulations 2010 removed the requirement for reference to Scottish Ministers, allowing local authorities to make such decisions themselves. In the context of the Regulations, disposal may be by way of either sale or lease.

The Scottish Government issued general guidance to assist councils in considering the use of the Regulations, which states that councils should have appropriate arrangements in place. The guidance reiterates the statutory duty to secure Best Value, including the assessment of the full financial consequences of decisions.

In response to the requirements of the Regulations and in recognition of the aims of the Community Empowerment (Scotland) Act 2015, which seeks to support and enable community-led projects, Council Executive at its meeting on 30 June 2015 granted the Head of Finance and Property Services delegated powers to agree community benefit leases of up to ten years to voluntary and other third sector organisations specifically for the use of council-owned sports facilities, clubhouses, allotments and community gardens.

Community benefit leases allow the full market rent to be discounted or waived in full in lieu of the measured non-financial benefits that the tenant's use of the subjects would bring to the community.

Properties forming part of the council's TNRP portfolio were explicitly and deliberately excluded from the scope of that exercise since the purpose of these assets is to support the local economy and employment, which also generates revenue income via commercial rents that supports core service delivery across the council.

The council has granted community benefit leases to a wide range of community organisations and all non-operational sports facilities (31 properties), clubhouses (14 properties), allotments (1 site) and community gardens (3 sites) are now let on this basis. In each case, the market rent has been waived in full in lieu of the established non-financial benefits arising from the tenant's use of the property.

In addition, officers have also secured specific approvals from the Council Executive for the temporary occupancy of a commercial retail unit in Bathgate town centre and for the lease of an area of protected woodland at Tailend to third sector organisations under the provisions of community benefit leases. In both cases, officers considered there to be mitigating circumstances whereby the granting of a community benefit lease was in the council's best interests.

### **D3. Existing approach: TNRP portfolio**

The TNRP portfolio comprises retail, office, industrial and ground-lease assets. Its primary purpose is to support the West Lothian economy by delivering fit for purpose commercial business space. In delivering the economic objectives, the portfolio also provides vital revenue income in the region of £4.50million per annum that supports the delivery of core council services.

The council's approved policy is that TNRP properties must be let at full market value. That policy was established by the former Strategic Services Committee in August 1996 and was further approved by Council Executive in May 2008.

A number of properties held in the council's TNRP portfolio are currently leased to Third Sector organisations. Consistent with all other TNRP leases and in accordance with approved council policy, these properties are let on commercial terms, with full market rents payable by the tenants.

The council currently holds in excess of 720 commercial property assets within its TNRP portfolio. Of that number, 25 properties are leased to voluntary or other Third Sector organisations. Details of those properties, the current tenant and the passing annual property charges due under the respective leases are set out in Appendix 2.

Under existing arrangements, where a Third Sector organisation is a TNRP tenant and where that organisation separately applies for and is granted an annual funding award from a council voluntary organisations budget, any property costs (e.g. rent and/or service charge) payable to the council as landlord under the lease are deducted at source from that award.

The benefits of this approach are that neither the council nor the tenant use time and resources pursuing or processing invoices and, importantly, there is full transparency as to the level of financial support being provided by the council, whilst satisfying the statutory requirements of Best Value and the other legal requirements set out in section D2 above.

Historically, voluntary and third sector organisations may have benefitted from “peppercorn” rents at £1 per annum, however tenants are now required to make payment of full commercial rent for premises occupied by them. Those organisations affected by this change, had their grant funding increased to take account of the requirement to make payment at a commercial rate, ensuring that their net grant payment was protected. As a result, the organisations are not adversely affected by the requirement to pay commercial rents. This same principle applies to any service charge or building insurance payments that are due to be paid by the tenant under the lease. Conversely, it should be noted that if an organisation ceases to lease a council property, then any elements of their award currently included to cover property costs would be removed from their award.

