



West Lothian
Council

Education Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

15 August 2013

A meeting of the **Education Executive** of West Lothian Council will be held within **Council Chambers, West Lothian Civic Centre** on **Tuesday 20 August 2013** at **10:00 a.m.**

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Order of Business, including notice of urgent business
3. 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.
4. MINUTES
 - (a) Confirm Draft Minute of Meeting of Education Executive held on Tuesday 04 June 2013 (herewith).
 - (b) Confirm Draft Minute of Meeting of Education Executive held on Thursday 27 June 2013 (herewith).

Public Items for Decision

5. Review of Employers' Liability Insurance Cover Limit Required for School Work Experience Programmes - Report by Head of Education (Quality Assurance) (herewith).

Public Items for Information

6. West Lothian Schools - Partnership Working
 - (a) Presentation by Paul Durkin, Senior Phase Development Officer
 - (b) Report by Head of Education (Quality Assurance) (herewith).

NOTE **For further information please contact Elaine Dow on 01506 281594 or email elaine.dow@westlothian.gov.uk**

MINUTE of MEETING of the EDUCATION EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 4 JUNE 2013.

Present – Councillors Lawrence Fitzpatrick (Chair), David Dodds, Stuart Borrowman, Tony Boyle, Harry Cartmill, Tom Conn, Alexander Davidson, Carl John, Peter Johnston, Danny Logue, John McGinty, Anne McMillan, Andrew Miller, Angela Moohan, Frank Toner and Jim Walker; Appointed Representatives Elsie Aitken, Eric Lumsden and Lynne McEwen.

Apologies – Councillor Dave King and Appointed Representative Myra MacPherson.

Absent – George Paul.

1. DECLARATIONS OF INTEREST

Councillor David Dodds declared a general non-financial interest in that his wife worked as a nursery nurse within West Lothian Council and his son worked as a teacher within West Lothian Council. He also declared a non-financial interest as a member of the Education Institute for Scotland. Councillor Dodds participated in considered of all items of business.

Agenda Item 11 – Service Level Agreement with Speech and Language Therapy Service (NHS Lothian)

Councillor Danny Logue declared a non-financial interest in Agenda Item 11 as an employee of NHS Lothian. Councillor Logue participated in consideration of the item of business.

Councillor Frank Toner declared a non-financial interest in Agenda Item 11 as the Chair of West Lothian Community Health & Care Partnership and as a Non-Executive Member of NHS Lothian. Councillor Toner participated in consideration of the item of business.

Councillor Miller advised that Councillor Peter Johnston declared an interest in Agenda Item 11 due to his links with NHS Lothian. Councillor Johnston did not participate in consideration of the item of business.

2. MINUTE

The Minute of the meeting of the Education Executive held on 23 April 2013 was approved as a correct record. The Chair thereafter signed the Minute.

3. WHITBURN ACADEMY AND VICTIM SUPPORT

The Education Executive noted a presentation by Angela Hay, Victim Support West Lothian and three students from Whitburn Academy, namely Nicole, Tegan and Courtney. Mr Adair, Head Teacher of

Whitburn Academy was also in attendance at the meeting.

The presentation provided details of the support and information available to help raise awareness of the needs of young victims and witnesses of crime in West Lothian. Whitburn Academy students worked in partnership with Victim Support Scotland to ensure that the best possible support was provided. West Lothian's most common crimes included bullying, physical assault, theft and sexual assault. Information was gathered from victims who provided details of the abuse suffered and who they reported this to. It was noted that young victims often under reported incidents of crime due to the fact that they were too frightened to tell.

As a result of the feedback received it was decided to hold a conference to raise awareness of the needs of the young victims of crime and the services available to them. On 17 January 2013 a half-day conference was held entitled 'Horizon' at Whitburn Academy. It was attended by HRH the Princess Royal, staff and school students from other secondary schools and community planning partners. The conference was very successful with the findings and recommendations of the young people found to create a high volume of interest. Angela also advised that it was agreed that the young people of Whitburn Academy intended to run a poster competition to help raise awareness and signpost young people to the service available within West Lothian.

Following the conclusion of the presentation the Education Executive considered a report (copies of which had been circulated) by the Head of Schools with Education Support which provided details of the work carried out by Whitburn Academy students working in partnership with Victim Support Scotland.

Phyllis Wood, Education Officer, advised that the work carried out provided an example of the excellent partnership working between students at Whitburn Academy and Victim Support Scotland.

During the course of the discussion it was agreed that bullying would not be tolerated in schools and that the ethos of respecting each other should be promoted.

In conclusion, the Chair, on behalf of the Education Executive, thanked everyone for the excellent presentation given and acknowledged the achievements of the pupils who arranged a conference which was attended by The Princess Royal to raise awareness about young victims and witnesses of crime.

Decision

To note the presentation and contents of the report.

4. WORK EXPERIENCE POLICY AND EXTENDED WORK EXPERIENCE POLICY

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) which provided

details of proposed amendments to the Work Experience Policy and the Extended Work Experience Policy to reflect issues with the Protection of Vulnerable Group Scheme and changes to the British Safety Council Entry Level Award. Appendices to the report included details of the WLC Work Experience Policy, WLC Extended Work Experience Policy and WLC Equality Impact Assessment Template.

The report advised that work experience is a crucial element in developing young people's Skills for Life and Skills for Work within Curriculum for Excellence. The Council has a statutory duty under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 to provide care to all school pupils. This duty extends into the work experience or vocational training placement and places an obligation on the Council to ensure that any placement made under either of these initiatives was without significant risk to the health, safety or welfare of the pupil.

The Education for Work Officer advised that approval of the amended policy for use in all West Lothian Council schools would ensure that the Council's legal duties were met and that pupils were safeguarded while on placement. She also advised that recommendation was made to amend the policy to ensure that employers undertaking to provide work experience placements had insurances in place to better protect the pupils in the event of an accident with insurance cover levels increased from £5M to £10M. No 1:1 work experience placements would be authorised by the council unless the pupils were closely related to the provider or the employee of the company undertaking regulated work with a pupil should have a PVG check in place via their employer and to the satisfaction of the council.

