
TREASURY MANAGEMENT MID-YEAR REPORT 2014/15

Report by Chief Financial Officer

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 **This report presents the mid-year report of treasury management activities for 2014/15, in line with the requirements of the CIPFA Code of Practice, including Prudential and Treasury Management Indicators.**
- 1.2 The report is required as part of the Council's treasury management control regime. It provides a mid-year report on the Council's treasury activity during the six month period to 30 September 2014 and demonstrates that Treasury activity in the first six months of 2014/15 has been undertaken in full compliance with the approved Treasury Strategy and Policy for the year.
- 1.3 **Appendix 1** contains an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators, and proposes revised estimates of these indicators in light of the 2013/14 out-turn and experience in 2014/15 to date for Council approval.

2 RECOMMENDATIONS

- 2.1 **It is recommended that Scottish Borders Council:**
 - a) **Notes that treasury management activity in the six months to 30 September 2014 was carried out in compliance with the approved Treasury Management Strategy and Policy;**
And
 - b) **Approves the Treasury Management Mid-Year Report 2014/15, as contained in Appendix 1, including the revised indicators.**

3 BACKGROUND

- 3.1 The Council approved the Annual Treasury Management Strategy (the Strategy) for 2014/15 at the Council on 6 February 2014. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 3.2 As set out in the annual Treasury Strategy, the Audit Committee has a role to scrutinise the Mid Year Report before submission to Council for final approval. This scrutiny was undertaken at the Audit Committee on 10 November 2014.

4 TREASURY MANAGEMENT MID-YEAR REPORT 2014/15

- 4.1 The Treasury Management Mid-Year Report for 2014/15 (the Mid-Year Report) is contained in **Appendix 1**. All of the 2014/15 target indicators reported upon are based on the indicators agreed as part of the Strategy approved on 6 February 2014.
- 4.2 The Mid-Year Report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:
- An economic update for the first six months of 2014/15
 - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - The Council's capital expenditure (prudential indicators)
 - A review of the Council's investment portfolio for 2014/15
 - A review of the Council's borrowing strategy for 2014/15
 - A review of compliance with Treasury and Prudential Limits for 2014/15
- 4.3 The Mid-Year Report at Annex A contains revised Prudential and Treasury Management Indicators for consideration prior to Council approval. An additional indicator has been included for PI-3 to show the Ratio of Financing Costs to Net Revenue including the PPP financing and repayment costs.
- 4.4 Section 5 of the Mid-Year Report also includes reference to an intention to use the Swedish bank Svenska Handelsbanken for short term deposits. This institution meets the Creditworthiness Policy set out in the 2014/15 Treasury Management Strategy in full and is currently graded for investing up to 1 year with a similar long term credit rating as HSBC Bank plc. In addition Sweden still has a AAA sovereign debt rating from all three rating agencies which is higher than the UK. The proposal is to open a call account with Svenska Handelsbanken which means that the Council has instant access to the money deposited. No changes are required to the Treasury policy or strategy documents as a result of using Svenska Handelsbanken.

- 4.5 The Mid-Year Report notes the creation of the Treasury Management Earmarked Balance which is to be used to smooth the impact of future interest rate changes. This is set out in Section 6.3 of the report.
- 4.6 The Mid-Year Report indicates that the Council's Treasury Management activities are being managed and monitored within the agreed boundaries and indicators approved by the Council.

5 IMPLICATIONS

5.1 Financial

There are no further financial implications relating to this report. The outcomes from the Council's treasury management activities are explained in detail within **Appendix 1**.

5.2 Risk and Mitigations

This report is an account of the outcomes delivered at the six month stage from the tightly risk controlled work that the Council's Treasury staff. The report is an important element of the overall risk management environment but has no specific risk implications of its own.

5.3 Equalities

It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

5.4 Acting Sustainably

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

5.5 Carbon Management

There are no direct carbon emissions impacts as a result of this report.

5.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to the Scheme of Administration or Scheme of Delegation are required as a result of this report.

6 CONSULTATION

- 6.1 The Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council are currently being consulted and any comments received on the report will be reported at the Audit Committee.
- 6.2 The Audit Committee considered the Mid-Year report at their meeting on the 10 November 2014.

Approved by

**David Robertson
CHIEF FINANCIAL OFFICER**

Signature

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Background Papers:**Previous Minute Reference:**

Scottish Borders Council, 6 February 2014

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SCOTTISH BORDERS COUNCIL

TREASURY MANAGEMENT MID-YEAR REPORT 2014/15

1. BACKGROUND

a) Treasury management is defined as:

“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

b) The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. A primary function of treasury management is to ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially, before considering optimising investment return.

c) The second main function of the treasury management service is the funding of the Council’s capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion, where favourable conditions exist, any debt previously drawn may be restructured to meet Council risk or cost objectives.

d) **Annex A** contains a summary of the updated Prudential and Treasury Management Indicators for 2014/15 as highlighted throughout this report.

2 ECONOMIC POSITION

2.1 ECONOMIC UPDATE *(from Capita Asset Services)*

a) UK

After strong UK GDP (Gross Domestic Product) quarterly growth of during in 2013, (resulting in an annual rate of 2.7%), and 0.7% in Q1 and 0.9% in Q2 2014 (year to date rate of 3.2% in Q2), it appears very likely that strong growth will continue through 2014 and into 2015 as forward surveys for the services and construction sectors, are very encouraging and business investment is also strongly recovering. The manufacturing sector has also been encouraging although the latest figures indicate a weakening in the future trend rate of growth. However, for this recovery to become more balanced and sustainable in the longer term, the recovery needs to move away from dependence on consumer expenditure and the housing market to exporting, and particularly of manufactured goods, both of which need to substantially improve on their recent lacklustre performance.

This overall strong growth has resulted in unemployment falling much faster through the initial threshold of 7%, set by the Monetary Policy Committee (MPC) last August, before it said it would consider any increases in Bank Rate. The MPC has, therefore, subsequently broadened its forward guidance by adopting five qualitative principles and looking at a much wider range of about eighteen indicators in order to form a view on how much slack there is in the economy and how quickly slack is being used up. The MPC is particularly concerned that the current squeeze on the disposable incomes of consumers should be reversed by wage inflation rising back above the level of inflation in order to ensure that the recovery will be sustainable. There also needs to be a major improvement in labour productivity, which has languished at dismal levels since 2008, to

support increases in pay rates. Most economic forecasters are expecting growth to peak in 2014 and then to ease off a little, though still remaining strong, in 2015 and 2016. Unemployment is therefore expected to keep on its downward trend and this is likely to eventually feed through into a return to significant increases in pay rates at some point during the next three years. However, just how much those future increases in pay rates will counteract the depressive effect of increases in Bank Rate on consumer confidence, the rate of growth in consumer expenditure and the buoyancy of the housing market, are areas that will need to be kept under regular review.

Also encouraging has been the sharp fall in inflation (CPI), reaching 1.5% in May and July, the lowest rate since 2009. Forward indications are that inflation is likely to fall further in 2014 to possibly near to 1%. Overall, markets are expecting that the MPC will be cautious in raising Bank Rate as it will want to protect heavily indebted consumers from too early an increase in Bank Rate at a time when inflationary pressures are also weak. A first increase in Bank Rate is therefore expected in Q1 or Q2 2015 and they expect increases after that to be at a slow pace to lower levels than prevailed before 2008 as increases in Bank Rate will have a much bigger effect on heavily indebted consumers than they did before 2008.

The return to strong growth has also helped lower forecasts for the increase in Government debt by £73bn over the next five years, as announced in the 2013 Autumn Statement, and by an additional £24bn, as announced in the March 2014 Budget - which also forecast a return to a significant budget surplus, (of £5bn), in 2018-19. However, monthly public sector deficit figures have disappointed so far in 2014/15.

b) **U.S.**

In September, the US Federal Reserve continued with its monthly \$10bn reductions in asset purchases, which started in December 2014. Asset purchases have now fallen from \$85bn to \$15bn and are expected to stop in October 2014, providing strong economic growth continues. First quarter GDP figures for the US were depressed by exceptionally bad winter weather, but growth rebounded very strongly in Q2 to 4.6% (annualised).

The U.S. faces similar debt problems to those of the UK, but thanks to reasonable growth, cuts in government expenditure and tax rises, the annual government deficit has been halved from its peak without appearing to do too much damage to growth, although the weak labour force participation rate remains a matter of key concern for the Federal Reserve when considering the amount of slack in the economy and monetary policy decisions.

c) **Eurozone**

The Eurozone is facing an increasing threat from weak or negative growth and from deflation. In September, the inflation rate fell further, to reach a low of 0.3%. However, this is an average for all Eurozone countries and includes some countries with negative rates of inflation. Accordingly, the ECB (European Central Bank) took some rather limited action in June to loosen monetary policy in order to promote growth. In September it took further action to cut its benchmark rate to only 0.05%, its deposit rate to -0.2% and to start a programme of purchases of corporate debt. However, it has not embarked yet on full quantitative easing (purchase of sovereign debt).

Concern in financial markets for the Eurozone subsided considerably during 2013. However, sovereign debt difficulties have not gone away and major issues could return in respect of any countries that do not dynamically address fundamental issues of low growth, international uncompetitiveness and the need for overdue reforms of the economy, (as Ireland has done). It is, therefore, possible over the next few years that levels of government debt to GDP ratios could continue to rise for some countries. This

could mean that sovereign debt concerns have not disappeared but, rather, have only been postponed.

2.2 ECONOMIC OUTLOOK

a) Economic forecasting remains difficult with so many external influences weighing on the UK. Potential upside risks, especially for PWLB (Public Works Loan Board) rates include:

- A further surge in investor confidence that robust world economic growth is firmly expected, causing a flow of funds out of bonds and into equities.
- UK inflation being significantly higher than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.

Downside risks currently include:

- The situation over Ukraine poses a major threat to Eurozone and world growth if it was to deteriorate into economic warfare between the West and Russia where Russia resorted to using its control over gas supplies to Europe.
- Fears generated by the potential impact of Ebola around the world.
- UK strong economic growth is currently dependent on consumer spending and the unsustainable boom in the housing market. The boost from these sources is likely to fade after 2014.
- A weak rebalancing of UK growth to exporting and business investment causing a weakening of overall economic growth beyond 2014.
- Weak growth or recession in the UK's main trading partners - the EU and US, inhibiting economic recovery in the UK.
- A return to weak economic growth in the US, UK and China causing major disappointment in investor and market expectations.
- A resurgence of the Eurozone sovereign debt crisis caused by ongoing deterioration in government debt to GDP ratios to the point where financial markets lose confidence in the financial viability of one or more countries and in the ability of the ECB and Eurozone governments to deal with the potential size of the crisis.
- Recapitalisation of European banks requiring more government financial support.
- Lack of support by populaces in Eurozone countries for austerity programmes, especially in countries with very high unemployment rates e.g. Greece and Spain, which face huge challenges in engineering economic growth to correct their budget deficits on a sustainable basis.
- Monetary policy action failing to stimulate sustainable growth in western economies, especially the Eurozone and Japan.
- Heightened political risks in the Middle East and East Asia could trigger safe haven flows back into bonds.
- There are also increasing concerns that the reluctance of western economies to raise interest rates significantly for some years, plus the huge QE measures which remain in place (and may be added to by the ECB in the near future), has created potentially unstable flows of liquidity searching for yield and therefore heightened the potential for an increase in risks in order to get higher returns. This is a return of the same environment which led to the 2008 financial crisis.

2.3 INTEREST RATE FORECAST

- a) Table 1 summarises the latest interest rate forecast from the Council's treasury adviser, Capita Asset Services.

	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18
Bank rate	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%	1.75%	2.00%	2.25%	2.50%
5yr PWLB rate	2.50%	2.70%	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%	3.50%	3.50%	3.50%
10yr PWLB rate	3.20%	3.40%	3.50%	3.60%	3.70%	3.80%	3.90%	4.00%	4.10%	4.10%	4.20%	4.20%	4.30%	4.30%
25yr PWLB rate	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%
50yr PWLB rate	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%

Source: Capita Asset Services – October 2014.

- b) Capita Asset Services undertook a review of its interest rate forecasts on 24 October. During September and October, a further rise in geopolitical concerns, principally over Ukraine but also over the Middle East, plus fears around Ebola and an accumulation of dismal growth news in most of the ten largest economies of the world and also on the growing risk of deflation in the Eurozone, had sparked a flight from equities into safe havens like gilts and depressed PWLB rates. However, there is much volatility in rates as news ebbs and flows in negative or positive ways. This latest forecast includes a first increase in Bank Rate in quarter 2 of 2015.

3 TREASURY MANAGEMENT POLICY STATEMENT - UPDATE

- a) The Treasury Management Policy Statement (the Statement) was approved by Council in April 2010. There were no policy changes to the Statement. The details in this report update the position in the light of the updated economic position and budgetary changes already approved.

4 COUNCIL'S CAPITAL EXPENDITURE AND FINANCING 2014/15

4.1 This part of the report is structured to update:

- The Council's capital expenditure plan.
- How these plans are being financed.
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow, and
- Compliance with the limits in place for borrowing activity.

4.2 CAPITAL EXPENDITURE

(Prudential Indicator (PI-1))

a) The original capital plan for 2014/15 was approved on 6 February 2014. **Table 2** shows the current budgets for capital expenditure compared to the original estimates used in the Treasury Management Strategy report for 2014/15.

Table 2	2014/15 Original Budget	2014/15 Current Approved Budget	Variance Original to Current Approved
	£m	£m	£m
Place	25.5	29.8	4.3
People	8.5	8.9	0.4
Chief Executive	7.9	7.1	(0.8)
Emergency & Unplanned Schemes	0.3	-	(0.3)
Total Capital Expenditure (PI-1)	42.2	45.8	3.6

b) The current approved budget for 2014/15 is higher than the original budget as mainly as a result of the impact of the 2013/14 out-turn in terms of re-profiling expenditure into 2014/15. Detailed explanations of the additional movements within the planned expenditure have been reported in the ongoing monitoring reports, the last of which was to the Executive on 11 November 2014.

4.3 FINANCING OF THE CAPITAL PROGRAMME

a) **Table 3** on the following page draws together the main funding elements of the capital expenditure plans (see 4.2 above), comparing the original components of the funding strategy to those of the latest approved budget for the 2014/15 capital programme.

Table 3	2014/15 Original estimate £m	2014/15 Current Approved Budget £m	Variance - Original to Current Approved £m
Capital Expenditure (PI-1)	42.2	45.8	3.6
Other Relevant Expenditure	18.7	6.0	(12.7)
Total Expenditure	60.9	51.8	(9.1)
<i>Financed by:</i>			
Capital fund/Capital receipts	(2.7)	(1.2)	1.5
Capital grants & other contributions	(29.9)	(30.2)	(0.3)
Plant & Vehicle Fund	-	(4.0)	(4.0)
Total Financing	(32.6)	(35.4)	(2.8)
Net Financing Need for the Year	28.3	16.4	(11.9)

- b) The reduction in overall financing need has arisen primarily due to the re-profiling the timing of the "Other Relevant Expenditure" which relates to lending to Registered Social Landlords (RSLs) and the National Housing Trust project via Bridge Homes LLP. The Scottish Government has issued guidance related to the consent to borrowing for lending to RSLs and this has led to a delay as the RSLs are now re-evaluating their proposals to establish whether they meet the criteria within this guidance.

4.4 CAPITAL FINANCING REQUIREMENT AND EXTERNAL DEBT INDICATORS

(Prudential Indicators 2, 5 to 8)

CAPITAL FINANCING REQUIREMENT (CFR) (PI-2)

- a) **Table 4** above shows the CFR, which is the underlying need to incur external borrowing for a capital purpose.
- b) The CFR has been re-calculated in light of the changes to the capital plan and the fixed asset and reserve valuations in the Council's accounts for the year ending 31 March 2014.

Table 4	2014/15 Original estimate £m	2014/15 Revised estimate £m	Variance £m
CFR * (PI-2)	282.6	266.1	(16.5)

* The CFR for this calculation includes current capital expenditure to 31 March 2014

ACTUAL EXTERNAL DEBT (PI-5)

- c) Projected external debt for 2014/15 is shown in **Table 5** below and is estimated to remain within the operational boundary.
- d) **Table 5** also compares the current projected external borrowing estimate with the estimate in the Annual Strategy. The borrowing figure is slightly lower than originally projected as the Council has had sufficient cash balances to meet expenditure requirements without further borrowing.
- e) No additional external borrowing has been undertaken during 2014/15 to date, though current cashflow estimates indicate that there will be a requirement to borrow to fund capital expenditure in the second half of the year, dependant on the timing of financing requirements for the RSLs and/or Bridge Homes LLP.

Table 5	2014/15 Original estimate £m	2014/15 Current Approved Budget £m	Variance £m
Borrowing	210.5	176.6	(33.9)
Other long-term liabilities	56.1	55.9	(0.2)
Total External Debt (PI-5)	266.6	232.5	(34.1)

(UNDER)/OVER BORROWING AGAINST CFR (PI-6)

- f) A key control over treasury activity is a prudential indicator to ensure that, over the medium term, borrowing will only be for a capital purpose. Net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2014/15 and next two financial years. This allows some flexibility for limited early borrowing for future years.
- g) **Table 6** compares the prudential indicator for (under)/over borrowing against CFR versus the updated estimate for the year end and shows that the Council's actual debt levels are well within its capital financing requirement. This is primarily driven by the tactical measures which use the Council's surplus cashflows to finance capital expenditure rather than enter into new debt financing arrangements.

Table 6	2014/15 Original estimate £m	2014/15 Current Approved Budget £m	Variance £m
Gross External Debt	266.6	232.5	(34.1)
CFR *	294.8	291.5	(3.3)
(Under)/Over Borrowing against CFR (PI-6)	(28.2)	(59.0)	(30.8)

* The CFR for this calculation includes the current and two future years projected capital expenditure.

- h) No difficulties are envisaged for the current or future years in complying with this prudential indicator.