Of the 25 TNRP properties leased to Third Sector organisations, ten properties are currently let to organisations who have their property costs met in full by the council as part of a wider annual funding award from the annual voluntary organisations budget. Details of those properties, the current tenant and the passing annual property charges due under the respective leases are set out in Appendix 3. The Third Sector tenants who occupy the other fifteen TNRP properties meet their annual property costs from alternative funding sources including, in some instances, funding provided by other council services.

#### **D4. Existing approach: Operational properties**

In addition to the TNRP portfolio, the council owns and operates over 240 operational buildings and a wide portfolio of open space land assets. These are classified as operational assets since they are used directly by the council for service delivery. These assets can be summarised as follows:

- Corporate buildings (partnership centres and other office buildings, social care properties and depots)
- The school estate (nursery, primary, secondary and ASN schools)
- Community buildings (community centres, village halls and sports pavilions)
- Open space assets (country parks, pitches and other public open space areas).

Due to the operational nature of our corporate buildings and the school estate, there has been no requirement or demand from the Third Sector for community benefit leases in these properties. Where community groups seek to use these facilities (e.g. sports halls in schools or general-purpose space in partnership centres), it is typically on an ad-hoc basis and their needs are met via hourly lets, with an hourly room-hire fee payable.

Community centres and village halls are leased by the council to community-led management associations, who operate the properties on a day-to-day basis. Under those leases, the council is responsible for meeting all property costs, including repairs and maintenance, statutory compliance and utility costs. The management associations retain all income generated from lets. Typically, these are historic “peppercorn” leases where the passing rent is £1 per annum.

Peppercorn leases are no longer fully compatible with the legal requirements set out in section D2 above and officers are seeking to modernise these leases. This could include the introduction of community benefit leases across the community buildings estate.

Similarly, as approved by Council as part of the revenue budget, officers are promoting community asset transfer and encouraging community groups to consider leasing operational sports pavilions, using community benefit leases as the means for doing so.

Officers have worked with community groups to deliver a number of projects across the public open space estate. These include community gardens, allotments and artwork/memorial sites. Community benefit leases have been used to facilitate these projects and further projects will be delivered via community benefit leases in 2021/22 as a result of recent community funding awards from the Town Centre Fund for 2020/21.

#### **D5. Review of Existing Arrangements: TNRP portfolio**

As part of this review, officers have considered the implications of widening the scope of community benefit leases to include properties held in the TNRP portfolio. The perceived advantages and disadvantages to Third Sector organisations, the council and to the wider local economy are as follows.

The clear advantage to Third Sector organisations of community benefit leases potentially being available across the TNRP portfolio is that they could effectively lease council-owned business premises at nil cost, assuming they were able to adequately demonstrate community benefit.

If, however, all existing Third Sector tenants of the TNRP portfolio demonstrated community benefit and were granted new community benefit leases, projected rent lost from TNRP revenue income would total £286,177 per annum, plus service charge recovery of £56,149 per annum and buildings insurance premiums recovery of £6,690, giving a combined recurring impact of £349,016 on the TNRP portfolio revenue budget in 2021/22. A detailed breakdown of these figures is provided at Appendix 2.

Since community benefit leases are not available from private sector landlords, it is anticipated that Third Sector organisations, naturally drawn by the prospect of securing commercial property at nil cost, would instinctively gravitate towards council-owned properties when seeking premises.

It is envisaged that the TNRP portfolio would over time inevitably contain a far higher percentage of Third Sector tenants and the resulting impact on the TNRP portfolio revenue budget would be significantly greater than £349,016 per annum in future years. This in turn would reduce the amount of revenue funding generated and result in a budget pressure that would require savings to be identified.

The TNRP portfolio plays an important role in supporting the local economy by providing a wide range of flexible business space. If, going forward, businesses were required to compete for that space with an increasing number of Third Sector organisations, this could adversely affect new start-up businesses and/or those businesses looking to expand, locate and employ in West Lothian.

There may be competing interests in a property between a Third Sector organisation and a commercial business or indeed another community group. In those circumstances, officers or ultimately elected members would be required to decide who the property should be leased to, and why.