During the course of the discussion Eric Lumsden, Appointed Representative, raised his concerns in relation to the impact the increased Employer's Liability Insurance would have on employers undertaking to provide work experience placements. He believed that this would have a devastating effect on employers being able to provide this service. Eric opposed the recommendation to increase the level in insurance for employers to £10M and recommended an amendment to the recommendation to enable Officers to investigate further the consequences to employers should this be approved and report back to the committee at a future date.

Recommendation

The recommendations in the report by the Head of Education (Quality Assurance) asked the Education Executive to approve the amendments to the Work Experience Policy and the Extended Work Experience Policy to include the following:

- No 1:1 placements should take place unless the pupils were closely related to the provider (child, grandchild, etc) or that an employee of a company undertaking regulated work with a pupil should have a PVG check in place via their employer (and to the satisfaction of the council);

- That all employers undertaking to provide work experience placements must have Employer's Liability Insurance of £10 million;
- Schools should adopt the Institute of Occupational Health & Safety Award as a pre-requisite for pupils attending placements.

Amendment

- No 1:1 placements should take place unless the pupils were closely related to the provider (child, grandchild, etc) or that an employee of a company undertaking regulated work with a pupil should have a PVG check in place via their employer (and to the satisfaction of the council);
- Schools should adopt the Institute of Occupational Health & Safety Award as a pre-requisite for pupils attending placements.
- Further information to be submitted to a future meeting of the Education Executive on Employer's Liability Insurance and the implications the increase in insurance cover to £10 million would have on employers undertaking to provide work experience placements.

Decision

The Education Executive approved the terms of the amendment.

5. EXTENSION TO FREE BREAKFAST PROVISION

The Panel considered a report (copies of which had been circulated) by the Head of Schools with Education Support, providing information on the arrangements to extend free breakfast provision from August 2013 to all primary school children and to those pupils in secondary schools who were entitled to free school meals. Appendices 1 and 2 to the report provided details of the letters which would be sent to parents/carers of primary and secondary school children regarding free breakfast provision proposals, which included sample menus. Appendix 3 provided information relating to the Breakfast Club Action Plan.

In the 2013/2014 budget process the decision was made to make available a further £200,000 to provide free breakfasts for all children in primary schools regardless of free school meal entitlement and for those pupils in secondary schools entitled to free school meals. It was proposed that this would be implemented from August 2013. Research demonstrated that a healthy breakfast provided a good start to the school day and provided children with the nutrition they needed to help them concentrate and learn. The benefits of the breakfast club included improved attendance, improved timekeeping and improved capacity to learn and be healthy.

The report advised that almost all primary schools in West Lothian

provided well-established breakfast club facilities which were suitably equipped. Schools were supported through the breakfast club network, run by the Breakfast Club and Food in Schools Group. Pilot projects of the extended provision were underway at Peel Primary School and Harrysmuir Primary School in order to inform requirements for the implementation in August 2013.

The Head of Schools with Education Support stated that it would be necessary to monitor the role out of the programme to ensure effective implementation and also monitor the costs involved throughout the year. A report on the impact of the plan would be brought back to the Education Executive at a future date.

Members asked officers what steps were being taken to ensure that hard to reach families were being supported to engage with the service. The Head of Schools with Education Support advised that Head Teachers were promoting the free breakfast provision in schools and a multi-agency approach with partnership agencies was also being taken to support the policy.

In conclusion, the Breakfast Club and Food in Schools Group would implement and monitor the new developments proposed to ensure the effective implementation and uptake of breakfast provision for those pupils on free school meals.

It was recommended that the Education Executive approve the following:

- Free school breakfast provision would be available for all primary school children who wish to access this service from August 2013 and arrangements to audit and pilot provision to inform requirements;
- Free school breakfast provision would be available for all secondary school students who were entitled to free school meals and arrangements to pilot provision to inform requirements; and
- To note the action plan of the Breakfast Club and Food in Schools Group to increase the uptake of breakfast by children entitled to free school meals; and
- To provide the Education Executive with a report on the impact of the plan at a future date.

Decision

To approve the terms of the report.

6. SCHOOL SESSION DATES 2014/15

The Education Executive considered a report (copies of which had been circulated) by the Head of Schools with Education Support providing details of the proposed session dates for West Lothian schools in

2014/15. Appendix 1 to the report outlined the proposed school session dates, which were similar to the dates made available by other local authorities in East Central Scotland as detailed in appendix 2 to the report.

The Customer Services Manager advised that following consultation with parent councils, head teachers and school staff an extra holiday was included in February by moving the in-service day to January with proposals to begin and end the Christmas break later. LNCT agreed to accept the proposed dates at its meeting held on 26 April 2013. It was also noted that further consultation would be carried out in early 2014 regarding the proposal for a fixed Easter break, which would commence on the last Monday in March in future years.

The Education Executive welcomed the 2014/2015 Calendar, which was found to be extremely useful and user friendly.

The report recommended that the Education Executive note the planned dates for session 2014/15 and approve the proposal.

Decision

The Education Executive approved the terms of the report.

7. WEST LOTHIAN COUNCIL LITERACY FRAMEWORK

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) providing information on West Lothian's Literacy Framework, which promotes raising of literacy standards for all, from early years to adulthood, in line with the Scottish Government's Literacy Action Plan published in 2010

The report advised that in 2010 the Scottish Government produced a Literacy Action Plan to improve Literacy in Scotland. The action plan recognised that the development of literacy skills were fundamental requirements for learning and were essential for work and life. The Literacy Action Plan also highlighted that there was a need for a more targeted focus for improving literacy skills in Scotland through better co-ordination and partnership working.

