



Council Executive

West Lothian Civic Centre
Howden South Road
LIVINGSTON
EH54 6FF

12 January 2017

A meeting of the **Council Executive** of West Lothian Council will be held within the **Council Chambers, West Lothian Civic Centre** on **Tuesday 17 January 2017** at **11:00am**.

For Chief Executive

BUSINESS

Public Session

1. Apologies for Absence
2. Declarations of Interest - Members should declare any financial and non-financial interests they have in the items of business for consideration at the meeting, identifying the relevant agenda item and the nature of their interest.
3. Order of Business, including notice of urgent business
4. Confirm Draft Minutes of Meeting of Council Executive held on Tuesday 20 December 2016 (herewith).

Public Items for Decision

5. Accessibility Schemes 2016/17 - 2017/18 (Tranche 1) - Report by Head of Operational Services (herewith).
6. Consultation - New National Health and Social Care Standards - Report by Head of Social Policy (herewith).
7. Consultation on the Continuing Care (Scotland) Amendment Order 2017 - Report by Head of Social Policy (herewith).
8. APSE Annual Scottish Building, Housing and Renewables Seminar 16th -

17th February 2017 - Report by Head of Housing, Customer and Building Services (herewith).

9. Open Market Acquisitions - Report by Head of Housing, Customer and Building Services (herewith).
10. Clarendon Estate Gardens, Manse Road, Linlithgow - Proposed Sale of Lot One to Craigs ECO Developments - Report by Head of Finance and Estates (herewith).
11. Procurement Arrangements - Framework Agreements for Building Contractors - Report by Head of Corporate Services (herewith).
12. Council Representation on West Lothian Leisure Board - Report by Chief Executive (herewith).

Public Items for Information

13. Scottish Public Services Ombudsman: Annual Report 2015 - 2016 - Report by Chief Executive (herewith).
14. St John's Hospital Stakeholder Group - Report by Depute Chief Executive (herewith).

NOTE **For further information please contact Eileen Rollo on 01506 281621 or email eileen.rollo@westlothian.gov.uk**

MINUTE of MEETING of the COUNCIL EXECUTIVE of WEST LOTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LOTHIAN CIVIC CENTRE, on 20 DECEMBER 2016.

Present – Councillors John McGinty (Chair), Cathy Muldoon, Frank Anderson, Tom Conn, Jim Dixon, David Dodds, Lawrence Fitzpatrick, Peter Johnston, Dave King, Danny Logue, Anne McMillan and George Paul

1. ORDER OF BUSINESS, INCLUDING NOTICE OF URGENT BUSINESS

The Council Executive agreed to hear a deputation request that had been received in relation to Agenda Item 16 (Edinburgh Airport Masterplan). Therefore the Chair ruled in terms of Standing Order 11 that this item of business would be considered immediately following Agenda Item 5.

The Chair also ruled in terms of Standing Order 11 that an urgent item of business concerning the Scottish Draft Budget 2017 and Local Government Finance Settlement 2017-18 would be considered after Agenda Item 17.

2. DECLARATIONS OF INTEREST

1. Agenda Item 20 (West Lothian Leisure Finance Position) – Councillor Jim Dixon declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board but would participate in the item of business; and
2. Agenda Item 20 (West Lothian Leisure Finance Position) – Councillor Dave King declared a non-financial interest in that he was a council appointed member of the West Lothian Leisure Board but would participate in the item of business.

3. MINUTE

The Council Executive confirmed the Minute of its meeting held on 6 December 2016. The Minute was thereafter signed by the Chair.

4. CORRESPONDENCE

The Council Executive noted correspondence arising from previous decisions of the Council Executive.

5. EDINBURGH AIRPORT - DRAFT MASTERPLAN FOR CONSULTATION

Deputation

The Council Executive heard Mr Ian Máté and Ms Helena Paul address committee with their concerns with regards to the proposals contained within the Edinburgh Airport Masterplan and which the council was being

consulted on.

Mr Máté and Ms Paul advised committee that the airport did not contribute to the local economy but instead took Scottish residents away on holiday which in turn took money away from Scotland. Also most visitors to Scotland came from the rest of the UK by rail or road and therefore did not make use of the airport.

Committee continued to be advised that the number of low flying aircraft over West Lothian communities continued to rise and that Edinburgh Airport now handled more night flights compared to Heathrow Airport and this too would continue to have an environmental impact on residents.

Ms Paul advised that the Masterplan lacked any information on the environmental impact of the airport's proposed changes and expansion and that this was an area that raised many concerns that needed to be addressed.

Report by Head of Planning, Economic Development and Regeneration

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval of a consultation response as issued by Edinburgh Airport (Ltd) on the draft version of third Masterplan for Edinburgh Airport, as published in November 2016.

The Head of Planning, Economic Development and Regeneration explained that this was the third Edinburgh Airport Masterplan which the council had been consulted on. The first was published in May 2005 and the second in 2011. When published the new document would place the 2011 Masterplan.

The Masterplan specifically focused on growth/development on the ground and was not concerned with air space management change. The Masterplan also set out the development strategy for the future growth of the airport and sought to demonstrate how it enhanced the regional and national economy. The Masterplan therefore proposed amongst other things :-

- An enlarged terminal building to create space for more passengers and facilities particularly to serve additional international services;
- An enlarged area for the parking of aircraft;
- An enlarged cargo storage area; and
- Improved access through the provision of a new road linking to the Gogar Roundabout.

In order to facilitate all of the above the removal of the current "contingency" runway was proposed due to its configuration and size not being suitable for frequent use. At the same time the Masterplan safeguarded land for a new second runway in the longer term.

The report then provided a narrative on the implications for West Lothian and its residents and covered a number of matters including expansion of development towards the east of West Lothian and the impact of more flights including overnight on these residential areas. The report also covered matters such as environmental impact and infrastructure constraints.

The committee continued to be advised that the aspiration of Edinburgh Airport to grow sustainably was welcomed, provided this could be achieved without a significant detrimental impact to those living, visiting and conducting business in West Lothian. The Masterplan commitment to work in partnership with local councils, the Scottish Government and bus operating companies to continue increasing the public transport mode share as it was currently difficult to travel directly to the airport from most of West Lothian was also welcome.

The report concluded that the draft Masterplan provided an overview of the proposed growth and enhancement of Edinburgh Airport in the period up to 2040, taking into account revised passenger forecasts. The development of the airport was likely to have positive economic implications for West Lothian and it was being recommended that the council indicated that it was supportive of the Edinburgh Airport Masterplan.

It was also proposed that the council should continue to be actively involved in consultation regarding the future development of Edinburgh Airport to ensure that the wide strategic dimension was reflected and that West Lothian interests were protected and advanced.

It was recommended that Council Executive :-

1. Welcomes the opportunity to comment on the masterplan and recognises that continued expansion of airport operations would offer many economic benefits to West Lothian as well as better serving the area in terms of access to improves levels of passenger and air cargo services;
2. Notes that the expansion of services and ground operations, including transport infrastructure, could have a negative environmental impact on West Lothian;
3. Notes that there were a number of matters that the council would require to be continuously consulted on as proposals developed;
4. Notes comments raised at the Development and Transport Policy Development and Scrutiny Panel on 5 December 2016; and
5. Agrees the report and Appendix 1 as the council's response to the consultation.

Decision

1. To note the contents of the deputation from Mr Ian Máté and Ms

Helena Paul;

2. To note that elements of the deputation which concerned flight paths was part of another consultation being carried out by Edinburgh Airport and not what was before Council Executive for approval; and
3. To approve the terms of the report and the draft consultation response by the Head of Planning, Economic Development and Regeneration.

6. PETITION - GARDEN FENCING AT PLESSEY ROAD AND PLESSEY TERRACE, BATHGATE

The Council Executive considered a petition that had been received and which concerned the erection of garden fencing to the council owned properties in Plessey Road and Plessey Terrace, Bathgate.

The petition was seeking the council's permission to erect garden fencing in and around the properties so that the residents could maintain the cleanliness of the area and control litter which was proving difficult to do because of the nature of the open plan design of the housing development.

The Chair then invited the Head of Housing, Customer and Building Services to comment on the petition and he explained that there was a established process that residents could follow and that this was known as an Alteration & Improvement Request which was in accordance with the terms of the Tenancy Agreement and Section 28 of Housing (Scotland) Act 2001 and required tenants to seek the Council's written consent before starting work on alterations/improvements to the property.

Decision

1. To note the terms of the petition received in relation to the erection of garden fencing at Plessey Terrace and Plessey Road, Bathgate;
2. To note that the council had an established process for dealing with applications and appeals; and
3. To note that if at the end of those procedures there was still a question of policy outstanding then this would be taken forward by officers as part of the council's normal policy-making and review arrangements.

7. CIH SCOTLAND 2017 HOUSING CONFERENCE

The Council Executive considered attendance at the undernoted conference and agreed attendance as follows :-

Conference Details

Attendance By

CIH Annual Housing Conference Councillor George Paul
2017

8. 2018 REVIEW OF UK PARLIAMENT CONSTITUENCIES - INITIAL PROPOSALS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive advising that the Boundary Commission for Scotland had published initial proposals for UK Parliament constituencies in Scotland, what those proposal were for the West Lothian area and the consultation process that was now underway.

The Chief Executive explained that the review of UK Parliament constituencies was being carried out simultaneously in each of the four constituent parts of the UK. The review was based on electorates as at 1 December 2015 and that the Boundary Commission for Scotland (BCS) was carrying out the review in Scotland.

The BCS initial proposals would be for West Lothian to be split across two constituencies as follows :-

Linlithgow – This would consist of 78,026 electors and would be wholly within West Lothian and would comprise of :-

- Ward 1 - Linlithgow
- Ward 2 – Broxburn, Uphall and Winburgh
- Ward 6 – Fauldhouse and Breich Valley (part)
- Ward 7 – Whitburn and Blackburn
- Ward 8 - Bathgate
- Ward 9 – Armadale and Blackridge

Edinburgh Pentland and Livingston – This would consist of 78,164 electors and would comprise of :-

- Ward 3 – Livingston North
- Ward 4 – Livingston South
- Ward 5 – East Livingston and East Calder
- Ward 6 – Fauldhouse and Breich Valley (part)
- City of Edinburgh Council Ward 2 – Pentland Hills
- City of Edinburgh Council Ward 7 – Sighthill/Gorgie (part)

As part of the review the BCS was also recommending a name for each

constituency and whether it should be designated a county or burgh constituency. The designation affected the expenses allowable at elections. There was no definition in the legislation for burgh or county constituencies but as a general rule, predominately urban areas would be designated as burgh constituencies and predominately rural areas as county constituencies.

The proposals were published for a 12 week public consultation on 20 October 2016 and representations were to be made to BCS before 11 January 2017.

After the consultation period had ended all representations would be published on the BCS website, along with the record of public hearings. There would then be a further period of 4 weeks where the BCS would invite written comment on representations received.

The Council Executive was being recommended to :-

- Consider the initial proposals for UK Parliamentary Constituencies in West Lothian; and
- Agree a response to the consultation

Decision

1. To note the contents of the report;
2. To agree that the consultation response was to include a recommendation that the second ward proposed for the West Lothian area should be known as “Livingston and Edinburgh Pentland”; and
3. To agree that the council reserved the right to comment on any further consultations on the matter.

9. ROLES AND RESPONSIBILITIES OF MEMBERS

The Council Executive considered a report (copies of which had been circulated) by the Chief Executive seeking approval of a revised set of role descriptions for elected members.

The Chief Executive explained that the council last approved role descriptions in June 2007 which followed the introduction of multi-member wards and the decision making structure which focused on Council Executive and Education Executive. Much of the context in which the role descriptions were written and approved was however largely the same although some changes and development could be seen such as :-

- The council's internal rules which applied to councillors had been updated, for example, the recently approved protocols for members/officer relations and members' use of council facilities;
- The Accounts Commission and Audit Scotland had issued several

reports which touched on the roles and responsibilities of councillors, for example, in the improvement series of reports on “how councils work”; and

- Decisions by the Commissioner for Ethical Standards in Public Life and the Standards Commission provided useful information as to how members were expected to conduct themselves when performing the different aspects of their roles, for example, pursuing constituents’ complaints and at regulatory committees.

The present role descriptions were attached to the report at Appendix 1, however as with the review for Standing order and the protocols it was not felt that there was any need for significant changes in principle or content and there were no obvious gaps in what the role descriptions said. A revised version however had been produced to try and pick out things that were common to all the different roles and to present duties and responsibilities in more of a list rather than a discursive style. The revised role descriptions were attached to the report at Appendix 2.

It was recommended that Council Executive approve the revised role descriptions for members as set out in Appendix 2 attached to the report.

Decision

To approve the terms of the report

10. WHITEHILL SERVICE CENTRE - UTILITIES DIVERSIONS - BT OPENREACH

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services seeking approval for diversions by BT Openreach of their existing underground equipment in order to accommodate parts of the new Whitehill Service Centre.

Work on the new Whitehill Services Centre was well underway and proceeding apace. As part of the works the need for a number of service diversions had been identified. Due to the nature of these diversions and the fact that they involved part of the network of public utilities, the works were covered by statute and required to be carried out by the statutory undertakers themselves. In these circumstances there was no opportunity to procure them from other agencies, providers or contractors.

One of the service diversions required at Whitehill related to infrastructure and cabling owned by BT Openreach. They had provided a detailed estimate for the works which in total amounted to £62,030.31 (excluding Vat) which meant that in terms of Standing Orders required approval by Council Executive as it exceeded the allowable limit of £50,000.

It was recommended that Council Executive :-

- 1) Approve the direct award of a contract to BT Openreach for the necessary diversion of underground plant and equipment forming

part of their network at a cost of £62,030.31 (excluding VAT) in order to accommodate part of the new Whitehill Service Centre development; and

- 2) Granted delegated powers to the Head of Finance and Property Services to approve any change to the final cost of the works on the basis that this could be met from the existing project budget.

Decision

To approve the terms of the report

11. PROPOSED ONE-OFF ADDITIONAL FUNDING FOR REGAL COMMUNITY THEATRE BATHGATE LIMITED, THE REGAL THEATRE, BATHGATE

The Council Executive considered a joint report (copies of which had been circulated) by the Head of Finance and Property Services and Head of Education (Learning, Policy and Resources) seeking approval for the provision of one-off additional funding support to the Regal Community Theatre Bathgate Limited.

The Council Executive was advised that the Regal Community Theatre in North Bridge Street, Bathgate was owned by the council. The property was leased to and managed in its entirety by a registered charity named Regal Community Theatre Bathgate Limited (RCTBL).

RCTBL received financial support from the West Lothian Council in the form of a Funding Agreement for the provision of arts venues services to improve the health and wellbeing and quality of life of those living and working in West Lothian through participation in arts. In 2016-17 RCTBL's funding package amounted to £78,024 (comprising core funding of £68,436 plus a scheduled property maintenance payment of £9,588).

During 2015-16 RCTBL had discussions with council officers around the financial position of the Regal Theatre. Following a period of engagement recommendations were presented to the RCTBL Board for approval and RCTBL appointed a Finance Officer to enhance their financial controls, sustainability and management to allow further development in working with local schools to enhance their learning experience through theatre.

Under the terms of the lease RCTBL were responsible for meeting all property costs. However RCTBL had requested that certain additional costs be met by the council in 2016-17 on a one-off basis. Those costs were summarised as follows :-

- 1) Repairs to the heating system (replacement pumps) - £2,961; and
- 2) Compliance works arising from a fire safety inspection - £9,482

RCTBL had also requested that the council undertake and pay for works to repair external LED lighting on the theatre's façade. The costs of those works were currently unclear but it was anticipated to be in the region of

£5,000 however under the lease RCTBL would normally be responsible for meeting these costs.

The report continued that immediately prior to their annual pantomime programme RCTBL reported a critical failure of the theatre's heating system. The cost of the repair was confirmed to be £12,000 for the replacement of two new boilers. Whilst RCTBL were liable for these costs under the terms of their lease, the organisation had no means of meeting the liability. Therefore given the urgent circumstances and the potential impact upon the pending pantomime programme the Head of Finance and Property Services agreed to commission and pay for the urgent heating repair works from an existing planned improvements capital budget. Those works were completed and the heating system was now fully operational.

Given these circumstances Council Executive was being asked to approve the payment of outstanding invoices totalling £12,443 and agree to pay for the external LED lighting. It was also proposed that should these payments be made it would be on the understanding that RCTBL work with the Head of Education (Learning, Policy and Resources) to undertake an immediate and full strategic review of the organisation that would consider governance, financial and operational aspects of the organisation.

It was recommended that Council Executive :-

- 1) Agree to provide one-off additional funding support to Regal Theatre Bathgate Limited by approving the payment of repair and maintenance invoices totalling £12,443 and by paying for repairs currently needed to the Regal Theatre's external lighting; and
- 2) Instructs the Head of Education (Learning, Policy and Resources) to undertake an immediate and full strategic review of Regal Theatre Bathgate Limited and its operations and to report on the findings following completion of the review.

Decision

To approve the terms of the report

12. CLOSING ORDER FOR A HOUSE - 40 KIRK ROAD, BATHGATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to make a Closing Order on the building used as a house at the rear of 40 Kirk Road, Bathgate, to prohibit the use of the house for human habitation.

The Council Executive was advised that the house first came to the attention of Environmental Health as a result of a referral from Housing, Construction and Building Services in October 2016. An application had been received from a family seeking alternative accommodation, complaining of poor conditions within the property. It had been occupied

by them since March 2015.

Investigations revealed that the previous rear storage area of the shop at 40 Kirk Road, Bathgate had been developed into a ground floor flat. In particular :-

- The property was below the “Tolerable Standard” (BTS) defined in the Housing Scotland Act 1987 (as amended);
- No planning consent existed for the change of use from a retail premises to a domestic premises;
- No building warrant existed for the conversion works; and
- The property was not registered with the Landlord Registration Scheme under the Antisocial Behaviour (Scotland) Order 2004, as amended.

The report continued by explaining what constituted the “tolerable standard” as laid down by the Housing (Scotland) Act 1987 and it was noted that the house in question was below the tolerable standard (BTS) because :-

- ❖ It was not substantially free from rising or penetrating damp in that parts of the bedroom, hall, kitchen and bathrooms walls and the rear hall carpet were saturated; and
- ❖ It did not have satisfactory provision for natural lighting in that there was no window in the living room.

Houses which were BTS must be demolished, closed or brought up to a tolerable standard through improvement works. It was thought not to be appropriate to consider allowing improvements works to take place as the owner had constructed this house without planning permission or a building warrant. In addition the property was not registered under the landlord registration scheme.

A Closing Order was considered appropriate as it prevented the house being used as a dwelling. This would mean that until the property met the tolerable standard and other legislative requirements it could not be lived in. Given the history and status of the property it was recommended to proceed directly to a Closing Order to prevent continued or future occupation of the property.

It was recommended that Council Executive :-

1. Note the reasons why a Closing Order was necessary; and
2. Approve the making of a Closing Order for the building used as a house at the rear of 40 Kirk Road, Bathgate.

Decision

To approve the terms of the report

13. SESPLAN BUDGET RATIFICATION 2017-18 AND STRATEGIC DEVELOPMENT PLAN 2 UPDATE

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration advising of the need to ratify SESPlan's 2017-18 operating budget following its approval by the SESPlan Joint Committee on 28 November 2016 and to update the Council Executive on the preparation of Strategic Development Plan 2 (SDP2)

The Council Executive was advised that the SESPlan Operating Budget for the forthcoming financial year, 2017-18 was approved in principle by the SESPlan Joint Committee on 28 November 2016. Members of SESPlan Joint Committee highlighted that in view of councils not receiving their own budget settlements until 15 December 2016 it would be prudent to only approve the SESPlan Operating Budget for 2017-18 in principle at this stage and agreed that a further report on the final budget position would be presented at their next meeting in March 2017.

The operating budget and the report to the Joint Committee were attached as Appendix 1 and 2 respectively. It was estimated that SESPlan's fixed costs – mainly salaries, IT and accommodation – would be £301,774. This included new accommodation costs as a consequence of the SESPlan core team relocating to Victoria Quay, Edinburgh, provisionally from April 2017.

The operating budget was to be met by equal contributions from member authorities totalling £279,000 and the shortfall made up from reserves and other income. Each council's contribution for 2017-18 was to be no more than £46,550 which represented no change on budget contributions for 2015-16.

The council's contribution to the SESPlan Operating Budget was provided for through the General Revenue Fund and payment to Fife Council as SESPlan budget holder required to be made no later than 30 April 2017.

Looking to the future it was to be noted that the Scottish Government was expected to publish a white paper on Planning in the early part of 2017 and it was therefore possible that this could bring about a fundamental change to the role and purpose of SESPlan and indeed other Strategic Development Planning Authorities. The white paper was in part a response to a review of the Scottish planning system, commenced in 2015, and the report of that review "*Empowering Planning to Deliver Great Places*" and which included the recommendation that Strategic Development Plans were no longer prepared and that DPA's should be repurposed.

In due course the 2018-19 Operating Budget would be drafted to take into account changes to the purpose of strategic development planning authorities and a Monitoring Report on Finance and expenditure would be brought to the SESPlan Joint Committee in March 2017.