Whilst voluntary and third sector organisations are a distinct group of tenants who may be seen as having unique challenges, commercial businesses also face real challenges, particularly during the ongoing Covid19 pandemic. The council must consider the basis upon which it would provide unique support to one sector to the prejudice of other tenants, or indeed other voluntary organisations who lease from and pay rent to private landlords. This may also be seen as being anti-competitive.

State aid is any advantage granted by public authorities through state resources on a selective basis to any organisations that could potentially distort competition. The council would have to consider whether the granting of community benefit leases across the TNRP portfolio might be contrary to any existing or new State Aid rules.

#### **D6. Review of Existing Arrangements: Operational Properties**

Due to the operational nature of the properties involved, there is considered to be minimal opportunity or demand for the use of community benefit leases in our corporate buildings or across the school estate. Where groups require the use of facilities within these buildings, suitable letting arrangements exist to accommodate that.

Existing arrangements for the lease of community centres and village halls to community-led management associations are no longer fully compatible with the legal requirements set out in section D2 of this report. Officers consider that an opportunity, and indeed an obligation, exists for those leases to be modernised. On that basis, it is proposed that introducing community benefit leases across the community buildings estate is explored.

The advantage of this is to ensure the council's leasing arrangements are fully consistent with current legal requirements, whilst allowing the management associations to continue occupying buildings without the need to pay a market rent.

In order to maximise utilisation and encourage greater partnership working in our community buildings, officers will work with the Third Sector to explore opportunities for co-location and the sharing of community facilities. The pooling of resources through partnership working ensures community assets are used to their full potential, which in turn delivers the best possible outcomes for our communities.



Officers consider that an opportunity exists for community groups to have greater autonomy and control of community sports facilities, in particular those sports pavilions that are currently classified as operational. Officers will continue to promote community asset transfer and encourage community groups to consider leasing pavilions, using community benefit leases as the means for doing so.

Community benefit leases have been used to support and facilitate community groups in the delivery a number of projects across the public open space estate, including community gardens, allotments and artwork/memorial sites. Further open space projects will be delivered in 2021/22 as a result of recent funding awards from the Town Centre Fund for 2020/21 and community benefit leases will continue to play a key role in those projects.

#### **D7. Legal considerations**

The council has a legal obligation to comply with the requirements of Section 74(2) of the Local Government (Scotland) Act 1973 and the Disposal of Land by Local Authorities (Scotland) Regulations 2010, and in doing so to at all times to ensure Best Value in the sale or lease of its property assets.

Having regard to each of the matters set out in section D5 above, the council's Chief Solicitor considers it unlikely that the council could adopt a blanket approach the granting of community benefit leases across the TNRP portfolio to voluntary and other third sector organisations. The Chief Solicitor considers it would be necessary to ensure that all issues were fully considered in relation to each organisation to establish whether and to what extent relief could legitimately be provided.

In terms of the council's operational properties, the historic agreements that currently govern the lease of community centres and village halls to management associations are no longer fully consistent with the requirements of the Disposal of Land by Local Authorities (Scotland) Regulations 2010 since they operate on a peppercorn rent (£1 per annum) basis.

#### **E. CONCLUSION**

Officers have undertaken a review of the use of community benefit leases across the council's full property estate. The benefits and disadvantages both to the council and to local Third Sector organisations from any proposed changes have been identified, along with any legal and revenue considerations associated with potential amendments to the current approach.

The primary purpose of the TNRP portfolio is to support the local economy through the supply of business space. For the reasons set out in section D5 above, it is the clear view of officers that making the TNRP portfolio available to Third Sector organisations on community benefit leases would significantly and adversely impact the local economy and would result in a financial pressure for the council. The Chief Solicitor has also identified concerns over any potential blanket approach, with reference to the council's stated legal requirements on Best Value, anti-competition considerations and potential State Aid implications. In light of the foregoing, no change is proposed to the council's existing policy of prohibiting community benefit leases in the TNRP portfolio.