The Senior Education Development Manager advised that West Lothian Council's response to the government action plan was the development of a literacy framework which took into account the information set out in the government's Literacy Action Plan as well as other national guidance. West Lothian Council's Literacy Framework May 2013 was attached as an appendix to the report. The framework promoted raising literacy standards and was built on existing good practice to ensure that literacy would have a central focus in schools and within different learning contexts.

In conclusion, the expectation in West Lothian was that the Literacy Framework would support young people and adult learners to develop

their literacy skills to enable them to engage effectively and fully in society, to use services and to communicate their ideas.

The report recommended that the Education Executive note the contents of the West Lothian Literacy Framework and endorse its approach.

Decision

The Education Executive approved the terms of the report.

8. SCOTLAND'S NATIONAL PLAY AWARDS 2013

The Education Executive considered a report (copies of which had been circulated) by the Head of Schools with Education Support regarding the request to support Family and Community Development West Lothian to host Scotland's National Play Awards at their premises in Broxburn in September 2013.

The report advised that Family and Community Development West Lothian worked in partnership with West Lothian Council to provide a high quality out of school care for children and the provision of training for staff. They were seeking support from West Lothian Council to host the tenth anniversary of Scotland's National Play Awards on 7th September 2013 at their premises in Broxburn as detailed in the appendix to the report. They were asked to host the event as they won the inaugural award for best play space and the award for best play experience in 2012. The event will re-enforce West Lothian's reputation as a centre of excellence that was leading the way on play.

In conclusion, providing support to this high profile event would reaffirm the Council's commitment to supporting development in the area of child care.

The report recommended that the Education Executive agree to support Family and Community Development West Lothian to host Scotland's National Play Awards at their premises in Broxburn in September 2013.

Decision

The Education Executive approved the terms of the report.

9. SERVICE LEVEL AGREEMENT WITH SPEECH AND LANGUAGE THERAPY SERVICE (NHS Lothian) - EXEMPTION FROM STANDING ORDERS

The Education Executive considered a report (copies of which had been circulated) by the Head of Education (Quality Assurance) seeking exemption from tendering for the provision of Speech and Language Therapy Services.

The report advised that speech and language therapy provided a

specialist service to enable the development of speech and language for those children and young people whose development was either impaired or disordered. Practitioners were required to be professionally trained and registered by the Health and Care Professions Council. It was noted that the only available source with sufficient numbers of appropriately trained regulated speech and language therapy staff was NHS Lothian. NHS Lothian have worked in schools in West Lothian for a number of years improving the speech and language of pupils identified as having additional support needs in this important area of their development.

The Senior Education Development Manager explained that the Council's Standing Orders for Contracts stated that Officers could not authorise an exemption from tendering where the total cost of the contract was above £50k. As the contract period for three years was in excess of this value, the Education Executive was asked to agree that, in terms of Contract Standing Order No. 2.2, the Council did not require to tender for the provision of Speech and Language Therapy services.

The report recommended that the Education Executive, in terms of Contract Standing Order No. 2.2, agreed that the council did not require to tender for the provision of Speech and Language Therapy services as a specific, specialist provider was required.

Decision

The Education Executive approved the terms of the report.

MINUTE of MEETING of the EDUCATION EXECUTIVE of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 27 JUNE 2013.

Present – Councillors Lawrence Fitzpatrick (Chair), Stuart Borrowman, Tony Boyle, Harry Cartmill, Tom Conn, Alexander Davidson, Dave King, Danny Logue, John McGinty, Anne McMillan, Andrew Miller, Angela Moohan, George Paul, Frank Toner, Jim Walker, Cathy Muldoon substituting for David Dodds, Appointed Representative Eric Lumsden

Apologies – Councillor David Dodds, Carl John, Peter Johnston, Appointed Representatives Myra MacPherson and Lynne McEwen

1. DECLARATIONS OF INTEREST

There were no declarations of interest made.

2. THE PROVISION MADE FOR SECONDARY (S4-S6) PUPILS WHO HAVE SIGNIFICANT ADDITIONAL LEARNING NEEDS AND A HIGH LEVEL OF VULNERABILITY – OUTCOME OF CONSULTATION

The Education Executive considered a report (copies of which had been circulated) by Head of Education (Quality Assurance) providing the outcome of the consultation on a proposal to make changes and improvements to the provision for secondary (S4-S6) pupils who had significant additional learning needs and a high level of vulnerability currently based in Cedarbank School.

The report advised that the Education Executive decided at its meeting on 12 March 2013 to commence statutory consultation on a proposal to make changes and improvements to the provision for S4 to S6 pupils who had significant additional support needs and a high level of vulnerability.

West Lothian Council was recognised as an authority which provided very effectively for pupils with additional support needs. As a result there was increasing demand for specialist provision from both within and outwith the authority.

The report went on to advise that the increased numbers of pupils who required to access specialist educational provision, which included those moving into the authority and those who chose to remain in school beyond the statutory leaving age resulted in capacity difficulties in Cedarbank School.

Whilst it was acknowledged that there was capacity issues relating to the provision within the current Cedarbank campus it was believed that, in establishing a provision within Deans Community High School, West Lothian Council was providing enhanced opportunities for pupils to access broader learning experiences and further develop their skills for life.

Pupils would benefit from opportunities to access the full range of subject specialists and resources in a mainstream setting, thereby widening their learning experiences prior to transitioning to work or college.

An implementation group was established to consider and carefully plan the new annex in Deans Community High School.

The Head of Education advised that the formal consultation period began on 13 March 2013 and continued until 13 May 2013. A copy of the Public Consultation paper was attached at Appendix I, and details of consultees and consultation arrangements were detailed in Appendix II.

In conclusion the report advised that an annex of Cedarbank School for senior pupils was established in Armadale Academy in August 2011. This annex was set up to enable senior pupils to benefit from wider learning experiences and to prepare them better for transition to college and to work.

The consultation generated a fair level of responses. The key issues raised were highlighted in the report and officers had sought to address these points.