With regards to the SDP2 SESPlan has advised that it was currently reviewing some 168 representations which had given rise to 800 comments which was comparable to the volume of representations received in response to SDP1. Representations would be published on the SESPlan web portal and would be forwarded to all member authorities for comment prior to reporting to the SESPlan Joint Committee in Spring 2017.

The timetable for progressing SDP2 was set out in Development Plan Scheme No.8 as approved by the Joint Committee on 21 March 2016. DPS No.8 anticipated that the SDP 2 Proposed Plan would be submitted to Scottish Government for Examination in spring 2017 with approval being secured sometime in 2018.

It was recommended that the Council Executive :-

1. Ratifies SESPlan's 2017-18 operating budget in principle, noting that member contributions for this year would be set at no greater than £46,550 (excluding VAT) per authority, payable to Fife Council by 30 April 2017 and subject to review in March 2017; and
2. Notes progress made to date on the preparation of the second South East Scotland Strategic Development Plan (SDP2).

Decision

To approve the terms of the report

14. MODEL CHANGES TO BUILDING STANDARDS FEES

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval to submit a response to the Scottish Government consultation on proposed changes to building warrant fees.

The report recalled that the Scottish Government had issued a consultation on building standards fees, with a proposed implementation date of 1 April 2017. This was the first change in statutory building standard fees since 1 May 2005.

The aim of the proposed changes was to raise fee income to provide additional resources to local authorities to support building standards service improvements.

The proposed changes to the building standards fees were summarised in the report. It was also noted that as Scottish Government grant funding was not sufficient to meet increasing costs and demands for council services the consultation response provided was all positive and it was being recommended that the proposals all be supported and the opportunity to bring additional resources into the service through an increase in fees, for the first time in 12 years, was to be welcomed.

The proposed response was attached to the report at Appendix 1.

It was recommended that the Council Executive :-

1. Welcomes the intention to change building standards fees to ensure that building standards was adequately funded to deliver a system that was acceptable, affordable and which provided a high-quality service to those who used it;
2. Approve the report and the appendix as the council's formal response to the consultation;
3. Note that, subject to public consultation, the model changes to building standards fees were to be introduced from 1 April 2017;
4. Note that, subject to public consultation, the changes to the building standards fees incentivised the use of certification schemes through increased discounts; and
5. Note that, subject to public consultation, the changes to the building standards fees penalised unauthorised works through increased surcharges.

Decision

To approve the terms of the report.

15. CONTINUATION OF DEVELOPER CONTRIBUTIONS FOR PUBLIC ART

The Council Executive considered a report (copies of which had been circulated) by the Head of Planning, Economic Development and Regeneration seeking approval for a continuation of the reduced rate for developer contributions towards public art for an interim period until public consultation on the proposed contribution rates was carried out.

The report recalled that the council adopted the West Lothian Local Plan in January 2009. The local plan was prepared at a time of strong economic growth but as a consequence of the recession the strength of the national and local economy had declined significantly.

In response the council approved its *Housing Recovery Plan* in February 2013 and this included a commitment to consider if there was scope to reduce further the developer contribution burden for housing developments. Thereafter following consideration by the Development and Transport Policy Development and Scrutiny Panel and approval by Council Executive it was agreed that there be a reduction in public art contributions for one year until 31 December 2016.

The report summarised the public art contribution rates and it was noted that given the continued high priority given by the council to the delivery of affordable housing, it was being recommended that all affordable housing land should continue to be exempt from public art contributions. And

where a development comprised mainstream private housing and affordable housing only the mainstream private housing element would be eligible for contributions.

As economic conditions continued to remain challenging for the construction industry, it was proposed to continue with the reduced developer contribution rates for public art until 31 December 2019 when they would be reviewed again.

It was recommended that Council Executive :-

1. Notes that the temporary change previously agreed by Council Executive regarding developer contributions for public art come to an end on 31 December 2016;
2. Agrees an extension of the current period over which the reduced rate of development contribution rates apply to allow for public consultation on maintaining the reduced level of contributions to be carried out in early July 2017 and the outcome reported to a future Council Executive; and
3. Notes that, subject to public consultation, it was proposed that the current reduced public art contributions were thereafter continued for a three year period until 31 December 2019, when they would be reviewed again.

Motion

“Council Executive agrees to extend the current temporary changes previously agreed by Council Executive regarding developer contributions for public art to 31 March 2017.

Council Executive instructs officers to bring a further report to Council Executive before 31 March 2017 detailing the economic gains made as a consequence of the relaxation of developer contributions for public art and the anticipated economic benefits from an extension of this policy beyond 31 March 2017”.

Decision

To unanimously agree the terms of the motion.

16. GOVERNANCE REVIEW - EXCELLENCE AND EQUALITY IN EDUCATION

The Council Executive considered a report (copies of which had been circulated) by the Head of Education (Learning, Policy and Resources) inviting consideration of the proposed response to the Scottish Government governance review “*Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education*”.

The committee were advised that the Scottish Government had launched a consultation on its governance review of Scottish education, a copy of

which was attached to the report at Appendix 1 and to which a response were required by 6 January 2017.

The governance review was seeking views on how education in Scotland was run, including who should take decisions in relation to the education of children and young people and how funding could be made fairer. It also asked about the support teachers and practitioners needed to do their jobs well and how this could be improved.

The review of governance would also examine “the system changes required to deliver the Scottish Government’s commitment to empower schools and decentralise management and support through schools clusters and the creation of new education regions”.

The report then provided a summary of the review and provided a narrative on each of the sections contained within the review.

It was recommended that the Council Executive approve the proposed response to the Scottish Government governance review “Empowering Teachers, Parents and Communities to achieve Excellence and Equity in Education”.

Decision

To approve the terms of the report

17. SCOTTISH DRAFT BUDGET 2017 AND LOCAL GOVERNMENT FINANCE SETTLEMENT 2017-18

The Council Executive considered a report (copies of which had been circulated) by the Head of Finance and Property Services containing an update in relation to the Scottish Draft Budget presented to the Scottish Parliament on 15 December 2016 and the local government finance settlement for 2017-18, as published in Finance Circular No.9/2016 also dated 15 December 2016.

The Head of Finance and Property Services provided a summary of the overall Scottish budget along with details of local government funding. It was noted that of the 14 Scottish Government portfolios, 10 had seen an increase in the draft 2017-18 budget compared to 2016-17. In particular the draft Scottish Budget included resources to protect the Police resource budget in real terms and an additional £267.5 million funding for the NHS.

The report also contained a narrative on a number of other issues included devolved taxation, welfare reform and non-domestic rates. The report also provided details of the high levels of the local government settlement and also the implications specifically for West Lothian Council.

With regards to the specific allocations for West Lothian Council the provisional distributable revenue grant allocation for the council in 2017-18 was £300.215 million. In addition the council was still waiting confirmation of its share of grant allocations for the items noted in the

settlement as still to be distributed, including teachers' induction scheme, discretionary housing payments, temporary accommodation funding and council tax reduction scheme funding.

Subject to the above clarifications it was estimated that the reduction in revenue grant for West Lothian Council in 2017-18 was in the order of £10.6m, which was £9.1 million worse than the level of grant assumed when agreeing the balanced budget for 2017-18. It was estimated that the council would receive additional council tax income of £2.8 million from the Scottish Government council tax re-banding in 2017-18 which would leave an additional net revenue budget gap of approximately £6.3 million.

Figures for provisional capital grant funding indicated that the council would receive general capital grant funding of £15.475 million and £245,000 grant funding for Cycling, Walking and Safer Streets. The Cabinet Secretary has also reaffirmed in the letter to the COSLA President the commitment to repay the £150 million of re-profiled 2016-17 capital funding with additional allocations in the period 2018 to 2020.

The Head of Finance and Property Services concluded that taking into account the figures announced in the local government finance settlement and the latest circumstances it was proposed that he prepare updated revenue and capital budgets for 2017-18 for reporting to Council early in 2017. It was also proposed that the Head of Finance and Property Services continues to assess the outcome of the detailed local government finance settlement, particularly the results of the checking process and the further funding streams to be clarified.

Motion

"Council Executive agrees Recommendations 1,2,3,4,5,6,7 and 8 as detailed in the paper and adds Recommendation 9 as follows:-

Notes that the SNP Scottish Government has received a cash increase in the Westminster block grant for 2017-18 and condemns the failure of the SNP Scottish Government to provide West Lothian Council with a fully funded and fair financial settlement in 2017-18, forcing the Council to make further cuts"

- Moved by the Chair and seconded by Councillor Muldoon

Amendment

"Council Executive notes that the draft budget 2017/18 also includes the final budget figures for 2016/17 and that a direct comparison of year on year funding movements provided the following information.

	£m
Reduction in Revenue Grant and NDR	(306)
Support for Capital (inc Specific Grants	124

Attainment Scotland Funding	120
Sub Total	(62)

Health and Social Care Funding

Council Tax Rebanding

Sub Total

Assumption of all Councils increasing CT by 3%	70
--	----

Total	226
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Council Executive further notes that from these national figures West Lothian services will be likely to benefit as follows;

	£'000
Attainment Fund	4.978
Social Care	3.000
Council Tax rebanding	2.800
Total	<u>10.778</u>

Council Executive further notes that West Lothian Council had the option to raise the council tax for 2017/18 by 3% resulting in additional revenue of £2.200m

Council Executive therefore notes that the cumulative impact of all of the above for West Lothian is a potential benefit of £12.978 in the year 2017/18.

Council Executive accepts that in these time of Westminster austerity that the Scottish Government has delivered a fair and satisfactory offer for Scottish Local Government and for West Lothian Council".

- Moved by Councillor Johnston and seconded by Councillor Anderson

It was agreed that a roll call vote be taken which resulted as follows :-

<u>Motion</u>	<u>Amendment</u>
Tom Conn	Frank Anderson

Jim Dixon

Peter Johnston

David Dodds

Dave King

Danny Logue

John McGinty

Anne McMillan

Cathy Muldoon

George Paul

Decision

Following a vote the motion was successful by 10 votes to 2 and it was agreed accordingly.

18. COUNCILLORS' CODE OF CONDUCT - ANNUAL REVIEW 2015-16

The Council Executive considered a report (copies of which had been circulated) by the Governance Manager presenting the annual review of the Councillors' Code of Conduct for 2015-16. This was to promote high standards of conduct, assist members in understanding and complying with the code and to meet the requirements of the councils Code of Governance.

The report provided a summary of the annual review and included details of the duties and obligations placed on the council in raising awareness of the code and assisting members to comply with the code. This included organising an annual training session for members and producing an annual report to the council on the operation of the Code.

The report continued by providing a few issues of note from the report as follows :-

- The volume and complexity of complaints remained high (with a backlog of cases growing year on year);
- Complaints of failure to register or declare an interest on a downward trend;
- There was a significant increase in complaints alleging failure to show respect;
- There was a small but growing number of complaints about comments made on social media; and
- In future, reports would list the number of cases handled, rather

than the number of complaints made.

The report also provided a summary of complaints made in 2015-16 including those pertaining to West Lothian Council and the keys issues arising from those complaints.

The report then concluded with details of what was proposed for the coming year in terms of further compliance with the code.

It was recommended that Council Executive :-

1. Note the significant points and developments described in the report in relation to the operation of the Councillors' Code of Conduct in 2015-16;
2. Note that a further briefing session would be offered to members in relation to more recent development since the end of that year; and
3. Note that induction and training sessions on compliance with the Code would feature as part of the post-election induction programme for new members.

Decision

To note the contents of the report.

19. PRIVATE SESSION

The committee resolved under Section 50(A) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3, 12 and 14 of Schedule 7A of the Act.

20. WEST LOTHIAN LEISURE FINANCIAL POSITION

The Council Executive considered a report (copies of which had been circulated) providing an update in relation to the current financial position for West Lothian Leisure (WLL) and to outline proposals to address this position.

The Head of Finance and Property Services provided an overview of the financial position for 2016-17 and their cash flow projection for 2016-17.

Therefore it was recommended that Council Executive :-

1. Noted the projected outturn position in 2016-17 for WLL as set out in section D2 of the report;
2. Noted the projected cash flow position for WLL in 2016-17 as set out in section D2 of the report; and

3. Agree the re-scheduling of debt repayments by WLL to the council in 2016-17 as set out in the report.

Decision

To approve the terms of the report



COUNCIL EXECUTIVE

ACCESSIBILITY SCHEMES 2016/17 - 2017/18 (TRANCHE 1)

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek approval to proceed with the implementation of the accessibility schemes identified within Appendix 1.

B. RECOMMENDATION

It is recommended that the Council Executive agrees the recommendation of officers and Disability West Lothian Access Group (DWLAG) and the programme of schemes.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs, providing equal opportunities, making best use of our resources and working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Schemes promoted under The Equality Act 2010.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	<p>The proposals will contribute to outcomes:</p> <ul style="list-style-type: none">• We live in resilient, cohesive and safe communities.• Older people are able to live independently in the community with an improved quality of life.• 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 schemes will be funded from the Roads and Transportation Accessibility Schemes capital budget.

VII Consideration at PDSP	None
VIII Other consultations	Consultation has been carried out with DWLAG

D. TERMS OF REPORT

D.1. Background

At its meeting on 23 February, West Lothian Council approved a report on the updated General Service capital programme for 2016/17 and 2017/18 identifying funding of £75,000 and £100,000 for accessibility schemes respectively.

This funding was made available to deliver the backlog of requests received by the council in relation to accessibility onto the existing road network. Assessments of these requests have been undertaken in line with the appraisal methodology approved by the the Council Executive at its meeting on 12 April 2011.

D.2. Consultation

Officers have worked closely with DWLAG in the assessment of requests and agreeing the programme of works. Appendix 1 lists the requests recommended to proceed by DWLAG at its meeting on 14 December 2016.

Officers have commenced the assessment of the remaining requests on the list and the next tranche of schemes will be presented to DWLAG in February.

A further report will be presented to a future Council Executive meeting detailing the next tranche of measures for approval from the list of requests.

E. CONCLUSION

The programme of works will deliver improvements to the road and footway network by removing obstacles to those with mobility difficulties.

F. BACKGROUND REFERENCES

Council Executive Committee on 12 April 2011 - Equality Act - Roads Network Improvements, Assessment of Requests and Programme of Works

Appendices/Attachments:

Contact Person: Ronald Fisher, Design Engineering Manager Tel: 01506 282330

Jim Jack, Head of Operational Services

17 January 2017

Programme of Works

Ref No.	Location	Ward	Details	Cost Est.	Engineer Cost Banding	Benefit	Recommendation
76	Whitelaw Drive, Bathgate	8	Handrail to be installed on steps down towards bus stop on Marina Road to Whitelaw Drive.	£3,000	£3,000 - £5,000	Wider Community	Proceed
90	Malcolm Court, Bathgate	8	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
91/92	Thomson Grove, Uphall	2	Dropped kerb to be installed in vicinity of property	£2,000.00	£1,500 - £2,999	Street	Proceed
93	Mowbray Rise, Dedridge, Livingston	4	Dropped kerb and short section of footpath to be installed.	£3,000.00	£3,000 - £5,000	Wider Community	Proceed
97	Toronto Avenue, Howden, Livingston	4	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
104	Quentin Rise, Dedridge, Livingston	4	Handrail to be installed in vicinity of property.	£3,000.00	£3,000 - £5,000	Street	Referred to DWLAG & Agreed to Proceed
116/143	Whitelaw Drive, Bathgate	8	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
122	Darwin Street, Craigshill, Livingston	5	Handrail to be installed in vicinity of property.	£2,500.00	£1,500 - £2,999	Street	Proceed
126	Deanswood Park, Deans, Livingston	3	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
127	Stewart Court, West Calder	6	Dropped kerbs to be installed to allow residents access to local shops.	£3,000.00	£3,000 - £5,000	Street	Proceed
149	Napier Avenue, Bathgate	8	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Street	Referred to DWLAG & Agreed to Proceed
152	Burnside Terrace, Fauldhouse	6	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
157	Limefield Road, West Calder	6	Dropped kerb to be installed in vicinity of station.	£3,000.00	£3,000 - £5,000	Wider Community	Proceed
161	Stonebank, Ladywell, Livingston	4	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/ Property	Proceed

Programme of Works

Ref No.	Location	Ward	Details	Cost Est.	Engineer Cost Banding	Benefit	Recommendation
166	Cultrig Drive, Whitburn	7	Dropped kerb to be installed in vicinity of property.	£1,000.00	<£1,500	Individual/Property	Proceed
169	Balbardie Crescent, Bathgate	8	Dropped kerb to be installed in vicinity of property	£1,000.00	<£1,500	Individual/Property	Proceed
186	Springfield Road, Linlithgow	1	Dropped kerbs in area of roundabout on Blackness Road to improve access to Linlithgow Loch.	£4,000.00	£3,000 - £5,000	Wider Community	Proceed
Cost Estimate for Tranche 1 Measures				£32,500			



COUNCIL EXECUTIVE

CONSULTATION – NEW NATIONAL HEALTH AND SOCIAL CARE STANDARDS

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

To make the Council Executive aware of the public consultation the Scottish Government is currently conducting in relation to the proposed new National Health and Social Care Standards as well as outline the proposed draft response.

B. RECOMMENDATION

It is recommended that the Council Executive considers the proposed West Lothian Council response to the consultation by the Scottish Government in relation to the on the new National Health and Social Care Standards and agrees that the response be submitted to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|---|
| I Council Values | <ul style="list-style-type: none">• 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) | Health and care services will require to continue to follow existing legislation and best practice requirements which apply to their particular service or sector. The proposed new standards will replace the existing 23 sets of standards for different types of registered care settings. |
| III Implications for Scheme of Delegations to Officers | Nil |
| IV Impact on performance and performance Indicators | Positive impact on:

% resident who feel we have an inclusive society.

% of adults receiving any care or support who rate it as excellent or good.

% carers who feel supported to continue in their caring role |

		% adults supported at home who agree that they had a say in how their help, care and support was provided.
V	Relevance to Single Outcome Agreement	Older people are able to live independently in the community with an improved quality of life. We live in resilient , cohesive and safe communities
VI	Resources - (Financial, Staffing and Property)	N/A
VII	Consideration at PDSP	Social Policy Policy Development and Scrutiny Panel 12 th January 2017.
VIII	Other consultations	HSCP Consultation Meeting held 23 rd Nov 2016 with health and social care reps from range of service areas where new standards will require to be applied.

D. TERMS OF REPORT

Background

Current care standards were first introduced in 2002 for different types of registered care settings.

Since then the landscape has changed significantly with more people cared for and supported at home and as part of their local community. There has also in the intervening period been the establishment of Health and Social Care Partnerships with the associated need to ensure that people who use health and care services are able to obtain the right provision in order to meet their needs at any stage in their care journey.

In addition how health and care services are inspected has also changed with both the Care Inspectorate and Healthcare Improvement Scotland now working with other regulators and scrutiny bodies to carry out strategic inspections.

Reflecting on the above it was recognised the original standards which predominantly focused on technical issues such as policies and procedures were no longer fit for purpose. There was a need to replace these with new standards which reflected the recent changes to policy and practice.

Hence new care standards required to be identified which enable an assessment to be made as to how an individual's care needs were being met at a strategic and individual service level.

Current Position

New proposed standards have been developed which are based on human rights and the wellbeing of people using health, care and social services. The intention being these standards will be the delivery vehicle for the wide range of legislation and Scottish Government Policy which relates to health and social care provision.

Hence they are of relevance to both the people who use services and their carers; providers of care; service commissioners; HSCP as well as local authorities and NHS Boards.

A public consultation exercise is currently taking place on the proposed new standards with all responses requiring to be submitted no later than the 22nd of January 2017.

To facilitate a comprehensive response a consultation meeting was held within West Lothian by the HSCP with invited representatives identified from health and social care service areas where the new standards will require to be implemented. The views expressed at the meeting were captured to inform and facilitate a joint response, the draft contents of which are outlined in the attached Consultation Document within the Respondent Information Section (pages 10 – 17).

It is worth noting in formulating this response there was unanimous agreement with the approach which has been taken in developing the new standards, which has been to take a human rights based perspective as opposed to the previous focus which was on technical detail.

With regards to the actual contents of the standards, what is currently being sought by Scottish Government via the latest consultation are comments as to whether anything is missing or requires to be added to the standards. The consensus of opinion expressed by all at the consultation meeting was the standards were felt to be comprehensive overall with a few benefiting from some additional text predominantly to clarify meaning or context e.g. add a definition as to what is meant by regularly; add a definition as to what is meant by a natural environment. No significant omissions were identified which was deemed to be reassuring by those participating in the consultation exercise.

E. CONCLUSION

The new proposed standards should enable services to deliver and demonstrate how those who use health and social care services are able receive a personalised service of their choice throughout their care journey in order to best improve their quality of life.

F. BACKGROUND REFERENCES

Consultation on the New National Health and Social Care Standards

Appendices/Attachments:	Consultation on the New National Health and Social Care Standards
Contact Person:	Pamela Main Senior Manager Community Care Assessment & Prevention
Tel:	01506 281936
Email:	Pamela.Main@westlothian.gov.uk

Jane Kellock
Head of Social Policy

Date of meeting:	17 th January 2017
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Consultation on the New National Health and Social Care Standards

The Scottish Government, Edinburgh 2016

**NATIONAL CARE
STANDARDS**



Consultation on the New National Health and Social Care Standards

October 2016



**Healthier
Scotland**
Scottish
Government

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Ministerial Foreword



Since 2002, the National Care Standards have played an important role in ensuring people who receive care and support get the high-quality service they are entitled to. Everyone is entitled to high-quality care and support, tailored towards their particular needs and capable of being provided in any setting: be that in a hospital or clinical setting; a residential care home; a children's nursery; or, as many now people prefer, within their own home.