Having considered the council's operational buildings and open space assets, and with reference to the number and type of projects that our communities have thus far sought to deliver, there is significant evidence that existing processes and governance arrangements are robust, transparent and effective and that the current

Scheme of Delegation provides sufficient delegated powers to enable the council to support and facilitate the delivery of the vast majority of community-led projects via the community benefit lease model.

In exceptional circumstances, where a proposed project does fall outside the scope of existing delegated powers, or where officers consider it to be in the council's best interests to grant a community benefit lease for a particular property, then the option exists for officers to seek specific approval to proceed from the Council Executive.

Officers have identified a need to modernise existing arrangements for the lease of community centres and village halls to community-led management associations. Community benefit leases present an opportunity to ensure the council is fully compliant with current legislative requirements, whilst enabling the management associations to continue leasing these properties at nil rent (with the full market rent being off-set in lieu of non-financial community benefits).

Officers will seek to maximise utilisation and encourage greater partnership working in our community buildings by working with the Third Sector to explore opportunities for co-location and the sharing of community facilities. Officers will also continue to promote the benefits of community asset transfer and encourage community groups to consider leasing community buildings, using community benefit leases as the means for doing so.

Where community groups are awarded Town Centre Fund funds, or similar funding awards in future years, officers will support the delivery of community projects, using community benefits leases as the means for doing so.

## **F. BACKGROUND REFERENCES**

- Section 74(2) of the Local Government (Scotland) Act 1973
- Disposal of Land by Local Authorities (Scotland) Regulations 2010
- Community Empowerment (Scotland) Act 2015 – Part 5
- Strategic Services Committee - August 1996
- Council Executive - May 2008 – Policy and practices of estate management
- Council Executive – 30 June 2015 – Modernising leases at less than market value

Appendices/Attachments:

Appendix 1 - Extract from Minute of Council meeting on 24 November 2020

Appendix 2 - TNRP Properties leased to Third Sector organisations

Appendix 3 - TNRP Properties where cost are deducted at source

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**Donald Forrest, Head of Finance and Property Services**

Date of meeting: 5 February 2021

DATA LABEL: PUBLIC

**APPENDIX 1: Extract of Minute of Meeting – West Lothian Council 24/11/2020  
(Item 25)**

Council commends the tremendous contribution of West Lothian Third Sector and community organisations throughout the COVID-19 pandemic.

Council recognises there are hundreds of Third Sector organisations in West Lothian and that only a small proportion of these - 19 - currently let 24 Council TNRP (Tenanted Non-Residential Properties) properties. 8 of the 19 have rental charges deducted at source once the award is made, having been included and accounted for in grant awards from the Council. The vast majority of Third Sector organisations lease private property.

Council notes that the council policy approved at Council Executive in 2008 states that TNRP properties must be let at full market value and that there is currently no scope within the existing policy to remove rental charges for local voluntary organisations

Council further notes that a meeting of the Council Executive on 30<sup>th</sup> June 2015 excluded TNRP properties from community benefit leases which are applicable to sports facilities, clubhouses, allotments and community gardens.

Council recognises the new funding process agreed for Voluntary Organisations and that current grant recipients are not guaranteed awards in the future, given the playing field has now been levelled to allow hundreds more organisations the opportunity to apply for funding in accordance with agreed priorities.

Council therefore instructs officers to bring a report to a future meeting of the Policy & Resources PDSP:

- to review the policy of Community Benefit leases across the council's estate and to consider all options for policy and process improvement opportunities and changes to improve transparency, property utilisation and governance;
- to identify benefits and any disadvantages to local Third Sector organisations from any proposed changes;
- to identify benefits and any disadvantages to the council property portfolios (including the TNRP) from any proposed changes;
- to identify legal considerations associated with any proposed amendments to the current approach or emerging proposals;
- to identify revenue consequences both positive and negative of any proposed changes and where negative to identify options to mitigate these where possible.
- to conduct an Integrated Impact Assessment on any proposed options for change.