AUTHORISED LIMIT AND OPERATIONAL BOUNDARY (PI-7 and PI-8)

- i) Two further prudential indicators control the overall level of borrowing. These are:
- (i) The **Authorised Limit** represents the limit beyond which borrowing is prohibited and the expected maximum borrowing need for the Council. It needs to be set and revised by Members. The Authorised Limit is the statutory limit determined under the Local Government in Scotland Act 2003.
 - (ii) The **Operational Boundary** shows the expected operational debt position for the period.
- j) **Table 7** below shows revised estimates for the debt indicators for the 2014/15 financial year and compares them with the original estimates shown in the 2014/15 Treasury Management Strategy Report.

Table 7	2014/15 Original estimate £m	2014/15 Revised estimate £m	Variance £m
Gross External Debt (PI-5)	266.6	232.5	(34.1)
Authorised Limit inc. Long Term Liabilities(PI-8a)	340.6	308.1	(32.5)
<i>Variance to External Debt Estimate</i>	<i>74.0</i>	<i>75.6</i>	<i>1.6</i>
Operational Boundary inc. Long Term Liabilities (PI-7a)	279.8	258.3	(21.5)
<i>Variance to External Debt Estimate</i>	<i>13.2</i>	<i>25.8</i>	<i>12.6</i>

4.9 DEBT RESCHEDULING

Debt rescheduling opportunities continue to have been limited in the current economic climate. No debt rescheduling was undertaken during the first six months of 2014/15. The position will continue to be monitored on an ongoing basis.

5 INVESTMENT ACTIVITY

5.1 INVESTMENTS

- a) In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As set out in Section 3, it is a very difficult investment market in terms of earning the level of interest rates commonly seen in previous decades as rates are very low and in line with the 0.5% Bank Rate. Indeed, the introduction of the Funding for Lending scheme has reduced market investment rates even further. The potential for a prolonging of the Eurozone sovereign debt crisis, and its impact on banks, prompts a low risk and short term strategy. Given this risk environment, investment returns are likely to remain low.
- b) The Council held £17.6m of balances in interest bearing accounts as at 30 September 2014 (£11.8m at 31 March 2014), and the investment yield for the first six months of the year was 0.37% against a benchmark of the average 7 day LIBID rate of 0.35%. As a result of current market uncertainties, the Council has been prioritising the security of deposits by investing surplus balances with money market funds and the UK Government's Debt Management Office (DMO).
- c) The Council, due to the current cashflow position and the requirement to manage the Pension Fund cash as well as the Council's, continues to explore opportunities to invest surplus balances in the short term. As part of this, and within the Treasury Management Strategy's Investment criteria officers are intending to expand the counterparty list used for operational purposes to include Svenska Handelsbanken through the use of a call account.

5.2 INVESTMENT COUNTERPARTY CRITERIA

- a) The current investment counterparty criterion, approved in the Treasury Management Strategy, represents a prudent approach to risk and the Council's concerns about security of investments. These prudent limits mean there are limited investment options when operating the cash-flow on a short term management basis.
- b) The Bank of Scotland is the Council's own bank for transactional receipts and payments. Although the bank only has a single 'A' long term credit rating from the main credit rating agencies, which is the lowest counterparty credit rating for investments as defined in the approved 2014/15 Treasury Management Strategy, it still remains a part-nationalised bank. On this basis, and as the Council currently only has an instant access investment account with the bank, it is proposed that the Council continue to allow the use of £5m as the daily maximum to be held with the Bank of Scotland to allow the daily cash management functions to operate effectively.
- c) The main rating agencies (Fitch, Moody's and Standard & Poor's) have, through much of the financial crisis, provided some institutions with a ratings "uplift" due to implied levels of sovereign support. More recently, in response to the evolving regulatory regime, the agencies have indicated they may remove these "uplifts". This process may commence during this financial year. The actual timing of the changes is still subject to discussion, but this does mean immediate changes to the credit methodology are required.
- d) It is important to stress that the rating agency changes do not reflect any changes in the underlying status of the institution or credit environment, merely the implied level of support that has been built into ratings through the financial crisis. The eventual removal of implied Government support will only take place when the regulatory and economic

environments have ensured that financial institutions are much stronger and less prone to failure in a financial crisis.

- e) Both Fitch and Moody's provide "standalone" credit ratings for financial institutions. For Fitch, it is the Viability Rating, while Moody's has the Financial Strength Rating. Due to the future removal of sovereign support from institution assessments, both agencies have suggested going forward that these will be in line with their respective Long Term ratings. As such, there is no point monitoring both Long Term and these "standalone" ratings.
- f) As a result of these rating agency changes, the credit element of our future methodology will focus solely on the Short and Long Term ratings of an institution. Rating Watch and Outlook information will continue to be assessed where it relates to these categories. This is the same process for Standard & Poor's that we have always taken, but a change to the use of Fitch and Moody's ratings. Furthermore, we will continue to utilise CDS prices as an overlay to ratings in our new methodology.

6 TREASURY PERFORMANCE INDICATORS

The Treasury Management Strategy for 2014/15 established certain performance indicators for the Treasury Management Function, as defined below.

6.1 DEBT PERFORMANCE INDICATORS

These indicators are additional to the prudential & treasury management indicators covered earlier in this report. The Indicators are:

- i) **Average 'Pool Rate'** charged by the Loans Fund compared to Scottish Local Authority average Pool Rate. Target is to be at or below the Scottish Average for 2014/15.
- ii) **Average rate movement year on year.** Target is to maintain or reduce the average borrowing rate for the Council versus 2013/14.

The Average 'Pool Rate' can only be measured at the end of the financial year, once the Scottish Treasury Indicators have been published. The Average Rate movement year on year is on target to be maintained/reduced.

6.2 INVESTMENT PERFORMANCE INDICATORS

a) SECURITY

The Council's maximum security risk benchmark for the current portfolio, when compared to historic default tables, is 0.02% historic risk of default when compared to the whole portfolio.

Year to Date (YTD) Performance of this indicator is **0.02% historic risk** which is equivalent to the benchmark, if overnight deposits with the Council's own bank, the Bank of Scotland, are taken into account. Excluding Bank of Scotland deposits, the risk of default on deposits was 0.01%, which is lower than the benchmark. This was achieved by investing with counterparties with higher credit ratings, especially in money market funds (AAA credit rating), which have a lower historic risk of default. Security risk was also managed by utilising only overnight or short term notice accounts.

b) LIQUIDITY

- k) Liquid short term deposits should be at least £3,000,000, available with a week's notice.

Liquid deposits were maintained above £3,000,000 throughout the six months to 30 September 2014.

- ii) Weighted Average Life benchmark, i.e. the average length of time over which cash is deposited, is **expected to be 0.5 years** (equivalent to a weighted average life of 6 months), with a **maximum of 1.00 years**.

The YTD weighted average life has been 0.01 years, well below the 0.5 year target. This 2014/15 figure also included money deposited in money market accounts, which could be called back at any time.

c) YIELD

- i) Internal returns on cash investment above the 7 day LIBID rate.

The return for the six months to 30 September 2014 has averaged 0.37%, compared against an average seven day LIBID rate of 0.35%. This reflects the continued priority on ensuring cash is held in a secure and liquid form (as described in paragraph 5.2).

6.3 LOAN CHARGES

- a) The **Loan Charges** Revenue Budget estimate contained in the Council's Financial Plans approved on 6 February 2014 was £20.76m. It is expected that charges for 2014/15 will be lower than the budgeted figure, as no additional external debt has been undertaken to date in 2014/15. Updates on the estimates will continue to be reported as part of the revenue budget monitoring process.
- b) The Council approved the establishment of a Treasury Management Earmarked Balance to enable the Council to manage the movements in interest rates more effectively. At the Executive on the 11 November 2014 it was agreed to transfer some of the projected underspend on the Loans Charges in 2014/15 into this Balance.

ANNEX A

Indicator Reference	Indicator	Page Ref.	2014/15 Original estimate	2014/15 Revised estimate
PRUDENTIAL INDICATORS				
Capital Expenditure Indicator				
PI-1	Capital Expenditure Limits	6	42.2	45.8
PI-2	Capital Financing Requirement (CFR)	7	282.6	266.1
Affordability Indicator				
PI-3	Ratio of Financing Costs to Net Revenue (inc PPP repayment costs)	N/A	10.4%	9.4%
PI-3	Ratio of Financing Costs to Net Revenue (exc PPP repayment costs)	N/A	9.5%	8.5%
PI-4	Incremental (Saving)/ Cost Impact of Capital Investment Decisions on Council Tax	N/A	(0.01)	(0.03)
External Debt Indicators				
PI-5	External Debt	7	£266.6m	£232.6m
PI-7a	Operational Boundary (inc. Other Long Term Liabilities)	8	£279.8m	£258.3m
PI-7b	Operational Boundary (exc. Other Long Term Liabilities)	8	£223.7m	£194.1m
PI-8a	Authorised Limit (inc. Other Long Term Liabilities)	8	£340.6m	£308.1m
PI-8b	Authorised Limit (exc. Other Long Term Liabilities)	8	£284.5m	£252.1m
Indicators of Prudence				
PI-6	(Under)/Over Net Borrowing against the CFR	8	(£28.2m)	(£59.0m)
TREASURY INDICATORS				
TI-1	Upper Limit to Fixed Interest Rates based on Net Debt		£279.8m	£258.3m
TI-2	Upper Limit to Variable Interest Rates based on Net Debt		£97.9m	£90.4m
TI-3	Maturity Structure of Fixed Interest Rate Borrowing		Lower	
	Under 12 months		0%	
	12 months to 2 years		0%	
	2 years to 5 years		0%	
	5 years to 10 years		0%	
	10 years and above		20%	
TI-4	Maximum Principal Sum invested greater than 364 days	12	20%	20%

CLIENT CONTRIBUTION AND CHARGING POLICY FOR SOCIAL WORK SERVICES 2015/16

Report by Depute Chief Executive People

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval for an updated Scottish Border Council Contribution Policy following the Comprehensive Review of Charging Project.**
- 1.2 The updated charging review sets out amendments to specific charges for Social Work Services following a process of: stakeholder engagement; impact analysis; comparisons with other local authorities; and, consideration of national guidance/legislation.
- 1.3 A full review was required due to a number of significant changes in legislation, guidance and changes in service provision, including the introduction of Self Directed Support (SDS).
- 1.4 The report details the consultation process and findings of the review. Following this a revised Charging/Contribution Policy has been produced which is attached in Appendix A. This details the range of Social Work services that are provided by the People Department and sets out those that will be free at the point of delivery; and, those that will require a contribution from those people using the service.

2 RECOMMENDATIONS

- 2.1 **I recommend that Scottish Borders Council:-**
 - (a) **Agree the universal application of the principles on which the Charging Policy is based, including fairness, equity, transparency and consistency.**
 - (b) **Agree adoption of a revised Social Work Contribution and Charging Policy to be implemented with effect from 1st April 2015.**

3 BACKGROUND AND SCOPE

3.1 The current Social Work Policy on Fees and Charges was last reviewed in 2010. The resulting Schedule of Fees and Charges has been updated annually in respect of inflation and COSLA guidance. Since 2010 however, a number of factors have emerged which has highlighted the requirement for a fundamental and comprehensive review of all Social Work services. These factors include:

- A substantial increase in the number of Older People, People with Learning or Physical Disabilities or Mental Health Needs and Children requiring looking after or accommodating over the last 4 years
- The emergence of Self-Directed Support as a popular and legislatively required alternative to the provision of traditional council-managed care to clients
- Sustained increases in the costs of providing care to clients such as pay inflation, increased market provider rates for the provision of homecare, etc
- A range of new types of care and support, such as Extra-Care Housing, Housing with Care
- A culture change amongst clients in terms of the services they want to achieve outcomes which meet their assessed need and the impact on existing, traditional services
- With ongoing pressure on public services funding, the need to make savings / generate additional income to ensure services remain affordable and sustainable
- The development of community capacity in local areas
- The emergence of new assistive technologies

3.2 Under the existing 2010 charging policy, there are two ways that charges are applied. One is through a financial assessment based on income and expenditure. The second is through flat rate charges which are applied irrespective of income. Client contributions are currently made towards the cost of the provision as detailed below:

<i>Service</i>	<i>Basis of Charge</i>	<i>No. of Clients</i>
Care at Home	Assessed	1,967
Direct Payments	Assessed	205
Residential Care	Assessed	718
Residential Respite	Assessed	288
Housing Support	Assessed	556
Extra Care Housing	Flat Rate	43
Day Services	Flat Rate	325
Lunch Clubs	Flat Rate	Lunch clubs = 1
Transport	Flat Rate	Journeys p.a. = 18,234
Night Support	Flat Rate	74
Housing with Care	Flat Rate	22
Alarms	Flat Rate	3,100

3.3 Similarly, there are currently a number of Social Work services provided by the Council for which, under the 2010 charging policy, no client contribution is currently made. These include:

- All Children's Services Provision of Care
- Self-Directed Support
- Criminal Justice Services
- Assessment, Care Management, Information and Advice
- Night Support
- Meal Equipment Rental
- Ability Equipment
- Housing with Care
- Clients in Palliative Care
- Adults with Incapacity or detained / on treatment order under Mental Health Act
- Clients receiving care within 42 days of discharge from hospital

3.4 A comprehensive review of charging was undertaken, which focussed on the interests of clients and aims to deliver a number of key benefits:

- Sustainability of Services – The review recognises the unsustainability of ongoing increased demand for services and cost inflation which over time would present a high risk of unaffordable services, service cessation or rationalisation and/or a deterioration in the quality of client outcomes. In order to provide assurance over the ongoing sustainability of existing care and support, a target for increasing income from client contributions by £400k was set as part of the 2014/15 Financial Planning process.
- Fairness and Equity – Further development of a client contribution policy which is applied equitably across all client groups and which promotes the basis of a charge which renders no particular client or clients unfairly disadvantaged is paramount.
- Consistency of Application – Any policy for charging client contributions for care or support should be applied universally across all clients regardless of what care/support is provided, how need is assessed and the mechanism of funding this care/support.
- Consistency across Services – All Social Work services have been reviewed to ensure comprehensive and consistent application of the policy in a single, holistic and all-encompassing way.
- Compliance with Legislation – Any policy on charging requires to be fully compliant with legislation in relation to Scottish Borders Council's powers and/or duty to charge and the basis on which such charges are calculated and applied e.g. Scottish Government Charging for Residential Accommodation Guidance, as well as consistency with any national government or professional guidance and recommendations on charging such as COSLA guidance.
- Ensuring full application of the Council's Policy on External Fees and Charges formed a key reference point throughout the review and in evaluation of its outcomes.

3.5 Central to the review was a dialogue with key stakeholders. To achieve this, the Council followed COSLA's guidance and a co-production approach was adopted involving all key stakeholders. These are detailed below:

Cross-Council Core Group	A Core Group of key members of staff was established and has been meeting weekly since May 2014 to look at emerging themes, identify actions, and consider issues and to drive forward the project.
User Surveys	A survey was developed for service users to gather views on current policy and suggestions for a way forward. There were 300 surveys returned.
Staff Surveys	A survey was developed for Cross-Council staff to gather views on current policy and suggestions for a way forward. There were 42 surveys returned.
User and Carer Engagement	Throughout June, July and early August 2014 a series of Co-Production sessions (12) were held across the Borders as part of the 'Stakeholder Engagement' phase of the project. These sessions involved service users, family members, carers and external providers and gave individuals an opportunity to participate in the development of the new Contribution Policy.
Provider Engagement	A number of co-production workshops were held specifically with a range of 3 rd sector provider organisations including B.V.C.V. (e.g. Red Cross, Encompass, Cornerstone), the Carers Centre (with carers) and Brothers of Charity (with users and families).

3.6 This stakeholder engagement process has provided important feedback which has been incorporated into the review. Key themes emerged including:

- the efficiency and effectiveness of invoicing when collecting charges
- greater understanding and transparency of the financial assessment process
- the need to ensure consistency and equity
- quality of service needs to be maintained
- the importance of a client's financial means and ability to pay

4 REVIEW OUTCOMES

4.1 The charging review examined each Social Work service which is currently provided by SBC. For each service provided, including SDS, evaluation was made as to whether service users should be required to make a client contribution and if so, the basis of what this charge should be. In undertaking this evaluation, a number of factors were considered:

- Basis of Charge – an assessed charge based on financial means and ability to pay or any alternative bases, such as a flat rate
- Legislation such as Free Personal Care or external guidance on charging bases for specific services e.g. residential home care
- The Council's Policy on External Fees and Charges
- The views of all stakeholders, and importantly, clients and carers
- The services for which client contributions are currently made and their current level
- A benchmark of what other local authorities currently / propose to charge and at what levels
- External market rates

4.2 The review team also completed a number of pieces of additional assurance work aimed at ensuring that any recommendations made are those which are deliverable and which preserve and promote the key objectives of fairness and equity. This additional work included:

- Extensive modelling of different bases and levels of charging for each service
- Sensitivity analysis of what different charges would mean in terms of impact on clients

Analysis and comparison of how different scenarios would impact on a clients with a range of different financial means in terms of their residual income after making a contribution towards the cost of their care and support.

4.3 The proposals brought forward on the conclusion of the review therefore are, in their entirety, those options which best meet the aims of the charging review in terms of delivery of the required level of additional income and the over-arching objectives outlined in 4.2 above.

4.4 Every Social Work service was examined as part of the review. For some services which no client contribution is currently made, based on all the considerations previously outlined, it has been recommended that the future charging policy should not provide for introducing new charges at this time, for reasons specific to each service including the risk of clients or children excluding themselves from receiving services, stakeholder sensitivity around certain services and evidence that the introduction of charging would result in certain clients being unfairly disadvantaged. It is proposed that the following services will not incur a client contribution charge:

- Provision of care - Children's Services
- Criminal Justice social work services
- Information and advice
- Needs assessment

- Care management
- Services to people with a mental illness who are detained in hospital and on community treatment order under the Mental Health Care and Treatment (Scotland) Act 2003
- All services received by people subject to compulsory supervision, detention or treatment orders
- Personal care for people 65 years and over
- Homecare Services for 42 days on discharge from hospital
- Intermediate Care / Reablement for the first 42 days
- All services received by people in receipt of Palliative Care (where a DS1500 form has been completed by the person's doctor)
- Minor adaptations
- Night support service for the first 42 days
- Laundry services for people who have severe incontinence
- Services to people under where the Chief Social Work Officer is the guardian under the Adults with Incapacity (Scotland) Act 2000.