HMI scrutinised the consultation in relation to education aspects of the consultation proposals and again, the issues raised were addressed in the report. It was recognised that the timescale for implementation of the proposal in August 2013 was a challenge given the need for robust transition arrangements to meet the needs of the young people. However, detailed planned transition work had taken place with individual students and the following implementation timescales were proposed.

August 2013 – Parental choice was being exercised for 17 pupils who wished to attend the proposed Cedarbank Annex in Deans Community High School. Identification of students was based on assessment of need, pupil expression of interest and parental choice.

August 2014 – Senior phase annex provision offered to all S4, S5 and S6 pupils where it met their identified needs.

The report recommended that the Education Executive consider the issues raised through the consultation and the responses provided and agree to establish an annex of Cedarbank School in Deans Community High School for S4-S6 pupils.

Motion

The Education Executive agrees

1. To accommodate parental choice for Cedarbank School pupils S4-S6 to transfer to Deans Community High School from the start of school Session 2013/2014 following assessment of need and pupil expression of interest. The specialist provision will be established and made through Cedarbank School in partnership with Deans Community High School.

2. To fully establish an annex of Cedarbank School within Deans Community High School for S4-S6 pupils where this provision meets the identified needs of the young people. The annex would be fully established from the start of school Session 2014/2015 in August 2014.

Councillor Miller advised he would be happy to support the motion on the understanding that a further report would be brought back to the Education Executive if any significant issues arose from this course of action.

The Chair reassured Councillor Miller that there would be a further report if there were any significant issues with this course of action.

It was also suggested that for clarification purposes the word “annex” be inserted following the words “through Cedarbank School” on the second last line of bullet point 1 of the motion.

Decision

To unanimously approve the motion subject to the word “annex” being inserted following the words “through Cedarbank School” on the second last line of bullet point 1.



West Lothian
Council

EDUCATION EXECUTIVE

**REVIEW OF EMPLOYERS' LIABILITY INSURANCE COVER LIMIT REQUIRED FOR
SCHOOL WORK EXPERIENCE PROGRAMMES**

REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE)

A. PURPOSE OF REPORT

To review the current Employers' Liability Insurance Cover Limit required for School Work Experience Programmes. The Education Executive meeting on 4 June 2013 requested further information and clarification on the impact of increasing the insurance cover requirement to £10 million for the School Work Experience programme.

B. RECOMMENDATION

That the Education Executive agrees to retain the current Employers' Liability Insurance Cover Limit of £5 million and to undertake a further review in June 2014.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs Being honest, open and accountable Providing equality of opportunities Making best use of our resources Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	WLC Work Experience Policy WLC Extended Work Experience Policy Employers' Liability (Compulsory Insurance) Act 1969 Employers' Liability (Compulsory Insurance) Regulations 1998 Education (Scotland) Act 1980
III Implications for Scheme of Delegations to Officers	NONE
IV Impact on performance and performance Indicators	If the required insurance limit were to increase to £10 million then it is likely that fewer employers would be in a position to offer Work Experience placements. Consequently the Council would have difficulty in placing pupils. This may also impact on the 'Universal Entitlement' to Work Experience for secondary school students

V Relevance to Single Outcome Agreement	<p>Outcome 3 – We are better educated, more successful, renowned for our research and innovation</p> <p>Outcome 4 – Our young people are successful learners, confident individuals, effective contributors and responsible citizens</p> <p>Outcome –8 We have improved the life chances for people at risk</p>
VI Resources - (Financial, Staffing and Property)	
VII Consideration at PDSP	Considered at PDSP 28 May 2013
VIII Other consultations	<p>Short consultation group comprising:</p> <ul style="list-style-type: none"> • <i>West Lothian Council Insurance and Risk Officers</i> • <i>West Council Human Resources Officers</i> • <i>West Lothian Council Child Protection Officer</i> • <i>West Lothian Council Health & Safety Manager</i> • <i>West Lothian Council Solicitor</i> <p>Education Executive on 4 June 2013.</p> <p>Scoping exercise</p> <ul style="list-style-type: none"> • <i>employers supporting the Work Experience programme 2012-13 and local authority contacts in other areas</i> <p>Insurance and Risk – 2 August 2013</p>

D. TERMS OF REPORT

1. Background

At the Education Executive meeting on 4 June 2013, officers were asked to submit further information to a future meeting of the Education Executive clarifying the implications of increasing Employers' Liability Insurance cover to £10 million on employers providing Work Experience placements to secondary school students.

2. Purpose of Work Experience Programme in Schools

S4 students in West Lothian have undertaken periods of Work Experience for several years. West Lothian firmly believes that Work Experience contributes towards helping young people make decisions about their future careers, and to develop skills that are vital in the modern labour market. Work Experience is an integral part of schools' wider programme of careers education and work related learning (learning about work, learning through work, learning for work).

3. Legislative Context for Work Experience

West Lothian Council owes a common law duty of care to all school students. This duty extends into the work experience or vocational training placement and places an obligation on the Council to ensure that any placement made under either of these initiatives is without significant risk to health, safety or welfare of the student.

The Education (Scotland) Act 1980, as amended, provides the legal basis to allow students below the statutory school leaving age to participate in Work Experience towards the end of their compulsory education.

4. Research

4.1 Employers involved in the Work Experience Programme

A scoping exercise was carried out in June 2013 to determine Employers' Liability Insurance levels (appendix 1) among employers involved in the Work Experience Programme in session 2012-13. Over 300 employers were contacted and of those who responded 35% stated that they would be excluded from the programme if the insurance cover limit were to be increased to £10 million. Notably charitable/voluntary organisations considered that they would be at most risk of exclusion.

The key concern was the increased cost of insurance premiums. The potential impact on premiums to employers, should the level of cover be increased from £5 million to £10 million, would be a 30-100% increase. Specific examples of the expected increase to insurance premiums were unavailable. This would depend on the individual company and circumstances such as; their claim history, industry sector, number of employees and any exclusions or indemnities included within the policy.