Council accepts that should there be any revenue consequences associated with changes which relate to approved budgets then these will require consideration.

**Appendix 2: TNRP Properties Leased to Third Sector organisations**

No.	Voluntary Organisation	Property Address	2020/21 Annual Rental (£)	2020/21 Service Charge (£)	2020/21 Building Insurance (£)	Total Property Charges: 2020/21 (£)
1	Family and Community Development West Lothian	Unit 1 Kirkhill Business Units, Park Court, Broxburn	3,000.00	-	-	3,000.00
2	Family and Community Development West Lothian	Unit 8 Kirkhill Business Units, Park Court, Broxburn	2,280.00	-	-	2,280.00
3	Citizens Advice Bureau	Unit 1, Almondbank Centre, Shiel Walk, Livingston	14,600.00	6,907.77	-	21,507.77
4	WL Drug and Alcohol Service	Unit 2, Almondbank Centre, Shiel Walk, Livingston	15,975.00	6,987.80	-	22,962.80
5	The Daisy Drop In Centre	Unit 3, Almondbank Centre, Shiel Walk, Livingston	7,200.00	3,150.07	-	10,350.07
6	Citizens Advice Bureau	Unit 5, Almondbank Centre, Shiel Walk, Livingston	1,575.00	670.08	-	2,245.08
7	Livingston Credit Union	Unit 6, Almondbank Centre, Shiel Walk, Livingston	2,430.00	1,061.82	-	3,491.82
8	Open Door Accommodation Project	Unit 7, Almondbank Centre, Shiel Walk, Livingston	7,560.00	3,306.82	-	10,866.82
9	Citizens Advice Bureau	Unit 11, Almondbank Centre, Shiel Walk, Livingston	1,575.00	670.08	-	2,245.08
10	Linlithgow Young Peoples Project	29 The Vennel, Linlithgow	15,000.00	-	-	15,000.00
11	Regal Community Theatre	North Bridge Street, Bathgate	58,500.00	9,588.00	5,761.86	73,849.86
12	Linlithgow Heritage Trust	Tam Dalyell House, High Street, Linlithgow	25,819.00	17,980.95	-	43,799.95
13	Handicabs Lothian	Unit 17A Inchmuir Road, Whitehill Industrial Estate, Bathgate	5,700.00	-	-	5,700.00
14	Whitburn Community Development Trust	61 West Main Street, Whitburn	7,000.00	-	-	7,000.00
15	Family and Community Development West Lothian Limited	Land at Lower Bathville, Armadale	6,800.00	-	-	6,800.00

**Appendix 2 (continued): TNRP Properties Leased to Third Sector organisations**

No.	Voluntary Organisation	Property Address	2020/21 Annual Rental (£)	2020/21 Service Charge (£)	2020/21 Building Insurance (£)	Total Property Charges: 2020/21 (£)
16	Ladywell Neighbourhood Network	28 Heatherbank, Livingston	4,650.00	-	41.96	4,691.96
17	Craigshill Good Neighbour Network	Former Almondbank Library, Livingston	20,000.00	-	347.08	20,347.08
18	St. Michael's Day Centre	New Linlithgow Partnership Centre, Linlithgow	10,000.00	-	-	10,000.00
19	Carers of West Lothian	Sycamore House, Livingston	31,200.00	-	539.22	31,739.22
20	West Lothian Woman's Aid	92 Ivanhoe Rise, Livingston	1,383.00	-	-	1,383.00
21	The Larder	Café at Strathbrock Partnership Centre, Broxburn	8,000.00	-	-	8,000.00
22	Boghall café	Bog Hall Drop In	600.00	-	-	600.00
23	West Lothian Foodbank	Unit 5 Heron Square Deans	21,600.00	4,080.00	-	25,680.00
24	West Lothian Foodbank	Unit 4 Heron Square Deans	10,980.00	-	-	10,980.00
25	Linlithgow Link	Room at Tam Dalyell House, Linlithgow	2,750	1,746	-	4,496
<b>TOTALS (£):</b>			<b>286,177</b>	<b>56,149.39</b>	<b>6,690.12</b>	<b>349,016.51</b>