4.5 It is not proposed to change the existing basis of charging for a number of services to the cost of which a client contribution is currently made. Reasons include compliance with legislation and guidance, existing charging arrangements within the wider Council's charging policy, where an increase in charge may result in a client's inability to pay or where evidence exists that any change to the basis on which a charge is made for a service would be perceived as resulting in a charge that was unaffordable. These services include:

- Care at Home (Excluding the change to Taper rates)
- Residential Care
- 24 Hour Support
- Residential Respite
- Shopping Service

4.6 In line with guidance, the Council does not currently charge clients for care at home in the first 42 days on discharge from hospital for Intermediate Care and Reablement. Following the principles of universal application of the charging policy and the need for equity and consistency how clients are treated, it is proposed to extend this policy to include all clients, regardless of whether they have been discharged from hospital or have come from their own home.

- 4.7 Based on the work undertaken during the view, the options evaluated and wider considerations such as stakeholder views, there are a number of services where an existing client contribution is made and where it is proposed to change the basis of charging or to increase the current level of contribution where it is believed that this is appropriate, compliant with guidance and policy and will not leave any particular client unfairly disadvantaged. These services include:
- Day Care
 - Bordercare Alarms
 - Meal Services – Delivery of Meals and at Day Care
 - Transport
 - Taper Rates
- 4.8 Similar in principal to 4.7 above, there are a number of services for which, on completion of the review, it is believed to be appropriate to introduce a new client contribution charge, set initially at the level proposed, consistent with legislation and guidance and the Council's charging policy. These are:
- Housing with Care
 - Equipment
 - Night Support
- 4.9 Run as a pilot scheme since summer 2014, Self-Directed Support now has 232 clients. Since the inception of the pilot scheme, no client contribution has been required apart from some flat rate charges. In line with the review aims of consistency, fairness and equity all clients, regardless of whether they receive traditional care or self-directed support will be required to make a client contribution based the same charging principles, as the policy is phased in.

5 THE PROPOSED SOCIAL WORK CHARGING POLICY 2015/16

- 5.1 The revised proposed charging policy is attached to this report as Appendix A.
- 5.2 Basis of Assessment – An Assessed Charge

Following the financial modelling exercises, sensitivity analysis and stakeholder consultation, it is proposed to implement a basis of charging, where applicable, based on an assessed charge. This means that, with a few exceptions, client contributions towards the cost of the care and support they receive will be based on an assessment of their means and the outcome of this assessment will determine the maximum limit up to which they will be required to pay for all the services they receive. Whilst a number of alternative charging bases were considered, based on the work undertaken, the views of clients and wider stakeholders and with emphasis on fairness and equity, an assessed charge for the majority of income-generating services is the preferred option from the review.

5.3 Taper Rate

To determine the maximum amount a client can afford to contribute towards the cost of their package, the following calculation is completed:

Total Assessed Income (A)	- includes income and other capital
Less Applicable Housing Costs (B)	- rents, council tax, mortgage interest, etc
Less Applicable Disregards (C)	- weekly equivalent total of all of the items of income partially or fully disregarded ¹
Less Relevant Personal Allowance (D)	- DWP set
Equals Residual Income (E)	
The maximum assessed charge is therefore equal to residual income (E) multiplied by a taper rate, currently 43.5%.	

5.4 The Taper Rate therefore is the proportion of a client's residual income that can be used to make a contribution towards the cost of their care or support. It is proposed that SBC change the Taper Rate to 55%. The national average Taper Rate in Scotland is around the 60% level.

5.5 Detailed below is a summary of the services for which it is proposed to change the charging policy, together with a summary of the additional income they are expected to generate against the £400k target required by the review. By their nature, these service charges are fixed rate but it is recognised that over time, the policy will focus on client contributions which are assessed through a financial assessment process. This will obviously also include all the other services in receipt by a client, for which it is proposed no change will be made to the charging basis for now, such as homecare and residential care.

Service	Current Charge/ Rate	Proposed Charge (£)	Charge Frequency	Charging Basis	Additional Income
Bordercare Alarms	2.50	3.00	per week	Flat Rate	48,850
Day Care	2.00	3.00	per place	Flat Rate	25,000
Day Transport	1.00	2.00	per journey	Flat Rate	18,000
Equipment	N/A	10.00	per order	Flat Rate	130,000
Housing with Care	10.00	*25.50/ 55.20	per week	Flat Rate	40,000
Meals Equip. Rental	N/A	0.50	per item/wk	Flat Rate	10,000
Night Support	N/A	10.00	per week	Flat Rate	35,000
Increase Taper Rate	43.50%	55.00%			167,250

* capital limit dependent

Universal application free Intermediate Care/ Reablement in first 42 days	-10,000
Total	464,100

¹ Disregard – a variety of income types such as maintenance payments, benefits, direct payments, tax credits, living fees and allowances, awards, supplements, expenses, ex-gratia payments, trust fund payments, grants, etc

Implementation

- 5.6 It is proposed that the Contribution and Charging Policy is implemented with effect from 1st April 2015. To ensure effective and timely delivery and full understanding and communication by service users and other key stakeholders, a full implementation plan will be developed and delivered during the remainder of the project prior to implementation date. Steps will be taken early within this plan to inform all users of the proposed changes and to provide support and advice on their individual impact and clarity over their assessment and future charge.
- 5.7 An appeals process is in place where any client's individual's circumstances can be fully considered and charges amended where appropriate.

6 IMPLICATIONS

6.1 Financial

Adoption of the revised Social Work charging policy with effect from the 1st April 2015 is projected to deliver £464k of additional income. This is against a targeted 2015/16 Financial Plan saving of £400k. It is proposed that an element of the additional income above target be used to increase the staffing resources required to collect/assess financial means information across all client groups, due to the increased number of assessments required. Projected savings net of this additional staffing resource therefore are estimated to be £435k, £35k above the initial Financial Plan target.

6.2 Risk and Mitigations

- (a) The risk of clients being excluded from services due to increased charges will be mitigated by the financial assessment process, effective information for clients around welfare benefits and regular engagement with Care Managers.
- (b) If adoption of the revised Social Work charging policy with effect from 1st April 2015 is not agreed then a number of key benefits as set out in paragraph 3.4 may not be realised.

6.3 Equalities

- (a) A full Equalities Impact Assessment has been carried out on this proposal and equalities featured heavily in the stakeholder engagement process. It is anticipated that there are no adverse equalities implications.
- (b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

6.4 Acting Sustainably

There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

6.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

6.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

6.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

7 CONSULTATION

7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

7.2 Others to be consulted if required are –

- Corporate Equalities and Diversity Officer – for any new or revised policies/strategies to assure Equality Impact Assessment.
- Corporate Transformation and Services Director – any new or proposed changes to existing IT systems and telephones. This includes any office moves where pcs, printers and telephones are having to be moved.
- Corporate Communications – if what you are proposing involves likely media interest or high public information dissemination.

Approved by

Jeanette McDiarmid
Depute Chief Executive People

Signature

Author(s)

Name	Designation and Contact Number
Paul McMenamin	Business Partner, Financial Services

Background Papers: Service User Survey Analysis, Staff Survey Comments, Co-production Summary of Feedback, Financial Modelling Summary, Full-Equalities Impact Assessment, Rural proofing checklist

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Frances Eneide can also give information on other language translations as well as providing additional copies.

Contact us at People Department, Scottish Borders Council, Newtown, St. Boswells, 01835 824000.



Scottish Borders Council Social Work Services

Charging Policy for
Non-Residential and
Residential Care Services
2015/16

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Related links

Appeals Procedure

(link to be added once available)

Information on Free Personal Care

http://www.scotborders.gov.uk/info/1453/care_at_home/223/care_at_home

Homecare Calculation of Financial Information 2015-16

(link to be added once available)

Charges for 2015/16

(link to be added once available)

Complaints Procedure

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

Charges for Residential Accommodation Guidance (CRAG).

http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

1. DEFINITIONS

Below is a list of terms used within the Charging Policy and their definitions:

Convention of Scottish Local Authorities (COSLA)

The organisation responsible for issuing national guidance on non-residential social care charges in Scotland.

Financial Assessment

The process undertaken which looks at a person's income and capital to determine their contribution towards their care package.

Person

Any individual who meets established eligibility criteria and who is either being supported through the Council's Self-Directed Support programme or receiving services to meet their care needs.

Person's Contribution

The amount of money per week that the person will be asked to pay towards their care following financial assessment.

Support Plan

A record of the agreed outcomes to promote the person's independence in the community following the needs assessment.

Scottish Borders Council

The Local Authority responsible for provision of social work services.

Individual Budget

The agreed amount of money which is required to achieve agreed personal outcomes and manage any associated risks.

Self-Directed Support (SDS)

The Self-Directed Support (Scotland) Act 2013 was implemented on 1 April 2014. This legislation places new duties on Local Authorities and aims to ensure that people can decide how their support is planned and provided. All people newly assessed who are eligible for social care and all people at point of review are supported using the SDS approach. One of the duties is to offer implementation through one of four options:

1. The making of a direct payment by the local authority to the supported person for the provision of support.
2. The selection of support by the supported person and the making of arrangements for the provision of it by the local authority on behalf of the supported person.
3. The selection of support and the making of arrangements for the provision of it by the local authority.
4. The selection by the supported person of two or more of the above options.

There are some restrictions to the offer of the 4 options, for example people in long term residential care are not offered a direct payment and people in crisis or requiring short term support may not be offered the option unless they need ongoing support.

Third Party

Any person acting on behalf of someone receiving a service through the Council.

2. POLICY STATEMENT

This is the Charging Policy of Scottish Borders Council, Social Work Services, and explains how we will work out how much people who use our services will have to pay towards the cost of the services they receive. The policy covers non-residential and residential services.

The policy is intended to help staff, service providers, people who use our services and other interested groups to understand how we will calculate the cost of services and charges to be applied.

It is envisaged Self-Directed Support will be fully implemented by January 2017. By that date all service users will have a financial assessment to determine their individual contribution to their package of care. After that date the only flat rate charges that will continue to be applied will be for meals, transport, housing support and Bordercare Alarms where they are not part of a larger support package.

However in order to ensure there is continuity of resource leading up to January 2017, and to allow time for phasing in the policy and completing updated financial assessments for all service users, consideration has been given to updating the current charging policy.

This is to be applied on an interim until the new charging policy is phased in.

3. PRINCIPLES ON WHICH THE CHARGING POLICY IS BASED

In preparing the charging policy the Council is committed to adhering to a set of underlying principles which are identified below. These are:

- (a) A fair charge – we will not charge more than the cost of providing the service
- (b) A commitment to equity – people who use our services will be treated fairly
- (c) A commitment to transparency – people who use our services will know how and why they are being charged for a particular service
- (d) A commitment to full compliance with national guidance and legislation including:
 - National Assistance Act 1948
 - Social Work (Scotland) Act 1968
 - National Assistance (Assessment of Resources) Regulations 1992
 - Community Care and Health (Scotland) Act 2002
 - Mental Health (Care and Treatment) (Scotland) Act 2003
 - COSLA's Guidance on Charging for Non-Residential Services
 - COSLA's Guidance on Charging Policies That Enable People to Remain in Their Own Home, issued in 2002 and updated in 2006
 - National Guidance on Self-Directed Support under Section 5(1) of the Social Work (Scotland) Act 1968
 - Housing (Scotland) Act 2001 (Housing Support Services Information) Regulations 2002

- Guidance on Free Personal and Nursing Care in Scotland
 - Social Care (Self-Directed Support) (Scotland) Act 2013
- (e) Ability to Pay - all people who use our services will contribute towards the cost of the service they use on the basis of their income and assets. In the fullness of time flat rate charges will be minimised to reflect this decision.

4. AIMS OF THE CONTRIBUTION POLICY

The policy aims to:

- be transparent so people who use our services are clear about how much they are paying for the services they receive
- detail which services are subject to a flat rate charge, i.e., payable by all regardless of their income and capital
- ensure that people are aware of their rights and responsibilities
- have a clear and transparent appeals process
- have an easily accessible comments and complaints policy

5. GOOD PRACTICE GUIDANCE

A review of the latest COSLA guidance has been undertaken and has identified that the Council broadly complies with the national guidance.

If any service user is able to demonstrate that they are suffering undue financial hardship due to the contribution they are required to make they will continue to be able to apply to the Council for consideration of a review of their charges.

All applications for a review of charges will be treated individually and will be reviewed by the Appeals Panel. Any discretion applied will be reviewed as part of the annual reassessment process.

Service users not satisfied with the calculation of their contribution will be encouraged to discuss their concerns with staff involved in the assessment and charging process. People who remain dissatisfied will be entitled to pursue their complaint through the Council's complaints procedures.

This Charging Policy will be formally reviewed on an annual basis.

6. CHARGING FOR NON-RESIDENTIAL CARE

6.1 Services that are free

- Provision of care - Children's Services
- Criminal Justice social work services
- Information and advice
- Needs assessment
- Care management
- Services to people with a mental illness who are detained in hospital and on community treatment order under the Mental Health Care and Treatment (Scotland) Act 2003
- All services received by people subject to compulsory supervision, detention or treatment orders, and Guardianship Orders
- Personal care for people 65 years and over
- Homecare Services for 42 days on discharge from hospital
- Intermediate Care / Re-Ablement for the first 42 days
- All services received by people in receipt of Palliative Care (where a DS1500 form has been completed by the person's doctor)
- Minor adaptations
- Night support service for the first 42 days
- Laundry services for people who have severe incontinence
- Services to people under where the Chief Social Work Officer is the guardian under the Adults with Incapacity (Scotland) Act 2000.
- This policy does not apply to permanent or unplanned short break admissions to a care home where charging is governed by The National Assistance (Assessment of Resources) Amendment (Scotland) Regulations 2012 with guidance provided by the Scottish Government's Charges for Residential Accommodation Guidance (CRAG).

6.2 Services for which we will charge

- Homecare – non personal care
- Personal care to people under 65
- Night Support Service after first 42 days
- Extra Care Housing
- Housing with Care
- Housing Support and Community Support
- Care and Support Services for people with assessed needs
- Day Care
- Transport
- Lunch Clubs
- Meals provided at day centres
- Meals at Home and the provision of a freezer and/or microwave where required.
- Equipment – ability equipment provided by Borders Ability Equipment Service following assessment of need
- A fitting and annual maintenance charge for equipment provided
- Intermediate Care / Re-Ablement after first 42 days
- Bordercare Alarm
- Shopping Service
- Adaptations provided through Private Sector Housing Grant (PSHG)
- Respite breaks & flexible short breaks
- Key safes

7 TYPES OF CARE AND APPLICABLE CHARGES UNTIL SELF-DIRECTED SUPPORT IS PHASED IN:

7.1 Homecare

Homecare will be charged at a weekly rate based on the assessable income the person who uses the service has. This is in line with the COSLA guidance.

The assessment of contribution for charges for Homecare Services is carried out in accordance with Scottish Borders Council's agreed charges for services (which are reviewed and published annually). A financial information form is completed for any chargeable homecare services assessment.

7.1.1 Contribution towards the cost of service – Homecare (including Personal Care, Housing and Community Support)

The financial assessment will calculate a maximum weekly charge for the person receiving services. The person will pay the assessed charge, or the hourly rate, whichever is less in the following way:

The person's contribution towards the cost of homecare is based on their income (including assumed income from capital), less any allowances in line with COSLA guidance and disregards for rent, service charge, mortgage, building insurance, and council tax payable. The resulting balance (after rounding down to the nearest pound) is referred to as a residual resource.

If the person's income including tariff income exceeds these allowances, s/he will be required to contribute 55% of their residual resources towards their care.

7.1.2 Full Charge – Homecare (including Personal Care, Housing and Community Support)

People who do not wish to declare their financial resources will be charged £12.80 per hour for homecare services provided including community and housing support. There is no weekly ceiling on the maximum charge.

7.2 Housing Support and Community Support

People who receive Housing Support and Community Support, including where this is provided by a commissioned service, will be assessed to pay in-line with the charging policy for homecare. They will not be asked to pay more than the cost of providing the service as notified by their service provider.

7.3 Intermediate Care / Re-Ablement

Provision will be free for all for the first 42 days. This service will then be charged as per the respite guidelines for residential care or homecare for those in their own homes.

7.4 Flexible Short Break in the person's own home

The hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost.

7.5 Flexible Short Break out-with the person's own home (excluding respite in a registered residential care provision)

Breaks taken using the short break facilities at Riverside, Peebles or Station Court, Duns will be charge at a rate of £15 per household per night towards the cost of the accommodation. The care hours received as flexible short breaks will be chargeable as per homecare. People already paying an assessed charge will have no additional cost for care. People already paying the full hourly charge for homecare will pay an additional amount based on the additional hours they receive on the break.

7.6 Night Support Service

The night support service will be provided free of charge for the first 42 days. Where the service continues after 42 days, a £10 weekly administration charge will be applicable, to cover transport and administration of the Night Support Service.

7.7 End of Life Care

If the person meets the criteria for End of Life Care as confirmed by the NHS – no charge is made for any service.

7.8 Independent Living Fund (ILF) (currently frozen and under review)

Anyone receiving ILF will be financially assessed and will be asked to make a contribution based on their assessable income they receive and any capital held. Any contribution they make to Scottish Borders Council will be deductible from the contribution people are required to make towards their ILF.

7.9 Shopping Service

Service is charged at £3.42 per delivery.

7.10 Day Care

Day Care which is provided in a day centre run by or commissioned by Scottish Borders Council and is registered with the Care Commission is chargeable for the person's placement at a flat rate charge of £3.00 per day for up to a full day's attendance.

Where possible, this will be payable through the Direct Debit mechanism as payment collected at the day centre will be phased out over time in line with the introduction of Self Directed Support and contributions based on financial

assessment. This charge applies to all groups of people who use our services.

There may be further charges for particular activities and an additional daily charge of £3.20 will apply if a person has lunch at the day centre. These charges will continue to be applied at the Centre after the phasing in of Self-directed Support.

There will be no charge for social centres other than the daily charge for a meal. There will be no charge for supported employment opportunities, social enterprise or training for work opportunities.

7.11 Key Safes

Key safes will be charged at a one off rate of £20 for the safe and the fitting of it where assessed as being needed.