4.2 Other Local Authorities

The majority of local authorities who took part in the scoping exercise stated that they only required Employers' Liability Insurance to be in place and did not set a cover limit. Those that did set a limit reported a figure of either £2 million or £5 million, with only one authority reporting a limit of £10 million.

4.3 Skills Development Scotland

Skills Development Scotland responded that their National Training Programmes stated a requirement for £5 million insurance cover.

4.4 West Lothian Risk and Insurance.

The Council's Risk and Insurance service has advised that the minimum recommended cover for Employers' Liability insurance should be set at £10 million and consider that to recommend anything less than this amount could place both the council and the 'employer' in a difficult position if a serious accident occurred involving injuries which cause long term disability. Given recent examples of court awards in cases of serious injuries to children/young people ranging upwards of £8m, the current £5m minimum would not cover such awards.

It is Important to note that West Lothian Council has robust systems in place to vet all school work experience placements. Placements are subject to thorough risk assessments by trained staff prior to approval for use by school students. Assessors make an informed judgment as to the safety and suitability of placements. This may include imposing restrictions on a student's duties or deciding that a placement is unsuitable where these cannot be achieved.

5. The Current Work Experience programme

Under Section 123 of the Education (Scotland) Act 1980, school students are entitled to undertake a Work Experience placement (appendix 3). To date West Lothian Council arrange and approve over 2300 student placements each session.

Should the limit for Employers' Liability Insurance increase to £10 million, a number of organisations would be automatically excluded from supporting the programme and West Lothian Council would have considerable difficulty meeting the number of Work

Experience placement requests being made by students, This would have a significant impact on our obligation to satisfy the 'universal entitlement' within the Education Scotland Act.

E. CONCLUSION

An Employers' Liability Insurance level of £10 million would not be supportable by many local businesses or voluntary organisations and would impact on the availability of Work Experience Placements. Research has indicated that most local authorities and also Skills Development Scotland set no Employers' Liability Insurance levels or set a limit of no more than £5 million.

West Lothian Council has in place robust risk assessment arrangements to manage Work Experience placements for secondary school students. This involves identifying potential risks and mitigation or removal of risk as appropriate.

Given the research and the impact on the availability of work experience placements of increasing the Employer Liability Insurance limit to £10 million, it is proposed that the limit remain at £5 million with a further review in June 2014.

F. BACKGROUND REFERENCES -

Appendices/Attachments: 2

Appendix 1 WLC scoping exercise - summary

Appendix 2 Employers' Liability (Compulsory Insurance) Act 1969

Contact Person: Michelle Robertson, Education for Work Officer, Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF

Elaine Cook – Head of Education (Quality Assurance)

Date: 20 August 2013

Scoping exercise – Employer’s Liability Insurance limits

WLC School Work Experience Programme

Employer feedback

Insurance cover	Charitable Organisations	< 5 employees	5-25 employees	25- 99 employees	100+ employees	Total
£2 Million		1	1			2
£5 Million	4	2	2	3	5	16
£10 Million	2	6	9	10	5	32
+ £10 Million				1	4	5
other					1 @ £7.7M 1@ £8.8 M 2 declined to answer	

59 employers replied to the survey. 2 declined to answer (due to company data protection).

57 stated their Employer’s Liability Insurance level:

20 companies had less than £10 million (35% of those who responded would be excluded from the Work Experience programme if the levels were raised)

32 had £10 million

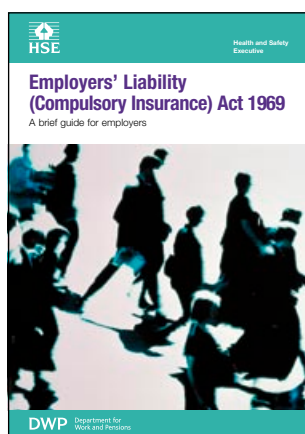
5 had > £10 million

Local Authority feedback

Of the 14 Local Authorities who responded to the survey; 1 required Employers’ Liability Insurance of £10 million, 9 required only that this insurance be in place (with no cover limit specified). 3 required a limit of £5 million and 1 specified a limit of £2 million.

Employers' Liability (Compulsory Insurance) Act 1969

A brief guide for employers



*This is a web-friendly version
of leaflet HSE40(rev4)*

Most employers are required by the law to insure against liability for injury or disease to their employees arising out of their employment. This guide is intended to help you to understand what is required. It is not a legal interpretation of the Employers' Liability (Compulsory Insurance) Act and it has no formal legal status. You should be aware that only the courts can authoritatively interpret the law.

What is employers' liability insurance?

Employers are responsible for the health and safety of their employees while they are at work. Your employees may be injured at work or they, or your former employees, may become ill as a result of their work while in your employment. They might try to claim compensation from you if they believe you are responsible. The Employers' Liability (Compulsory Insurance) Act 1969 ensures that you have at least a minimum level of insurance cover against any such claims.

Employers' liability insurance will enable you to meet the cost of compensation for your employees' injuries or illness whether they are caused on or off site. However, any injuries and illness relating to motor accidents that occur while your employees are working for you may be covered separately by your motor insurance.

Public liability insurance is different. It covers you for claims made against you by members of the public or other businesses, but not for claims by employees. While public liability insurance is generally voluntary, employers' liability insurance is compulsory. You can be fined if you do not hold a current employers' liability insurance policy which complies with the law.

Do I need employers' liability insurance if my employees work abroad or my company is based abroad?

If any of your employees are normally based in England, Scotland or Wales (including offshore installations or associated structures) you must have employers' liability insurance.

Under the law in Great Britain you do not need employers' liability insurance to cover any of your employees who are based abroad (eg if they are on secondment). However, you should check whether the law in the country where they are based requires you to take out insurance or take any other measures to protect your employees.