**Appendix 3: TNRP properties where costs are deducted at source**

No.	Voluntary Organisation	Property Address	2020/21 Annual Rental (£)	2020/21 Service Charge (£)	2020/21 Building Insurance (£)	Total Property Charges 2020/21 (£)
1	Citizens Advice Bureau	Unit 1, Almondbank Centre, Shiel Walk, Livingston	14,600.00	6,907.77	-	21,507.77
2	Citizens Advice Bureau	Unit 5, Almondbank Centre, Shiel Walk, Livingston	1,575.00	670.08	-	2,245.08
3	Citizens Advice Bureau	Unit 11, Almondbank Centre, Shiel Walk, Livingston	1,575.00	670.08	-	2,245.08
4	Craigshill Good Neighbour Network	Former Almondbank Library, Livingston	20,000.00	-	347.08	20,347.08
5	Family and Community Development West Lothian	Land at Lower Bathville, Armadale	6,800.00	-	-	6,800.00
6	Handicabs Lothian	Unit 17A Inchmuir Road, Whitehill Industrial Estate, Bathgate	5,700.00	-	122.20	5,822.20
7	Ladywell Neighbourhood Network	28 Heatherbank, Livingston	4,650.00	-	41.96	4,691.96
8	Linlithgow Heritage Trust	Tam Dalyell House, High Street, Linlithgow	25,819.00	17,980.95	-	43,799.95
9	The Daisy Drop In Centre	Unit 3, Almondbank Centre, Shiel Walk, Livingston	7,200.00	3,150.07	-	10,350.07
10	Whitburn Community Development Trust	61 West Main Street, Whitburn	7,000.00	-	152.09	7,152.09
<b>TOTALS:</b>			<b>94,919.00</b>	<b>29,378.95</b>	<b>663.33</b>	<b>124,961.28</b>

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**PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL**

**LOTHIAN VALUATION JOINT BOARD**

**REPORT BY CHIEF EXECUTIVE**

**A. PURPOSE OF REPORT**

To update the Partnership and Resources Policy Development and Scrutiny Panel on the business and activities of the Lothian Valuation Joint Board.

**B. RECOMMENDATION**

It is recommended that the Panel notes the terms of the minutes of the meeting held on 15 June 2020 and 7 September 2020 of the Lothian Valuation Joint Board.

**C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Focusing on our customers' needs Being honest, open and accountable Working in partnership.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	Council requires the activities of certain outside bodies to be reported to elected members on a regular basis, as part of its Code of Corporate Governance.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	None
<b>IV</b>	<b>Impact on performance and performance Indicators</b>	None
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	National outcome 15: Our Public Services are high quality, continually improving, efficient and responsive to local people's needs.
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	None
<b>VII</b>	<b>Consideration at PDSP</b>	No prior consideration required.
<b>VIII</b>	<b>Consultations</b>	None required.

**D. TERMS OF REPORT**

At its meeting of 29 June 2010, the Council Executive decided that the activities of certain outside bodies should be reported within the council to ensure all elected members are aware of the business of those bodies and to help to ensure their activities are more effectively scrutinised.

In accordance with that decision, the business of the Lothian Valuation Joint Board was to be reported to this meeting by the production of its minutes and annual report.

Appendix 1 provides the minutes of the Lothian Valuation Joint Board meeting held on 15 June 2020 and appendix 2 provides the minutes of the Lothian Valuation Joint Board meeting held on 7 September 2020.

## **E. CONCLUSION**

This report ensures that members are kept apprised of the activities of Lothian Valuation Joint Board as part of the council's Code of Corporate Governance.

## **F. BACKGROUND REFERENCES**

West Lothian Council Code of Corporate Governance.