7.12 Adaptations and equipment

Adaptations are provided free of charge except in the situation where someone qualifies for a Private Sector Housing Grant (PSHG) where there is a charge for administration fee, and if applicable, an assessed contribution towards the adaptation (means tested).

There will be an ordering charge of £10.00 for equipment and a fitting and annual maintenance charge of £25.00 applicable from 1st April 2015.

7.13 Discharge from hospital for people over 65

In accordance with COSLA guidance, any new or additional services put in place following discharge from an unplanned admission to hospital will be free for the first 42 days. Chargeable hours already in place prior to admission will be chargeable from day following discharge.

Meals provided which are provided prior to admission will be chargeable after being discharged from hospital.

This free service does not apply in cases where admission to hospital is on a regular basis or a frequent basis as part of regular treatment or ongoing care arrangements.

We will not charge people who are 65 or over on the date of discharge for personal care.

7.14 Temporary or emergency admission to hospital or care home

If a person aged 65 or over was receiving services before a temporary admission to hospital or care home, a charge will not be made for existing services while they are away from home. There may be some types of housing support for which a charge will still be made e.g. sheltered housing for older people.

If the service is a flat rate charge, the charge will be applied for any full week of

service provision received. A schedule of all flat rate charges will be made available to people who use our services. The costs for Bordercare Alarm will continue until notice is received to remove the Bordercare Alarm.

8 TYPES OF CARE AND APPLICABLE CHARGES THAT WILL REMAIN IN PLACE ONCE SELF-DIRECTED SUPPORT IS PHASED IN:

8.1 24 Hour Housing Support (including Extra Care Housing)

The arrangements for people who receive 24 hour housing support packages including Extra Care Housing have been reviewed to ensure that there is clarity about charges for these services. This will ensure equity and consistency in charging for similar services.

Includes:

- Extra Care Housing for older people
(Extra Care Housing offers an alternative for people who would otherwise need to go into a residential care home. It provides specially adapted individual apartments, with care staff available to provide assistance as needed 24 hours a day).
- 24 Hour Housing Support
Adults, including those with a learning disability in supported living, who receive a 24 hour support package in the Community i.e. have a sleepover or a share of a sleepover.

For people where 24 hour support is provided in the community a flat rate of £88.33 per week for 2014/15 will be applied. This will cover support costs and related accommodation costs which are not classified as free personal care such as housing support. People using such services should be entitled to Attendance Allowance or Disability Living Allowance and Severe Disability Premium.

This flat rate will be updated on an annual basis in line with the following calculation:

- Half low rate of Attendance Allowance plus Severe Disability Premium (SDP) or
- Half the middle rate of Disability Living Allowance (care component) plus Severe Disability Premium (SDP)

People with capital over the capital level of £26,000 will be charged double the flat rate charge of £88.33 per week. i.e. £176.66 in 2014/15.

This capital level is in line with the current residential capital level under the Charging for Residential Accommodation Guidance which is reviewed on an annual basis. The capital level for Community Based services will be increased in line with this guidance in the future.

8.2 Housing with Care

This is a premium service for service users who would usually be identified as having a critical need. It is aimed at supporting people to live as independently as possible in their own tenancies. On-site support and care is provided flexibly, typically over a 15 hour period (7am–10pm), seven days per week.

This service is charged on a flat rate basis of £27.60 per week, or £55.20 per week for people with Capital over £26,000.

Flat rate charges will remain for people in housing complexes not yet established as Housing with Care developments. Flat rate charge amounts are set annually based on the contract value of the Housing Support.

8.3 Bordercare Alarm and Telecare – standalone service

Bordercare Alarm is charged at £3.00 per week, regardless of tenure.

Telecare technology which requires the use of a Bordercare Alarm will be charged in accordance at the standard rate of the Bordercare Alarm at £3.00 per week.

Telecare technology put in place for a specified short period of time for assessment purposes will not be charged. Telehealth care technology (devices monitoring vital health statistics, e.g. blood pressure, and linking direct to NHS services) will not be charged.

8.4 Meals Delivery Service

Service is charged at a minimum of £2.99 per meal, based on full cost recovery. In addition, if the provision of a freezer and/or microwave is required, a charge of 50p per item per week will be applicable.

8.5 Lunch Clubs

Service is charged at £3.20 per meal.

8.6 Transport

If transport is provided to attend a Social Work facility a flat rate charge of £2.00 per day will payable for internal day centres by the person using this service. Where transport is arranged by Scottish Borders Council to attend a social enterprise opportunity and external day centres, the charge will also be applicable. These charges will be made on a placement rather than attendance basis.

9. SELF-DIRECTED SUPPORT

Government legislation has introduced Self-Directed Support as the method of delivering social care and support which will enable people to have more choice and control over how their support needs are met. The amount of money required to manage the risks of a person's situation and achieve their agreed outcomes in relation to health, wellbeing, social inclusion, independence and responsibility will be referred to as their Individual Budget.

The maximum contribution payable will be the full amount of the Individual Budget or the person's assessed contribution as determined by the financial assessment, whichever is less.

A financial assessment will be offered to all clients to ensure that they only pay what they can afford. A financial assessment will take into account income, savings, and capital, whilst allowing a predetermined level of income for general living expenses as well as relevant disregards. Where a person has income below this amount, they will not be asked to make a contribution towards the cost of their care. An income maximisation assessment will also be available to ensure that all benefit entitlement has been applied for.

This approach allows Self-Directed Support to continue to be phased in and charges will be applied fairly and transparently, whether they are on the traditional model of service provision or have moved to the Self-Directed Support mechanism.

It is envisaged Self-Directed Support will be fully implemented by January 2017 and that the approach to service user contribution to their service provision will be in operation across all Social Work Services by that date. After that date as detailed in Section 8 the only flat rate charges that will continue to be applied will be for meals, transport, housing support and Bordercare Alarms where they are not part of a larger support package.

However in order to ensure there is continuity of resource leading up to January 2017, and to allow time for phasing in the policy and completing updated financial assessments for all service users, consideration has been given to updating the current charging policy. The flat rate charges set out in this Charging Policy will be applied on an interim basis until Self-Directed Support is fully phase in,

9.1 The financial assessment process to determine individual contributions for Self-Directed Support

The aim is to ensure that people in receipt of Social Work services are not placed in financial hardship as a consequence of the way in which the services are charged for. This is in line with COSLA and Scottish Government guidance on charging policies. The principles focus on:

- Ability to contribute, providing full financial details have been provided
- Income
- Equity
- Transparency
- Compliance with national guidance

These principles are subject to full financial details being provided by the person. In all cases though, the Council will ensure that the person's contribution is minimised as much as possible.

Everyone in receipt of community care services undergoes a financial assessment to determine how much they can afford to pay towards the cost of the services they receive.

Everyone is offered an income maximisation assessment to ensure that they are receiving all the benefits to which they are entitled. People who do not want to provide financial information will be required to pay the full cost of their care, with the exception of any free personal care element.

Where a full financial assessment has been completed within the last 12 months, information previously collected will be used to calculate the person's contribution. Contributions will be reviewed in April each year to coincide with increases in pensions and benefits.

Everyone will be advised in writing of their contribution. Contributions will be payable from the date the person first receives support. If the financial assessment is completed after this date, contributions will be backdated to the date the person first received support.

Everyone is treated equally. An individual's ability to pay does not affect the provision of care/support.

9.2 Calculating the person's contribution

In accordance with COSLA's Guidance for Contributions Applying to Non-Residential Social Care Services, the amount a person has to contribute should be set according to their ability to pay. In the first instance this requires an assessment of the person's income and capital. In all cases income and capital is treated in accordance with the guidance.

The thresholds are set by the Government annually and will be updated each year. For 2014/2015 they are as follows:

Income

Weekly Charging Threshold: £122 for those under pension age
£173 for those over pension age

Capital

Capital Threshold: £10,000

Taper Rates

The taper rate is the percentage of residual income that is then used to calculate how much of a client's income above the threshold figure is taken into account in calculating the charge. This is set at 55%, meaning that 55% of a service user's residual income is disregarded when working out the charge.

9.3 Income not taken into account

Certain types of income will not be taken into account when assessing a person's ability to make a contribution. These are:

- Disability Living Allowance Mobility Component
- The high rate element of Disability Living Allowance Care Component and Attendance Allowance (currently £81.30). People in receipt of the high rate element will only have the Middle Rate of Disability Living Allowance Care or Lower Rate of Attendance Allowance taken into account when not in receipt of night-time services
- Independent Living Fund payments
- All benefits paid for or on behalf of dependent children
- Child Benefit
- Disability payment in respect of a child / children
- First £10 of War Disablement / War Widows Pension
- Winter Fuel payments
- Christmas Bonus paid with benefits
- All income received for a person's partner

Note – If a person is assessed as being entitled to a welfare benefit, but refuses to claim, the financial assessment will include the amount of income equivalent to that benefit entitlement.

9.4 Income Allowances

Certain allowable costs will be deducted from the person's income before calculating what they can afford to pay. These will normally be housing costs such as mortgage (both interest and capital payments), rent, ground rent and council tax. Housing costs taken into consideration in the calculation will be net of any benefits received.

	Under pensionable age	Over pensionable age
COSLA guidance requires that people have a level of income equivalent to income support or pension credit (depending whether under or over pensionable age) plus 16.5% (rounded up to the next pound) before a contribution is required. The Council will use the single person above working age allowance for everyone. This is determined as follows:		
DWP Basic Allowance	£104.25	£148.35
16.5% of DWP Basic Allowance	£17.20	£24.47
Council Personal Allowance	£122.00	£173.00

It is expected that the Personal Allowance should be used to cover a person's daily living expenses such as, food, gas, electricity, telephone, internet and insurance payments (with exception on building insurance).

9.5 Capital and Savings

Capital includes any savings, investments and property owned other than the person's main residence. Capital invested in bonds with life assurance and the value of the person's main residence will be fully disregarded.

Capital up to the lower threshold limit (currently £10,000) will be disregarded. A weekly income of £1 per week for every £500 in capital between the threshold limits will be included in the calculation. This means that people will be asked to contribute £1 per week for every £500, or part thereof, they have in savings or assets.

Where someone has been awarded a compensation payment as a result of personal injury, whether as a result of a court judgment or out of court settlement, which has been awarded in respect of anticipated future care costs, this will be taken into account as capital when calculating their contribution.

Cases where capital has been 'gifted', moved into bonds or otherwise transferred will be assessed on an individual basis to determine whether or not the value of the capital should be taken into account in the financial assessment. Please see section 8.13 – Deprivation of capital.

9.6 Incorrect financial assessment

If it is discovered that an incorrect financial assessment has led to someone being charged too much or too little, a new financial assessment will be undertaken and the correct charge will be applied from date of the revised assessment.

If there are changes in an individual's circumstances that may affect the current financial assessment, increases or reductions in income or expenditure e.g. award of Attendance Allowance, Disability Allowance, Pension Credit or Income Support, it is essential to notify the Social Work Service and request a reassessment. Failure to do this may result in an individual being liable to pay a backdated charge.

10. OTHER

10.1 Appeals against charges

The Council is committed to review and reconsider changes in circumstances where the person does not have the means to pay or has special circumstances which the service has not been aware of. The appeals process is available for a person to have any of their charges reviewed including a waiver of charges. The Appeals Panel will consider appeals for all services including flat rate and assessable charges. The appeals procedure can be found at the following link: *(link to be added once available)*

Anyone who remains dissatisfied with the outcome of their appeal will be entitled to pursue their complaint through the Council's normal complaints procedure. The procedure and related information can be found at the following link:

http://www.scotborders.gov.uk/info/1347/social_care_and_health/230/social_work_comments_and_complaints

10.2 Debt Recovery

Scottish Borders Council will have the right to pursue all charges not paid, by people assessed as being able to pay, through the Council Corporate Debt Recovery procedure.

10.3 Up-rating of charges

All charges will be reviewed on an annual basis in line with any Social Security Benefit up-rating and policy or legislative changes.

Any charges quoted in this policy are those currently applied in 2014/15. They will require to be uprated when the Council sets its budget in 2015/16 in line with benefits, contracts and inflation uplifts.

10.4 Charging for Residential Services

The legal basis for charging for residential services is the National Assistance Act 1948 and the National Assistance (Assessment of Resources) Regulations 1992.

Council will continue to follow the Charges for Residential Accommodation Guidance (CRAG). The detailed guidance can be found at the following link: http://www.sehd.scot.nhs.uk/publications/CC2014_02.pdf

Parents or guardians of Children under 18 who are accommodated will not be required to make a contribution towards their child's care.

10.5 Information for people using our services about charging

People who use our services will be given information about charges at the time of assessment and a Financial Information Form will be completed where a financial assessment is required.

The person will be advised in writing of their assessed charge and they will be asked to check that the information used in the calculation is correct. Charges will be applied from the first date the service is received.

10.6 Financial assessment – treatment of income and capital

Financial assessments will be carried out in terms of the above legislation for respite, temporary and permanent residential care.

The assessment is based solely on the individual's own financial resources including their share of any resources they jointly hold with their partner, spouse or other party (this will normally be regarded as 50% unless there is documentary evidence to the contrary).

10.7 Deprivation of capital

If a local authority has evidence that a person has deprived themselves of a capital asset in order to avoid or reduce accommodation charges then it may treat the person as still possessing that asset when assessing ability to pay. In some circumstances, the Council may be able to recover the cost of care from the person who received the capital asset or the person may be assessed as though they still own it.

If anyone has any doubts about this advice they are requested to discuss this in advance of taking any actions which may be considered deprivation of capital.

10.8 Hospital absence

When a person living in a care home is admitted to hospital they will be expected to pay 100% of their assessed contribution for 42 days as long as it appears likely that the person will be returning to the care home. The situation will be reviewed at this stage. If the person is able to return to the care home they will continue to pay for their bed during their absence.

Where the Council is paying Free Personal Care and/or Free Nursing Care, entitlement ceases after 14 days of absence from the care home and consequently the Council will cease to make such payments to the provider from the 15th day of absence in line with The Community Care and Health (Scotland) Act 2002. Individuals will therefore be responsible for the full amount should their stay in hospital last longer than 14 days.

10.9 Planned absence

Where a person living in a care home is absent temporarily, on holiday or similar circumstances, the Council will continue to pay 100% of our contracted contribution for up to 42 days. Where a planned absence is for more than 14 days the Council will cease to make Free Personal Care and/or Free Nursing Care payment to the provider from the 15th day of planned absence in line with The Community Care and Health (Scotland) Act 2002.

You can get this document on audio CD, in large print and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

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Borders Alcohol and Drug Partnership Annual Report, 2013-14

Joint Report by Director of Public Health and Chief Social Work Officer

Scottish Borders Council

20 November 2014

1 PURPOSE AND SUMMARY

1.1 This report alerts Members to the Borders Alcohol and Drug Partnership (ADP) Annual Report for 2013-14.

1.2 Borders ADP is a partnership of agencies and services involved with drugs and alcohol. It provides strategic direction to reduce the impact of problematic alcohol and drug use. The ADP is required to produce an Annual report on its 2012-15 Delivery Plan. The report has been prepared according to Scottish Government Guidance and provides information relating to:

- i) A self assessment of ADP Processes and Structures and resulting actions for the ADP
- ii) Core Outcomes, Core Indicators and Local Indicators
- iii) Update on work to progress Ministerial Priorities for 2013-14 and address priorities for 2014-15

The Annual Report is attached as an Appendix to this report.

2 RECOMMENDATIONS

2.1 I recommend that Council notes the Borders Alcohol and Drug Partnership Annual Report 2013/14.

3 REPORT OVERVIEW

3.1 The main section of the Annual Report are outlined in this section and the page numbers noted refer to pages in the Annual Report which is attached as an Appendix.

3.2 ADP Self Assessment (p4): this is the second year that Scottish Government (SG) has required the assessment of ADP processes and structures relating to themes of analysis (e.g. of need), delivery (e.g. workforces) and review (e.g. evaluation of services). A RAG (red, amber, green) status was applied to each of the 16 elements: there were no red elements. Following advice to ADP's from SG we have re-evaluated the partnership's self-assessment and there are two elements which have moved from green to amber reflecting work in progress as follows:

- 3.3 Integrated Resource Framework – Outcomes: This has been changed from green to amber reflecting that at end of March 2014 new services were preparing for delivery and elements of these services would not be fully implemented at commencement on 1 May 2014.
- 3.4 Our strategic commissioning work is clearly linked to Community Planning priorities and processes – This has been changed from green to amber reflecting the ongoing implementation of new structures relating to Health and Social Care Integration. Three elements have moved from amber to green.
- 3.5 Outcomes: ADP’s are asked to report on outcomes for clients. All funded services can report progress in terms of alcohol and drugs use but also in wider aspects of their lives such as relationships and community involvement. For example, employability work via Addaction supported 8 clients to start college and 6 into employment. Over 40% of clients attending NHS Addictions service report improvements in physical and mental health.
- 3.6 The Action for Children Young Carers service reports 44.5% of young carers demonstrating improved emotional well being outcomes and, children and young people attending face2face for support around their own use of substances reported an average 82% reduction in alcohol use. Information on outcomes is included in Appendix 1 of the Report (p35).
- 3.7 Core Outcomes, Core Indicators and Local Indicators (p14): These reflect national and local priorities from the ADP’s 2012-15 Delivery Plan. Progress towards targets and benchmarking data is included. SG advised that benchmarking would be most appropriately done against similar ADP areas. Borders ADP compares favourably against the majority of national indicators and is not significantly different from the list of 7 other areas in a benchmarking ‘family’. Several national indicators have not been updated since the Annual Report 2012-13. Local indicators represent the breadth of positive contributions towards outcomes from partners.
- 3.8 ADP and Ministerial Priorities (p28) ADP’s are required to set priorities based on their Self Assessment. In addition they are required to attend to Ministerial Priorities. Significant progress was made on ADP Priorities during 2013-14. The ADP Investment Review of ring-fenced drug and alcohol funding that is managed by the ADP was completed and new services procured to deliver a Future Model. Work towards each of the Ministerial priorities was progressed.

4 IMPLICATIONS

- 4.1 **Financial**
Finance information is presented within the report. Costs are met within existing indicative budget.
- 4.2 **Risk and Mitigations**
A Risk Log is maintained for the ADP Executive.
- 4.3 **Equalities**
The ADP Strategy and Delivery Plan had Equalities Impact Assessments completed and it was anticipated that there are no adverse equality implications.