If any of your employees are normally based abroad but spend more than 14 days continuously in Great Britain, or more than seven days on an offshore installation, under the law in Great Britain you will need employers' liability insurance for them.

Which insurance companies can sell me employers' liability insurance?

You must use an authorised insurer. If you do not, you may be breaking the law. You should check that your insurer is authorised before you take out employers' liability insurance.

Authorised insurers are individuals or companies working under the terms of the Financial Services and Markets Act 2000. The Financial Services Authority (FSA) maintains a register of authorised insurers. You can check whether a company is authorised by searching their register on www.fsa.gov.uk, or telephoning the FSA on 0845 606 1234.

Can my insurance policy contain conditions?

If you take out employers' liability insurance, you will have an agreement with your insurer about the circumstances in which they will pay compensation. For example, the policy will cover the specific activities that relate to your business.

There are certain conditions which could restrict the amount of money your insurer might have to pay, which you cannot agree and your insurer cannot impose. You should make sure that your contract with your insurer does not contain any of these conditions.

Your insurer cannot refuse to pay compensation purely because:

- you have not provided reasonable protection for your employees against injury or disease;
- you do not keep specified records or cannot provide the insurer with information from those records;
- you have done something they told you not to do (for example, said it was your fault);
- you have not done something they told you to do (for example, report the incident); or
- you have not met any legal requirement connected with protection of your employees.

However, this does not mean you can forget about your legal responsibilities to protect the health and safety of your employees. For example, you must carry out a risk assessment that is suitable and sufficient, and take all reasonably practicable measures to protect your employees and report incidents. If your insurer believes that you have failed to meet your legal responsibilities for the health and safety of your employees and that this has led to the claim, the policy may enable the insurer to sue you to reclaim the cost of the compensation.

Can the insurer make me pay part of any claim for compensation?

Your insurer must pay the full amount of any compensation agreed with your employee or former employee or awarded to them by a court. Your insurer cannot impose conditions which make you, your employee, or your former employee pay part of any claim. However, you can agree with your insurer that you will pay back to them part of any compensation which they have paid to your employee or former employee.

How much cover will I need?

You must be insured for at least £5 million. However, you should look carefully at your risks and liabilities and consider whether you need insurance cover of more than £5 million. In practice, most insurers offer cover of at least £10 million.

If your business is part of a group, a policy for employers' liability insurance can be taken out for the group as a whole. In this case, the group as a whole, including subsidiary companies, must have cover of at least £5 million.

You can have more than one policy for employers' liability insurance. However, the total value of the cover provided by the policies must be at least £5 million. You should bear in mind that the £5 million minimum level of cover includes costs, so you may wish to purchase cover of more than this.

Do I need to tell my employees that I have employers' liability insurance?

When you take out or renew a policy, your insurer will give you a certificate of employers' liability insurance. This must state clearly the minimum level of cover provided and the companies covered by the policy. You must display a copy of the certificate of insurance where your employees can easily read it.

Since 1 October 2008 you have been allowed to display your certificate electronically. Employers choosing this method need to ensure their employees know how and where to find the certificate and have reasonable access to it. Factors to consider include the availability of the chosen format and ensuring employees understand how to use it. For example, this arrangement may be suitable where all employees have access to a computer as part of their job.

If you have employees working in the Isle of Man, Jersey, Guernsey or Northern Ireland as well as in England, Scotland or Wales you can use the same certificate in all locations. However, you must check that this complies with any local requirements as well as the law in Great Britain.

If your employees work on offshore installations or associated structures, you do not need to provide a copy of the certificate on every installation. However, if one of your employees asks to see a copy of the certificate, you must provide one as soon as possible and certainly within ten working days of their request. You can provide a copy electronically or by fax if this is easier for you.

Does the law apply to me?

You need employers' liability insurance unless you are exempt from the Employers' Liability (Compulsory Insurance) Act. The following employers are exempt*:

- most public organisations including government departments and agencies, local authorities, police authorities and nationalised industries;
- health service bodies, including National Health Service trusts, health authorities, primary care trusts and Scottish health boards;
- some other organisations which are financed through public funds, such as passenger transport executives and magistrates' courts committees;

* Further exemptions from the need to have employers' liability insurance are listed at section 3(1)(a) and section 3(1)(b) of the Employers' Liability (Compulsory Insurance) Act 1969, and Schedule 2 to the 1998 Regulations.

- family businesses, ie if all of your employees are closely related to you (as husband, wife, civil partner, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister). However, this exemption does not apply to family businesses which are incorporated as limited companies;
- companies employing only their owner where that employee also owns 50% or more of the issued share capital in the company.

Do I need employers' liability insurance for all the people who work for me?

You are only required by law to have employers' liability insurance for people who you employ under a contract of service or apprenticeship.

Whether or not you need employers' liability insurance for someone who works for you depends on the terms of your contract with them. This contract can be spoken, written or implied. It does not matter whether you usually call someone an employee or self-employed or what their tax status is. Whether you choose to call your contract a contract of employment or a contract for services is largely irrelevant. What matters is the real nature of your relationship with the people who work for you and the nature and degree of control that you have over the work they do.

The following paragraphs may help give you some indication of whether or not a person is an employee under the Employers' Liability (Compulsory Insurance) Act. However, it is for you to satisfy yourself of the status of the persons working for you and if you have any doubts, you should seek legal advice.

You may need employers' liability insurance for someone who works for you where:

- you deduct national insurance and income tax from the money you pay them;
- you have the right to control where and when they work and how they do it;
- you supply their work materials and equipment;
- you have a right to any profit your workers make although you may choose to share this with them through commission, performance pay or shares in the company;
- you require that person only to deliver the service and they cannot employ a substitute if they are unable to do the work; or
- they are treated in the same way as other employees, for example, they do the same work under the same conditions as someone else you employ.