As Cabinet Secretary for Health I am committed to ensuring these services achieve positive outcomes for all. In reviewing the current Standards, we all

all have a unique opportunity to contribute to how our services are planned, commissioned, delivered and improved. The Care Inspectorate and Healthcare Improvement Scotland are already inspecting and supporting our health and care services in doing this, and I am sure that the new Standards - which will now also apply to NHS health care services - will help everyone to reach higher and achieve more.

What matters most in all of this is that people feel included and respected, and can choose the kind of service which best improves their quality of life whatever their circumstances. Each and every one of us will, at some point in our lives, need to use - or know someone who needs to use - a health or care service. By introducing new Standards focusing on people's human rights and personal outcomes, I am confident that we can improve everyone's experience of using, or working in, health, care and social work services.

The new Standards have been developed by an expert group of key organisations, representative groups and individuals. Together they have done a fantastic job in getting us to this point, and now we need your help. We want to know if the new Standards are fit for purpose; if they are capable of supporting improvement in care and support services; and ultimately, if they will achieve better personal outcomes for all.

These are questions which only you can answer, and so which I, and those developing the new Standards, need to have answers to so we can achieve the goal of living longer, healthier lives.

I would ask that everyone gets involved in shaping the future of health, social care and social work services. So please, take the time to read the new Standards, consider and discuss what they mean to you and your family - both now and in the future - and let me know what you think.

A handwritten signature in dark ink, which appears to read 'Shona Robison'.

Shona Robison MSP
Cabinet Secretary for Health and Sport

Responding to this Consultation

We are inviting responses to this consultation by 22 January 2017.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/care-and-support/national-care-standards/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date above.

If you are unable to respond online, please complete and return the Respondent Information Form (see "Handling your Response" below) to:

National Health and Social Care Standards Consultation
Scottish Government
Area 2-R
St. Andrew's House
Regent Road
Edinburgh EH1 3DG

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to: NationalCareStandards@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk> Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

INTRODUCTION

Scottish Ministers have a duty to prepare and publish standards and outcomes applicable to care services and social work services under **Section 50 Public Services Reform (S) Act 2010**. Scottish Ministers also have powers under **Section 10H of the National Health Service (Scotland) Act 1978** to publish standards and outcomes for services provided under the health service; and independent health care services.

This consultation relates to draft new Standards and outcomes which Scottish Ministers propose to publish in exercise of these statutory powers. But they do not replace standards relating to healthcare that have already been produced under **Section 10H of the National Health Service (Scotland) Act 1978**.

Throughout this consultation 'standards' is used as a collective term to describe both the outcomes and the descriptive statements which set out the standard of care a person can expect. For example 'I experience high quality care and support that is right for me' is an outcome and 'I am not discriminated against in any aspect of my care and support' is a description of the standard that can be expected.

The Care Inspectorate and Healthcare Improvement Scotland will take into account the new Standards when carrying out their inspection functions and when making decisions about care and health services which are, or are applying to be, registered.

The new Standards do not replace or remove the need to comply with legislation which sets out requirements for the provision of services (such as the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 and the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011). Health and care services will continue to follow existing legislative and best practice requirements applying to their particular service or sector, in addition to applying the new Standards.

There are several parts to the consultation which you should read before completing your response

1. Background
 2. Overview of the new Standards
 3. The Questionnaire
 - a. Respondent Information Form
 - b. Questions
 - c. Additional Information
 - d. Glossary
- Annex A: National Health and Social Care Standards

1. BACKGROUND

What are National Health and Social Care Standards and how will they be used?

The purpose of the new National Health and Social Care Standards (the Standards) is to set out what we can expect when we use health and social services in Scotland. This includes a diverse range of services from childminding and daycare for children in their early years, housing support and care at home for adults, to hospitals, clinics and care homes.

From Spring 2018, the new Standards will provide a framework for registration and inspection of individually registered care and health services, but they will also be relevant to all care and health services including those not inspected by the Care Inspectorate or Healthcare Improvement Scotland. Services which are not currently required to register with or be inspected by these regulators will be encouraged to adopt and apply the Standards as a framework for high quality care.

The new Standards show what our rights to dignity, respect, compassion, being included, responsive care and support and wellbeing should actually look like across health and social care services.

They replace the 23 sets of standards produced for different types of registered care settings introduced in 2002.

Why review the Standards?

The original 2002 Standards mainly looked at technical requirements, such as written policies and health and safety procedures. The new Standards need to reflect recent changes in policy and practice and also be fit for the future. For example:

- more of us are supported and cared for in our own home and as part of the local community than ever before;
- we consider the quality of care experience to be as important as other aspects of care like safety¹; and
- the establishment of Health and Social Care Partnerships² means that when people use health or care services they should get the right care and support whatever their needs, at any point in their care journey.

How we inspect health and social care services has also changed. The Care Inspectorate and Healthcare Improvement Scotland continue to regulate each individually registered health and social care service, they also now work with other regulators and scrutiny bodies to carry out strategic inspections. These inspections look at how the wider health, social work and social care system is working for children or adults in a local authority and health board area. The new Standards need to be fit for purpose for assessing how well people's care needs are met on both a strategic and an individual service level.

¹ <https://healthier.scot/>

² Under the Public Bodies (Joint Working) (Scotland) Act 2014

To support these changes, we need a single set of Health and Social Care Standards that apply across all care services we may use in our lifetime. These must promote flexible services and innovation.

Development of the Standards

In 2015 a public consultation confirmed widespread support for the new Standards being based on human rights and the wellbeing of people using services. The following Principles were approved by Scottish Ministers in February 2016:

- Dignity and respect
- Compassion
- Be Included
- Responsive care and support
- Wellbeing

Since then draft new Standards have been developed by a Development Group made up of organisations representing people using services, unpaid carers, social care providers and commissioners of care. At an early stage there were focus groups with individuals who use care services and their carers to understand what matters most to people about their care.

Throughout the project the Scottish Government has chaired a Project Board of representatives from across the public, private and voluntary sectors. The next phase of the project is to develop an implementation plan for the final Standards.

Why are the Standards based on human rights?

Human rights are the rights and freedoms that belong to every person, at every age. These rights are set out in laws which help raise everyone's awareness of the need to uphold individual rights and protect people with protected characteristics from discrimination. Looking at standards of care from a human rights perspective helps us identify what individuals using care services should be entitled to, as well as ensuring providers comply with legislation when providing care.

More information on Scotland's National Action Plan for Human Rights (SNAP) is available at <http://www.gov.scot/Topics/Justice/policies/human-rights/scotlandsnationalactionplanforhumanrights>

The new Standards

We propose the following new Standards apply across health, care and social work services:

1. I experience high quality care and support that is right for me
2. I am at the heart of decisions about my care and support
3. I am confident in the people who support and care for me
4. I am confident in the organisation providing my care and support
5. And if the organisation also provides the premises I use
6. And if my liberty is restricted by law
7. And if I am a child or young person needing social work care and support.

The first four headings set out Standards for everyone. These are complemented by three additional headings with Standards that only apply in specific circumstances.

For example, if a young person is looked after by the local authority and living in a residential unit, then Standards 1-4 will be complemented by Standards 5 and 7. Or, if an adult is accommodated and receiving compulsory treatment under the Mental Health (Care and Treatment) (Scotland) Act 2003, then Standards 5 and 6 apply as well as Standards 1-4.

Additional Standards for people experiencing restricted liberty and for children and young people who need social work support?

People experiencing restricted liberty and some children and young people who have particular needs sometimes require specialist care and support. Standards 6 and 7 reflect these particular care and support needs, and are different from, and additional to, those covered by the other Standards that are applicable to everyone.

For example, Standard 6 ('And where my liberty is restricted by law') states: "I can be with my peers, including other people who use the service, except where this has been properly assessed as unsafe" (6.7). This reflects the expectation that, for people experiencing restricted liberty, the question of whether it is safe to have contact with peers is routinely assessed. For most care and support however, this question is not routinely applicable as people have control over their own contact with peers.

Standard 6 is very specific to the relatively unusual situations where someone is subject to a formal restriction on their liberty. Standard 7, on the other hand, covers many of the same issues as in Standards 1-4, but goes into more detail of what is expected in order to meet the particular needs of children and young people who are in need of social work care and support.

How do the Standards fit with other Scottish Government priorities?

The Standards have been prepared to deliver the collective ambitions of a range of legislation and Scottish Government policy that relates to health and social care, for example:

- Scotland Performs: National Performance Framework
- Getting it Right for Every Child and the wellbeing indicators
- The Public Bodies (Joint Working) (Scotland) Act 2014 and the National Health and Wellbeing Outcomes prescribed under that Act
- The Social Care (Self-directed Support) Act 2013
- The Carers (Scotland) Act 2016
- Social Services in Scotland: a shared vision and strategy 2015-2020
- A National Clinical Strategy for Scotland
- Standards of Care for Dementia in Scotland
- My Home Life
- Expansion of funded childcare
- National Common Outcomes for Community Justice

What will happen next?

- The public consultation on the draft new Standards will run from October 2016 until January 2017
- During the consultation, we will make available personal stories to illustrate the range of people who will be impacted by the new Standards
- After the consultation, Scottish Government will review and analyse responses. The Project Board and Development Group will consider the findings and a consultation report will be published in Spring 2017
- The final Standards will be published in Spring 2017
- The new Standards will be implemented from Spring 2018
- The Scottish Government will set up a short term group to identify and advise on the detail of full implementation of the Standards
- Current inspection methodologies will be updated to ensure they align with the new Standards
- The final Standards document will explain the complementary relationship between the Standards and existing legislation, standards, guidelines and professional codes, including for example:
 - the Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011;
 - the Healthcare Improvement Scotland (Requirements as to Independent Health Care Services) Regulations 2011;
 - the Dementia Standards; and
 - the Scottish Social Services Council's Codes of Practice for Social Service Workers and Employers.
- The Standards will be taken into account in inspections and registration decisions in relation to health and social care services from April 2018.

2. OVERVIEW OF NEW STANDARDS

What the national care standards mean for different people.

The new Standards will extend into areas of health social care previously unaffected by the current 23 sets of standards. It is important to make clear the purpose for which the new national care standards exist; what different people can expect from them; and how they can help improve service delivery and personal outcomes.

Annex A provides a copy of the draft new Standards which you should read along with the explanations below of what these mean for different people before completing your response.

For people who use services and their carers, the national care standards set out what people should expect when using a care service. The standards help people to understand what high-quality care looks like. They will also help provide a reference point in the event that people are unhappy about their care and not sure if they should be expecting a better standard of care.

For providers of care, the Standards set out important characteristics of how they should design, deliver and improve their service. This is relevant for leaders and managers, but also for staff working in services. The standards do not attempt to

replace the professional codes of conduct for staff, but set out what people using care should expect from them. For providers of regulated social care and independent healthcare services, the standards will underpin decisions made by the Care Inspectorate and Healthcare Improvement Scotland in the course of their scrutiny and reviews of quality.

For commissioners of care services (including Integrated Joint Health and Social Care Partnerships, community planning partnerships, and other public bodies), the standards set out a framework of how high-quality care should be planned, commissioned and organised. This means that commissioners need to ensure that care is commissioned in a way which allows the standards to be achieved by the provider of the service, and that assessments of quality around commissioned services (for example, contract monitoring) should be informed by the standards.

For local authorities and NHS boards, the standards set out the broad approaches for how people should receive and experience care. The standards do not simply apply to their own care services or health services, but are relevant for the way in which people’s needs are assessed and care packages or pathways established. The standards do not seek to replace detailed clinical standards about specific health interventions, or existing and future sector or professional guidance.

Where will the Standards fit with other guidelines?
 The diagram below shows where the standards fit with other guidelines and professional codes of practice.

Note: This is for illustration only and should not be considered exhaustive.





(a): Respondent Information Form (RIF)

Please Note this form **must** be returned with your response.

Consultation on the National Health and Social Care Standards

Are you responding as an individual or an organisation?

☐ Individual (See Part (i) below) ☒ Organisation (See Part (ii) below)

Did you attend an engagement event / workshop before completing this response?

No ☒ Yes ☐ Date Name of Event:.....

Full name or organisation's name

West Lothian Council

Address

Civic Centre, Howden Road South, Livingston

Postcode

EH54 6FF

Email

Jane.Kellock@westlothian.gov.uk

Phone number

01506 281920

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

☒ Publish response with your name / name of organisation

☐ Publish response only (anonymous) – Individuals only

☐ Do not publish response

We will share your response Internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Government to contact you again in relation to this consultation exercise?

Yes ☒ No ☐ Date Completed: 18/1/2017.....

(b): CONSULTATION QUESTIONNAIRE

Q1: To what extent do you think the Standards will be relevant and can be applied across all health, care and social work settings?

Strongly Agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>

Comments

Q2: To what extent do these Standards reflect the experience of people experiencing care and support?

Strongly Agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>

Comments

Q3: (Standard 1: I experience high quality care and support that is right for me.)
To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	x
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

- 1.13 Define regularly e.g. minimum of annually
- 1.15 Add text - based on identified need and agreed outcomes
- 1.48 Definition of what is meant by a natural environment as this can vary.

Q4: (Standard 2: I am at the heart of decisions about my care and support.)
To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	x
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

- 2.14 Needs added qualification - when there is vacant overnight accommodation available

Q5: (Standard 3: I am confident in the people who support and care for me.)
To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	X
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

3.8 why the need to specify just physical comfort and not others add e.g. emotional comfort, spiritual comfort

Q6: (Standard 4: I am confident in the organisation providing my care and support.)
To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	X
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

Q7: (Standard 5: And if the organisation also provides the premises I use.)
To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	X
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

5.27 & 5.28 add - where there is sufficient space available to do so.

Q8: (Standard 6: And where my liberty is restricted by law.) To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	X
Agree	
Neither agree nor disagree	
Disagree	

Is there anything that is missing or should be added to this Standard?

Q9: (Standard 7: And if I am a child or young person needing social work care and support.) To what extent do you think this Standard describes what people should expect to experience from health, care and social work services?

Strongly Agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>

Is there anything that is missing or should be added to this Standard?

7.2 qualify what is meant by special (concerns re connotation of word in relation to abuse).

Q10: To what extent do you agree these new Standards will help support improvement in care services?

Strongly Agree	<input checked="" type="checkbox"/>
Agree	<input type="checkbox"/>
Neither agree nor disagree	<input type="checkbox"/>
Disagree	<input type="checkbox"/>

Comments

Q11: Is there anything else that you think needs to be included in the Standards?

Yes	
No	X

Comments

Q12: Is there anything you think we need to be aware of in the implementation of the Standards that is not already covered?

Comments
Nil

Q13. What should the new Standards be called?

- ☐ National Care Standards
- ☐ National Health and Social Care Standards
- ☐ National Healthcare and Social Care Standards
- ☒ National Care and Health Standards
- ☐ National Care and Support Standards
- ☐ Other - please provide details.....

Q14. Any other comments, suggestions:

--

(c): Additional Information

We recognise that people may have more than one experience of / involvement with health and care services. For example; you may work in a hospital or care home and also be a registered carer for a friend or relative receiving care services. For the purposes of this consultation please indicate the main capacity in which you are responding.

(i) As an individual **service user** (including on behalf of family) ☐

As an individual who **works or volunteers** in health/social care ☐

Please tick to select the services that you have used / have experience of:

Acute health care (emergency care, hospitals etc)	<input type="checkbox"/>
Primary health care (GP and other community health services)	<input type="checkbox"/>
Independent health care	<input type="checkbox"/>
Adult social care	<input type="checkbox"/>
Early learning and childcare	<input type="checkbox"/>
Social work (including fostering, adoption, care homes for children and young people)	<input type="checkbox"/>
Community justice	<input type="checkbox"/>
Other: (please state)	<input type="checkbox"/>

(ii) As a representative of an organisation / service provider

Please tick to select the type of services that your organisation provides:

Acute health care (emergency care, hospitals etc)	<input checked="" type="checkbox"/>
Primary health care (GP and other community health services)	<input checked="" type="checkbox"/>
Independent health care	<input type="checkbox"/>
Adult social care	<input checked="" type="checkbox"/>
Early learning and childcare	<input type="checkbox"/>
Social work (including fostering, adoption, care homes for children and young people)	<input checked="" type="checkbox"/>
Community justice	<input checked="" type="checkbox"/>
Other: (please state)	<input type="checkbox"/>

Other Formats

Once finalised these new Standards will be made available in various formats. It would be helpful to know which format(s) may be required. Please indicate from the list below which formats you are most likely to use.

Easy Read ☒ Large Print ☒ Audio ☒ Braille ☒

Other languages (please indicate which) Variable..at..any..given..period..of..
time hence range required.

Please indicate how you are most likely to access these Standards:

online / electronic ☐ paper copy ☐ Both ☒

(d): Glossary

Every effort has been made to reduce terminology and/or jargon within the new Standards. However it is not possible to totally eliminate the use of some recognised terms and phrases. Similarly It is Important that people are clear on what terms and phrases mean for the purposes of the standards and the consultation.

Term	Description
24-hour care	Where people are cared for and supported throughout the day and night. This can also apply to children's services.
advocacy and advocate	Advocacy means getting support from another person to help someone express their views and wishes, and to help make sure their voice is heard. Someone who helps in this way is called an advocate. In the Standards, we are referring to formal advocacy provided by an organisation to someone using care.
assessment	A health and/or social care assessment will find out what help and support a person needs, such as healthcare, medication, advocacy, equipment, care at home, housing support or a care home.
capacity	Capacity refers to an individual's ability to make decisions about their wellbeing. This may change over time and may refer to different aspects of their life. For people who have been medically assessed as lacking capacity there is legislation to protect their wellbeing.
care home	A care service providing 24 hour care and support with premises, usually as someone's permanent home.
carer	A carer is someone of any age who looks after or supports a family member, partner, friend or neighbour in need of help because they are ill, frail, have a disability or are vulnerable in some way. A carer does not have to live with the person being cared for and will commonly be unpaid.
communal areas	An area in a care service such as a living or dining room, activity room, hairdresser, library, café, garden or quiet area that everyone can use.
communication tools	These help people to communicate in a range of ways. For example, visual prompts, talking mats (system of simple picture symbols) or mobile phone apps.
confidentiality	This means that information that is kept about someone by a care provider will not be shared with anyone else unless the person gives their consent for it to be shared. Confidentiality may only be broken if it avoids or reduces the risk of harm to the person.
early years	Children aged up to 16 years.
emergency or unexpected event	This is an incident or emergency that could require immediate action, such as the premises being evacuated.
emotionally resilient	Someone's ability to cope with, or adapt to, stressful situations or crises.

Term	Description
evidence, guidance and best practice	Written guidelines for agreed ways to provide care, support or carry out treatment. Often these are put together by professionals based on the best available evidence at the time. These guidelines often change so that they remain up to date.
human rights	<i>Human rights</i> are based on the principle of respect for the individual and they are the rights and freedoms that belong to every person, at every age. They are enshrined in UK legislation under the Human Rights Act.
intimate personal care	This relates to activities which most people usually carry out for themselves, such as washing, going to the toilet, dressing or eating, but some people may be unable to do because of their age, an impairment or disability.
liberty is restricted by law	There are times when a person's choices, such as where they live, are determined by law. For instance, someone might have their liberty restricted under the Mental Health Act, as a result of a criminal conviction or decisions made by a Children's Hearing.
open-ended and natural play materials	Open-ended materials (also called loose parts) are play materials that can be used in numerous ways indoors and outdoors by children. They can be moved, carried, combined, and redesigned in any way the child decides.
personal plan	A plan of how care and support will be provided, agreed between the person using a service and the service provider.
physical intervention, sanctions or incentives	These are used to manage and respond to challenging behaviour. They can be constructive in reducing the risk of harm and helping people recognise that there are consequences to their actions.
planned care	The term used to describe care, support or treatment which is carried out as detailed in someone's personal plan (see above).
positive risks	Positive risks means making balanced decisions about risks; it is the taking of calculated and reasoned risks, which recognises that there are benefits as well as potential harm from taking risks in day to day life.
premises	When an organisation providing care and support also provides premises, such as a nursery, hospital or care home. It does not apply when someone using a service is responsible for the premises, including housing support or care at home.
pretend play	Pretend play is any game or activity where children use their imagination to create their own pretend experience.
professional codes	These codes set out professional standards of conduct and competence, as well as the personal values, which people working in health and social care are expected to follow.

Term	Description
representative	This may include someone appointed to have power of attorney, a guardian, family member, friend, neighbour or an agreed person who can speak on the individual's behalf. A representative may be formal or not formal.
restraint	Restraint is used to keep someone safe or to prevent them from harming others. It might involve using physical means, changing the environment or medication.
small group living	Groups of approximately 6 to 10 people provided with their own lounge and dining facilities for their own group use in a homely type environment. Small group living sometimes takes place within a larger care service such as a care home or hospital.
technology and other specialist equipment	Specialised equipment that helps people in their day to day life, such as telecare, telehealth or telemedicine, alarm call system, remote support and advice or mobility aids.
therapy	A specialised treatment or intervention, such as physiotherapy, occupational therapy, speech and language therapy, counselling and talking therapies.
transition	Used to describe a significant change for someone, such as starting to use a new care service or a change in life stage (eg becoming an adult).