### Appendices/Attachments:

Appendix 1 – Minutes of meeting of the Lothian Valuation Joint Board held on 15 June 2020.

Appendix 2 – Minutes of meeting of the Lothian Valuation Joint Board held on 7 September 2020.

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**Graham Hope**  
**Chief Executive**  
**5 February 2021**



## Lothian Valuation Joint Board

15 June 2020

Meeting held virtually by Skype

### Present:

**City of Edinburgh Council** – Councillors Key (Convener), Corbett, Doggart, Doran, Gordon, Gloyer, Henderson, Rust and Work.

**East Lothian Council** – Councillor Goodfellow.

**West Lothian Council** – Councillor McGuire.

### 1 Minute

#### Decision

To approve the minute of the Lothian Valuation Joint Board of 3 February 2020 as a correct record.

### 2 Assessor's Update Report to the Lothian Valuation Joint Board

An update report by the Assessor and Electoral Registration Officer was presented to the Board. It provided information on the activities of the organisation during the Covid-19 pandemic and the subsequent closure of the office premises and staff move to home working.

The update also covered the canvass process for 2020, registration applications, elections, non-domestic rates and council tax.

#### Decision

To note the report.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

### 3 Members Code of Conduct Report

A management action had been identified by the external auditors in their 2018/19 Annual Audit Report which was considered by the Board in September 2019. It was proposed that a code of conduct for Board members and a register of interests should be established to mitigate the identified risk.

#### Decision

- 1) To approve the draft Members Code of Conduct.

Lothian Valuation Joint Board  
15 June 2020

- 2) To agree to provide a Register of Interests Declaration Form and once submitted, the information would then be published on the Lothian Valuation Joint Board website.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

#### **4 Treasury Management Annual Report 2019/20**

The Annual Treasury Management report for the financial year 2018/19 was submitted.

##### **Decision**

To note the annual report for 2019/20.

(Reference – report by the Treasurer, submitted)

#### **5 Unaudited Annual Accounts for the Year Ended 31 March 2020**

The unaudited annual accounts were presented to the Board in accordance with the Local Authority Accounts (Scotland) Regulations 2014, which required that the Annual Accounts for the year 2019/20 be presented to the Board no later than 31 August 2020. The Annual Accounts were required to be presented to external audit by 30 June 2020.

##### **Decision**

- 1) To note the report.
- 2) To note that the Audited Annual Accounts for 2019/20 would be re-presented to the Board on completion of the external audit.
- 3) To note that a pension adjustment of £0.124m would be made in the Audited Annual Accounts due to a timing issue on receipt of pension information. The pension liability will increase from £6.453m to £6.577m as a result of the return on assets figure being revised from an estimate to an actual. The Board were previously advised of this ongoing annual adjustment between unaudited and audited accounts. This adjustment only affects unusable reserves so will not change the general reserve balance reported in paragraph 2.7 of the report by the Treasurer.

(Reference – report by the Treasurer, submitted).

#### **6 Recruitment of a new Assessor and Electoral Registration Officer**

The current Assessor and ERO had confirmed his intention to retire in June 2020 and recruitment had commenced. The process was suspended in March 2020 due to Covid-19 and the Assessor and ERO agreed to delay his

Lothian Valuation Joint Board  
15 June 2020

retirement until September 2020. It was recommended that one of the Assistant Assessors be appointed on an interim basis with a recommended approach to the permanent position brought back to the Board in June 2020.

**Decision**

- 1) To note the current Assessor and ERO would retire in September 2020.
- 2) To agree that due to the ongoing uncertainty with COVID-19, to appoint one of the Assistant Assessors on an interim basis, initially for a six-month period.
- 3) To appoint Councillors Goodfellow and McGuire to support the Convener with the interim recruitment process.