You may not need employers' liability insurance for people who work for you where:

- they do not work exclusively for you (for example, if they operate as an independent contractor);
- they supply most of the equipment and materials they need to do the job;
- they are clearly in business for their own personal benefit;
- they can employ a substitute when they are unable to do the work themselves;
- you do not deduct income tax or national insurance. However, even if someone is self-employed for tax purposes they may be classed as an employee for other reasons and you may still need employers' liability insurance to cover them.

In some cases you will not need additional employers' liability insurance for volunteers or for:

- students who work for you unpaid;
- people who are not employed, but taking part in a youth or adult training programme; or
- a school student on a work experience programme.*

Insurers will usually cover the above under an existing employers' liability policy, and there is generally no need to inform your insurer if you take on any of the above. However, you should talk to your insurer if you take on the above either for long periods, or if they are doing work that is not your company's usual business, and you should bear in mind the level of risk they may be exposed to during the time they are working for you.

If you do not currently have any employers' liability cover you should talk to your insurer before taking on any of the above.

One difficult area is domestic help. In general, you will probably not need employers' liability insurance for people such as cleaners or gardeners if they work for more than one person, nor are you likely to need it if you employ a childminder. However, if you employ someone who works only for you, you may be required to take out insurance to protect them.

Do I need to keep copies of certificates of insurance which are out of date?

Since 1 October 2008 there has been no legal requirement for employers to keep copies of out-of-date certificates.

However, employers are strongly advised to keep, as far as is possible, a complete record of their employers' liability insurance. This is because some diseases can appear decades after exposure to their cause and former or current employees may decide to make a claim against their employer for the period they were exposed to the cause of their illness.

Employers that fail to hold the necessary insurance details risk having to meet the costs of such claims themselves.

What happens if I do not have employers' liability insurance?

The Health and Safety Executive (HSE) enforces the law on employers' liability insurance and HSE inspectors can check that you have employers' liability insurance with an approved insurer for at least £5 million. They may ask to see your certificate of insurance and other insurance details.

You can be fined up to £2500 for any day which you are without suitable insurance. If you do not display the certificate of insurance or refuse to make it available to HSE inspectors when they ask, you can be fined up to £1000.

* For more information on work experience see the Department for Children, Schools and Families' publication *Work experience: A guide for employers*. You can find this at www.publications.teachernet.gov.uk.

Where can I go for further information?

If you need legal advice, for example if you are unsure about whether someone is an employee, you can consult a solicitor or go to a legal centre, or a Citizens' Advice Bureau.

You can obtain copies of the Employers' Liability (Compulsory Insurance) Act 1969, the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 1998/2573) the Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2004 (SI 2004/2882), and the Employers' Liability (Compulsory Insurance) (Amendment) Regulations 2008 (SI 2008/1765) from your local branch of The Stationery Office or from bookshops. Or you can order them by telephone from 0870 600 5522 and by fax from 0870 600 5533. The text of the Act and Regulations can be viewed online at: www.legislation.gov.uk.

Further information

For information about health and safety, or to report inconsistencies or inaccuracies in this guidance, visit www.hse.gov.uk/. You can view HSE guidance online and order priced publications from the website. HSE priced publications are also available from bookshops.

This guidance is issued by the Health and Safety Executive. Following the guidance is not compulsory, unless specifically stated, and you are free to take other action. But if you do follow the guidance you will normally be doing enough to comply with the law. Health and safety inspectors seek to secure compliance with the law and may refer to this guidance.

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West Lothian
Council

EDUCATION EXECUTIVE

WEST LOTHIAN SCHOOLS – PARTNERSHIP WORKING

REPORT BY HEAD OF EDUCATION (QUALITY ASSURANCE)

A. PURPOSE OF REPORT

This report informs the Education Executive of the partnership work and its impact to date between West Lothian Schools and West Lothian College

B. RECOMMENDATION

To note the productive and developing partnership that is on-going between West Lothian schools and West Lothian College resulting in a positive impact on attainment and achievement.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs Providing equality of opportunities Making best use of our resources Working in partnership
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	None
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	Improved retention rates, achievement, attainment and positive destination figures Contribution to raise the overall positive destinations for young people in West Lothian Joint curriculum planning to fully implement the entitlements of the Senior Phase to maximise the capacity in campus Innovative timetabling models that will deliver a more holistic, equitable and corporate approach to senior pupils experience and outcomes

V	Relevance to Single Outcome Agreement	<p>Outcome 4 – Our young people are successful learners, confident individuals, effective contributors and responsible citizens.</p> <p>Outcome 8 – We have improved the life chances for people at risk.</p>
VI	Resources - (Financial, Staffing and Property)	<p>Travel to be within current budget</p> <p>West Lothian College delivery is supported through Scottish Funding Council main grant</p>
VII	Consideration at PDSP	N/A
VIII	Other consultations	None

D. TERMS OF REPORT

D.1 Background

Effective collaborative planning between West Lothian College and West Lothian secondary schools has created significant developments designed to meet the needs of all young people across the authority. This has led to an enhanced curriculum offering greater personalisation and choice for secondary students, fulfilling the key principals of Curriculum for Excellence, and providing a strong foundation for raising attainment and supporting young people into positive post-school destinations.

D.2 The School College Partnership

2.1 Session 2012/13 Provision

In academic session 2012/13, ninety S5 and S6 students from across the eleven secondary schools studied at West Lothian College as part of the West Lothian Campus. The college offered nine part time courses to school students, ranging from Skills for Work, Intermediate 2 to Advanced Higher grade options. A further 300 S3 – S6 students were able to access the college outside the Campus afternoons, including a Friday afternoon.

Results for academic session 2012/13 are pending, however results for session 2011/12 are as follows: (eg 23 students achieved core skills out of a total presentation of 26.)

2011/12 Student Attainment (outwith campus sessions)

- Journey2Employment (Access level) - 23/26 students achieved core skills
- English for Speakers of Other Languages (ESOL) (Access and Intermediate level)
- 11/13 students achieved
- Skills for Work courses offered at Intermediate 1 and 2 level to S3 - S6 students attending West Lothian College on a Friday afternoon.