October 2016



National Health and Social Care Standards

Principles and standards

www.newcarestandards.scot

Principles (approved February 2016)

Dignity and respect

- My human rights are respected and promoted.
- I am respected and treated with dignity as an individual.
- I am treated fairly and do not experience discrimination.
- My privacy is respected.

Compassion

- I experience warm, compassionate and nurturing care and support.
- My care is provided by people who understand and are sensitive to my needs and my wishes.

Be included

- I receive the right information, at the right time and in a way that I can understand.
- I am supported to make informed choices, so that I can control my care and support.
- I am included in wider decisions about the way the service is provided, and my suggestions, feedback and concerns are considered.
- I am supported to participate fully and actively in my community.

Responsive care and support

- My health and social care needs are assessed and reviewed to ensure I receive the right support and care at the right time.
- My care and support adapts when my needs, choices and decisions change.
- I experience consistency in who provides my care and support and in how it is provided.
- If I make a complaint it is acted on.

Wellbeing

- I am asked about my lifestyle preferences and aspirations, and I am supported to achieve these.
- I am encouraged and helped to achieve my full potential.
- I am supported to make informed choices, even if this means I might be taking personal risks.
- I feel safe and I am protected from neglect, abuse, or avoidable harm.

Standard 1: I experience high quality care and support that is right for me

Dignity and respect

- 1.1 I am accepted and valued whatever my needs, disability, gender, age, faith, spirituality, mental health status, background or sexual orientation.
- 1.2 I am not discriminated against in any aspect of my care and support.
- 1.3 I am supported and cared for using a positive and understanding approach, even if my behaviour is challenging to others.
- 1.4 If I require intimate personal care this is carried out in a dignified way, with my personal preferences respected.
- 1.5 If I need support managing my money and my personal affairs, I am able to have as much control as possible and my interests are safeguarded.
- 1.6 If I am being supported and cared for in the community, this is done discreetly and with respect.

Compassion

- 1.7 I experience encouragement and warmth and my strengths and achievements are celebrated.
- 1.8 I get the most out of life because the people and organisation who support and care for me have an enabling attitude and believe in my potential.
- 1.9 I am supported to discuss changes in my life, including death or dying, this is handled sensitively and my wishes and choices are respected.
- 1.10 If I experience care and support in a group, the overall size of that group is right for me.

Be included

- 1.11 I am recognised by people who support and care for me as an expert in my own experiences, needs and wishes.
- 1.12 I am encouraged to take part in everyday tasks to help the running of the service if I choose to.

Responsive care and support

Assessing my care and support needs

- 1.13 My emotional, psychological and physical needs are assessed by a qualified professional at an early stage, regularly and when my needs change.
- 1.14 My care and support is right for me because I am fully involved in my assessment.
- 1.15 If I have a carer, their needs are assessed and support provided.
- 1.16 If the care and support that I need or choose is not available or delayed, the reasons for this are explained to me and I can get help to use a suitable alternative.

Experiencing care

- 1.17 I am supported to live in my own home if this is possible for me.
- 1.18 I am supported to manage my own care and support if this is what I want.
- 1.19 I can access technology and other specialist equipment so I can be independent, including to call assistance and manage my own health and wellbeing.
- 1.20 I fully participate in developing and regularly reviewing my personal plan.
- 1.21 If I have particular needs, due to a health condition, age or circumstance, I am informed about the care and support I should experience. (or care plan) that clearly sets out my needs and wishes and how these will be met.
- 1.22 If I, or others, have concerns about my health and wellbeing, these are acted on and appropriate assessments and referrals are made.
- 1.23 My needs, as agreed in my personal plan, are fully met, and my wishes are respected.
- 1.24 I know how organisations can support my wellbeing and I am helped to contact them if I wish.
- 1.25 I experience proper planning and am helped when using a new service, or when I move between services.

Wellbeing

- 126 I am in the right place to experience the care and support I need and want
- 127 I am helped to access the health care that I need and any other public services
- 128 I am supported to make healthy lifestyle choices that are right for me
- 129 If I need help with medication, this is done safely and effectively

Eating and drinking

- 130 I can choose suitably presented, healthy and nutritious meals and snacks, including fresh fruit and vegetables if this is right for me
- 131 I can enjoy unhurried snack and meal times in as relaxed an atmosphere as possible
- 132 I can enjoy snacks and meals alongside other people using and working in the service if appropriate and I want this
- 133 I enjoy meals and snacks which meet my cultural and dietary needs
- 134 If I experience care and support in a group, I can choose to make my own meals, snacks and drinks, with support if I need it
- 135 I can drink fresh water at all times

Activities

- 136 I can have an active life and fulfil my aspirations by being supported to take part in activities that are important to me, in the way I like
- 137 I am supported to participate in a range of recreational, social, physical and learning activities
- 138 If I experience care and support in a group, or in my own home, I can choose to do creative and artistic activities every day, such as art, crafts, music, drama, and dance
- 139 I am supported to participate fully as a citizen in my local community

Protection

- 140 I am listened to and taken seriously if I have a concern about the safety and wellbeing of myself or others
- 141 I am protected from all forms of abuse and exploitation
- 142 I am helped to develop personal resilience and ways to keep myself safe
- 143 If I might harm myself or others, I know that people have a duty to protect me and others, which may involve contacting relevant agencies
- 144 The people who support and care for me are alert and responsive to any signs that I may be unhappy or at risk of harm.

For children in their early years:

- 145 I have fun as I develop my skills in understanding, thinking, language, literacy, numeracy, investigation and problem solving
- 146 I can take part in pretend play and storytelling
- 147 I spend time outdoors every day and this is a significant part of my day if I attend full-time, where appropriate
- 148 I can regularly explore, and be creative in, a natural environment
- 149 if I attend all day and I am under school age, I can if needed have a sleep on a sleeping mat or bed with my own bed linen.
- 150 I can choose to grow, cook and eat my own food, if possible

Standard 2: I am at the heart of decisions about my care and support

Dignity and respect

- 2.1 I am empowered and enabled to be as independent, and as in control of my life, as I want and can be.
- 2.2 I receive and understand information and advice in a format or language that is right for me, including using independent advocacy if I want or need this.
- 2.3 I am as involved as I can be in agreeing any restrictions to my independence, control and choice and these are justified, uphold my human rights and are kept to a minimum.

Compassion

- 2.4 I am supported to communicate in a way that is right for me, at my own pace, by people who are sensitive to me and my needs.

Be included

- 2.5 I can access translation services and communication tools where necessary and I am supported to use these.
- 2.6 I have time and help to understand the planned care, support, therapy and intervention I will receive, including any cost, before deciding what is right for me.
- 2.7 If possible I can choose who will provide my care and support and how this will be provided. If possible, I can visit the service before deciding and/or meet the people who.
- 2.8 If there is limited choice, this is explained to me so I understand the reasons for this
- 2.9 If I need or want to move on and start using another service, I will be fully involved in this decision and helped to find a suitable alternative. If I am moving from a service for children to one for adults, I am helped with this transition.
- 2.10 If I am unable to make my own decisions, the views of those who know my wishes, my carer, advocate or representative will be sought and taken into account to establish what my wishes would be.
- 2.11 If I have expressed my own views and choices, these will be respected if I lose capacity.
- 2.12 I am able to resolve conflict, negotiate boundaries, agree rules and build positive relationships with other people as much as I can.

Supportive care and support

- 2.13 I am supported to manage my relationships with my family, friends and/or partner in a way that suits my wellbeing.
- 2.14 If I am living in a care home, I can receive visitors in private and have a friend, family member or partner to sometimes stay over in the home.

Wellbeing

- 2.15 I make choices and decisions about all day to day aspects of my life, including managing my own money, how I dress, what I eat and how I spend my time.
- 2.16 I make informed choices and decisions about the risks I take in my daily life and am encouraged to take positive risks which enhance the quality of my life
- 2.17 I am helped to understand the impact and consequences of risky and unsafe behaviour and decisions.

For children in their early years:

- 2.18 I have the right to control my own play in the way that I choose
- 2.19 I can freely access a wide range of experiences and resources suitable for my age and stage, which stimulate my natural curiosity, learning and creativity
- 2.20 I enjoy extended play and activities that develop my confidence, self-esteem and imagination
- 2.21 I can play flexibly and creatively using open-ended and natural play materials and I experience a balance of organised and freely chosen activities

Standard 3: I am confident in the people who support and care for me

Dignity and respect

- 3.1 I experience people speaking and listening to me in a way that is courteous and respectful, with my care and support being the main focus of people's attention.
- 3.2 If I experience care and support at home, people are respectful when they visit my home.
- 3.3 I am supported and cared for by people who challenge discrimination and bullying and stand up for me and my rights if I need this.
- 3.4 I am treated as an individual by people who get to know me and understand me, my lifestyle and choices.

Compassion

- 3.5 I am greeted warmly by people and, if I do not know them, they introduce themselves.
- 3.6 I experience a warm atmosphere because people who support and care for me have good working relationships.
- 3.7 I can build relationships with the people who support and care for me in a way that we all feel comfortable with.
- 3.8 I experience warmth, kindness and compassion in how I am supported and cared for, including physical comfort when appropriate for me and the person supporting and caring for me.
- 3.9 I am helped to feel content and at ease by the people who support and care for me.

Be included

- 3.10 I know who provides my care and support on a day to day basis and what they should do. If possible, I can have a say on who provides my care and support.
- 3.11 I can understand the people who support and care for me when they communicate with me.
- 3.12 I am supported to be part of the local community, to enjoy family life and to develop interests if this is what I want.
- 3.13 I experience appropriate and consistent boundaries, guidance, and care.

Responsive care and support

- 3.14 My needs are met by people who are trained, competent and skilled to support me, are able to reflect on how they do that, and follow their professional codes.
- 3.15 I am supported by people who understand my needs, choices and wishes.
- 3.16 I am supported sensitively by people who anticipate issues and are aware of and plan for any known vulnerability or frailty.
- 3.17 My needs, wishes and choices are met because I am supported by the right number of people with the right skills and experience.
- 3.18 People have enough time to support and care for me and to speak with me.
- 3.19 I am supported by people who respond promptly when I ask for help.
- 3.20 My care and support is consistent and stable because people work together well.

Wellbeing

- 3.21 I am supported and cared for by people who have a clear understanding of their responsibilities to protect me from discrimination, neglect, abuse and avoidable harm.
- 3.22 I am helped to feel safe and secure in the area where I live.
- 3.23 The people who care for me stimulate my interests and spontaneity.
- 3.24 People help me to extend my learning and development, and they ask open questions and involve me in genuine dialogue.

Standard 4: I am confident in the organisation providing my care and support

Dignity and respect

- 4.1 I am confident and experience that my human rights are central to the organisation that supports and cares for me, and that it helps tackle inequalities

Compassion

- 4.2 I receive an apology if things go wrong with my care and support or my human rights are not respected and the organisation takes responsibility for its actions
- 4.3 I use a service where all people are respected and valued

Be included

- 4.4 I am informed of the organisation's aims and I can be involved in decisions about how it works and develops.
- 4.5 I am actively encouraged to be involved in improving the service I use, in a spirit of genuine partnership
- 4.6 I give feedback on how I experience my care and support and the organisation uses learning from this to improve
- 4.7 I can take part in recruiting and training people who provide my care and support if possible
- 4.8 I am supported to make use of relevant screening and healthcare programmes

Responsive care and support

- 4.9 I experience high quality care and support based on relevant evidence, guidance and best practice
- 4.10 I am involved in shaping how my service can continually improve to meet everybody's needs, choices and wishes
- 4.11 I receive appropriate notice and I am involved in finding an alternative if the service I use plans to close
- 4.12 I am looked after in a planned and safe way, including if there is an emergency or unexpected event affecting the premises
- 4.13 I continue to experience stability in my care and support from people who know my needs, choices and wishes, if there are changes in the service or organisation
- 4.14 I am supported and cared for by people I know so that I experience consistency and continuity.
- 4.15 If I am supported and cared for by a team or more than one organisation, this is well co-ordinated so that I experience consistency and continuity.
- 4.16 I know how to make a complaint or raise a concern about my care and support
- 4.17 If I have a concern or complaint, I know this will be acted on without negative consequences

Wellbeing

- 4.18 I am confident that the service I use and the organisation providing it are well led
- 4.19 I am supported and cared for by people who have been appropriately recruited
- 4.20 I am supported to reach my full potential by people who are encouraged to be innovative in the way they support and care for me

Standard 5: And if the organisation also provides the premises I use

Dignity and respect

- 5.1 I experience an environment that is well looked after and attractive, with clean, tidy and well-maintained premises, furnishings and equipment.
- 5.2 I can use an appropriate mix of private and communal areas, including an accessible outdoor space.
- 5.3 I can easily access a toilet from the rooms I use and I can use a toilet when I need to.
- 5.4 If I live in a care home, I have ensuite facilities with a shower and can choose to have a bath if I want.
- 5.5 I have a secure place to keep my belongings.
- 5.6 If CCTV is used, I know about this and how my privacy is protected.

For children in their early years:

- 5.7 If I wear nappies, there is a suitable area with a sink and some privacy for me to be changed.

Compassion

- 5.8 I experience care and support in a homely environment.
- 5.9 I experience homely care and support in a service that is the right size for me.
- 5.10 If I live in a care home, the premises are designed and organised so that I can experience small group living and an environment that is right for me.
- 5.11 If I experience care and support in a group, I can use a cosy area with soft furnishings to relax.

Be included

- 5.12 I experience a service as near as possible to people who are important to me and my home area if I want this and if it is safe.
- 5.13 The location and type of premises enable me to experience care and support free from isolation and for me to be an active member of the local community if this is appropriate.
- 5.14 If I experience 24-hour care, I have access to a telephone, radio, TV and the internet so that I am connected.
- 5.15 I can independently access all parts of the premises I use and the environment has been designed to promote this.
- 5.16 If people who support and care for me have separate facilities, these do not take away from the homeliness of the service and my feeling of being at home.
- 5.17 If I live in a care home, I can control the lighting, ventilation, heating and security of my bedroom.
- 5.18 If I live in a care home, I can decide on the decoration, furnishing and layout of my bedroom, including bringing my own furniture where possible.

Be supported and given the support

- 5.19 The premises I use are designed, adapted, equipped and furnished with my care and support needs in mind.

Wellbeing

- 5.20 I experience a secure and safe environment that is suitable for me
- 5.21 My environment is relaxed, welcoming, peaceful and free from avoidable and intrusive noise and smells
- 5.22 I can enjoy a pleasant environment, with plenty of natural light, fresh air, space and a comfortable temperature for me
- 5.23 I have enough physical space to meet my needs and wishes
- 5.24 I am able to access a range of good quality equipment and furnishings to meet my assessed needs, wishes and choices
- 5.25 I am able to participate in a variety of creative and physical activities, including exercise both indoors and outdoors
- 5.26 If I am an adult living in a care home, I have my own bedroom that meets my needs
- 5.27 If I am an adult living in a care home, I can choose to live with and share a bedroom with my partner, relative or close friend
- 5.28 As a child or young person, I might need or want to share my bedroom with someone else and I am involved in deciding this
- 5.29 If I experience 24-hour care, I have a bedside cabinet and light and there is enough space for me to sit comfortably with a visitor in my bedroom
- 5.30 If I live in a care home and I want to keep a pet, the service will try to accommodate this request

Standard 6: And where my liberty is restricted by law

Dignity and respect

- 6.1 I experience my human rights being protected when my liberty is restricted and this complies with the relevant legislation.
- 6.2 I am helped to understand how and why my behaviour affects my rights, including the use of any physical intervention, sanctions or incentives.
- 6.3 I only experience restraint as a last resort and for the minimum time necessary by people who are properly trained.
- 6.4 I will only be searched if there are clearly identified concerns and I am told what these are.
- 6.5 If I am restrained or searched, this will be carried out with sensitivity

Compassion

- 6.6 I am supported by people who anticipate challenges with my or others' behaviour and they work creatively to help manage this.

Be included

- 6.7 I can be with my peers, including other people who use the service, except where this has been properly assessed as unsafe.

Wellbeing

- 6.8 The environment is specially designed and managed to minimise the risk of me harming myself or others.

Standard 7: And if I am a child or young person needing social work care and support

Dignity and respect

- 71 I am cared for by people who are ambitious for me, champion my needs and enhance my life chances

Compassion

- 72 I live in a place that feels like a home and I am supported and cared for by people who make me feel valued, special, loved and safe
- 73 I am supported to develop a positive view of myself and to form and sustain trusted and secure relationships
- 74 I am supported and cared for by people who are fully informed about my history and understand what I am communicating
- 75 I am helped to overcome any previous experiences of trauma and neglect so I am emotionally resilient and have a strong sense of my own identity and belonging.
- 76 I am responded to with sensitivity and the people who support and care for me anticipate and reduce any conflict, with difficulties sorted out in a low-key way.
- 77 I am helped by the people who support and care for me to understand the consequences of any difficult or unsafe behaviour and I am supported to take responsibility to change this
- 78 I have as normal an upbringing as possible and I am helped by the people who support and care for me to achieve this

Be included

- 79 I am encouraged and supported to make friends with people my own age
- 710 I am helped to understand decisions taken in my best interests and why sometimes it might not be possible to act on my wishes
- 711 I am fully included in all aspects of family life if I am fostered

Responsive care and support

- 712 My needs and wishes are assessed in good time and an assessment for a permanent placement is done within 12 weeks
- 713 My need for permanent care and support is assessed and met
- 714 I experience stable care and support, with minimum disruption, from people who can nurture and form strong attachments with me
- 715 If I need and want this, I am placed with wider family members (kinship care) alongside my brothers and sisters where possible and where it is safe
- 716 People making decisions about me, including fostering and adoption panel chairs and advisers, know me and have the right skills, training and experience to decide what's best for me.
- 717 I am supported to have safe contact and continuity of relationships with family and people who are important to me by people who understand the importance of maintaining attachments.
- 718 I continue to be supported and cared for into adulthood.
- 719 I experience different organisations working together for my benefit.

Wellbeing

- 720 I am supported to achieve my potential in education and employment.
- 721 I am supported to develop my independence while protecting myself from unsafe situations
- 722 I am supported to become increasingly safe from neglect, abuse, grooming and sexual exploitation, self-harm, bullying, misuse of drugs or alcohol and going missing.
- 723 I am supported by people who seek to understand why I have been missing and work with me to minimise future risks.
- 724 If I go missing, people take urgent action to protect me, including looking for me and liaising with the police and other agencies, and my family.



www.newcarestandards.scot

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PPDAS82010 (10/16)

W W W . G O V . S C O T



COUNCIL EXECUTIVE

CONSULTATION ON THE CONTINUING CARE (SCOTLAND) AMENDMENT ORDER 2017

REPORT BY HEAD OF SOCIAL POLICY

A. PURPOSE OF REPORT

To inform the Council Executive of the proposed response by West Lothian Council to the Scottish Government's Consultation on the Continuing Care (Scotland) Amendment Order 2017.

B. RECOMMENDATIONS

It is recommended that the Council Executive considers the proposed West Lothian Council response to the consultation by the Scottish Government in relation to the Continuing Care (Scotland) Amendment Order 2017 and agrees that the response be submitted to the Scottish Government.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs.
	Being honest, open and accountable.
	Making best use of our resources.
	Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	The key risk is that should demand increase for continuing care that the funding allocation would be insufficient.
III Implications for Scheme of Delegations to Officers	None.
IV Impact on performance and performance Indicators	None.
V Relevance to Single Outcome Agreement	None
VI Resources - (Financial, Staffing and Property)	£166k per annum from Scottish Government

VII Consideration at PDSP The draft response was submitted to the Social Policy Policy Development and Scrutiny Panel on 12th January 2017 for consideration.

VIII Other consultations None.

D. TERMS OF REPORT

Background

Continuing Care

The Children & Young People (Scotland) Act 2014 created the new provision of Continuing Care (Part 11). The Act places a duty on local authorities to provide care leavers, whose final placement was 'away from home', with a continuation of the kind of placement and support they received prior to their ceasing to be looked after. Young people aged 16-18 years old can request continuing care, whereby they can remain in their care placement until their 21st birthday.

Effectively it offers eligible young people who were born after 1 April 1999, who are at least aged sixteen and whose final looked after placement was in foster; kinship or residential care with the same accommodation and other assistance as they were provided with immediately before the young person ceased to be looked after.

The young person is therefore entitled to remain in their care setting up to their twenty-first birthday where they cease to be looked after by a local authority.

Part 11 of the 2014 Act reflects the philosophy of care set out in the Scottish Government's Staying Put-Scotland guidance of October 2013. This stressed the importance of encouraging and enabling young people to remain in safe, supported environments until they are better ready to make the transition into independent living.

The Consultation

This is the second in the series of annual amendments to the original Continuing Care (Scotland) Orders 2015. This amendment, which will come into force on 1 April 2017, will further increase the upper age of young people who will be eligible for continuing care to nineteen years of age.

This approach of annual amendment was agreed during the development of the Children and Young People (Scotland) Act 2014, to ensure the original cohort of 16 year olds would continue to be eligible as they increase in age until entitlement to Continuing Care encompasses all care leavers in kinship, residential and foster care from age 16 to their 21st birthday.