4.4 **Acting Sustainably.**

By undertaking an approach to reducing overall consumption in the whole population ('whole population approach') we will contribute to reducing alcohol and drug related harm both to individual and families and also reducing social problems in communities such as crime and disorder. Increased integration of services will maximise efficiencies.

4.5 **Carbon Management**

There are no significant effects on carbon emissions as a result of this report.

4.6 **Rural Proofing**

N/A

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes which are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

5 **CONSULTATION**

5.1 Consultees: Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council.

5.2 The Annual Report and Delivery Plan were developed in partnership with ADP Members and Third Sector colleagues and was circulated to the CPP for comment prior to submission to Scottish Government.

Approved by

**Director of Public Health
Chief Social Work Officer**

**Signature ...Eric Baijal
Signature....Elaine Torrance**

Author(s)

Name	Designation	Contact Number
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Background Papers: Nil

Previous Minute Reference: Nil

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jill Murray can also give information on other language translations as well as providing additional copies.

Contact Jill Murray, Public Health, NHS Borders, Borders General Hospital, Melrose, TD6 9DA 9DB, 01896 825522.

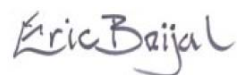


Scottish Borders ADP Annual Report 2013/14

PARTNERSHIP DETAILS

Alcohol & Drug Partnership:	Borders
ADP Chair	Dr Eric Baijal
Contact name(s)	Dr Eric Baijal Fiona Doig
Contact telephone	
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Date of Completion:	10.09.14
Date published on ADP website(s)	11.09.14

The content of this template has been agreed as accurate by the Alcohol and Drug Partnership, and has been shared with our Community Planning Partnership.



ADP Chair

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1. ADP Self-Assessment: 1 April 2013 – 31 March 2014

The information below is a self-assessment of ADP performance for 2013/14 against the following themes provided by Scottish Government; Analyse, Plan, Deliver and Review. A Red, Amber, Green (RAG) system is used for this assessment with definitions shown within the RAG key.

RAG Key		R	No action is yet underway
		A	Action is underway but is not yet completed
		G	Action is completed
	Theme	R A G	Evidence
	ANALYSE		
1	ADP Joint Strategic Needs Assessment has been undertaken and provides a clear, coherent assessment of need. which takes into consideration the changing demographic characteristics of substance misusers in your area. Please also include here any local research that you have commissioned.	G	<p>Work this year has continued to concentrate on the ADP Investment Review. The Action Plan has been implemented and a report with recommendations was presented to the ADP in April 2013.</p> <p>The recommendations in the April paper were further consulted on via themed focus groups, attendance at key meetings, service manager meetings and a survey monkey questionnaire. The findings from these consultation methods informed development of a Future Model paper which was approved at ADP in August 2014. Work then started on procurement to commence services in 2014-15.</p> <p>A local Alcohol Profile was produced on behalf of the Local Licensing Forum in February 2012. Information has been gathered for 2013-14 and an updated version will be produced by September 2014.</p>
2	An outcomes based ADP Joint Performance Framework is in place that reflects the ADP National Outcomes.	G	<p>The ADP performance framework is outlined in the ADP Delivery plan 2012/15 and is aligned to National Outcomes.</p> <p>Baseline data, where available, indicators and targets are identified within delivery plan.</p>
3	Integrated Resource Framework - Process Suitable data has been used to scope the programme budget and a baseline position has been established regarding activity, costs and variation.	G	<p>Mapping of contributions by statutory partners to the work was completed as part of the ADP Investment Review and ongoing contributions from Local Authority were being agreed and built into the budget for procuring services to support the Future Model.</p> <p>Positive dialogue between NHS Borders and the ADP has led to an increase in available funding for services/interventions to the ADP through a substantial reduction in the Corporate Support Charge which has enabled reinvestment into services.</p>

4	<p>Integrated Resource Framework – Outcomes A coherent approach has been applied to selecting and prioritising investment and disinvestment options. – building prevention into the design and delivery of services.</p>	A	<p>The 'Future Model' for a Recovery Oriented System of Care (ROSC) was approved by the ADP in August 2013. This informed development of specifications to allow procurement of new services to support the model.</p> <p>The ADP has also agreed new recurrent funding for the following posts:</p> <ul style="list-style-type: none"> - Substance Misuse Pharmacist to support the Take Home Naloxone programme, prescribing within the NHS Addictions Service and Injecting Equipment Provision. - Clinical Associate in Applied Psychology to build capacity of Treatment Services to deliver Structured Psychosocial Interventions through Provision of training and supervision groups and deliver evidence-based psychological therapies. <p>These posts and new services are required to report on outcomes.</p> <p>Both the NHS and Third Sector treatment service are required to deliver Alcohol Brief Interventions and NHS will provide training in NHS and wider settings. The new Children and Families Service will provide support to Children Affected by Parental Substance Misuse (CAPSM) using a families approach. They will also provide CPD for teaching staff to deliver substance misuse education and will participate in prevention initiatives such as Crucial Crew which is a multi-agency event for Primary 7's co-ordinated by Safer Communities.</p>
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PLAN

	Theme	R A G	Evidence
5	<p>We have a shared vision and joint strategic objectives which is aligned with our local partnerships e.g. child protection committees, violence against women, community safety etc.</p>	G	<p>Our ADP Strategy 2012-15 was developed in partnership. There is ADP representation across relevant groups. Due to the relatively small staff teams individuals are often represented across several groups.</p> <p>Violence Against Women Partnership: KPI's relating to routine enquiry in substance misuse services are reported as part of the VAWP strategic plan. ADP Support Team sits on the partnership. CEL41 training was developed and delivered for substance misuse services.</p> <p>Child Protection Committee: ADP Support Team represented on both the Training and Practice Development Sub-groups.</p> <p>Safer Communities Team: Safer Communities manager is an active member of the ADP. ADP Support Team represented on Alcohol and Drugs Tasking and Co-ordinating Group.</p> <p>Children and Young People's Planning Partnership (CYPPP): CYPPP Chair is an active member of the ADP. ADP Support Team represented on CYPPP and ADP objectives reflected in Children's Services plan (local children and young people strategic partnership arrangements are revised for 2014-15)</p>
6	<p>Our strategic commissioning work is clearly linked to Community Planning priorities and processes. Please include information on your</p>	A	<p>The ADP has contributed to the development of the SOA and also the CPP Early Intervention and Prevention Theme Group (now Reducing Inequalities Theme Group).</p> <p>Our Commissioning Strategy is available via www.badp.scot.nhs.uk</p>

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	formal relationship to your local child protection committee B What is the formal arrangement within your ADP for reporting on your Annual Reports/Delivery Plan/shared documents through your local accountability route.		Child Protection Committee: ADP Support Team represented on both the Training and Practice Development Sub-groups. Child Protection Lead Officer and ADP Strategic Co-ordinator meet regularly to discuss any joint issues and are currently planning joint Getting Our Priorities Right/CAPSM training. Quarterly reports are submitted to the CHCP Planning and Delivery Committee. Our Annual Report was shared in September 2013. The Annual Report was also presented to the local authority Social Work and Housing, and Education Committees.
7	Service Users and carers are embedded within the partnership commissioning processes.	A	We have commissioned a Service User Involvement Service. This commenced in April 2014 and the service is currently establishing relationships with services and Service Users.
8	A person centered recovery focus has been incorporated into our approach to strategic commissioning. Describe the progress your ADP has made in implementing a ROSC, please include what your priorities are in implementing this during 2014-15. This may include: <ul style="list-style-type: none"> • Recovery Orientated System of Care service review and redesign • Identify and commission against key recovery outcomes • Recovery outcome reporting across alcohol and drug services eg. Outcome STAR. Other • Individual recovery care plan and review Involved mutual aid and recovery communities Please include your outcomes for all individuals within your alcohol and	A	During 2012-13 data collection and consultation commenced relating to the ADP Investment Review. The NTA Skills ¹ and Essential Care ² document were used as proxy frameworks to assess our current system and develop a new ROSC. This work resulted in approval of a Future Model paper presented to ADP in August 2014. Based on this model tender documents were developed for three new services: <ul style="list-style-type: none"> • Third Sector Alcohol and Drug Treatment and Re-integration Service • Children and Families Service (C&FS) providing support to CAPSM, parents to address parenting concerns and children and young people with own alcohol and drugs use • Service User Involvement Service In addition it was agreed to develop a Service Level Agreement (SLA) with the NHS Addictions service. NHS Addictions Service and Third Sector Alcohol and Drug service are contracted to deliver Recovery Outcomes based on the domains within the Drug and Alcohol Outcome Star. Services have been trained in its use. Adult services are required to have regular reviews (at least 3 monthly) and for recovery plans to be shared with Service Users. Adult services are required to make appropriate links with mutual aid organisations. The Third Sector service will promote in-house mutual aid groups and support visible recovery. It was agreed to commit recurring funding to enable Service Users to access Advocacy

¹ <http://www.skillsconsortium.org.uk/uploads/skills-diagram-updated.pdf>

² Essential Care: A Report on the Approach Required to Maximise Opportunity for Recovery from Problem Substance Use in Scotland, Scottish Government, 2009, <http://www.scotland.gov.uk/Publications/2008/03/20144059/11>

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	drug treatment system for 2013/14 if available		<p>support, this will be provided through a joint commission with NHS and SBC which is currently being procured.</p> <p>The C&FS is required to develop a Recovery Plan based on the Assessment and shall be developed in partnership with the child or young person and parent and shared as age appropriate. Reviews are required in line with assessed risk and good practice.</p> <p>During 2013-14 non-recurring funds were provided to support employability work, this work will be absorbed into the Re-integration service.</p> <p>Outcomes are provided in Appendix 1</p>
9	All relevant statutory requirements regarding Equality Impact assessments have been addressed during compilation of our ADP Strategy and Delivery Plan	G	ADP Strategy, Delivery Plan and Future Model paper were Equality Impact Assessed.

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10	Joint Workforce plans as outlined in ‘Supporting The Development of Scotland’s Alcohol and Drug Workforce’ statement are in place across all levels of service delivery which are based on the needs of your population.	G	<p>A Workforce Development Project was undertaken by STRADA and a report provided in December 2013. This involved: four Focus Groups for different staff groupings, a questionnaire for universal services and review of Job Descriptions and Training Records for relevant staff. A steering group has been established to implement the 29 recommendations arising from the report and a local action plan has been developed. Delivery on actions commenced from May 2014 following initiation of new services.</p> <p>Services are required to report on training attended by staff and supervision.</p> <p>ADP Support Team is managed within NHS systems re: Performance Review Processes, Personal Develop Plans and supervision arrangements.</p>
	A transparent performance management framework is in place for all ADP Partner organisations who receive funding through the ADP, including statutory provision.	G	<p>ADP funding arrangements required performance reporting on a six monthly basis for both the third sector and statutory provision during 2013-14.</p> <p>The Third Sector contracts and NHS SLA for 2014-15 will be monitored quarterly. A pro-forma spreadsheet has been developed for each service which will ensure consistent monitoring. The data reported will be used to inform a dashboard for the ADP and the ADP Executive Group. This will be reported on a quarterly basis.</p>

REVIEW

12	ADP Delivery Plan is reviewed on a regular basis.	A	Delivery plan is formally reviewed annually. Going forward ADP will receive quarterly dashboard reports for services for 2014-15 and thereafter at least 6 monthly.
13	Outcomes focussed contract monitoring arrangements are in place for all commissioned services which incorporates recommendation 6 from the Delivering Recovery Report	G	<p>ADP contracts are monitored jointly with officers from partnership agencies. Children and families contract monitoring visits are reported via Children and Young People's Planning Partnership.</p> <p>Due to the Investment Review feedback on services to the Executive Group has been more regular. As per number 11 we have built robust monitoring into contracts from 2014. The range of services described in the Delivering Recovery Report are included in new service contracts/SLA as follows:</p> <p>Third Sector adult: identifiable community rehabilitation services, including using people with lived experience, employability and accommodation issues (also NHS Addiction service support workers).</p> <p>NHS Addictions services: access to detoxification, residential rehabilitation (in partnership with Social Work), access to a full range of psychological and psychiatric services</p>
14	A schedule for service monitoring and review is in place, which includes statutory provision.	G	<p>In 2012-13 we identified this as an area for improvement. As per number 13 the ADP Executive Group has received regular updates as part of the Investment Review.</p> <p>A 'Reflections on Services' report was developed to benchmark service and allow informed comparison as the new model develops.</p> <p>A report on DNA and barriers to treatment was presented to the ADP Executive Group. This focussed on the NHS Addictions Service but included data from Third Sector Service</p> <p>During 2014-15 all support services will be monitored quarterly. The Service User Involvement Service will be formally monitored six monthly but the ADP Strategic Co-ordinator has more regular informal updates.</p>
15	Service Users and their families play a central role in evaluating the impact of our statutory and third sector services.	A	<p>Service Users from adult services were involved in the consultation on development of the Investment Review report and its recommendations.</p> <p>As part of the Investment Review a Service User Involvement Service commenced in March 2014 which aims to develop and maintain Service User involvement with ADP processes. All services have engaged positively with this provider.</p> <p>During 2013-14 the NHS Addictions service continued their efforts to re-establish a Service User group, however, despite dedicated work the numbers engaging are small. We expect that the Service User involvement service, although intended to support involvement in ADP, will, by default, support broader engagement.</p> <p>The NHS Addictions Service performed an audit seeking views on the Primary Care Facilitation service. This service provides community based detoxification.</p> <p>During 2013-14 Addaction involved Service Users in work to support the Early Years Collaborative, in particular relating to health and nutrition. Service Users were also involved in</p>

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			<p>reviewing the MAP (Mutual Aid Partnership) Groups and planning for their successful re-launch. Service Users are asked to feedback on their experience of the service via individuals reviews. The existing newsletter group may potentially take on a more user involvement focus.</p>
<p>16</p>	<p>A There is a robust quality assurance system in place which governs the ADP and evidences the quality, effectiveness and efficiency of services.</p> <p>See note 9</p> <p>B. Describe the progress your ADP has made in taking forward the recommendations from the Independent Expert Review of Opioid Replacement Therapies in Scotland</p>	<p>A</p>	<p>Regular monitoring of services and development of Service User involvement (as above) will support quality assurance. During 2013-14 we will use improvement methodology to implement the new Quality Principles.</p> <p>Review of Opioid Replacement Therapies</p> <p>Recommendation: Consideration should be given to the development of mechanisms bringing closer the delivery of approaches to address health inequalities and problem substance use:</p> <ul style="list-style-type: none"> - Our local CPP Reducing Inequalities Theme Group is progressing an Inequalities Strategy. It is anticipated this will include consideration of inequalities relating to substance misuse. <p>Recommendation: Primary care services – specifically General Practitioners and Community Pharmacists – are essential elements of the delivery system and should be delivered to national standards</p> <ul style="list-style-type: none"> - Currently there are low levels of GP prescribing of ORT in Borders, however, our local NHS Borders Addiction Service has developed an innovative solution to providing support to clients. In partnership with pharmacy and third sector colleagues monthly PASS (Prescribing Advice and Support Service) provide regular monitoring of prescribing and recovery goals. This model is well received by Primary Care colleagues and they report this allows them to address wider health and social issues, in particular around the family. <p>Over the last year the NHS Borders Addictions Service (BAS) has introduced Nurse Prescribers (currently 3 with 2 in training). In addition there is an Independent Prescriber in Pharmacy.</p> <p>Recommendation: Opioid replacement is an essential treatment with a strong evidence base. Its use remains a central component of the treatment for opiate dependency and it should be retained in Scottish services</p> <ul style="list-style-type: none"> - ORT is delivered locally within a recovery plan which is developed in partnership with the Service User, within pharmacies clients should have a Pharmaceutical Care Record and Plan shared with the NHS addictions service. <p>We are reviewing our local guidelines including providing supervised consumption to the majority. Our updated guidance will reflect the recommendation in the Drug Misuse and Dependence guidelines on clinical management to review the need for supervision at 3 months and incorporate any updated guidance following its review. We are formulating a local response to the current consultation about the review of the guidelines.</p> <p>The ADP has provided funding for dedicated time within Pharmacy to support Naloxone delivery</p>

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		<p>in the community and work around monitoring prescribing in BAS. This pharmacist has recently been invited to join the Drug Related Deaths Review Group. The NHS Addictions Service is readily able to provide data on use of ORT.</p> <p>Recommendation: Recovery orientated systems of care (ROSCs) are well described in many guidance documents. All local systems should immediately publish prioritised SMART plans to ensure they can demonstrate a process towards delivery of ROSCs</p> <ul style="list-style-type: none">- We have reported within this template the work that has gone to ensure we are progressing towards delivering a ROSC. We are working on delivering our local Action Plan associated with our STRADA Workforce Development Project findings and have identified the Essential Care services which are available to clients and <p>Recommendation: Within the medical and other caring professions, it is everyone's responsibility to manage drug users and their problems which extend into every clinical speciality. All practitioners can effect change and have opportunities to address drug-related problems within their professional arena. Local systems should have plans in place to ensure substance users are not excluded from generic services.</p> <ul style="list-style-type: none">- We have reported within this template the work that has gone to ensure we are progressing towards delivering a ROSC. We are working on delivering our local Action Plan associated with our STRADA Workforce Development Project findings.- We expect that the Service Users involvement service will help to progress this recommendation which will also be supported by the workforce Action Plan. Improvements have been made this year to the information available to GP's via the RefHelp tool. Our Substance Misuse seminar in May 2014 is seen as the first step in increasing engagement of generic services in the recovery.
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2. Financial Framework Drug and Alcohol Expenditure 2013/14

Ring Fenced Drug & Alcohol Allocation	ADP	Social Work	CYPPIP	Other SBC ¹	NHS	Police
Alcohol	£1,039,066					
Drugs	£309,579					
Total Budget	£1,348,645					
Drug and Alcohol Expenditure 2013/14						
Prevention						
Safer communities - Drug and alcohol awareness officer, Police Licensing Officers, Responsible Drinking Campaign						£112,558
Face to Face	£40,315		£38,252			
Primary Care - Local Enhanced Service	£46,530					
Primary Care - Blue Bay Licence (ABIs)	£3,960					
Social Work - planning post	£10,300	£11,366				
Penumbra		£29,701				
Treatment, Support & Recovery						
Addaction	£180,922	£19,222				
Addaction Family	£79,167		£38,408			
Big River	£107,639	£60,764		£2,000	£10,000	
NHS Borders BAS including Prescribing	£562,185				£254,379	
Dispensing & supervision of opiate substitute prescription					£186,612	
Community Support Workers/Community care assessor		£9,790				
Residential Rehabilitation		£50,707				
ARBD clients in Residential Care		£58,700				
OTHER						
NHS Borders Corporate Support	£81,104					
ADP Support Team - Pays & Supplies	£115,688					
Scottish Drugs Forum - Voluntary Representation	£10,000					
Star Outcomes	£1,602					
Total Expenditure	£1,239,412	£240,250	£76,660	£2,000	£450,991	£112,558

2.1 End Year Balance for Scottish Government earmarked allocations

The following table relates to recurring **and non-recurring budget** and expenditure. Please note that the end of year balance relates to ADP funding only.