Course	Level	Number of students passes
SFW Early Education and Childcare	Intermediate 2	35/40
Photography	Intermediate 2 units	16/16
SFW Hairdressing	Intermediate 1	20/20
SFW Creative Industries	Intermediate 2	12/14
Beauty Therapy	Intermediate 2 units	14/16
SFW Hospitality	Intermediate 1	9/14
SFW Health Sector	Intermediate 1 and Intermediate 2	26/32
Engineering	Intermediate 2 units	27/32
Motor Vehicle	Intermediate 2 units	12/14
Carpentry & Joinery	Intermediate 2 units	13/16
SFW Laboratory Science	Intermediate 2	16/16
SFW Creative Industries	Intermediate 2	11/12

SFW - Skills for Work

2011/12 Student Attainment Pupils attending as part of the Campus sessions

Course	Level	Number of student passes
Photography	Higher	Grade C - 5 Grade B - 5 Grade A - 4 18 students commenced the course
Early Education & Childcare	Higher	Units only 10 Grade C - 7 Grade B - 4 Grade A - 1 24 students commenced the course
Computer Hardware Installation and Maintenance	Higher National Units	7/11
SFW Early Education & Childcare	Intermediate 2	20/22
SFW Health Sector	Intermediate 2	12/14
Community Sport Leader Award	Intermediate 2 equivalent	20/20
SFW Energy	Intermediate 2	10/12

2.2 Session 2013/14 Provision

For session 2013/14, the following options will be offered by the college for students in S4, S5 and S6 as part of the campus provision.

Computer Hardware Installation and Maintenance(Higher National units)ESOL – English for Speakers of Other Languages(Access and Intermediate 1&2)

Intermediate 2 Level Courses

Skills for Work courses in Energy, Early Education & Childcare, Hairdressing, Creative Industries, Laboratory Science and Health Sector.

Photography units
Carpentry and Joinery units
Access to Higher Professional Cookery units

Higher Level Courses

Photography
Early Education & Childcare

Advanced Higher Courses

Physical Education

Higher National Certificate (HNC) (See 2.3 below)

Computing

Engineering Systems

Friday afternoon courses for pupils will include.

Skills for Work Health Sector	Intermediate 1 and 2
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Photography	Intermediate 2 Units
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Carpentry and Joinery	Intermediate 2 units
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Life Drawing (24 week course)	ESOL – English for Speakers of other Languages
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Regular planning meetings between senior staff in schools and college staff allow for a carefully planned and strategic approach to the provision of college courses in order to complement the school curriculum portfolio with consideration given to economic trends, labour market intelligence and demand. This allows pupils to access clear progression routes and provides them with greater personalisation and choice in their options.

2.3 Introduction of a Joint Higher National Certificate (HNC)

We are improving opportunities for students through joint college/school delivery with the introduction of Higher National Certificates (HNC) in Computing and Engineering Systems. From academic session 2013/14, pupils entering S5 will be able to study Higher National Certificates in Computing or Engineering at West Lothian College as part of their school curriculum. The courses will run for 2 afternoons per week for two years. Upon successful completion of the course, West Lothian students will attain a level of qualification which very few school students across the country will have achieved by their school leaving date. As well as enabling students with an HNC qualification to be more attractive to employers, West Lothian College has clear articulation routes with Higher Education establishments. Pupils who continue beyond HNC level and go on to complete the Higher National Diploma (HND) full time at college may progress directly into year 2 of degree courses. Computing and Engineering Systems courses were chosen after due consideration was given to local labour market intelligence and demand. A wider variety of HNC courses will be made available in future once this pathway has been developed as an option for school pupils.

2.4 More Choices, More Chances Provision

Courses offered to pupils at risk of falling into a negative destination:

Get Ready for College is a new course which will be introduced in August 2013 for thirty students and is specifically for S5 and S6 students at risk of falling into a negative post school destination. This course has been designed to remove barriers preventing young people moving into further education, training and employment. The course will run for two afternoons per week with one venue in Whitburn for students in schools in the west of the authority and another in Livingston. The course will be delivered by college staff and supported by Community Learning and Development and Youth Services staff. The programme will specifically focus on developing:

- Confidence and problem solving skills,
- Team work and interpersonal skills,
- Study skills,

- Employability skills,
- Core skills in literacy, numeracy and ICT.

Successful completion of the course gives the students certification in:

- Communication Core Skill Level 4
- IT Core Skill Level 4
- Numeracy Core Skill Level 4
- Employment Group Award Level 4
- Personal Development Self in Society Intermediate 1
- Personal Development Practical Abilities Intermediate 1

Completion of this course will give students a guaranteed interview for National Qualification courses with West Lothian College.

Journey 2 Employment, now entering its sixth year, is a one year part time course recruiting 26 S4 students at risk of moving into a negative post school destination. Delivered in partnership between college staff and the Youth Action Project, the programme runs for one day per week and has a focus on developing pupils' core and employability skills in order to prepare them to move into an appropriate and sustainable positive post school destination. Students study at college in the morning, where they are fully integrated into the college environment and the afternoon sessions are delivered in Craigs Farm by Youth Action Project staff. These sessions focus on developing softer employability skills in confidence and teambuilding, and allow time for students to engage in planning individual tasks and community projects. The programme has a high success rate in moving young people into full time college courses or choosing to stay on at school. Successful completion of the course gives the students a Level 4 SCQF qualification in ICT and Communication.

E. CONCLUSION

This report emphasises the value of the partnership and collaborative planning between West Lothian College and West Lothian secondary schools. The courses on offer continue to attract students in greater numbers into an expanding range of relevant vocational and academic options. This partnership has made a valuable contribution to raising attainment and supporting positive post-school destinations.

F. BACKGROUND REFERENCES

None.

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Date: 20 August 2013