West Lothian Council's submission

The draft response supports the proposed intension, as stated during development of the 2014 Act, to further increase the higher age limit for persons eligible for continuing care from eighteen to nineteen years of age from April 2017. This will ensure that the current cohort of young people continue to be eligible for continuing care as they increase in age until the duty to extends from 16 to 21 years of age.

The draft response notes that it is expected that there will be an increase in demand for continuing care support going forward. The Scottish Government currently allocates £166,000 per annum to support the implementation of continuing care. It is the view of West Lothian Council that this provision is under-funded by the Scottish Government and will ultimately result in a budget pressure. It is likely that each annual amendment to the Order will result in increased pressure on this budget.

The response therefore asks that the implementation of Continuing Care be fully funded by the Scottish Government.

The draft response was debated at the PDSP on 12th January the response was agreed by majority although it should be noted that there was some dissent from Panel members.

E. CONCLUSION

In West Lothian we recognised that care leavers have poorer outcomes than the average population, in terms of education, employment, and physical and mental health. Their needs are complex, reflecting backgrounds of trauma, loss and instability. We support the aim of Continuing Care, which is to provide young people with a more graduated transition out of care, reducing the risk of multiple simultaneous disruptions occurring in their lives while maintaining supportive relationships.

F. BACKGROUND REFERENCES

Appendices/Attachments: Appendix 1 – Consultation Documentation
Appendix 2 – Proposed Response

Contact Person: Jo MacPherson,
Senior Manager
Children & Early Intervention

Jo.Macpherson@westlothian.gcsx.gov.uk
01506 282194

Jane Kellock, Head of Social Policy

Date: 17th January 2017

Consultation on The Continuing Care (Scotland) Amendment Order 2017

December 2016



Scottish Government
Riaghaltas na h-Alba
gov.scot

Children and Families Directorate
Care and Protection Division

T: 0131-244-7445
E: carolyn.younie@gov.scot

To:
All Corporate Parents
Stakeholder Representatives

Our ref:

December 2016

Dear All

**CONSULTATION ON DRAFT SECONDARY LEGISLATION AMENDING THE
CONTINUING CARE (SCOTLAND) ORDER 2015**

I am pleased to enclose a draft version of The Continuing Care (Scotland) (Amendment) Order 2017, which is the second in the series of planned annual amendment Orders, for your information and to invite any comments.

This draft will further increase the higher age limit for persons eligible for continuing care from eighteen to nineteen years of age from April 2017 to ensure the current cohort of young people continue to be eligible as they increase in age until the duty to provide continuing care extends from 16 to 21 years of age. This relates to powers set out in Part 11 of the Children and Young People (Scotland) Act 2014 ("the 2014 Act").

The Explanatory Notes at the back of the draft Order explain the provisions and are in line with our policy intention, stated during development of the 2014 Act, of increasing the higher age limit on an annual basis. I have summarised this below in Annex A as a reminder of the provisions included in the 2014 Act and what is set out in secondary legislation.

An online version of this consultation is available on the Scottish Government website and please send any comments to me at looked_after_children@gov.scot by **Friday 20 January 2017**. Unless you state otherwise your response will be made public but if you ask for your response not to be published we treat it as confidential.

You should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and must consider any request made to it under the Act for information relating to responses made to this consultation exercise. Please do not hesitate to contact me if you have any questions.

Yours sincerely

Carolyn Younie

ELIGIBILITY FOR CONTINUING CARE FROM APRIL 2017

The Children and Young People (Scotland) Act 2014:

Section 67 of the 2014 Act inserts a new section 26A into the Children (Scotland) Act 1995 in relation to continuing care. Continuing care is defined in new section 26A(4) of the 1995 Act as meaning the same accommodation and other assistance as was being provided for the eligible person by the local authority, immediately before the person ceased to be looked after.

New section 26A(1) provides that the local authority's duty to provide continuing care applies where an eligible person ceases to be looked after by a local authority. New section 26A(2) defines "eligible person" as a person who is at least 16 years of age and is not yet such higher age as may be specified by Ministers by order. New sections 26A(5) and (7) detail when the duty to provide continuing care does not apply and ceases to apply respectively. New section 26A(6) provides that a local authority's duty to provide continuing care lasts, subject to section 26A(7), until the expiry of such period as may be specified by Ministers by order. Subsections (9) and (11) to (13) make further provision as to orders which may be made by Ministers.

Part 11 of the 2014 Act also reflects the philosophy of care set out in the Scottish Government's 'Staying Put-Scotland' guidance of October 2013. This stressed the importance of encouraging and enabling young people to remain in safe, supported environments until they are better ready to make the transition into independent living.

The Continuing Care (Scotland) Order 2015:

Article 2 specifies a higher age of 17 years of age for young people to be eligible for continuing care. In line with discussions during the Bill development process this upper age limit will extend annually to ensure this cohort continue to be eligible as they increase in age until the duty to provide continuing care extends to care leavers aged from 16 to 21 years of age.

Article 3 specifies the period that the local authority's duty to provide continuing care in terms of new section 26A(6) of the 1995 Act lasts is from the date on which the eligible person ceases to be looked after until the date of their 21st birthday.

Articles 4 and 5 cover assessment of eligible young people to ensure that continuing care would not significantly adversely affect the welfare of the young person. In a similar way to the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 and associated guidance on Supporting Young People Leaving Care in Scotland, the local authority must carry out a welfare assessment of the eligible person as soon as reasonably practicable before the person ceases to be looked after by them. They also must carry out a welfare assessment of eligible

persons receiving continuing care at intervals not exceeding twelve months starting from the date the person ceases to be looked after. Such welfare assessments are to be carried out in accordance with articles 6 and 7.

Articles 6 and 7 make general provisions about welfare assessments and set out the issues to be taken into account by a local authority in completing a welfare assessment, which includes considering each of the matters listed in the Schedule, and lists the range of persons whose views they may seek in that connection. These are currently drafted to complement the provisions in the Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003 and associated guidance on Supporting Young People Leaving Care in Scotland. They emphasise the importance of seeking and recording the views of the young person and other relevant people in reaching agreement about the welfare status of the young person. This is set out in more detail in the Guidance on Part 11, which was published on 3 November 2016 and can be found at: <http://www.gov.scot/Publications/2016/11/4644>

The Continuing Care (Scotland) (Amendment) Order 2016:

This Order increases the higher age limit for eligible persons in section 26A(2)(b) of the Children (Scotland) Act 1995 to eighteen years of age. This means the duty on local authorities to provide continuing care under section 26A of the 1995 Act is to a person who is at least sixteen years of age and who has not yet reached the age of eighteen.

The Draft Continuing Care (Scotland) (Amendment) Order 2017:

This Order increases the higher age limit for eligible persons in section 26A(2)(b) of the Children (Scotland) Act 1995 to nineteen years of age. This means the duty on local authorities to provide continuing care under section 26A of the 1995 Act is to a person who is at least sixteen years of age and who has not yet reached the age of nineteen.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2017 No.

CHILDREN AND YOUNG PERSONS

The Continuing Care (Scotland) Amendment Order 2017

Made - - - - 2017

Coming into force - - 2017

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26A(2)(b) of the Children (Scotland) Act 1995¹ and all other powers enabling them to do so.

In accordance with section 26A(12) of that Act, the Scottish Ministers have consulted with each local authority and such other persons as they consider appropriate.

In accordance with section 26A(11)(b) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

This Order may be cited as the Continuing Care (Scotland) Amendment Order 2017 and comes into force on 1st April 2017.

Amendment of the Continuing Care (Scotland) Order 2015

—(1) The Continuing Care (Scotland) Order 2015² is amended as follows.

(2) In article 2 (eligible person: specified age), for “eighteen” substitute “nineteen”.

[]
Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
[]

¹ 1995 c.36. Section 26A was inserted by section 67(1) of the Children and Young People (Scotland) Act 2014 (asp 8).
² S.S.I. 2015/158.

EXPLANATORY NOTE

(This note is not part of the Order)

This order amends article 2 of the Continuing Care (Scotland) Order 2015 (S.S.I. 2015/158) with the effect that the higher age limit for “eligible persons” specified for the purposes of section 26A(2)(b) of the Children (Scotland) Act 1995 (“1995 Act”) is nineteen years of age (increased from eighteen). This means that an “eligible person” for the purposes of the duty on local authorities to provide continuing care under section 26A of the 1995 Act is a person who is at least sixteen years of age and who has not yet reached the age of nineteen.

Responding to this Consultation

We are inviting responses to this consultation by **Friday 20 January 2017**.

Please respond to this consultation using the Scottish Government's consultation platform, Citizen Space. You view and respond to this consultation online at <https://consult.scotland.gov.uk/children-and-families/amending-continuing-care-scotland-order>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Friday 20 January 2017.

If you are unable to respond online, please complete the Respondent Information Form (see "Handling your Response" below) and send it to:

Carolyn Younie
Scottish Government
Care and Protection Division
2A - North
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

If you respond using Citizen Space (<http://consult.scotland.gov.uk/>), you will be directed to the Respondent Information Form. Please indicate how you wish your response to be handled and, in particular, whether you are happy for your response to be published.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form attached included in this document. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.scotland.gov.uk>. If you use Citizen Space to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them by email to looked_after_children@gov.scot or by post to:

Carolyn Younie
Scottish Government
Care and Protection Division
2A - North
Victoria Quay
Edinburgh
EH6 6QQ

Scottish Government consultation process

Consultation is an essential part of the policy-making process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.scotland.gov.uk>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Consultations may involve seeking views in a number of different ways, such as public meetings, focus groups, or other online methods such as Dialogue (<https://www.ideas.gov.scot>)

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



Consultation on Draft SSI - The Continuing Care (Scotland) Amendment Order 2017

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

- ☐ Individual
☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response.

Please indicate your publishing preference:

- ☐ Publish response with name
☐ Publish response only (anonymous) – Individuals only
☐ Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- ☐ Yes
☐ No



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Draft Response

Question 1

Do you agree with our intention, as stated during development of the 2014 Act, to further increase the higher age limit for persons eligible for continuing care from eighteen to nineteen years of age from April 2017 to ensure the current cohort of young people continue to be eligible as they increase in age until the duty to provide continuing care extends from 16 to 21 years of age?

Response

In West Lothian we are supportive of the proposed increase in higher age limit for young people eligible for continuing care from 18 to 19 years of age from April 2017. We believe that this will ensure that the current cohort of young people continue to be eligible for continuing care.

West Lothian Council supports the aim of Continuing Care to provide young people with a more graduated transition out of care, reducing the risk of multiple simultaneous disruptions occurring in their lives while maintaining supportive relationships.

However, it should be noted that it is expected that there will be an increase in demand for continuing care support going forward. The Scottish Government currently allocates £166,000 per annum to support the implementation of continuing care, however it is the view of West Lothian Council that this provision is under-funded by the Scottish Government and will ultimately result in a budget pressure. It is likely that each annual amendment to the Order will result in increased pressure on this budget.

We therefore ask that the implementation of Continuing Care be fully funded by the Scottish Government



COUNCIL EXECUTIVE

APSE ANNUAL SCOTTISH BUILDING, HOUSING AND RENEWABLES SEMINAR 16TH – 17TH FEBRUARY 2017

REPORT BY HEAD OF HOUSING CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The report seeks approval from the Council Executive for the attendance of the Executive Councillor for Services to the Community, or a nominated substitute, at the APSE Scottish Building, Housing and Renewables Seminar from 16th – 17th February 2017 in Dunblane.

B. RECOMMENDATION

It is recommended that the Council Executive:

1. Notes that Building Services apprentices Lauren Agnew Administrative Assistant, Allan Webster Electrician and Jamie Edwards Plumber have been selected as finalists for the APSE Scottish Building & Housing Apprentice of the Year Awards 2017;
2. Approves the attendance of the Executive Councillor for Services to the Community, or a nominated substitute, at the APSE Scottish Building, Housing and Renewables Seminar from 16th – 17th February 2017 in Dunblane, which includes the judging of the Apprentice of the Year Awards.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Developing employees; 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	None.
V	Relevance to Single Outcome Agreement	None.

VI Resources - (Financial, Staffing and Property)	Financial:	£289 for 1 delegate
		inclusive of accommodation.
	Staffing:	None.
	Property:	None.
VII Consideration at PDSP	This report has not previously been considered by the Services for the Community PDSP.	
VIII Other consultations	None.	

D. TERMS OF REPORT

The annual seminar and APSE Scottish Housing & Housing Apprentice of the Year Awards will be exploring excellence in frontline services, the programme of events includes the opportunity for delegates and supplies to network and share ideas in an informal setting.

On the 16th and 17th February 2017 the seminar will showcase the latest in local government developments. Delegates will get the opportunity to hear keynote speakers from across the UK local government covering topics like:-

- The Barcelona Housing System
- Establishing your own energy company
- Future proofing our services
- Installation of smart meters
- Asbestos together

The seminar provides a unique opportunity to participate in discussion around key issues affecting a range of front line services.

A significant part of this seminar is the annual apprentice awards ceremony and this year Building Services apprentices Lauren Agnew Administrative Assistant, Allan Webster Electrician and Jamie Edwards Plumber have been selected as finalists.

E. RECOMENDATION

It is recommended that the Executive Councillor for Services to the Community, or a nominated substitute, attends the seminar along with the Building Services Manager.

F. BACKGROUND REFERENCES

None.

Appendices/Attachments: Copy of the Seminar Programme.

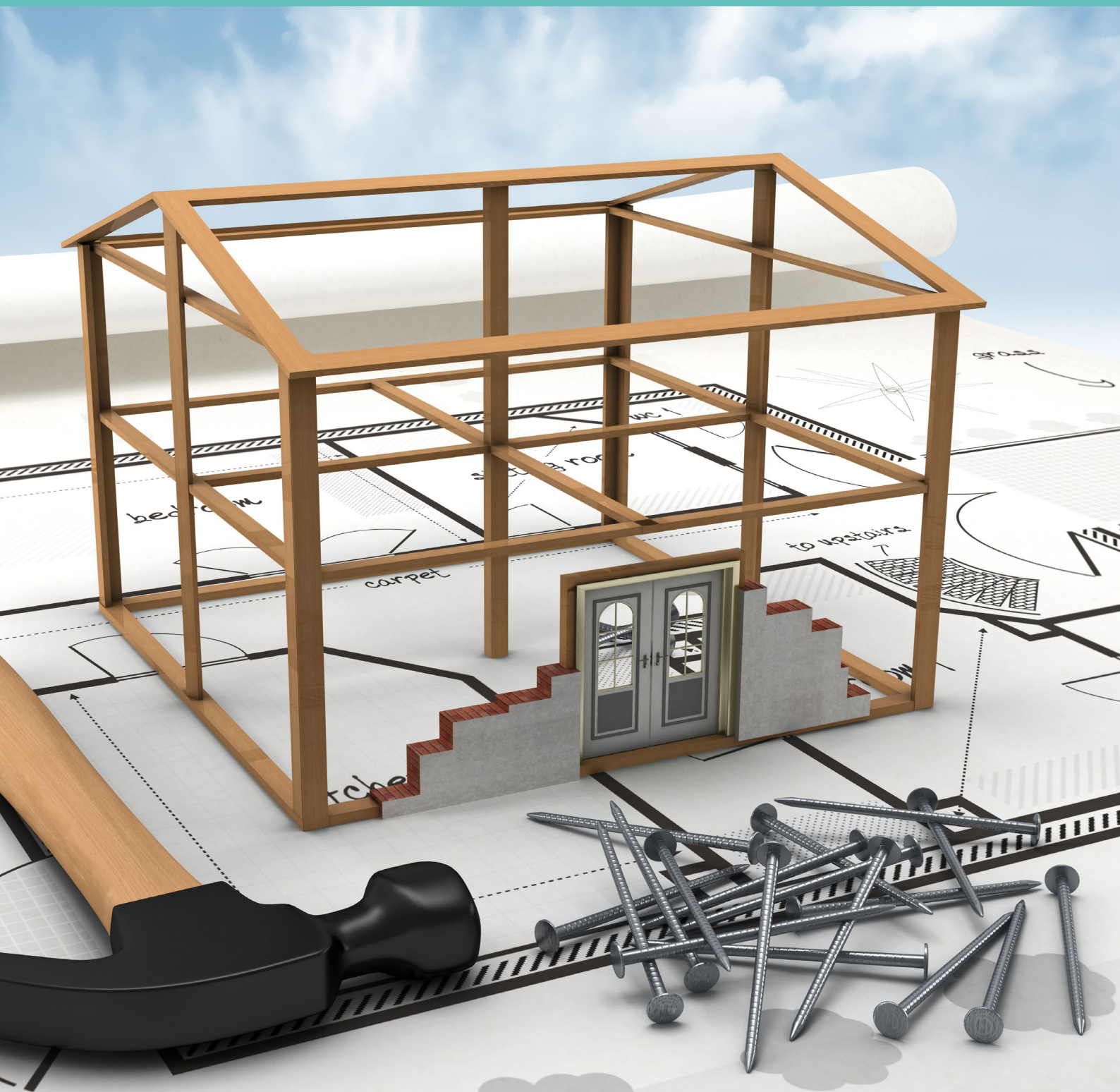
Contact Person: Grant Taylor, Building Services Manager, 01506 283640

Alistair Shaw
Head of Housing Customer and Building Services
19th Jan 2017

apse seminars

Scottish Building, Housing and Renewables Seminar

16-17 February 2017, Hilton Dunblane Hydro



Day One - 16 February 2017

10:00 - 11:15 - **Session One: Keynote address from Angela Constance MSP, Cabinet Secretary for Communities, Social Security & Equalities (inv) followed by a "question time panel"**

- Cllr John Alexander, Dundee City Council
- Fiona Lees, Chief Executive, East Ayrshire Council & Chair of SOLACE
- Gavin Stevenson, Chief Executive, Dumfries & Galloway Council
- John Blair, Director Resources, Midlothian Council
- Cllr Rhondda Geekie, East Dunbartonshire Council & COSLA Labour Group Leader (inv)

11:15 - 11:45 - Refreshments and exhibition viewing

11:45 - 12:45 - **Session Two: Councils doing it for themselves (Part one)**

Future proofing our services - The need to be more commercial

- The need to become more commercial
- Turning our services into a business
- Future partnership working – shared arrangements to climb the ladder of success

Speaker: Gavin Stevenson, Chief Executive, Dumfries & Galloway Council

North Lanarkshire's ambitious new build project – 1,800 new homes by 2026

- Developing new build homes
- Helping to alleviate the current housing need
- The importance for homes to be energy efficient, accessible and adaptable

Speaker: Pamela Humphries, Development Manager - Housing, North Lanarkshire Council

12:45 – 14:00 Lunch and exhibition viewing

14:00 - 15:00 - **Session Three: Councils doing it for themselves (Part two)**

Establishing your own energy company and investing in electricity

- The importance of the local authority role
- Key benefits to local authorities and their communities
- The Robin Hood Energy experience

Speaker: Steve Cirell, APSE Associate

The Barcelona Housing System – Affordable zero carbon housing

- Our modular housing solution
- The importance of technology and sustainability
- Key benefits for all

Speaker: Ray Noble, We Link Energy

15:00 - 15:30 - Refreshments and exhibition viewing

15:30 - 16:30 – **Session Four: Innovations**

Managing Asbestos Together

Speaker: Steven Turner, Technical Support Manager (Asbestos), South Lanarkshire Council

Installation of SMART meters, breaking down the utility company barriers

Speaker: Fife Council

Group Performance Management for the Frontline

Speaker: Dougie McMillan, Property Manager Assets, South Lanarkshire Council

Evening programme

19:00 - **Pre-dinner reception**

19:30 - **Annual dinner and apprentice awards**

The APSE Scotland Apprentice of the Year Awards 2016 will be presented to our trade and non-trade winners following the annual dinner and provides an excellent networking opportunity for Council officers / elected members in a more informal atmosphere.

Sponsored by:



cms
window systems

Day Two - 17 February 2017

10:00 - 11:20 - **Session Five: Building and housing clinic**

Kenny Gillespie from Falkirk Council will be chairing our building and housing services clinic. Come along and have your service issues resolved through debate and discussion with colleagues.

Topics will include:-

- CDM Regulations
- New technologies addressing growing concerns within indoor air quality in new builds and dampness in social housing

11:20 - 11:45 - Refreshments and exhibition viewing

11:45 - 12:30 - **Session Six: Apprenticeships: funding and developments**

The Apprenticeship Levy and what it means for Scottish councils

- Findings from the Scottish Government levy consultation
- How the levy can be used to boost skills and productivity in Scotland
- Scottish developments and meeting future needs

Speaker: Jane Duffy, Education and Qualifications Adviser, Skills Development Scotland (inv)

Renfrewshire's Malawi workforce development: when roles are reversed

- How can we do it differently?
- The learning journey
- What was achieved?

Speaker: Elaine Scott, Building Services Operations Manager, Renfrewshire Council

12:30 - Lunch and departure

Seminar objectives

The context for building maintenance, housing services, renewables and energy efficiency continues to develop and change at a fast pace. APSE's 2016 joint publication with the TCPA "Homes for all: Ensuring councils can deliver the homes we need" looks at some of the challenges facing local authorities. As well as this, local authorities continue to face ongoing budget pressures which are making the challenges even more difficult to overcome. This seminar will enable Chief Executives, Directors, Heads of Service, Managers and Elected Members with responsibility for these and related services to further keep up to date with developments as well as discuss and debate these ongoing challenges with their peers.