(Reference – report by the Treasurer, submitted)

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# **Lothian Valuation Joint Board**

**7 September 2020**

Meeting held virtually by Teams

**Present:**

**City of Edinburgh Council** – Councillors Key (Convener), Corbett, Doggart, Doran, Gordon, Gloyer, Rust and Work.

**East Lothian Council** – Councillor Findlay and Goodfellow.

**West Lothian Council** – Councillor McGuire and Timson.

## **1 Minute**

### **Decision**

To approve the minute of the Lothian Valuation Joint Board of 15 June 2020 as a correct record.

## **2 Assessor's Progress Report to the Lothian Valuation Joint Board**

A progress report by the Assessor and Electoral Registration Officer (ERO) was presented to the Board. It provided information on the overview of current service delivery, priorities, risks and future direction.

An update was also provided on the activities of the organisation during the Covid-19 pandemic.

### **Decision**

To note the report.

(Reference – report by the Assessor and Electoral Registration Officer, submitted)

## **3 Interim Appointment of an Assessor and Electoral Registration Officer**

At its meeting on 15th June 2020 the Lothian Valuation Joint Board (LVJB) agreed that due to the ongoing uncertainty with Covid-19 it would appoint one of the LVJB Assistant Assessors as Interim Assessor and ERO until 31 March 2021.

It was proposed that the full recruitment panel would reconvene in December 2020 to short list and interview candidates for the permanent role of Assessor and ERO.

### **Decision**

- 1) To note the decision to appoint Gary Elliott as Interim Assessor and ERO until 31 March 2021.
- 2) To agree that the recruitment panel would reconvene in December 2020 to shortlist and interview candidates for the permanent appointment of an Assessor and ERO.

(Reference – report by the Treasurer, submitted)

#### **4 Period 4 Financial Statement 2020/21**

The Period 4 Financial Statement for the financial year 2020/21 was submitted.

The projected revenue budget outturn position was summarised to 31st March 2021, based on the position at 31st July 2020. The forecast was for net expenditure to be in line with the approved revenue budget of the Board.

##### **Decision**

- 1) To note the projected outturn position for 2020/21.
- 2) To note that a further 2020/21 budget update would be presented in November 2020.
- 3) To note that the Scottish Government had extended the deadline for presenting the Audited Annual Accounts due to Covid-19 and that they would be presented to the Board in November 2020.

(Reference – report by the Treasurer, submitted)

**PARTNERSHIP AND RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL  
WORKPLAN TO 23 APRIL 2021**

	<b>Agenda Item</b>	<b>Lead Officer</b>	<b>P&amp;R PDSP Date / Month</b>
1.	Code of Conduct Annual Report	Chief Executive	Annually December 2021
2.	Lothian Valuation Joint Board Annual Report	Chief Executive	Annually April 2021
3.	West Lothian Development Trust Annual Report	Head of Planning, Economic Development & Regeneration	Annually April 2021
4.	Annual Complaints Report	Depute Chief Executive, Corporate, Operational and Housing Services	Annually August 2021
5.	Quarterly Performance Report	Depute Chief Executive, Corporate, Operational and Housing Services	Quarterly 23 April 2021 18 June 2021 August 2021 December 2021
6.	Horizon Scan Report	Head of Finance and Property Services	Quarterly 18 June 2021 August 2021 December 2021 February 2022
7.	Quarterly Sickness Absence Update	Head of Corporate Services	Quarterly 18 June 2021 August 2021 December 2021 February 2022
8.	Armed Forces Policy Forum	Head of Planning, Economic Development & Regeneration	23 April 2021
9.	Draft funding conditions for the award of capital grants to community groups	Head of Finance and Property Services	23 April 2021
10.	Fire Safety, Asbestos and	Head of Finance and	23 April 2021

**DATA LABEL: PUBLIC**

	<b>Agenda Item</b>	<b>Lead Officer</b>	<b>P&amp;R PDSP Date / Month</b>
	Legionella Policies and Risk Management Plans	Property Services	
11.	Lothian Valuation Joint Board minutes	Chief Executive	As available

Graham Hope  
Chief Executive

**DATA LABEL: PUBLIC**