	Budget £	Actual £	Year End Balance £
Drug	366,145		
Alcohol	1,228,438		
Total	1,594,583	1,455,557	139,026

2.2 Total underspend from all sources 13-14

The main element of the under spend in 2013-14 is the further reduction of the Corporate Support Charge which has been carried forward into 2014-15 and has been earmarked for some of the projects / areas listed below.

2.3 Available non-recurring funding

These areas have been agreed from non-recurring funding available in 2014/15 only, predominantly funded from the 2013-14 under spend carried forward.

Underspend £	Proposals for future use
26,847	New Service start up costs
80,579	Extension of current non-recurring projects
2,500	ROSC event
10,500	Training

2.4 Support in kind

The following table outlines support in kind provided by ADP partners to implement the ADP Delivery Plan 2012-2015.












Provider	Description
Alcohol Focus Scotland	Support with Local Licensing Forum Alcohol Profile, National Policy Support. Involvement in Licensing Conference.
Crew2000	Support to Drugs Trend Monitoring Group
Health Scotland	Support regarding ABI delivery
NHS Borders	Leadership and Influencing, Representation on Partnership and Sub-groups, Communications Department.
Police Scotland	Leadership and Influencing, Representation on Partnership and Sub-groups, ABI's in Custody Suites.
Scottish Borders Council	Leadership and Influencing, Commissioning and Procurement Team, representation on Partnership and Sub-groups, Communications Department, Estates and Facilities, Criminal Justice Social Work performing ABI's, Legal and Democratic Services, Business Consultant.
Scottish Drugs Forum	Support to deliver Service User Involvement, National Policy Support. Representation on Drug Trend Monitoring Group
Scottish Government	Leadership and Influencing, Support with Investment Review process. ADP Chairs events, Support with development of NHS SLA
STRADA	Support with Workforce Development Project, local delivery of training

3. Core Outcomes, Core Indicators and Local Indicators 2013/14

The following section includes activities, local improvement goals/targets and indicators towards the national ADP Core outcomes. All baseline data reflected is for 2011/12 unless otherwise stated. Improvement targets have been set where there is up to date data.

Benchmarking is also included for those national indicators where data is available, comparing Borders ADP's performance to Scotland (see benchmarking key) and other local authority areas (where available)

Scottish Borders has a benchmarking 'family'³ which consists of seven similar local authority areas. These areas are: Moray, Stirling, East Lothian, Angus, Highland, Argyll and Bute and Midlothian. Data is available at ADP level on the ScotPHO website.⁴ Midlothian and East Lothian are a joint ADP therefore performance against 'family' ADP's is from 1-7 where 1 is highest performing and 7 the lowest performing area.

The following key will be used to monitor progress against targets, trends and benchmarking:			
	On target		Positive trend where no target set
	Just off target		Negative trend where no target set
	Off target		Stable trend
	Data only		
Benchmarking			
	Significantly 'better' than National average		Significantly 'worse' than National average
	Not significantly 'different' than National average		No significance can be calculated

³ For further information on Local Government Benchmarking Framework please see link below:

http://www.scotborders.gov.uk/info/691/council_performance/1352/local_government_benchmarking_framework









⁴ Available at: <http://www.scotpho.org.uk/>






3.1 Core ADP Outcome - Prevalence: Fewer adults and children are drinking or using drugs at levels or patterns that are damaging to themselves or others

Summary Commentary: There has been no updated national data in this section since our last annual report. Key points to note are:

- The prevalence of problem drug users was below Scottish average and we await updated data.
- School pupils reporting drug declined in Scotland and Borders between 2006 and 2010.
- The percentage of adults exceeding weekly/daily drinking limits and individuals drinking above twice daily guidance is very similar to Scottish average. The percentage of adults with potential problem drinking is slightly below Scottish average.

The Substance Misuse Education project faced significant delays in 2012-13 and 2013-14 for a number of reasons. A priority in 2014-15 is to support Education colleagues to roll-out the developed model of best practice.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Prevalence of problem drug users	0.8%	Not available	Await updated data			2
Drug use last month (pupils age 15)	6% (2010)	Available November 14	Await updated data			1
Drug use last year (pupils age 15)	11% (2010)					1
Weekly drinkers (pupils age 15)	17% (2010)					2
Above limit drinkers	43% (2008 – 2011)	Next full board breakdown 2012-15	Await updated data		Not available	Not available
Binge drinkers	19% (2008 – 2011)					
'Problem' drinkers	9% (2008 – 2011)					
Recommendations on future delivery of Substance Misuse Education and roll out across Scottish Borders to be made by end June 2013.	N/A	Pilot completed.	All schools have adopted revised SME education programmes			

Percentage of schools receiving educational input from Police Scotland	97%	100%	100% (of schools who have P6s/P7s)		
Number of pupils who received input delivered by face2face across all year groups within 9 secondary schools	1500	3119	1800		
Number of referrals to specialist services by Police Scotland (Face2face, Social Work)	80 (2 year average 2010/11 – 2011/12)	87 (2 year average 2012/13 - 2013/14)	84 (2 year average 2012/13 - 2013/14)		
Percentage of workplaces which Workplace Health Services are involved with which have up to date substance misuse policies	60% (12 – 13)	58%	50%		
Number of individuals and employers who access Workplace Health Services for advice and support on substance misuse issues	6 employers and 8 staff	24 employers and 6 staff	Not applicable		

Key actions delivered to support this outcome in 2013/14

- SME Pilot completed with strategic agreement for ongoing work to be led by Education over next 2-3 years. CPD to be provided to teaching staff by Children & Family Service.
- Increased awareness, and monitoring on NPS via Drug Trend Monitoring Group.
- Support to businesses in development of substance misuse policies and training. 9 inputs were delivered to 121 members of staff.
- Support to review of NHS Borders Workplace Alcohol Policy.
- Alcohol Brief Interventions (ABI) extended to Antisocial Behaviour Unit and Penumbra Youth Project. Agreement in place to roll out to other Social Work settings.
- Alcohol Brief Intervention Standard achieved in line with HEAT Standard guidance.

*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.

3.2 Core ADP Outcome - Health: People are healthier and experience fewer risks as a result of alcohol and drug use




Summary commentary: Borders rate of drug related hospital admissions has started to decrease compared to an increase over previous years and is below the Scottish Average. The rate of alcohol related admissions is decreasing and below the Scottish Average. Alcohol-related mortality has increased but remains below Scottish average. We are ranked fifth in the benchmarking family group for both drug and alcohol related discharges. For drug related discharges we are significantly worse than one authority (Moray) whereas for alcohol related discharges we appear significantly worse than three authorities (Moray, Stirling and Angus). We are currently working with NHS Performance and Planning colleagues to interpret this data.

There has been an improvement in prevalence of hepatitis C among injecting drug users which is significantly below Scottish average.

Over a third of estimated problem drug users have accessed Take Home Naloxone kits (THN), well above the Scottish Government target of 15%.

This is the first year we have been required to report on the number of individuals who are prescribed Opioid Replacement Therapy (ORT). The number of individuals on ORT has increased each year since 2011. Over the reporting years there has been a broadly corresponding increase in the number of active clients in the NHS Addictions Service. There has not been a corresponding increase in referrals. It is possible that this increase in people receiving ORT reflects increased access to specialist prescribing through the increased number of non medical prescribers increasing the capacity within the service.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Drug-related hospital discharges	91 Rate: 101	71 (12/13) Rate: 77	Reduce	↑		5
Alcohol-related hospital discharges	696 Rate: 626	615 (12/13) Rate: 553	Reduce rate to 544 by 2014	▲		5
Alcohol-related mortality	12.78 (2011)	15.68 (2012)	Reduce	↓		3
Drug-related mortality	8.7 (2011 calendar year)	6.3 (2012)	Reduce	↑		2

Cumulative total of first supply of THN and as % of Problem Drug Users	147 (25%)	227 (39%)	272 (47%)		
Percentage of injecting drug users testing positive to Hepatitis C antibody	15% (2010)	Not available	Not updated since 2010		
Number of individuals on Opioid Replacement Therapy	145 (Jan 2011)	224 (13/14)	No target set, ADP to monitor		

Key actions delivered to support this outcome in 2013/14





- Future Model of alcohol and drug services procured with Service Level agreements drafted based on Recovery Orientated System of Care frameworks and Essential Care
- Continued provision of Take Home Naloxone Kits.
- STRADA commissioned to report on Workforce Development needs in align with ROSC. Steering group set up to implement 29 recommendations, the first of which is the local Substance Misuse Conference, May 2014
- Annual drug related death (DRD) report completed and reported to ADP and Critical Services Oversight Group. Risk factors for drug related deaths highlighted to GP's via newsletter and RefHelp (GP information system).
- Multi-agency BBV Mapping Session based on lean methodology to improve patient pathway facilitated in February 2014

*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.

3.3 Core ADP Outcome – Recovery: Individuals are improving their health, well-being and life-chances by recovering from problematic drug and alcohol use

Summary commentary: National recovery indicators remain unavailable. The Star outcome tool is used in adult substance misuse services and a young people’s services use in-house tools. Further recovery outcome data is available in Appendix 1.

During 2013 it was recognised that there was a drop in the percentage of routine enquiry being recorded in one service. This has been addressed through refresher training and internal management processes.






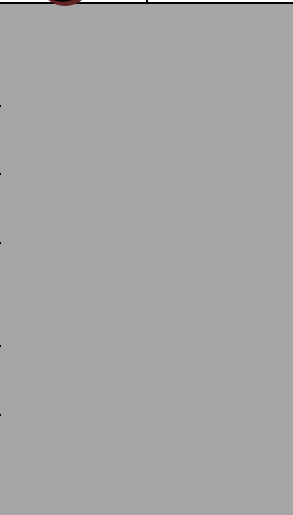





Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Average % of those engaging with face2face who reduced or stopped substance use.	60%	86%	65%			
Percentage of women accessing specialist drug/alcohol services who have received routine enquiry for domestic abuse.	92% (Addaction only)	58% (Addaction only)	92%			
Development and delivery of a programme of training and ongoing support/supervision to support clients presenting with co-morbid mental health problems.	N/A	Training delivered and evaluated	Staff training delivered by December 2013 Ongoing supervision provided to trainees.			
Delivery of 12 x 2 hour monthly MI supervision group sessions.	N/A	Supervision groups ongoing.	Completed			
Key actions delivered to support this outcome in 2013/14						
<ul style="list-style-type: none"> • Training to support clients presenting with co-morbid mental health problems completed with increased confidence in delivering low intensity interventions reported. Ongoing support/supervision available to staff. • Motivational Interviewing (MI) supervision groups ongoing. Improved proficiency in MI skills reported post training and further improvements via group work. • STAR outcome tool implemented in all adult services. • Review of Protocol to support routine enquiry of clients in all adult commissioned services and NHS BAS for domestic abuse and childhood sexual abuse completed with training provided to relevant staff to address drop in performance. New data collection process developed with NHS service. • Service user involvement service procured 						



*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.

3.4 Core ADP Outcome - Families: Children and family members of people misusing alcohol and drugs are safe, well-supported and have improved life-chances

Summary commentary: While the rate of maternities with drug use is significantly better than the Scottish average, our family ranking is fourth. However, our local rate is not significantly worse than any of the other areas. Although comparison data is available for the rate of child protection cases where parental alcohol/drug misuse is identified and we rank as first in the benchmarking family group, it is challenging to interpret this data as high numbers could potentially be interpreted as a result of earlier identification.

Our children and young people's services monitored positive outcomes for this year.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Maternities with drug use	9.2 (09 – 12)	Update due Aug 14	Await updated data			4
Child protection with parental alcohol/drug misuse	N/A	2.3% (2013)	ADP to monitor			1
Number of families participating in 'Strengthening Families programme' with face2face	10	9	n/a			
Evaluation completed for 'Strengthening Families Programme' with face2face	8	9	n/a			
Number of parents receiving support by face2face	20	31	n/a			
Number of children where parental substance misuse is identified as an area of concern (Action for Children, Young Carers Service)	13	18	ADP to monitor			
Numbers engaging with Addaction Family Service	71	93	77 (now n/a as service transferred).			
% of individuals referred who actively engage with Action For Children (Young Carers Service)	94%	100%	94%			

% of young carers who demonstrate improved emotional wellbeing outcomes (Action for Children)	25%	44.4%	35%		
% of young carers who identify as socially isolated who have improved participation in age appropriate activities and engagement with universal services (Action For Children)	19%	29%	25%		
Key actions delivered to support this outcome in 2013/14					
<ul style="list-style-type: none"> • Addaction Family Support Service provided delivery of support to families to improve parenting and reduce impact on children. • Action for Children provided delivery of support to young carers impacted by parental substance misuse • Once cycle of Strengthening Families Programme 10-14 delivered which provided 1-1 Parent Support – (face2face) • CAPSM guidelines - these were updated by a multi-disciplinary group in anticipation of the introduction of the GIRFEC named person role 					







*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.









3.5 Core ADP Outcome - Community Safety: Communities and individuals are safe from alcohol and drug related offending and antisocial behaviour

Summary Commentary: While the proportion of new patients/clients who report funding their drugs through crime is below Scottish average, Borders rate is increasing.

'Alcohol related' offences recorded by Police Scotland show rates for Serious Assault, Common Assault and Vandalism in Borders continue to be below Scottish average. Rates for Breach of the Peace are above Scottish average but have reduced from baseline and will hopefully continue in this manner to bring us more in line with national rates.

The percentage of test purchasing visits to Licensed Premises passed has decreased and is below the aspirational target of 100%. However, actual numbers are very low; in 2013-14, there were 8 test purchase visits of which 1 failed. All premises passed on re-testing.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Drug use funded by crime	16.5%	17%	ADP to monitor			
Rate of Antisocial Behaviour Orders per 10,000 population:						
Serious assault	Not avail.	3.3	Await updated data (Nov 2014)			3
Common assault	57.9	48.8				1
Vandalism	90.5	75.5				2
Breach of peace	64.6	51.4 (12/13)				4

Number of Police drug seizures	342 (3 year average) (2009/10 – 2011/12)	361 (3 year average) 2011/12- 2013/14)	359 (3 year average 2012 - 15)		
Number of drink and drug driving offences	137 (3 year average) (2009/10) – 2011/12)	119 (3 year average) 2011/12 – 2013/14)	130 (3 year average 2012-15)		
Number of Safer Communities Campaigns e.g. Responsible Drinking Campaign, Festive Drink & Drive Campaign	5	7	6		
Percentage of women who complete women offending group work programme with Addaction and Criminal Justice.	72%	33%	Not applicable		
Numbers of Community Payback Orders issues where alcohol and/or drug treatment required and percentage that are successfully completed.	Alcohol CPO Issued:16 Open: 7 Complete: 9 (50%) Drugs CPO Issued: 8 Open: 3 Complete:5 (62.5%)	Alcohol CPO Issued: 8 Open: 6 Complete: 2 (25%) Drugs CPO Issued:3 Open: 3 Complete: 0 (n/a).	Not applicable		
Number of young people who have had alcohol confiscated or found under the influence of alcohol by Police.	343 (2 year average) (2010/11- 2011/12)	439 (2 year average) 12-14)	360 (2 year average 12-14)		
Percentage of test purchasing visits to Licensed Premises passed	96%	89%	100%		
Number of events targeted with responsible drinking message via Safer Communities Team.	22 (12/13)	24	23		

Key actions delivered to support this outcome in 2013/14

- Continued enforcement of drug and alcohol related legislation by Police Scotland.
- Work with local events over summer period to encourage all those involved in the sale and service of alcohol at these community events to strictly enforce the mandatory Challenge 25 policy and to refuse service to anyone considered drunk.
- Managing Drug Related Litter Protocol updated to ensure safe collection, disposal and monitoring of discarded sharps and drugs paraphernalia.
- Provision of DTTO Services by Criminal Justice Social Work
- Alcohol awareness built into local community events such as Borders Union Show to raise awareness of units and alcohol related harm
- Criminal Justice Social Work women's offender group moved from closed group to rolling programme.









*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.



3.6 Core ADP Outcome - Local Environment: People live in positive, health-promoting local environments where alcohol and drugs are less readily available

Summary Commentary: The percentage of 15 year old pupils being offered drugs decreased significantly in Borders from 2006-2010. There are no updated figures for this indicator since our last report. Borders are not significantly different to our benchmarking family.

There has been a slight increase in percentage of people in Borders perceiving rowdy behaviour to be very or fairly common in their neighbourhood although this is significantly below the Scottish average. There has been an increase in the percentage of people in Borders spontaneously reporting 'drug misuse or dealing to be very or fairly common in their neighbourhood. During 2012 Lothian and Borders Police implemented Operation Goal, a high profile intelligence driven operation which led to significant numbers of arrests. Operation Goal was supported by local publicity including leafleting of houses in specific areas and media work. It is possible this high profile work increased people's perceptions of drug misuse without any corresponding change in experience.