Specifically this conference will allow delegates to pose their questions on the day to day challenges facing local authorities to an expert panel of Chief Executives, Elected Members and Finance Directors. During the event we will also look at how councils are "doing it for themselves" and helping to meet the current housing demands, as well as looking at ways they can become more commercial. There will also be a number of local authority innovations and best practice examples showcasing how local authorities are helping to future proof in-house services. Finally, we will have an apprentice focused session which will look at the developments of the levy and inspirational achievements from some of Scotland's current apprentices.

Who Should Attend?

- Elected Members
- Service Directors
- Maintenance and Repairs Managers
- Housing and Building Services Officers
- Renewables and Energy Officers
- Asset Management Officers
- Contractors and Suppliers

Delegates are also welcome from across relevant public, private and related community organisations. Reserve your place now by completing the booking form and faxing or emailing it to Laura McNab at APSE on 01698 200 316 Lmcnab@apse.org.uk

Venue information

Hilton Dunblane Hydro

Perth Road, Dunblane, Perthshire, FK15 0HG

Road and Parking

Directions from Glasgow - Follow the signs to Stirling (M80). Merge with the M9 at Stirling and leave at junction 11 for Dunblane. Drive for half a mile on the dual carriageway. Go straight over the next two roundabouts and DoubleTree Dunblane Hydro hotel is 200 yards on the right.

Train

Dunblane train station is 1 mile away from the venue.



Booking form - APSE Scottish Building, Housing and Renewables 2017

Main contact name:

Authority:

Address:

Address 2:

Post code:

Telephone:

Email:

Dietary/access requirements:

Event pricing:

What's included: The delegate place covers attendance, delegate documentation, lunch and light refreshments. Dinner is also included within the accommodation package. Accommodation is not included in the delegate fee - please see below.

APSE members delegate fee: £219 + VAT

APSE members special offer: £50 for one morning or afternoon only seminar place for every two full paying delegates

Non-members delegates: Please contact the APSE office on 01698 459051

Accommodation rates (* please indicate requirements below)

Single £70, Sharing £50 per person

Based upon 1 Night Full Board on Thursday 16 February 2017

VAT registration number 671 447 720

Delegate fee will be invoiced. My purchase order reference is _____

* For any alternative payment requests please contact the APSE office on 01698 459051

Cancellation and refund policy:

Reservation is a contract. Substitution of delegates is acceptable any time in writing by post, email to Lmcnab@apse.org.uk or fax to 01698 200316. Cancellations must be made in writing at least 10 working days before the event, and will incur a 20% administration fee. In the unlikely event of cancellation by the organisers, liability will be restricted to the refund of fees paid. The organisers reserve the right to make changes to the programme, speakers or venue should this become necessary.

Delegate name	Delegate position	Delegate e-mail	Accommodation	Special offer place
			Yes/No 16 Feb	Paying delegate #1
			Yes/No 16 Feb	Paying delegate #2
			Yes/No 16 Feb	1. 16th AM 2. 16th PM 3. 17th AM
			Yes/No 16 Feb	Paying delegate #3
			Yes/No 16 Feb	Paying delegate #4
			Yes/No 16 Feb	1. 16th AM 2. 16th PM 3. 17th AM

Please return completed form to Laura McNab at Lmcnab@apse.org.uk



COUNCIL EXECUTIVE

OPEN MARKET ACQUISITIONS

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to seek Council Executive approval to adjust the way that the Open Market Acquisitions programme is funded during 2016/17 and approval for an increase in the budget for Open Market Acquisitions during 2016/17 in order that the council can fully drawdown the grant funding that is available for this financial year.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Note that since the Council Executive approved changes to the council's Open Market Acquisition Scheme on 11 October 2016, 12 former local authority houses have been purchased by the council and a further 15 are in the process of being purchased;
2. Note that Scottish Government confirmed in December 2016 that the amount of grant money for Open Market Acquisitions in West Lothian for 2016/17 will increase from £0.9 million to £1.35 million; and
3. Agree that the Open Market Acquisition programme in 2016/17 should be funded by £1.35 million grant, £2.6 million income from council house sales and £0.3 million accelerated spend from 2017/18.

C. SUMMARY OF IMPLICATIONS

- | | |
|---|--|
| I Council Values | Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; |
| II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment) | The policy on Open Market Acquisitions was updated on 11 October 2016. |
| III Implications for Scheme of Delegations to Officers | None. |
| IV Impact on performance and | None. |

performance Indicators

V	Relevance to Single Outcome Agreement	<p>We live in resilient, cohesive and safe communities.</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment.</p>
VI	Resources - (Financial, Staffing and Property)	<p>Accelerated resources of £0.3 million from the 2017/18 Housing Capital programme, supplemented by £2.6 million unanticipated receipts from Council House Sales in 2016/17. £1.350 million grant available from the Scottish Government for Open Market Acquisitions in West Lothian in 2016/17.</p>
VII	Consideration at PDSP	<p>The Services for the Community Policy and Development Scrutiny Panel considered a report on extending the Open Market Acquisitions programme on 22 November 2016. The panel welcomed the proposal to increase the council funding for Open Market Acquisitions by £1 million to provide a total budget of £3.2 million. The PDSP has not considered the proposal to allocate a further £0.6 million of council funding to the Open Market Acquisition programme during 2016/17. This is because confirmation of the further additional grant of £0.45 million was received too late for a report to be prepared in time for the PDSP meeting on 15 December 2016.</p>
VIII	Other consultations	<p>Finance and Property Services; Legal Services</p>

D. TERMS OF REPORT

D1 Background

Council Executive approved changes to the policy of buying back former local authority and LDC houses and flats on 11 October 2016 and allocated budget to allow 15-20 properties to be acquired for use as temporary tenancies. The agreed budget was £0.45 million grant plus £1.3 million accelerated spend from the Housing Capital Programme budget for homelessness from 2017/18.

On 6 December 2016, Council Executive noted that grant funding for Open Market Acquisitions had been increased from £0.45 million to £0.9 million and agreed to increase the council resources for open market acquisitions by £1 million using unanticipated income from council house sales. It was noted in the report that the increased budget of £3.2 million would allow the council to purchase at least 30 houses from the open market during 2016/17 and that additional grant funding may be forthcoming.

Since this policy change was approved the council has acquired 12 houses and a further 15 acquisitions are in the pipeline. The average cost per property, including fees and taxes, is £81,000.

Information on the location of the properties that have been acquired is provided in Appendix 1.

D2 Updated Funding Position

During December 2016, Scottish Government noted that the council was making good progress with its Open Market Acquisition programme and confirmed a further £0.45 million grant for 2016/17. The total grant funding now available for 2016/17 is £1.35 million. At £30,000 grant per acquisition, there is potential for the council to purchase 45 units if there is sufficient council funding in place.

If the council continues to buy at an average cost of around £81,000 per unit, based on the current budget available, sufficient funding would be available to purchase 39 units in 2016/17. However, this would mean that it would not be possible to draw down £180,000 of the grant funding available (ie. 6 units x £30,000).

In the period 6 Housing Capital Programme update report to Council Executive on 22 November 2016, it was reported that income from council house sales at the end of September 2016 was £2.563 million, significantly in excess of the £1.5 million budget expectation. At the end of November 2016, income from council house sales had increased to £3.625 million. The forecast out-turn for the year is £5.04 million.

To support the expansion of the Open Market Acquisition programme during 2016/17, and ensure that the council can fully drawdown the £1.35 million grant funding that is available for 2016/17, it is recommended that the total budget for Open Market Acquisitions is increased to £4.25 million comprising £1.35 million grant, £2.6 million from council house sales income and £0.3 million accelerated spend from the Housing Capital Programme budget for 2017/18. This would utilise more of the unanticipated council house sale income this year, reduce the amount of accelerated spend this year from £1.3 million to £0.3 million, and leave a budget of £1 million council resource to continue the Open Market Acquisition programme during 2017/18.

In the event that further grant funding is confirmed by Scottish Government for Open Market Acquisitions this year, commuted sum income secured via the council's Affordable Housing Policy will be utilised to further top up the budget.

It is anticipated that at least £0.6 million grant for Open Market Acquisitions will be available in 2017/18 giving a total budget of £1.6 million which would be sufficient to support a programme of 20 acquisitions. If additional government grant is made available in 2017/18 for Open Market Acquisitions, consideration can be given to utilising commuted sum income to increase the council budget for Open Market Acquisitions.

It is anticipated that around 27 of the acquisitions during 2016/17 will initially be used as temporary tenancies to help meet the demand for accommodation from people who present as homeless.

E. CONCLUSION

Excellent progress has been made acquiring former local authority houses and flats since the policy was changed on 11 October 2016.

The number of properties that can be acquired during 2016/17 can be increased to 45 by utilising additional grant funding and utilising further income from council house sales.

Reducing the amount of accelerated spend will ensure that there is budget available to continue with an Open Market Acquisitions programme in 2017/18.

F. BACKGROUND REFERENCES

West Lothian Council's Open Market Acquisition Scheme – Report to Council Executive by Head of Housing, Customer and Building Services – 11 October 2016

Housing Capital Programme – P6 monitoring Report – Report to Council Executive by Depute Chief Executive - 22 November 2016

Open Market Acquisitions – Report to Services for the Community PDSP – 22 November 2016

Open Market Acquisitions – Report to Council Executive 6 December 2016

Appendices/Attachments: 1 - Information on house purchases

Contact Person:

Colin Miller, 01506 281379
colin.miller@westlothian.gov.uk

Alistair Shaw
Head of Housing Building and Customer Services
17 January 2017

Information on house purchases

	Street	Council ward
1	Ferguson Road	Broxburn, Uphall and Winchburgh
2	Auldhill Terrace	Linlithgow
3	Parkview	Fauldhouse and Breich Valley
4	Gareloch Way	Whitburn and Blackburn
5	Cuthill Crescent	Fauldhouse and Breich Valley
6	Burngrange Cottages	Fauldhouse and Breich Valley
7	Margaret Avenue	Bathgate
8	Bellamond Crescent	Whitburn and Blackburn
9	Empire Street	Whitburn and Blackburn
10	Cultrig	Whitburn and Blackburn
11	North Reeves	Whitburn and Blackburn
12	Preston Road,	Linlithgow



COUNCIL EXECUTIVE

CLARENDON ESTATE GROUNDS, MANSE ROAD, LINLITHGOW. **PROPOSED SALE OF LOT ONE TO CRAIGS ECO DEVELOPMENTS LIMITED**

REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES

A. PURPOSE OF REPORT

To seek Council Executive approval for the disposal of Lot 1 Clarendon Estate Grounds, Manse Road, Linlithgow to Craigs Eco Developments Limited in accordance with the details set out below.

B. RECOMMENDATION

It is recommended that Council Executive:

1. Approves the sale of Lot 1, Clarendon Estate Grounds, to Craigs Eco Developments Limited for the sum of £850,000 subject to the terms and condition set out in the report, and,
2. Authorises the Head of Finance and Property Services to carry out any further negotiations with the purchaser in respect of the sale of the property, on the basis that any revised terms and conditions still represent the best capital receipt for the council.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Making best use of our resources. Being honest, open and accountable.
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	The sale of this site will contribute towards the council's 2017/18 approved capital receipts target and in doing so will assist the associated capital receipts performance indicator.
V	Relevance to Single Outcome Agreement	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)	A capital receipt totalling £850,000 will be received during the 2017/18 financial year. This receipt will contribute to the budgeted receipts target for that year.
VII Consideration at PDSP	N/A
VIII Other consultations	The local elected members for the ward have received a copy of this report for their information.

D. TERMS OF REPORT

Clarendon House and its associated grounds were previously occupied as an old people's home and latterly as a day centre for people with learning difficulties. On 31 March 2011 the facility relocated to a new purpose-built resource centre in Livingston.

As a result of that relocation, Clarendon House and its grounds were declared surplus to requirements. The full extent of the original estate is shown hatched and cross-hatched in black on the attached plan. The property was made available for sale in three distinct lots and the sale of Lots 2 and 3 was completed following Council Executive approval on 17 December 2013.

Lot 1 was openly marketed for sale in June 2016 with an approved planning brief that confirmed the site is considered suitable for a residential development of up to six carefully designed units. Interested parties were also advised of a planning constraint that will limit any proposed new residential development to one completed house in each academic year.

A closing date for offers to purchase was set for noon on 28 November 2016, at which time a total of six offers were received. After detailed analysis and comparison of all the offers received, it is considered that the offer which represents best value to the council is that received from Craigs Eco Developments Limited (CEDL). The main terms of that offer are summarised as follows:

Purchaser	Craigs Eco Developments Limited (CEDL)
Price	£850,000 (eight hundred and fifty thousand pounds)
Entry	Following purification of all suspensive conditions
Proposed development	6 new build house plots
Suspensive conditions	Receipt of statutory consents (e.g. planning permission, road construction etc.) Ground condition surveys

Council Executive is asked to note that an offer of £875,000 was received at the closing date. That offer is however conditional upon the purchase price being phased over a period of six years. As a result of that phasing, the value of this offer to the Council falls below that of the offer received from CEDL.

The £850,000 price offered by CEDL is payable in full at the date of entry. On that basis it is recommended that the CEDL offer should be accepted since it represents the highest potential receipt to the council from all of the offers received at the closing date.

It is also recommended that delegated powers be granted to the Head of Finance and Property Services to conclude any further negotiations that may be required with the purchaser, including any required amendment to the purchase price, provided always that the amended purchase price would still represent the best capital receipt for the council.

E. CONCLUSION

It is considered to be in the council's best interests that:

1. Clarendon Estate Grounds, Manse Road, Linlithgow be sold to Craigs Eco Developments Limited in accordance with the terms set out in this report.
2. The Head of Finance and Property Services be authorised to carry out any further negotiations with the purchaser in respect of the sale of the property, on the basis that any revised terms and conditions still represent the best capital receipt for the council.

F. BACKGROUND REFERENCES

Council Executive Report of 17 December 2013 entitled Clarendon House, Stables and Grounds, Manse Road, Linlithgow, Proposed Sale of Two Lots.

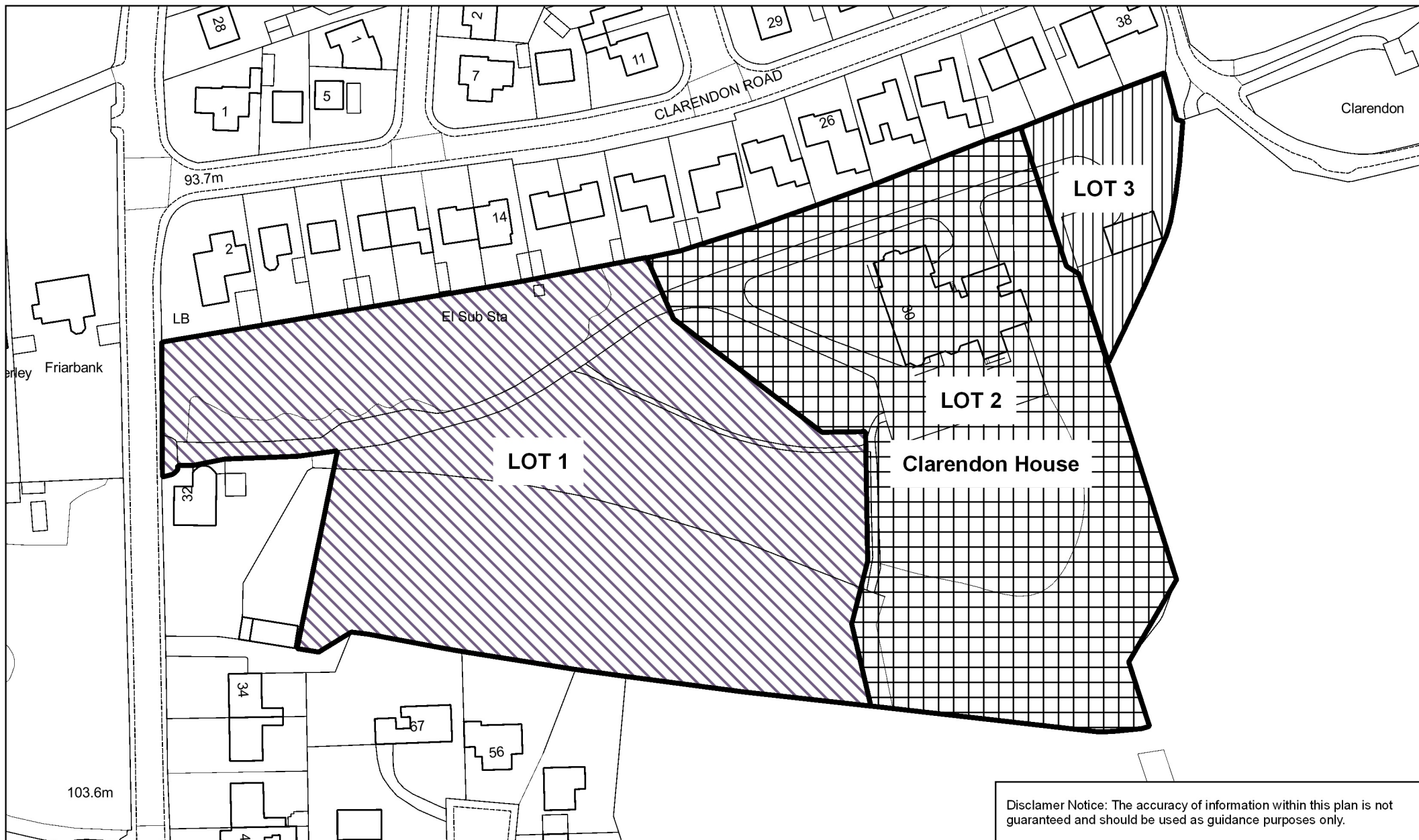
Appendices/Attachments: Location plan attached.

Contact Person: Tracey Thomson, Commercial Property Surveyor. Tel: 01506 281834

Email: Tracey.thomson@westlothian.gov.uk

Donald Forrest, Head of Finance and Property Services

Date: 17 January 2017



Clarendon House, Linlithgow

1:1,250



Property Management, West Lothian Civic Centre, Livingston, EH54 6FF

2016-12-07T12:36:56

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COUNCIL EXECUTIVE

PROCUREMENT ARRANGEMENTS – FRAMEWORK AGREEMENTS FOR BUILDING CONTRACTORS

REPORT BY HEAD OF CORPORATE SERVICES

A. PURPOSE OF REPORT

To seek Council Executive's approval to commence tendering for the procurement of building contractors under three separate, four year framework agreements, employing the evaluation methodology and criteria detailed in the recommendation below.

B. RECOMMENDATION

It is recommended that the Council Executive approves:

- 1) The use of the Open Procedure whereby all suppliers expressing an interest in the contract will be invited to tender.
- 2) The award criteria as set out in Section D of the report.

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)	Tenders will be issued, received and analysed in accordance with Standing Orders of West Lothian Council and the Public Contracts (Scotland) Regulations 2015.
III Implications for Scheme of	None

Delegations to Officers

IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	None
VI	Resources - (Financial, Staffing and Property)	Related contract expenditure over four years will approximate to £100 million. Resources will be funded through the approved General Services and Housing Capital Budgets and relevant Revenue repairs and maintenance budgets within General Fund and Housing Revenue Account.
VII	Consideration at PDSP	None
VIII	Other consultations	The Corporate Finance Manager was consulted on budget implications. The Community Benefits Lead Officer was consulted on Community Benefits. Consultation with Housing, Customer and Building Services and Construction Services on the service required and the criteria to be used. Other council services which may potentially use this service have been consulted.

D. TERMS OF REPORT

D.1 Background

Capital construction and building requirements are normally tendered individually, with the procurement timetable determined by the capital programme, procurement regulations and other factors. It is proposed that three framework agreements (frameworks) are created, which would enable the bulk of the council's capital construction and building requirements to be procured through the frameworks rather than individual tenders. Procurement via the frameworks will be more efficient and responsive, in terms of timescales and resources required from Construction Services, Building Services and the Corporate Procurement Unit (CPU).

A framework is created by a single tender, which establishes a pool of suppliers that are then eligible to bid for subsequent capital construction and building requirements over the term of the framework agreement. Subsequent requirements are competed by a more efficient "mini-competition" process that eliminates the need for repeated qualification, as the suppliers were qualified when the framework was established.

Future capital construction and building requirements were considered to establish the likely value threshold and scope of the framework agreements. Each framework will have a term of four years i.e. an initial three years and an option for a further year's extension at the council's discretion. It is proposed three frameworks are created to ensure maximum coverage of the council's requirements, as follows:-

1. Building Trades frameworks – £0 - £249,999
2. Construction works for projects £0 - £49,999 and £50,000 - £249,999
3. Construction works for projects £250,000 - £2,000,000 and over £2,000,000.

D.2 In House Capability

While the council has a Building Services department, it is not in a position to undertake all of the council's construction and building requirements. Large scale new build work or extensions may exceed Building Services' capacity, due to its commitments to housing repairs and maintenance work. Building Services will always be offered the work in the first instance and requirements will only be competed via the relevant framework if Building Services confirms it is not able to carry out the work.

D.3 Procurement Issues

The frameworks will be advertised in accordance with the European Union Directives. It is proposed that the Open Procedure is used, where all suppliers expressing an interest in the contract will be invited to tender.

There will be three frameworks to cover the different construction and building requirements.

The first will focus on a comprehensive range of building trades and cover lower value work, which tends to be of a maintenance nature. It is anticipated a specific focus on building trades will be more inclusive of Small to Medium Enterprises (SMEs) and micro businesses, including local suppliers, than a generic construction framework.

The other two frameworks will focus on higher value requirements; the first for requirements up to £249,999 with separate lots for up to £49,999 and £50,000 to £249,999 and the second for requirements over £250,000 with separate lots for £250,000 to £2,000,000 and over £2,000,000.

The following award criteria has been agreed with Building Services and Construction Services and will be applied to all three framework tenders:

- Price - 70%
- Quality - 30%

Quality criteria will consider areas such as; project management, methodology, supply chain management, quality procedures and communication channels.

The anticipated start date for the trades framework and lower value construction

framework (up to £249,999) is April 2017. The third framework for values over £250,000 will be awarded after April 2017, when contracts over £250,000 and £2,000,000 are required to be awarded by Construction Services. The trades framework will be priced using the National Schedule of Rates, while the other two frameworks will be priced using live projects. The framework delivery is staggered because there are no immediate requirements over £250,000. This approach has been agreed by Construction Services and CPU to minimise the resources required for tendering and to expedite delivery of the trades and lower value construction frameworks to meet operational requirements.

D.4 Sustainability Considerations

In accordance with the Community Benefits in Procurement Procedure approved by the Council Executive on 4 June 2013, bidders will be required to detail any social, economic and environmental benefits provided as part of their offer over each call off contract period. Projects over £1 million will use the Construction Industry Training Board's (CITB) National Skills Guidance for Community Benefits. Framework suppliers will also be contractually obliged to explore community benefits delivery, through the aggregation of smaller value contracts.

Issuing three framework tenders, divided into specific lots will:-

- i) Achieve efficiency savings by reducing the time and resources expended in carrying out a high volume of individual tenders,
- ii) Reduce suppliers' costs by avoiding repetitive tendering activities,
- iii) Enhance the attraction of the frameworks for SMEs
- iv) Create viable, competitive frameworks
- v) Comply with legislative requirements and best practice recommendations to use lotted tenders

All council services will have access to the frameworks.

D.5 Budget Implications

The anticipated aggregated framework values of £100 million are based on historical data and current annual expenditure of £25 million per annum, extended over the anticipated four year term of the frameworks. The frameworks will cover relevant revenue and capital expenditure, within the General Fund and Housing Revenue Account programmes. Capital programmes have been approved for 2017/18, although they are subject to revision. The frameworks will be subject to rigorous contract management and should the maximum £100 million spend threshold be approached within the term of the framework i.e. four years, the requirement will be reviewed and re-tendered in a manner and format consistent with the council's requirements.

E. CONCLUSION

Procurement of capital construction and building contracts via the frameworks proposed in the report will enable the bulk of the council's capital construction and building requirements to be procured through the frameworks rather than individual tenders. Procurement via the frameworks will be more efficient and responsive, in terms of timescales and resources required.

F. BACKGROUND REFERENCES

A copy of the procurement contract strategy is available from CPU.

Appendices/Attachments: None

Contact Person: Peter Cameron, Category Manager

Email: peter.cameron@westlothian.gov.uk

Tel: 01506 282614

Julie Whitelaw

Head of Corporate Services

Date: 17 January 2017



COUNCIL EXECUTIVE

COUNCIL REPRESENTATION ON WEST LOTHIAN LEISURE BOARD

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

This report seeks approval of the recommendations detailed below, which cover council representation on West Lothian Leisure (WLL) Board and related matters.

B. RECOMMENDATION

The Council Executive is asked to:

1. Agree that WLL Board be asked to approve the amendments to WLL's Articles of Association detailed in section D.2 of this report.
2. Agree to delegate authority to the Depute Chief Executive to negotiate and conclude any further amendments to WLL's Articles of Association necessary to facilitate the proposed changes in section D.2 of this report.

C. SUMMARY OF IMPLICATIONS

I Council Values	<ul style="list-style-type: none">• Focusing on customer need;• Being honest, open and accountable;• Providing equality of opportunities;• Developing employees;• Making best use of our resources; and• Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy and legal considerations are set out in Appendix 2 to the 'Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure' report, which was approved by Council Executive on 25 October 2016.
III Implications for Scheme of Delegations to Officers	None, as the delegated authority will not be required for more than six months.
IV Impact on performance and performance indicators	None.

V	Relevance to Single Outcome Agreement	SOA4 – We live in resilient, cohesive and safe communities. SOA7 - We live longer, healthier lives and have reduced health inequalities.
VI	Resources (Financial, Staffing and Property)	N/a
VII	Consideration at PDSP	N/a
VIII	Other consultations	Corporate Services; Finance and Property Services; Education and Planning Services; and West Lothian Leisure.

D TERMS OF REPORT

D.1 Introduction

On 25 October, the Council Executive agreed to transfer the management and operation of certain sports, leisure and cultural facilities and functions to the modernised West Lothian Leisure (WLL).

Part of the decision was to require certain amendments to be made to WLL's Articles of Association, prior to implementation of the transfers.

It was further noted that the matter of council representation on WLL Board would be reported to elected members for consideration.

D.2 Council representation on WLL Board

At present, a maximum of 12 Directors in total can be appointed to WLL Board, which is comprised as follows:

- A maximum of 3 Council Directors.
- A maximum of 6 Independent Directors.
- A maximum of 3 Employee Directors.

In order to ensure that the council has an appropriate level of representation in the modernised trust model going forward, reflective of the additional facilities and functions transferring in line with the Council Executive decision of 25 October 2016, it is recommended that WLL Board be asked to agree the following amendments to its Articles of Association:

- That the maximum number of Council Directors which could be appointed to WLL Board be 5.
- That the maximum number of Independent Directors which could be appointed to WLL Board be 6, including any Trade Union representative appointed.
- That provision be made for the relevant Trade Unions to appoint a maximum of 1 Independent Director.

Such amendments would result in a maximum of 11 Directors which could be appointed to WLL Board.

To ensure the necessary degree of independence for WLL Board, the maximum number of Council Directors could not be a majority of the total maximum allowable number across both categories of director.

It is further recommended that the Depute Chief Executive be delegated the necessary authority to negotiate and conclude any consequential amendments to the Articles of Association, which may necessary to facilitate the increase in council representation.

For example, relating to any restrictions which may be required in terms of appointing to the role of Chairperson from any given category of director or the level at which the quorum for Directors meetings should be set.

E. CONCLUSION

The report sets out a recommendation to increase the level of council representation on WLL Board and secure provision for a trade union appointment. It implements previous committee decisions and represents another step towards full implementation of the transfer proposals.

F. BACKGROUND REFERENCES

Report to Council Executive – 25 October 2016 – Proposed Transfer of Sports, Leisure and Cultural Facilities and Functions to the Modernised West Lothian Leisure.

Appendices/Attachments: None

Contact Person: Elaine Cook (01506 283050) or elaine.cook@westlothian.gov.uk

Elaine Cook, Depute Chief Executive

Date: 17 January 2017



West Lothian
Council

COUNCIL EXECUTIVE

SCOTTISH PUBLIC SERVICES OMBUDSMAN: ANNUAL REPORT 2015 - 2016

REPORT BY CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To update Council Executive on the Scottish Public Services Ombudsman's annual report 2015-2016

B. RECOMMENDATION

1. Council Executive is asked to note the Scottish Public Services Ombudsman's (SPSO) annual report 2015-2016,
2. Council Executive is asked to note West Lothian Council's performance in relation to the number of complaints received by the SPSO and the outcome, and
3. Council Executive is asked to note that learning from SPSO complaints will, from this year, be appended to this report for information.

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;
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	The council is required to report against a set of performance indicators developed by the SPSO.
V Relevance to Single Outcome Agreement	None.
VI Resources - (Financial, Staffing and Property)	None.
VII Consideration at PDSP	The report was considered by the Partnership and Resources PDSP at its meeting of 16 December 2016.

VIII Other consultations

None.

D. TERMS OF REPORT

D1 Background

The Scottish Public Services Ombudsman (SPSO) handles complaints at the final stage for public services in Scotland, including local authorities, the National Health Service (NHS), housing associations, prisons, most water and sewage providers, the Scottish Government and its agencies and departments, universities and colleges and most Scottish Public Authorities. The SPSO investigates complaints when the complainer has exhausted the formal complaints procedure of the relevant authority.

D2 Local Government – Annual Review of Complaints and Issues

The SPSO reports that for 2015-16, the number of complaints received regarding local government has decreased by 8.4% compared with the previous year.

In 2015-16, complaints about local government made up 37% of all complaints to the SPSO, comparable with 38% in 2014-15. Complaints about local government remain higher than all other sectors.

The percentage of premature complaints about local government has decreased slightly from 41% in 2014-15 to 38% in 2015-16. This is in line with the decline in the overall rate of premature complaints across all sectors from 34% to 31%.

This year, the number of upheld complaints for local government increased from 47% in 2014-15 to 55%. The SPSO highlights that the top areas complained about remain the same as previous years, with the greatest number of complaints being received about Housing and Social Work respectively with Finance replacing Planning in third place. These subjects accounted for 48% of all local government complaints in 2015-16.

D3 West Lothian Council – Statistics and Update

The SPSO provides each council with information specific to that local authority to consider. The SPSO's Annual Letter is attached as Appendix 1. Appendix 2 provides tables of statistics about complaints to the SPSO regarding West Lothian Council in the past two years. The tables illustrate complaints received by subject area and complaints determined by outcome for 2014-15 and 2015-16.

Appendix 2 highlights that the total number of complaints received about West Lothian Council is 72, which has decreased from the 78 complaints received in 2014-15. As detailed in Appendix 2, the greatest number of complaints about West Lothian Council was in relation to Housing, which is in line with the sector as a whole. Education and Social Work were ranked the second and third most complained about areas, respectively.

36 of the complaints about West Lothian Council were dealt with at the advice stage as they were not suitable for the SPSO, whilst a further 29 were considered to have had an early resolution. This is comparable to the 28 complaints considered to have had an early resolution in 2014-15. The percentage of premature complaints has remained similar at 36% in 2015-16 in comparison to 35% in 2014-15. Out of the total number of complaints received by the SPSO relating to West Lothian Council, two complaints were partly upheld, in comparison to three in 2014-15. Three complaints were fully upheld in 2015-16, in comparison to no complaints being fully upheld in 2014-15.

D4 Improving Complaints Standards

Compliance with the model Complaints Handling Process (CHP) is monitored in line with the Shared Risk Assessment and annual audit arrangements. Local authorities are also expected to have appropriate self-assessment arrangements in place to ensure that their CHP is operating in accordance with the model CHP, which requires councils to publish annual complaints statistics and learning against performance indicators. There is also a requirement for councils to report internally and to publish information on complaints trends, outcomes and actions taken.

The council has put in place clear governance arrangements for complaints. The Corporate Complaint Steering Board is an officer group that monitors the implementation of the corporate complaint procedure and the corresponding performance and reporting activity. The board ensures that the council is compliant with the complaint procedure requirements. The board is chaired by the Deputy Chief Executive for Corporate, Operational and Housing Services and the membership consists of council Heads of Service. Complaint performance is reported on a quarterly basis to both the council's Corporate Management Team and the council's Performance Committee. All complaint performance statistics are reported to the public and are available on the council's website.

The SPSO's Annual Letter for 2015-16 notes the continued focus by the SPSO on helping authorities improve public services through learning from complaints. One of the main focuses of the SPSO's pilot of a Learning and Improvement Unit (LIU) is to provide authorities with additional support and advice on how to meet their recommendations. The SPSO expects that the way they make recommendations will evolve, with an increased focus on organisations taking responsibility for identifying and developing solutions that contribute to learning and lasting improvement.

In addition, the SPSO intends to adopt a tighter escalation process where recommendations have not been implemented.

D5 SPSO Learning and Improvement Statement

The SPSO's Annual Letter once again asks that organisations return a signed learning and improvement statement confirming that the council commits to ensuring that SPSO recommendations have been complied with and appropriate action taken; to commit to learning from complaints to prevent repeat failings; and to ensure that relevant internal and external governance arrangements are in place to review systemic issues.

The SPSO asks that authorities confirm that SPSO complaints are reviewed at a senior level, at the appropriate committee. As such, learning from SPSO decisions will be reported to the council's Complaints Steering Board and Performance Committee on a quarterly basis.

In addition, learning from SPSO decisions will be appended to this annual report to Partnership and Resources PDSP for information. Appendix 3 sets out the SPSO recommendations and service improvement actions for complaints closed by the Ombudsman in 2015-16. Recommendations and service improvement actions for complaints closed by the Ombudsman in 2014-15 are included for comparison.

D6 CONCLUSION

The SPSO has published its annual report along with its annual letters to local authorities.

The SPSO reports that complaints about West Lothian Council have decreased in 2015-16 but that the number of upheld complaints has increased slightly, though remains low. The majority of complaints continue to have been made prematurely, not duly made or withdrawn, or are considered to be out of their jurisdiction.

Local Authorities are required to report against the performance indicators established by the complaints handlers' network on an annual basis.

The SPSO continue to expect organisations to be more proactive in ensuring that opportunities for learning from complaints are taken and mistakes are not repeated through the measures outlined in this report.

A report will be submitted quarterly to the council's Complaints Steering Board and quarterly to Performance Committee, outlining the learning from SPSO decisions, which have been implemented by the council in response to complaints made. The learning will be appended to this annual report to Council Executive for information.

F. BACKGROUND REFERENCES

- Scottish Public Services Ombudsman: Annual Report 2015-2016
- Partnership and Resources PDSP, 16 December 2016

Appendices/Attachments: 3

Appendix 1: Letter to West Lothian Council from Scottish Public Services Ombudsman

Appendix 2: Tables of statistics to illustrate West Lothian Council complaints received by subject area and complaints determined by outcome for 2013-14 and 2014-15

Appendix 3: Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015-16 and 2014-15

Contact Person: Lorna Kemp, Project Officer, 01506 283519
lorna.kemp@westlothian.gov.uk

Graham Hope
Chief Executive

Date of meeting: 17 January 2017

Mr Graham Hope
Chief Executive

West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston
WEST LOTHIAN
EH54 6FF

25 August 2016

Annual Letter from SPSO

Dear Mr Hope,

I am pleased to send you our annual letter with statistics about complaints to SPSO about your organisation in 2015-16. As I informed members of our local authority sounding board at our June meeting and highlighted more widely in my June commentary, I am asking authorities to confirm that SPSO complaints are reviewed at a senior level (such as the appropriate scrutiny/ governance/ performance committees) by returning a learning and improvement statement to us. This builds on the model complaints handling procedures that set out the importance of authorities demonstrating how they 'systematically review complaints performance reports to improve service delivery'.

I am also providing an update on our learning and improvement pilot. This is an exciting project, and I hope you will take up our invitation to be involved in it by providing feedback about how you share learning from complaints within your organisation, and giving us your views on SPSO recommendations.

2015-16 complaints statistics

As you will know, in line with the model complaints handling procedure, each authority is required to report and publicise complaints information on a quarterly and annual basis, including annual reporting on how they perform against the agreed performance indicators. The enclosed statistics are part of the detailed complaints picture that your organisation is responsible for gathering and publishing. As you will be aware, all of our individual decisions are available online at www.spsso.org.uk/our-findings.

Learning and improvement unit (LIU)

Our 2016-20 draft Strategic Plan, which went to public consultation, proposed introducing a learning and improvement unit to ensure public authorities take the necessary responsibility and actions to handle complaints well and reduce the occurrence of repeat mistakes. It was the most commented on aspect of the draft plan, receiving significant support from respondents, who were mostly public authorities and advice /advocacy organisations. We

have been successful in securing funding for a one-year pilot of the LIU until the end of March 2017.

As the strategic plan outlines, the aim of the LIU is to enhance the impact of our work by helping authorities improve public services through learning from complaints. Over recent

years, one of the key tools we have developed to support authorities' learning is the Complaints Improvement Framework. This is available on our Valuing Complaints website at: www.valuingcomplaints.org.uk/complaintsimprovementframework.

Through the LIU, we will be using the framework to help authorities better assess the efficiency and effectiveness of their overall complaints handling arrangements.

One of the main areas the LIU will focus on is our recommendations. A key part of this work includes providing authorities with additional support and advice on how to meet our recommendations with a view to preventing repeat service failings and complaints. In addition to this extra support we are looking to adopt a tighter escalation process for the very few cases where our recommendations are not being implemented, with the potential to lead to a Special Report.


It is likely that, as part of this work, the way we make recommendations will evolve. As well as continuing to ensure that our recommendations address individual complainants' injustices, the onus will increasingly be on making recommendations that work to support authorities to identify and develop their own solutions for bringing about learning and lasting improvement. The enclosed feedback form invites you to express interest in being involved in this work and I would be very grateful for your response.

Service satisfaction survey

We are always keen to understand your perceptions of the service we provide, and to look at ways in which we can improve this service. We intend to survey you and all the authorities we receive complaints about, specifically around how we meet our published service standards. The questions will be sent to the liaison officer in an electronic survey and we plan to begin this on a rolling basis from September onwards.

I look forward to hearing back from you soon.

Yours sincerely

A handwritten signature in black ink, appearing to read 'James B Martin', written in a cursive style.

Jim Martin
Ombudsman

CC:

Councillor John McGinty, Leader of the Council
Ms Morgan Callachan, SPSO Liaison Contact

SPSO learning and improvement statement

West Lothian Council

We are committed to ensuring that all SPSO recommendations have been complied with and any further appropriate action taken.

We are committed to learning from complaints to prevent repeat failings.

We will ensure that relevant internal and external governance arrangements are in place to review systemic issues.

By signing this document you are agreeing on behalf of your organisation to the points above.

Signature

Designation:

Date

Please return this by 14 September 2016, by post or email, to:

Jim Martin, Ombudsman

SPSO

4 Melville Street

Edinburgh EH3 7NS

Email to: Fiona.Paterson@spsso.gsi.gov.uk

TABLE 1
Complaints Received by Subject 2015-16

Subject Group	West Lothian Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	25	1	34.7%	423	1	24.6%
Education	19	2	26.4%	173	4	10.0%
Social Work	7	3	9.7%	231	2	13.4%
Roads & Transport	6	4	8.3%	120	7	7.0%
Planning	5	5	6.9%	172	5	10.0%
Finance	4	6	5.6%	179	3	10.4%
Environmental Health & Cleansing	3	7	4.2%	126	6	7.3%
Legal & Admin	1	8=	1.4%	61	8	3.5%
Recreation & Leisure	1	8=	1.4%	32	10	1.9%
Building Control	0	-	0.0%	54	9	3.1%
Welfare Fund - Community Care Grants	0	-	0.0%	31	11	1.8%
Land & Property	0	-	0.0%	20	12	1.2%
Other	0	-	0.0%	17	13	1.0%
Economic Development	0	-	0.0%	11	14	0.6%
Personnel	0	-	0.0%	9	15=	0.5%
Welfare Fund - Crisis Grants	0	-	0.0%	9	15=	0.5%
National Park Authorities	0	-	0.0%	6	17=	0.3%
Valuation Joint Boards	0	-	0.0%	6	17=	0.3%
Fire & Police Boards	0	-	0.0%	5	19	0.3%
Consumer Protection	0	-	0.0%	4	20	0.2%
Subject Unknown or Out Of Jurisdiction	1	-	1.4%	33	-	1.9%
Total	72	-	100.0%	1,722	-	100.0%

Complaints as % of Sector

4.2%

100.0%

Complaints Received by Subject 2014-15

Subject Group	West Lothian Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	22	1	28.2%	468	1	24.9%
Education	16	2	20.5%	174	4=	9.3%
Finance	9	3	11.5%	174	4=	9.3%
Planning	7	4	9.0%	217	3	11.5%
Roads & Transport	6	5	7.7%	119	7	6.3%
Social Work	5	6	6.4%	253	2	13.5%
Legal & Admin	4	7	5.1%	76	8	4.0%
Environmental Health & Cleansing	3	8	3.8%	148	6	7.9%
Land & Property	2	9=	2.6%	29	10	1.5%
Recreation & Leisure	2	9=	2.6%	24	11	1.3%
Building Control	1	11	1.3%	61	9	3.2%
Other	0	-	0.0%	21	12	1.1%
Welfare Fund - Community Care Grants	0	-	0.0%	14	13	0.7%
Welfare Fund - Crisis Grants	0	-	0.0%	12	14	0.6%
Personnel	0	-	0.0%	10	15	0.5%
Economic Development	0	-	0.0%	8	16=	0.4%
Consumer Protection	0	-	0.0%	8	16=	0.4%
Valuation Joint Boards	0	-	0.0%	6	18	0.3%
Fire & Police Boards	0	-	0.0%	4	19	0.2%
National Park Authorities	0	-	0.0%	3	20	0.2%
Subject Unknown or Out Of Jurisdiction	1	-	1.3%	51	-	2.7%
Total	78	-	100.0%	1,880	-	100.0%

Complaints as % of Sector

4.1%

100.0%

TABLE 2
Local Authority Complaints Determined 2015-16

Stage	Outcome Group	2015-16		2014-15	
		West Lothian Council	Sector Total	West Lothian Council	Sector Total
Advice	Not duly made or withdrawn	13	321	13	380
	Out of jurisdiction (discretionary)	0	6	1	29
	Out of jurisdiction (non-discretionary)	0	5	2	25
	Outcome not achievable	0	6	2	42
	Premature	23	606	26	713
	Resolved	0	0	0	4
	Total	36	944	44	1,193
Early Resolution 1	Not duly made or withdrawn	0	54	2	36
	Out of jurisdiction (discretionary)	2	104	5	56
	Out of jurisdiction (non-discretionary)	10	196	6	140
	Outcome not achievable	11	185	10	107
	Premature	2	58	0	42
	Resolved	1	29	2	35
	Total	26	626	25	416
Early Resolution 2	Fully upheld	2	27	0	33
	Some upheld	1	20	0	18
	Not upheld	0	37	3	56
	Not duly made or withdrawn	0	1	0	0
	Resolved	0	1	0	3
	Total	3	86	3	110
Investigation 1	Fully upheld	1	23	0	28
	Some upheld	1	36	3	26
	Not upheld	3	40	0	63
	Not duly made or withdrawn	0	4	0	1
	Resolved	0	4	0	1
	Total	5	107	3	119
Investigation 2	Fully upheld	0	1	0	3
	Some upheld	0	0	0	1
	Not upheld	0	0	0	0
	Total	0	1	0	4
Total Complaints		70	1,764	75	1,842
Total Premature Complaints		25	664	26	755
Premature Rate		35.7%	37.6%	34.7%	41.0%
Fit for SPSO Total (ER2, Inv1 & Inv2)		8	194	6	233
Total Cases Upheld / Some Upheld		5	107	3	109
Uphold Rate (total upheld / total fit for SPSO)		62.5%	55.2%	50.0%	46.8%

Explanatory Note:

Tables 1 and 2 provide statistics for two quite different stages of our work.