The rate of alcohol licenses enforced is significantly higher (worse) than compared with Scotland. It is difficult to interpret this data since Borders has a large number of small members' clubs which although licensed and often open for restricted hours. It is not necessarily helpful to compare such licenses to, for example, large city centre pubs with seven day opening. In addition, this indicator does not cover how much alcohol is sold, for example, a small corner shop and a large 24-hour supermarket are both counted as one. We have voiced our hesitancy regarding using this data for benchmarking purposes.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
15 year olds being offered drugs	40%	Available November 2014	Awaiting updated data			4
Drug misuse in neighbourhoods.	7.2% (09/10)	9% (2012)	Reduce to 7.2% by March 2014			3
Perceptions of rowdy behaviour in neighbourhoods.	6.5% (12/13)	7.8% (12/13)	ADP to monitor			1
Licenses in force.	Both 473 (number)	On-sales: 369	Not applicable.			4

	51.8 (rate) (as at March 2011)	(number) 40.1 (rate) Off-sales: 99(number) 10.8 (rate) Both: 468 (number) 50.9 (rate) (as at 31 March 2012)				
Personal licences	939 (n) 102.8 (r) Nil refused	1,106 (n) 120.3 (r) Nil refused	N/A			3

Key actions delivered to support this outcome in 2013/14

- Data and evidence of impact of alcohol on communities/services collated for review of Alcohol profile to inform Licensing Board.
- ADP Support Team and Police Scotland provided support and data to local authority consultation of Drinking in Public Places Byelaw.
- Presentation and support provided to Local Licensing Forum conference and planning committee by ADP Support Team and Alcohol Focus Scotland
- ADP Support Team continues to support the Local Licensing Forum and any associated projects.

*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.

3.7 Core ADP Outcome - Services: Alcohol and drugs prevention, treatment and support services are high quality, continually improving, efficient evidence-based and responsive, ensuring people move through treatment into sustained recovery.

Summary Commentary: Scottish Borders have over performed on the target number of Alcohol Brief Interventions delivered and also the target for no more than 10% of clients to wait more than three weeks from referral to treatment.

Indicators	Baseline 2011/12	2013/14	Local Improvement Goal/Target 2014/15	RAG	Bench marking against Scotland	Position in Rank Chart (1 best -7 worst)*
Alcohol brief interventions	2727	2454	1247			
Treatment waiting times (% of clients waiting more than three weeks)	13.6% (Drug) 5.4% (Alcohol)	2.5% (Drug) 0.9% (Alcohol)	5% (Drug & Alcohol)		 	4 (Drug) 2 (Alcohol)
Development of model of service user involvement based on Investment Review	Not applicable.	Completed	N/A			
Workforce training needs identified and programme of training developed.	Not applicable.	Completed	N/A			
Key actions delivered to support this outcome in 2013/14						
<ul style="list-style-type: none"> Continued delivery of ABI in priority settings as per HEAT Standard Guidance. Deliver of ABI in wider settings include Criminal Justice Social Work, Antisocial Behaviour Unit, Police Custody area, Penumbra Youth Service. Continued delivery of Waiting Times Standard. Model of Service User Involvement completed and Service commission advertised. STRADA Workforce Development Project completed and Action Plan developed. 						

*Position in Rank refers to Borders ADP ranking against the other local authority areas represented in the benchmarking family as described on page 14.

4. ADP & Ministerial Priorities

4.1 ADP Priorities 2013-14

This section provides progress towards the five key commitments for 2013/14. The ADP has made significant progress towards each of the 5 identified priority areas. These are covered within the Self Assessment template but for ease of reference have also been highlighted here.

	ADP Priority	R A G	Evidence
1	To develop Service User Involvement in the structure of the ADP	A	As per the self assessment, Service Users were involved in the development of Investment Review report and consultation on recommendations. A Service User Involvement Service has been commissioned from 1 May 2014. A structure has yet to be agreed as this is being developed with Service Users.
2	To work with stakeholders and partners to develop our vision of a Recovery Oriented System of Care and make preparations for its implementation in May 2014	G	As per the self assessment, the new services to support the Future Model are in place from 1 May 2014. In addition recurrent funding has been allocated to new posts and advocacy support as part of our ROSC development. Our perception is that the Investment Review has raised our profile with partners and supported development of an understanding of recovery.
3	To develop a Workforce Development Plan to support the Recovery Oriented System of Care	G	As per the self assessment, STRADA provided support to undertake local investigation and produce a Workforce Development Report including an Action Plan. They will also support delivery of elements of the plan in 2014-15.
4	To develop a system for robust and transparent monitoring framework incorporating a monitoring feedback schedule to the Executive Group	G	As per the self assessment, arrangements for quarterly reporting for 2014-15 through use of bespoke spreadsheets for services and a KPI 'dashboard' for the Executive Group and ADP have been confirmed.
5	To ensure all current services and future developments are Equality Impact Assessed	G	This work is ongoing. New services are in place from May 2014 therefore EQIA's are part of 2014-15 reporting.

4.2 ADP Priorities for 2014-15 based on Self Assessment

The following ADP priorities have been identified for 2014-15 based on the self assessment carried out:

- 1 To further develop Service User involvement in the structure of the ADP
- 2 To develop 'informal' recovery networks with the support of Scottish Recovery Forum and mutual aid
- 3 To implement and evaluate the Workforce Development Action Plan
- 4 To robustly monitor performance of new services
- 5 To ensure all current services and new developments are Equality Impact Assessed

4.3 Ministerial Priorities

ADP's were required to progress Ministerial Priorities during 2013-14, an updated set of priorities was issued for 2014-15. These are listed below:

	Priority	2013-14	2014-15
1	Delivering the HEAT standard for drug and alcohol treatment waiting times	✓	
2	Compliance with the Alcohol Brief Interventions (ABIs) HEAT Standard	✓	✓
3	Increasing compliance with the Scottish Drugs Misuse Database (SDMD); HEAT Drug and Alcohol Treatment Waiting Times Standard, including, increasing the level of fully identifiable records submitted to the Drug and Alcohol Treatment Waiting Times Database (DATWTD)	✓	✓
4	Increasing the reach and coverage of the national Naloxone programme by increasing the number of Naloxone kits supplied to people at risk of opiate overdose.	✓	-
4a	Increasing the reach and coverage of the national Naloxone programme and tackling drug related death(DRD)/risks in your local ADP	-	✓
5	Developing local understandings of the prevalence and impact of new psychoactive substances	✓	-
5a	Improving identification of and preventative activities focused on new psychoactive substances (NPS).	-	✓
6	Implementing improvement methodology at local level, including implementation of the <i>Quality Principles: Standard Expectations of Care and Support in Drug and Alcohol Services</i> and responding to the recommendations outlined in the independent expert group on opioid replacement therapies;	-	✓
7	Ensuring a proactive and planned approach to responding to the needs of prisoners affected by problem drug and alcohol use and their associated through care arrangements	-	✓

This section provides information on the following:

- Update on improvement goals relating to Ministerial Priorities for 2013-14
- Proposed improvement goals and way forward for 2014-15 Ministerial Priorities

Due to the similarity between items 4 and 4a, and 5 and 5a respectively, the reports on these priorities are merged.

1. Compliance with the Alcohol Brief Interventions (ABIs) HEAT Standard (repeated from 2013-14)			
Local improvement goal 2012-13	To increase the number of ABI's delivered in wider settings and in antenatal setting		
Commentary	<p>ABI's in Wider Settings have increased by 18%. Roll-out across social work has been delayed due to challenges in implementing in Criminal Justice Social Work and redesign of Social Work Assessment Paperwork. The new paperwork will include alcohol screening questions and a programme of training is in development for 2014-15 to enable comprehensive roll-out across the service.</p> <p>All pregnant women receive screening for alcohol use and of those who screen positive for an ABI they will receive an intervention. Rates of ante-natal ABI's remain low compared to the Scottish average. A short life group met to look at substance misuse in pregnancy midwifery colleagues have agreed to perform a selected audit of notes in 2014-15 to examine how alcohol questions are asked. A Peer Group session is scheduled for October 2014 which aims to bring learning from other areas to Borders.</p>		
Setting	ABI's delivered 2012-13	ABI's delivered 2013-14	Target 2014-15
Wider Settings	154	183	232
Antenatal	17	8	20

2. Increasing compliance with the Scottish Drugs Misuse Database (SDMD); HEAT Drug and Alcohol Treatment Waiting Times Standard, including, increasing the level of fully identifiable records submitted to the Drug and Alcohol Treatment Waiting Times Database (DATWTD);	
Local improvement goal 2012-13	To increase percentage of individuals who are on SDMD and also on DAWTD to 95% by March 2014.
Commentary	<p>2.1 SDMD/DATWTD in 2012-13 the percentage of people who are on the SDMD who are also registered on the DAWTD was 80%.</p> <p>2.2 DATWD in 2012-13 this was reported as 0% anonymous records. Subsequent information from ISD declared this was related to drug clients only and a revised anonymous data figure of 40.7% was issued in June 2014. This variation in the data is due to recording systems within Addaction alcohol service, this service submits anonymous data pending completion of assessment. Whilst the majority</p>

	<p>of clients are not anonymous on completion of assessment it is not possible for this to be differentiated in the reporting from ISD. ISD is aware of this and it is a concern nationally for ADP's who commission Addaction in their area.</p> <p>ADP Support Team is involved in the national meetings for the proposed Drug and Alcohol Integrated System (DAISy). Updates are provided to the HEAT Waiting Times Sub-Group.</p> <p>2.3 During 2014-15 there is a local target to ensure no more than 5% of clients wait longer than three weeks.</p>
Local improvement goal 2014-15	There has been no updated information for this priority, it is proposed to set an improvement goal once this is available.

3. Increasing the reach and coverage of the national naloxone programme and tackling drug related death(DRD)/risks in your local ADP	
Local improvement goal 2012-13	To issue 87 Take Home Naloxone (THN) kits by March 2014
Commentary	<p>During 2013-14 141 THN kits were issued meaning Borders has now reached approximately 39% of our estimated population of drug users against a target of 15%. Of the 141 kits issued the majority were resupplies due to expired kits however 28 were issued due to being used in an overdose situation. The cohort of individuals who have yet to receive a first kit is diminishing due to the success in distribution, however, we have set an improvement goal to issue a further 45 first time kits in 2014-15.</p> <p>In 2013 information relating to DRD's was circulated to GP's and included on the GPRefHelp web-based information system. An annual report was produced relating to DRD's and presented to the Critical Services Oversight Group and the ADP.</p> <p>During 2014-15 Borders aims to progress enabling resupply of THN via Pharmacy and first time supply via Addaction. NHS Borders is providing support to investigate these areas of development and the ADP has confirmed a recurring budget to support pharmacy supply.</p>

	<p>Neo database system will be installed in Needle Exchanges during 2014-15 which will improve client data and assist in understanding our population of injecting drug users. It will also provide a mechanism to circulate drug alerts and record Naloxone training.</p> <p>A date is set for GP training in August 2014 which will include coverage of DRD.</p> <p>The development of a Drug Deaths Prevention Strategy to ensure co-ordinated responses that cover key issues contributing to premature deaths among problematic drug users.</p>		
	2011-12	2013-14	Target 2014-15
Number of first time kits	48	36	45

4. Improving identification of and preventative activities focused on new psychoactive substances (NPS).	
Local improvement goal 2012-13	Develop local understandings of the prevalence and impact of new psychoactive substances
Commentary	<p>A bespoke spreadsheet has been developed for the Emergency Department in Borders General Hospital to allow collection of data for individuals who are not admitted to the wards.</p> <p>The local Drug Trend Monitoring Group (DTMG) has met more frequently during 2013-14. It was identified that if a Group representative was on leave or out of office information was not being shared across the whole staff team. Administrative staff are now copied in to any information distributed to ensure rapid dissemination of any alerts relating to NPS (or other substances).</p> <p>As well as key local stakeholders the DTMG includes membership from Crew, Scottish Drugs Forum, Police Scotland Statement of Opinion (STOP) unit and colleagues from Dumfries and Galloway to share regional intelligence.</p> <p>Nine community events were held to raise awareness of NPS with parents, community groups and other interested parties held across the Scottish Borders by Police Scotland supported by face2face young people's service.</p> <p>The programme of work carried out during 2012/13 on NPS was submitted into the National Safer</p>

	<p>Communities Award for 2013 under the Prevention and Problem Solving category and was successful in winning this category in September 2013.</p> <p>NPS training has been agreed for delivery in 2014-15 to staff working with looked after and accommodated children, staff in mental health rehabilitation units and a session for universal services.</p> <p>In 2014-15 Neo database will be implemented for recording of IEP provision, this has a news function which will assist in distributing information. IEP sites have been provided with information on safe injecting practice for NPS.</p>
Local improvement goal 2014-15	<p>To increase local understanding and prevention of harm related to NPS.</p> <p>Process Measures: positive evaluation of training events, number of responses to national information requests relating to NPS.</p>

5. Implementing improvement methodology at local level, including implementation of the *Quality Principles: Standard Expectations of Care and Support in Drug and Alcohol Services* and responding to the recommendations outlined in the independent expert group on opioid replacement therapies (ORT)

Local improvement goal 2012-13	N/A
Commentary	<p>The Quality Principles were highlighted at a meeting of the ADP Specialist Intervention Sub-group and planning is underway to embed these in local services. We await with interest the findings from the pilot area.</p> <p>The ADP Support Team will be provided with Improvement Methodology Training which will support this recommendation</p>
Local improvement goal 2014-15	<p>To work with colleagues from NHS Clinical Governance and Quality to establish baseline data relating to the Quality Principles and develop an associated action plan.</p> <p>To develop and implement an ORT action plan by March 2015.</p>

6 Ensuring a proactive and planned approach to responding to the needs of prisoners affected by problem drug and alcohol use and their associated through care arrangements

Local improvement goal 2012-13	N/A
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Commentary	<p>During 2013-14 planning was undertaken for a multi-agency mapping event based on lean principles to be held in June 2014. The 'Holistic Approach to Re-offending' event will provide a basis for an Action Plan for the Borders Community Justice Group. This will include developing appropriate responses to prisoners and people in the justice system affected by substance misuse.</p> <p>The action plan will build on learning developed through the Women Offenders Group/Women's Service which is led by Criminal Justice and Addaction and which was supported in 2013-14 with non-recurring monies from the ADP</p>
Local improvement goal 2014-15	To be able to provide evidence of improvements to existing processes for prisoners and people in the Criminal Justice System

5. ADP feedback on Annual Report Process

The questions remain useful as will serve as a regular focus for ensuring strong performance for the ADP.

It was noted that there is no Ministerial Priority for children and young people and/or children affected by parental substance misuse.

Appendix 1: Recovery Outcome reporting for ADP Annual report 2014-15

This paper presents outcomes from all 5 ADP funded services in Borders. The data below is gathered from various sources, there is no joint framework for outcome reporting across the services. For all services there is additional process data available. What is presented is purely outcome data for individual service users. Due to the differences in tools and sources outcomes are not comparable between services.

1. Adult Services

Although all three adult drug and alcohol services in the Scottish Borders started to use the Drug and Alcohol Star Outcomes tool during 2013-14 there is not a full year dataset for all clients. This is anticipated for 2014-15.

1.1 Addaction

Addaction Direct Access (Adults – Alcohol only)

Addaction currently uses Star Outcome tool where Service users are asked to complete each domain of the Star tool by allocating a score from 1-10. The following table outlines the average progress for all current people and those closed in the last 6 months of 2013-14 equating to 103 people. The table below shows an increase over all relevant domains but in particular for Alcohol use and emotional wellbeing.

Domain	Average Initial	Average Review	Average Progress
Drug use	9.7	9.6	0.0
Alcohol	5.5	7.3	1.8
Emotional well being	4.5	6.0	1.4
Physical health	6.0	7.0	1.0
Accommodation	8.1	8.4	0.3
Family and friend relationships	7.0	7.6	0.6
Meaningful use of Time	5.4	6.4	1.0
Money	6.4	7.1	0.7
Community involvement	5.0	6.0	1.0
Offending	8.9	9.4	0.4

1.2 Addaction Employability Service outcomes (Drugs & Alcohol):

In 2013-14 non-recurring funding was awarded to Addaction to support employability work for alcohol and drugs clients. 42 new referrals were received in the year and work was completed with 68 service users.

The table below shows both interventions and outcomes in terms of employability related destinations for individuals who engaged with the service.

Activities	Numbers	Outcomes	Numbers
Email	14	Vocational Training	3
C.V	16	Part time college	5
Taster Sessions	3	Full time college	3
Disclosure Letter	3	Evening class	5
ILA opened	10	Adult literacy	4
ILA used	6	Computing sessions	5
Voluntary Work	2	Employment	6

1.3 Addaction Family Service (Drugs & Alcohol):

Addaction Family Service uses the Spider Outcomes tool to examine process. During 2013-14 28 initial to closure reviews were undertaken and a total of 67 reviews overall.

The table below shows an increase over all relevant domains but in particular for emotional wellbeing and self care and diet. Progress in parenting skills appears low. One of the aims of the service is to help Service Users understand the impact of their alcohol and drugs use on parenting and their children. It is often the case that as this understanding develops Service Users will then re-assess their own parenting skills and reduce their self-reported score. It can be assumed that as a parent feels better and looks after themselves better this is likely to result in improved outcomes for the child.

Domain	Average Initial	Average Review	Average Progress
Family and friend Relationships	5.75	6.96	1.21
Community Involvement	5.00	6.32	1.32
Home Safety	7.71	8.21	0.5
Parenting Skills	7.68	7.93	0.25
Family Routines	7.89	7.93	0.04
Emotional Wellbeing	4.93	6.71	1.78
Physical Health	6.11	7.00	0.89
Self Care & Diet	5.82	7.29	1.47
House, Job & Money Security	6.79	7.25	0.46
Drugs & Alcohol	3.96	7.46	3.5

1.4 Big River Project (Adults - Drugs Only)

During 2013-14 the Big River Project experienced significant difficulties due to loss of staffing including the manager and the experienced practitioner. Embedding of new practices requiring outcome monitoring proved extremely difficult. Following a decision not to enter the procurement process Service Users were aware the service would cease operating at the end of March 2014. Much of the work from January – April focussed on decommissioning of the service and safe transfer of Service Users. From necessity, interventions became more short term and the number of new clients dropped significantly.

The table below is from those 16 clients who completed a review. Small increases are noticed across the majority of domains, however, it should be noted that due to the low numbers it is difficult to make any assessment of outcomes.