Table 1 describes the subjects about which we received complaints between 1 April 2014 and 30 March 2015, and shows your organisation's figures beside the figures for the sector as a whole. Table 2 shows information about the outcomes of the complaints that we determined over the same period. The figures of complaints received and determined are unlikely to tally, especially where complaints numbers are relatively large. This is because at the end of each business year we are still working on some of the complaints received during that year.

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
1. Education	Upheld	1. Unreasonably failed to inform you about the creation of the Education Excursion Policy;	1. Apologise to you for the failings my investigation found;	1. Apology email sent to customer
	Upheld	2. Unreasonably failed to take account of the educational, social and developmental needs of the children in the Autism Resource Base, including your son, when creating the Education Excursion Policy;	2. Remind school staff of the requirements of the Public Sector Equality Duty and the Council's Equality Policy in relation to considering the equality impact of new policies and practices;	2. All Headteachers attended Thinking it Right, Doing it Right' training sessions and were reminded of the Equality Act 2010, the council's Equality Policy and the requirement to carry out Equality Impact Assessments.
	Upheld	3. Applied the Education Excursion Policy to your son in an unreasonable way;		
	Upheld	4. Unreasonably failed to take into account the Equality Act 2010, when creating the Autism Resource Base Integration Policy;	3. Reconsider the Autism Resource Base Integration Policy, taking into account the requirements of the Equality Act and the Council's Equality Policy.	3. A full review of the school's Autism Resource Base Integration Policy was carried out.
	Upheld	5. Unreasonably failed to take into account the needs of children who attend the Autism Resource Base and a mainstream class at the same school, including your son, when creating the Autism Resource Base Integration Policy;		
	Upheld	6. Unreasonably failed to consult parents when devising the Education Excursion Policy and the Autism Resource Base Integration Policy.		

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
2. Education	Upheld	1. The council unreasonably terminated your daughter's cello lessons;	1. Apologise to you for the failings identified by my investigation;	1. Apology email sent to customer
	Upheld	2. The council's communication regarding the termination of your daughter's cello lessons was inappropriate.	2. Explain clearly to you their stance on whether it is appropriate for pupils to receive short-term supplementary lessons alongside authority lessons; 3. Provide the SPSO with evidence of their stated commitment to provide guidelines to Instrumental Music Services (IMS) staff regarding termination of lessons.	2. Email sent to customer providing information on the council's stance on supplementary lessons alongside Local Authority lessons. 3. Email sent to SPSO on the Instrumental Music Services Guidelines to staff on the termination of lessons.
3. Housing, Customer and Building Services	Upheld	1. Inappropriately failed to review markers placed on your social policy file;	1. Undertakes an impact assessment of the Revised Procedure on protected characteristics, and amends the procedure in line with the findings	1. An impact assessment was carried out on the SWIFT hazard recording procedure.
	Not Upheld	2. Unreasonably applied a marker on your housing file from the time you moved into your current property);	2. Takes steps to ensure that all warning markers are reviewed annually, and provide evidence of the steps taken	2. The council has reviewed all open old hazard codes and those that have not had an involvement in last 12 months have been ended in accordance with the

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
	Upheld	3. Unreasonably failed to explain the reasons for the housing marker to you;	3. Considers introducing a procedure for the agreement and recording of reasonable adjustments for customers with disabilities	Hazard Recording Procedure. 3. To be progressed through the council's Corporate Working Group on Equality
	Not Upheld	4. Failed to carry out repairs at your home to a reasonable standard;	4. Agrees and records reasonable adjustments to facilitate your access to the council's housing repairs service	4. Service Access/Contract Agreement developed in which the council has detailed it to specifically suit the needs of the customer.
	Not Upheld	5. Failed to make reasonable adjustments for the health conditions that you have disclosed to them.	5. Considers identifying potential advisers within the council to provide information and assistance on a range of disabilities, to improve staff awareness and facilitate access to services for those with disabilities.	5. To be progress through the council's Corporate Working Group on Equality.

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
4. Housing, Customer and Building Services	Upheld	1. Unreasonably failed to check whether your storage cupboard was in use or owned before changing the lock in April 2014;	1. The council reinvestigate the case in order to clarify the inconsistencies identified, in order to evidence a full and accurate account of events, then reconsider your claim for reimbursement, notifying the SPSO of the outcome.	1. A further review of the customer's case has been undertaken. The council have agreed to negotiate a settlement of the customers claim. The SPSO were informed of the action.
	Upheld	2. The explanation given to you about why your complaint was rejected was inadequate.	2. Issue an apology for the mishandling of your complaint; 3. Remind relevant staff of the requirements of the model complaints handling procedure (CHP) in relation to timeframes and delays or extensions; 4. Raise the complaints handling failings with the relevant staff to ensure a similar situation does not recur.	2. Apology email sent to customer 3. All staff involved in complaints handling advised of the Corporate complaints process and corresponding timescales 4. This complaint has been addressed with the relevant officers and complaints are monitored at the service's Senior Management Team meetings on a weekly basis
5. Housing, Customer and Building Services	Not upheld	1. The council unreasonably failed to follow their policies and procedures in dealing with your complaint about	1. That the Council remind staff of the importance of keeping comprehensive	1. An antisocial behaviour module within the existing IT system,

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
		antisocial behaviour.	records of the action taken during the investigation of a complaint about alleged antisocial behaviour.	Capita Open Housing, for recording the history of all new claims of antisocial behaviour is now in place.
6. Housing Customer and Building Services	Upheld	1. Unreasonably failed to follow their policies and procedures on antisocial behaviour in dealing with your complaint;	1. Apologise to you for the failings identified in my investigation;	1. Apology email sent to customer.
	Not upheld	2. Unreasonably failed to progress your repair request regarding smells entering your home.	2. Re-open your case, and investigate your complaints in line with their stated procedures;	2. A warning letter was issued jointly by the Safer Neighbourhood Team Officer and the Community Housing Officer to the customer's neighbour.
			3. Review their ASB Procedures to rectify the discrepancies identified in my investigation;	3. A review of the Antisocial Behaviour Policy has been completed.
			4. Provide training to relevant staff on the antisocial behaviour procedures they are required to follow.	4. A briefing of all council staff involved in handling cases of antisocial behaviour has been undertaken.
7. Operational Services	Not upheld	1. Unreasonably withdrew the normal bus service during road works in the village	1. No recommendation made.	1. No action taken.

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2015/16

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
8. Housing Customer and Building Services	Not Upheld	1. The Council unreasonably failed to follow their policies and procedures on anti-social behaviour when investigating your complaints	2. No recommendation made.	1. No action taken.

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2014/15

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
1. Education Services	Not Upheld	1. That the Education Officer gave you incorrect information that a discussion had taken place between the headteacher and two teachers regarding the comment on the pupil's PLP;	1. Apologise to you for the failings identified in the handling of your complaint.	1. Apology sent to customer.
	Upheld	2. That they have acted unreasonably by failing to follow their complaints procedure;	2. Feed back to Education Services staff the importance of complying with the Council's Complaints Handling Procedure.	2. Education Staff reminded of the importance of complying with the council's Complaint's Handling Procedure.
	Not Upheld	3. That the Education Head of Service acted unreasonably by failing to respond to your e-mail of 16 June 2013.		
2. Planning Economic Development and Regeneration	Upheld	1. The council's handling of the planning application was not reasonable	1. The council provides evidence that the software problems that caused the situation with registration of the handling report have now been remedied to their satisfaction.	1. The council has corrected the coding error in the planning application software, to ensure that an electronic copy of the handling report is automatically saved when it is produced.
	Not Upheld	2. The council's response to enquiries was not reasonable	2. The council's should make a formal apology to you for the failures identified.	2. Apology sent to customer.
	Upheld	3. The council did not reasonably respond to your complaint	3. The council ensures that the officers concerned are aware of the necessity of complying with the council stated	3. Complaints training given to Planning Services

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2014/15

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
			complaints process.	
3. Social Policy	Not upheld	1. It was unreasonable that you were not informed in advance of the Complaints Review Committee hearing, or during the proceedings, that your complaint would not be considered fully;	1. Demonstrate to SPSO that the discrepancies between the CHP and Note of Procedure have now been addressed	1. Documentation revised and updated.
	Not upheld	2. It was unreasonable not to offer you the opportunity to request the presence of Council officers as witnesses, contrary to the Council's Values Policy;	2. Take steps to ensure that discrepancies do not arise in future between the different guidance documents relevant to CRCs.	2. Documentation revised and updated.
	Upheld	3. Your complaint was not summarised by the Chair and no check was made during the proceedings that the committee understood your complaint correctly;	3. Provide SPSO with evidence that the discrepancies between the CHP and the Scottish Government guidance and directions have now been addressed;	3. Documentation revised and updated.
	Not upheld	4. There was bias towards the Council in accepting unsubstantiated information without corroboration;	4. Issue a written apology to the complainant for the failings my investigation found;	4. Apology sent to customer.
	Not upheld	5. The Chair unreasonably refused to allow you to present additional evidence in support of your arguments;		
	Not upheld	6. Independent expert opinion was not sought on the complex technical issues involved in your complaint;		

APPENDIX 3

Scottish Public Services Ombudsman (SPSO) Complaint Recommendations and Service Learning 2014/15

Service	Outcome	Customer Complaint(s)	SPSO Recommendation	Service Improvement action(s)
	Not upheld Part Upheld	7. The reporting was flawed because it failed to include a number of relevant representations made by the Council; 8. There was procedural failure in not submitting your comments on the Social Work Complaint Review Committee's decision to the Council Executive.		
4. Planning Economic Development and Regeneration	Not Upheld	The council acted unreasonably by failing to properly notify you of the proposed development under the neighbour notification procedure.	No recommendation made.	No action required.
5. Education Services	Not Upheld Not Upheld	1. The council' guidelines for composite classes were not followed when their son was allocated to a composite class for his Primary 3 year. 2. The council did not adequately consider the concerns you raised about bullying and your son's welfare in the composite class.	No recommendation made.	No action required.
6. Operational Services	Not Upheld	1. Failed to take reasonable steps to resolve your complaint.	No recommendation made.	No action required.



West Lothian
Council

COUNCIL EXECUTIVE

ST JOHN'S HOSPITAL STAKEHOLDER GROUP

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To update members on the business and activities of St John's Hospital Stakeholder Group.

B. RECOMMENDATION

To note the terms of the minute of the meeting of St John's Hospital Stakeholder Group held on 19 October 2016

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs
	Being honest, open and accountable
	Working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	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.
III Resources - (Financial, Staffing and Property)	None.
IV Consultations	None required.

D. TERMS OF REPORT

On 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 St John's Hospital Stakeholder Group was to be reported to this meeting by the production of its minutes. The relevant documents are produced as appendices to this report.

E. CONCLUSION

This report ensures that members are kept apprised of the activities of St John's Hospital Stakeholder Group as part of the council's Code of Corporate Governance.

F. BACKGROUND REFERENCES

West Lothian Council Code of Corporate Governance.

Council Executive, 29 June 2010

Appendices/Attachments: 1

Minute of meeting of St John's Hospital Stakeholder Group held on 19 October 2016

Contact Person: Jim Forrest, Depute Chief Executive

01506 281977

Jim.Forrest@westlothian.gov.uk

Date: 17 January 2017

MINUTE of MEETING of ST JOHN'S HOSPITAL STAKEHOLDER GROUP held within BOARD ROOM 1 ST JOHN'S HOSPITAL, LIVINGSTON (AND BY VIDEO CONFERENCE CALL FROM WAVERLEY GATE) on 19 OCTOBER 2016.

Present –

Councillor John McGinty, Leader of West Lothian Council (Chair)
Councillor Dave King, Appointed Representative, West Lothian Council
Councillor Anne McMillan, Appointed Representative, West Lothian Council
Martin Hill, Non-Executive member, NHS Lothian
Alex Joyce, Non-Executive member, NHS Lothian (by video link)
Jim Forrest, Depute Chief Executive, West Lothian Council
Jacqui Campbell, Interim Chief Officer, Acute, NHS Lothian
Aris Tyrothoulakis, St John's Hospital Interim Site Director, NHS Lothian
Agnes Ritchie, Associate Nurse Director, NHS Lothian
Fiona Mitchell, Director of Women's and Children's Services, NHS Lothian
Joan Donnelly, Service Director for Outpatients & Associated Services, NHS Lothian (by video link); and
Linda Rumbles, RCN Steward, St John's Hospital, NHS Lothian

Apologies –

Lynsay Williams, Non-Executive member, NHS Lothian
Maureen Anderson, Patient Representative
Caroline McDowall, Partnership Lead, St John's Hospital

In attendance –

Elaine Dow, Committee Officer, West Lothian Council

Two members of the public

1. ORDER OF BUSINESS

The Chair agreed that Agenda Item 7 (St John's Hospital Quality Dashboard - September 2016) be considered before Agenda Item 5 (Paediatric Services Update).

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. MINUTE

The group confirmed the minute of the meeting held on 21 September 2016 as being a correct record.

4. ST JOHN'S HOSPITAL QUALITY DASHBOARD - SEPTEMBER 2016

The Stakeholder Group considered a report (copies of which had been circulated) by Agnes Ritchie, Associate Nurse Director, which provided a monthly summary of process and outcome quality measures.

It was noted that positive feedback was received from St John's Hospital 'tell us ten things' (TTT) survey with an increase in the number of patient responses. The number of complaints received had reduced which continued to be the trend.

The St John's Hospital staff absence level was slightly above the 4% target, however, it was hoped that the sickness absence trend would continue to be good. A large number of staff had also participated in the flu vaccination programme over the previous three week period.

Ms Ritchie continued to highlight the outcome measures outlined in the report which included a positive picture for C. Difficile associated diseases as no positives for C. Difficile were reported for August/September 2016.

During the discussion relating to the number of patients waiting less than four hours from arrival to admission or discharge it was noted that positive feedback has been received. Ms Ritchie advised that as of 18 November 2016, 98% of patients were reported to have waited less than four hours. Councillor McGinty asked if more detailed information could be provided on the reasons patients were attending A&E at St John's Hospital. Ms Ritchie undertook to provide a trend analysis breakdown for patients attending A&E to the next meeting of the Stakeholder Group.

Ms Ritchie concluded by advising that St John's Hospital received an unannounced Healthcare Environment Inspectorate (HEI) inspection on 10/11 August 2016 and received an excellent inspection report. No recommendations were made or requirement for a further visit to be carried out. Staff members at St John's Hospital were delighted with this result.

The Chair acknowledged the detailed report presented and the positive outcomes. The Stakeholder Group also congratulated all disciplines of staff at St John's Hospital for the excellent HEI inspection results, particularly as this was an unannounced visit.

Decision

1. Noted the contents of the report and the update provided;
2. Noted that the Associate Nurse Director undertook to provide a trend analysis for patients attending A&E at St John's Hospital to the next meeting of the Stakeholder Group; and
3. Noted that the Group congratulated all staff at St John's Hospital for the excellent HEI inspection results.

5. PAEDIATRIC SERVICES UPDATE

The Stakeholder Group noted the update provided by Fiona Mitchell, Director of Women's and Children's Services, on the current position within the paediatric service at St John's Hospital.

Ms Mitchell advised that following recent interviews for Paediatric Consultant positions, seven applicants were successful and offered positions subject to references being taken up. In response to a question from Councillor McMillan, Ms Mitchell advised that although there would be variations in the length of time the new consultants would take up their positions, it was hoped that a number of these would be in place by January 2017. This was excellent news for both St John's Hospital and NHS Lothian.

In the meantime, staff within the service continued to support the rota, which was secure up to January 2017. A new speciality doctor had also started work within the paediatric service.

Finally, the Stakeholder Group was advised that the Paediatric Programme Board meetings were now being held on a monthly basis.

The Group acknowledged the positive progress made and welcomed more stability within the paediatric service.

Decision

Noted the update provided.

6. PAEDIATRIC OUTPATIENT CLINIC WAITING TIMES

The Stakeholder Group noted an update from Fiona Mitchell, Director of Women's and Children's Services, on paediatric outpatient clinic waiting times.

It was reported that some outpatient appointments had to be cancelled in September and October 2016 due to paediatric consultants staffing the resident rota. More detailed information would be available over the next few months on the impact this would have on paediatric outpatient appointments. However, it was noted that this would only be for a short period of time until the new paediatric consultants were in post.

Decision

1. Noted the update provided; and
2. Noted that more detailed information would be provided to a future meeting.

7. OUTPATIENT AND ASSOCIATED SERVICES DIRECTORATE DEVELOPMENTS AND CHANGES WITHIN OUTPATIENT SERVICES

The Stakeholder Group considered a report (copies of which had been circulated) by Joan Donnelly, Service Director for Outpatients and Associated Services providing details of the developments and changes within outpatient services.

Ms Donnelly advised that the original request was for a report to be presented on DNAs. However, the report was expanded as DNAs were deemed to be considered in context with other ongoing work within outpatient services. In 2015-16 NHS Lothian delivered over 1.7m outpatient appointments across all hospitals and health centre clinics. This activity was delivered by a range of professionals across a wide range of services and specialities. In some specialities there were significant increases in demand leading to an estimated shortfall in internal capacity to be circa 70,000 appointments per year. The shortfall in internal capacity was replaced by the provision of waiting list initiatives and the use of GJNH, referring to the independent sector and the use of other external providers such as Medinet.

Enhancing internal capacity continues to be a priority, based on the present demand and mode of delivery. To enable this to be explored further a framework of expertise has been put in place to progress the necessary planning and delivery. The report provided details of the developments and changes within outpatient services.

The reasons for patients who 'do not attend' (DNA) were outlined within the report with details of the work that was progressing to support the reduction and management of DNAs. The national target for DNAs was 8%. The DNA rate by GP map area in West Lothian was 9.2% and Lothian area was 11%. It was clear that a number of the DNAs could be reduced by taking the steps outlined within the report. Details of West Lothian referrals by GP Practice was also provided highlighting the number of DNA appointments, which also provided a breakdown by speciality.

Councillor McMillan raised a question relating to page 8, point 2.6.4 – of the report - Proposal for management of DNAs. Ms Donnelly then provided details of how the "guarantee date" was calculated. It was also important to ensure that patients were aware of why they were attending the hospital and the reason for their appointment.

Councillor McGinty highlighted the higher number of DNA GP appointments in deprived communities and asked whether there were any strategies in place to try to reduce the gap in areas where deprivation was higher. Ms Donnelly confirmed that information was being reviewed by GP practices and cluster areas within the Primary Care sector.

The Chair acknowledged the comprehensive report provided which contained information relating to outpatient appointments across all NHS Lothian hospitals and health centre clinics.

Decision

Noted the contents of the report and the update provided.

8. WORKPLAN

The group considered the contents of the workplan (copies of which had been circulated).

It was noted that the following items were included on the workplan:

1. A&E Appointment Trend Analysis update included for consideration at the November 2016 meeting; and
2. West Lothian Childhood Obesity Project Update scheduled for consideration at the June 2017 meeting.

Decision

Noted the workplan subject to including A&E Appointment Trend Analysis update and West Lothian Childhood Obesity Project update for consideration at the June 2017 meeting.

9. ANY OTHER COMPETENT BUSINESS

The Chair congratulated Jacqui Campbell on her appointment as Interim Chief Officer based at Waverley Gate.

Ms Campbell advised that Aris Tyrothoulakis was appointed as Interim Hospital Director at St John's Hospital. She also confirmed that it was her intention to continue to attend St John's Stakeholder Group meetings.

10. DATE OF NEXT MEETING

The group noted the date of the next meeting scheduled to be held on 30th November 2016.