Scale	Initial	Final	Change
Drug use	4.9	4.9	0.1
Alcohol use	7.3	7.3	0.0
Physical health	5.0	5.3	0.3
Meaningful use of time	2.8	4.1	1.3
Community	3.0	3.1	0.1
Emotional health	3.6	4.6	1.0
Accommodation	5.9	7.1	1.1
Money	5.7	7.0	1.3
Offending	6.6	7.2	0.6
Family and relationships	6.5	6.3	-0.3
Average	5.1	5.7	0.6

1.5 Borders Addictions Service (Adults – Drugs & Alcohol)

The information below is taken from Borders Addiction Service Annual Report. Data is collated by the service via routine reporting and also an annual audit of current case notes which assesses various process and outcome measures. Borders Addiction Service has adopted use of the Drug and Alcohol Star during 2013-14 but the most complete data is still available through the internal audit.

The information below shows positive outcomes across a range of indicators for those clients in the Core Addictions team.

- 72% of clients ceased or reduced their illicit drug use
- 31 drug clients ceased their prescribing regimen
- 180 service users stopped injecting
- 49 individuals completed a community alcohol detoxification and 11 completed residential detoxification
- 76% of clients individuals ceased using alcohol since commencing treatment with service and a further 4% reduced their use
- Of those Service Users who during assessment self reported they were committing crime or committed recent criminal activity 86% have now ceased and 8% have decreased
- 43% have shown improvement in their physical health

- 42% have shown improvement in their mental health

BAS also have a small Addictions Psychological Therapies Team (APTT) which reported positive outcomes via clinician rating and recognised psychological tools:

Clinician Rating at Discharge of Substance Misuse Levels: At point of discharge APTT workers routinely rate the service users' level of substance misuse.

- Of those service users for whom data was available, 10/17 (59%) were abstinent from alcohol at point of discharge, with a further 1 (6%) using significantly less alcohol.
- Of those service users for whom data was available, 7/12 (59%) were stable on their prescribed medication at point of discharge, a further 2 (17%) were abstinent from all drugs.

Clinical Outcomes in Routine Evaluation (CORE-34): a well recognised and widely used tool designed to assess changes in service users' psychological and social wellbeing as a result of treatment. Lower scores indicate increased wellbeing. Data presented to the ADP illustrated a significant reduction in CORE scores following treatment. Average scores prior to treatment were well above the clinical cut-off (indicating a clinically significant problem), but had reduced to well below the clinical cut-off post treatment (indicating no clinically significant problem).

Additional tools were also used (Brief Situational Confidence Questionnaire and Life Satisfaction Scale) to measure service users' confidence in their ability to manage a range of potentially high risk situations for relapse without using drugs or alcohol and assess satisfaction across a number of key areas including substance misuse, physical and emotional health/wellbeing and interpersonal relationships/social functioning. Higher scores indicate higher satisfaction.

On both of these tools marked increases in scores were noted, for example, general life satisfaction increased from an average of 55% prior to APTT input, to 77% following treatment.

2 Children's Services

2.1 face2face Borders (under 18s Drugs & Alcohol) (April 13 – May 14)

face2face aim to reduce harm to young people aged between 11 and 18 years old experiencing problems through drug, alcohol or solvent use/misuse. The service was able to report the following recovery outcomes:

- average reduction in substance use was 64%
- 76 (37%) had stopped using substances completely.
- 103 (50%) had reduced their substance use.
- Knowledge and understanding of alcohol increased by 39%
- Knowledge and understanding of drugs increased by 40%
- Knowledge and understanding of VSA increased by 100%

face2face were unable to conduct follow ups this year due to administration time constraints however, reported no re-referrals to date. One cycle of the Strengthening Families Programme to 17 families was delivered with positive outcomes reported including increased communication and understanding leading to improved behaviour in the young person.

2.2 Action for Children (Young Carers)

Action for Children provides support for young carers. ADP funding provides additional hours to the generic young carers service. Parental substance misuse can be identified at the time of referral although it is often the case that this is disclosed as the relationship develops. The young carers who are affected by parental substance misuse, Action For Children were able to report the following recovery outcomes:

- 44.5% of young carers demonstrate improved emotional well being outcomes
- 29% of young carers who identify as socially isolated have improved participation in age appropriate activities and engagement with universal services.

Action for Children uses an in-house system which also charts improvements in school engagement and coping skills for carers.

Appendix 2: Core Indicators description

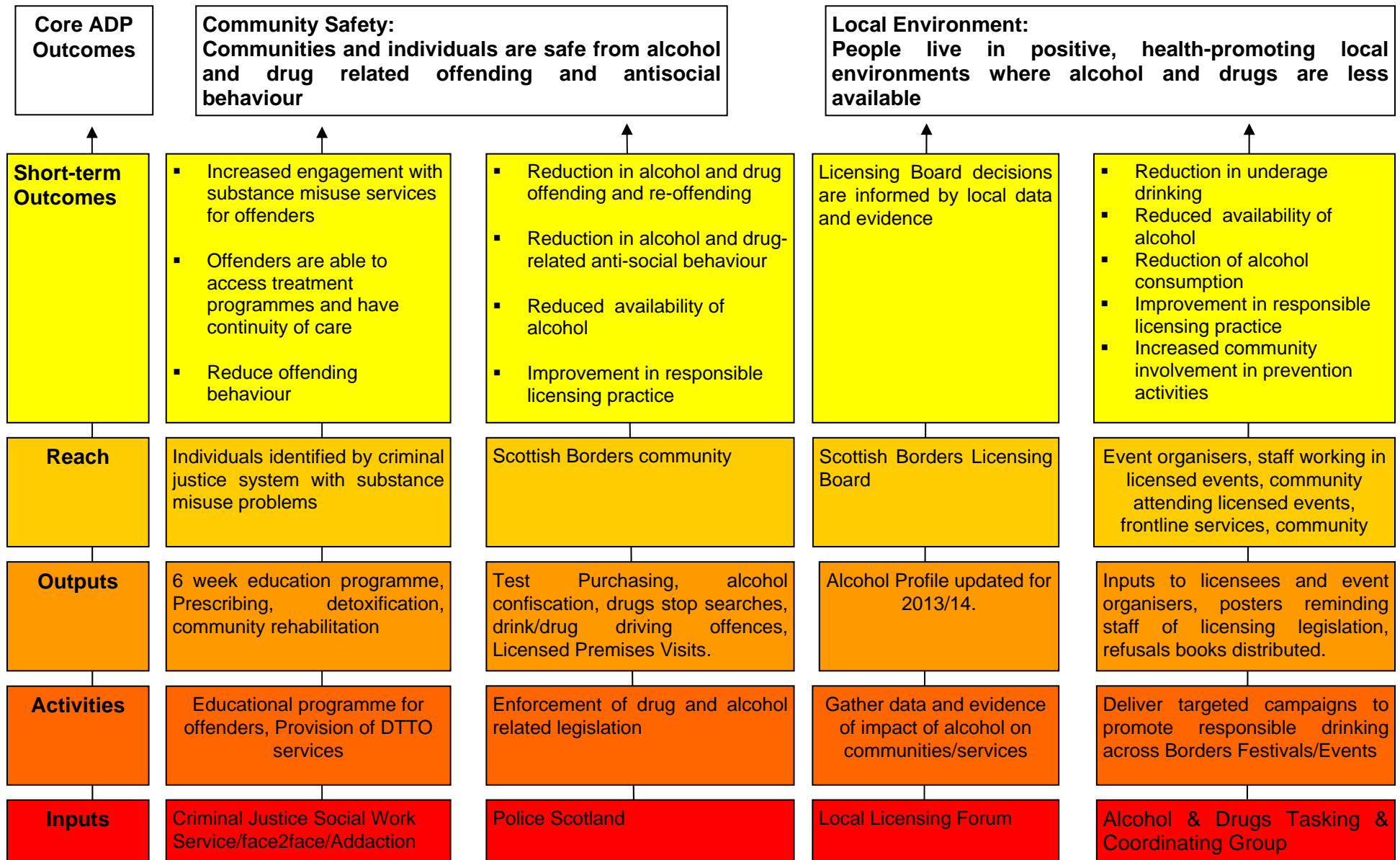
Short Name	Full Description
Prevalence of problem drug users	Estimated prevalence (expressed as percentage of population) of problem drug users for each ADP (for ages 15-64).
Drug use last month (pupils age 15)	Percentage of 15yr olds who usually take illicit drugs at least once per month
Drug use last year (pupils age 15)	Percentage of 15yr olds that report using an illicit drug in last year
Weekly drinkers (pupils age 15)	Percentage of pupils age 15 drinking on weekly basis
Above limit drinkers	Percentage of individuals drinking above daily/weekly recommended limits
Binge drinkers	Percentage of individuals drinking above twice daily ('binge' drinking) recommended limits
'Problem' drinkers	Problem drinkers are identified as current drinkers in Scottish Health Survey who agree with at least 2 out of 6 statements in CAGE questionnaire.
Drug-related hospital discharges	Number and rate (per 100,000 population) of general acute inpatient & day case discharges with a diagnosis of drug misuse in any position by year.
Alcohol-related hospital discharges	Number and rate (per 100,000 population) of general acute inpatient & day case discharges with a diagnosis of alcohol misuse in any position by year.
Alcohol-related mortality	Rate of Alcohol-related deaths (underlying cause) per 100,000 population
Drug-related mortality	Rate of drug-related deaths per 100,000 population
Maternities with drug use	Rate of Maternities recording drug use per 1000 maternities (3-year rate)
Child protection with parental alcohol/drug misuse	Number and rate of Child Protections Case conferences where parental drug and alcohol misuse identified
Drug use funded by crime	Percentage of new clients entering specialist drug treatment services who report funding their drug use through crime

Rate of Antisocial Behaviour Orders per 10,000 population	Rate of Antisocial Behaviour Orders per 10,000 population for offences often related to alcohol misuse: serious assault, common assault, vandalism, breach of the peace.
Pupils age 15 being offered drugs	Percentage of 15 year old pupils who have ever been offered drugs
Drug misuse in neighbourhoods	Percentage of people perceiving drug misuse or dealing to be very or fairly common in their neighbourhood.
Perceptions of rowdy behaviour in neighbourhoods	Percentage of people perceiving rowdy behaviour to be very or fairly common in their neighbourhood.
Licenses in force	Number and Rate per 10,000 population aged 18+ of premise (and occasional) licenses in force (on-trade, off-trade and both).
Applications for licenses	Number (n) and rate (r) per 10,000 population aged 18+ of personal licence applications and percentage refused.
Alcohol brief interventions	Number of alcohol brief interventions delivered in accordance to HEAT standard.
Treatment Waiting Times	Percentage of clients waiting more than 3 weeks between referral and commencement of treatment for alcohol (A) and drugs (D).

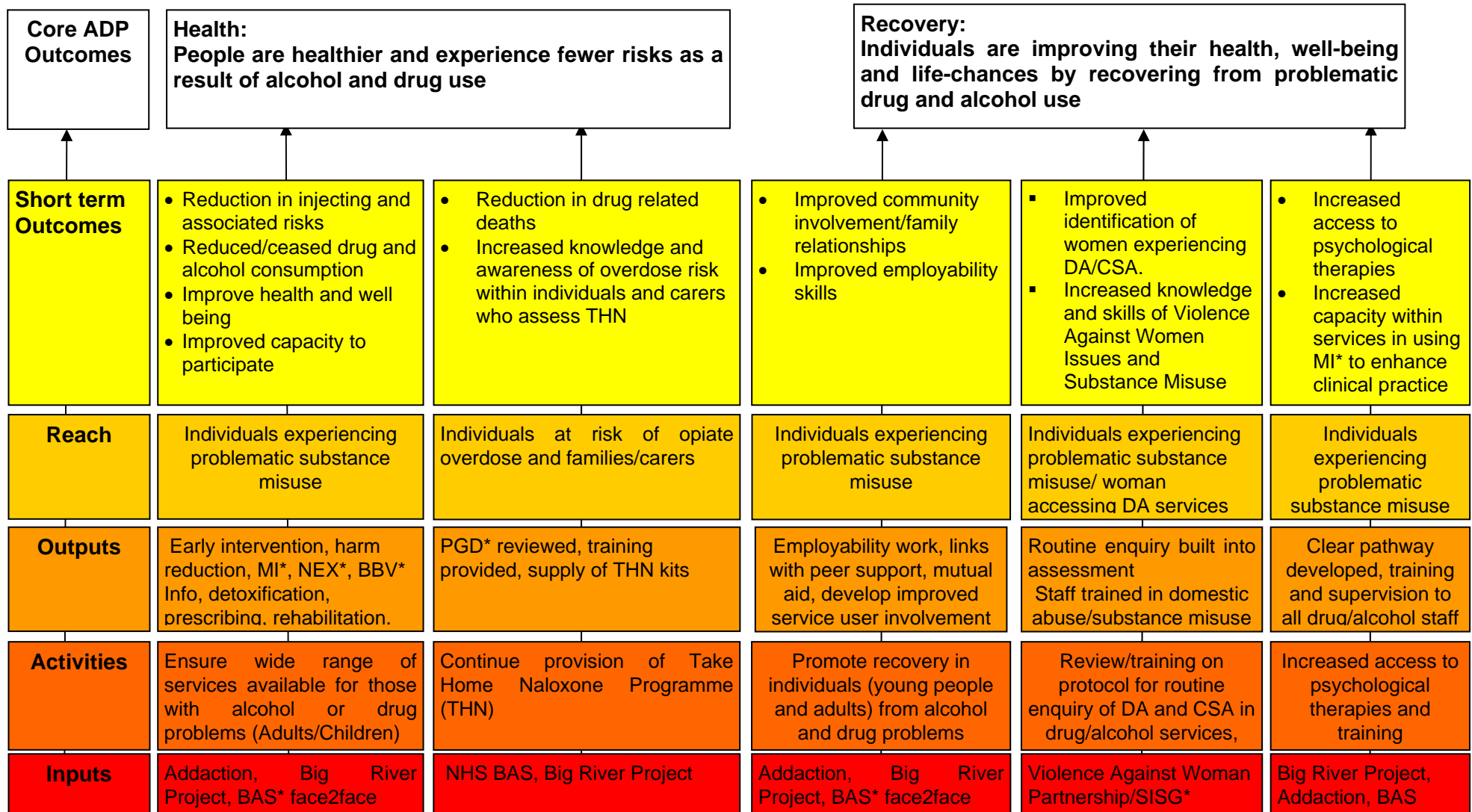
Appendix 3: Logic models

Pages 44-47 present logic models developed to describe work towards ADP Core Outcomes and National Outcomes. These illustrate the significant contribution of our ADP wider partnership.

National Outcome 9: We live our lives safe from crime, disorder and danger

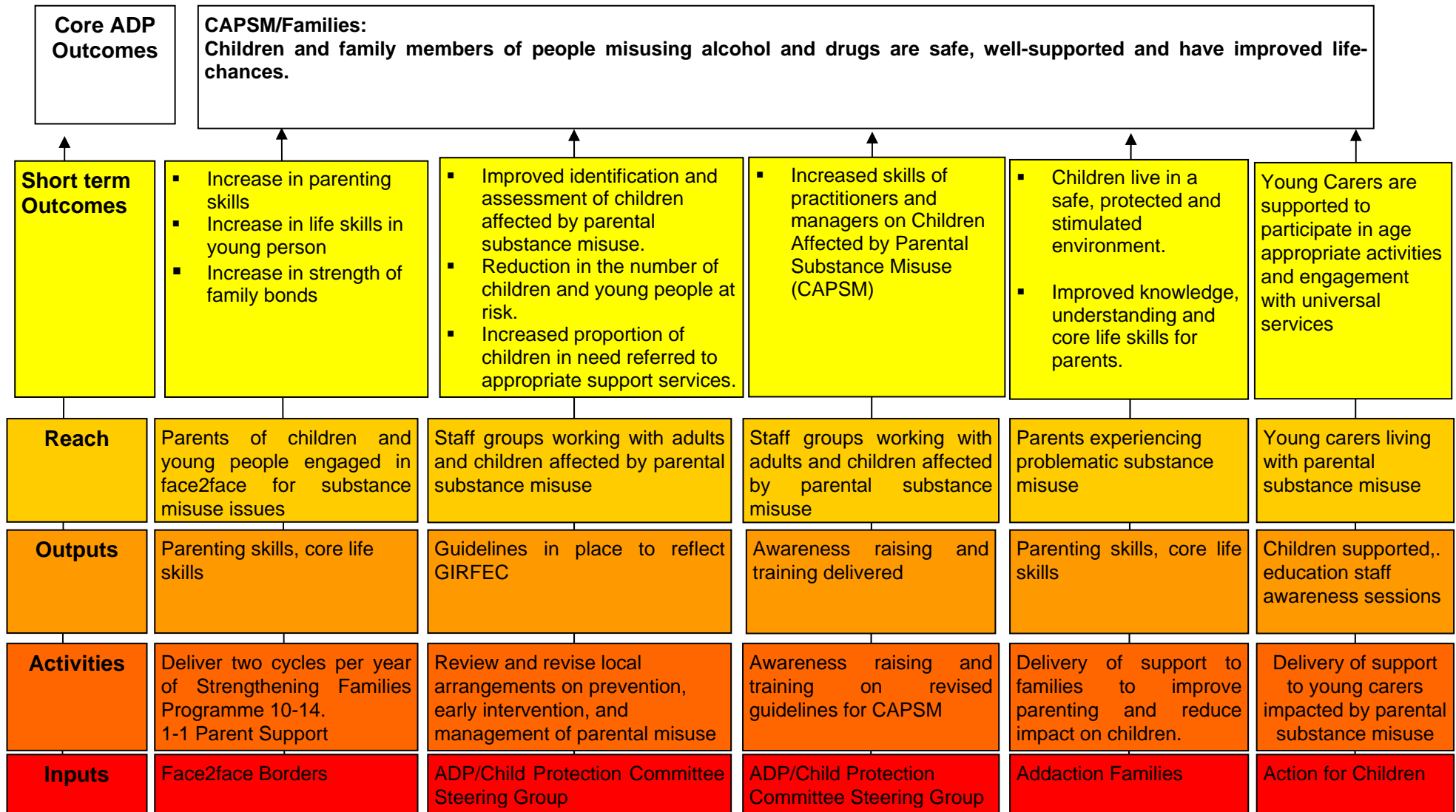


National Outcome 6: We live longer, healthier lives

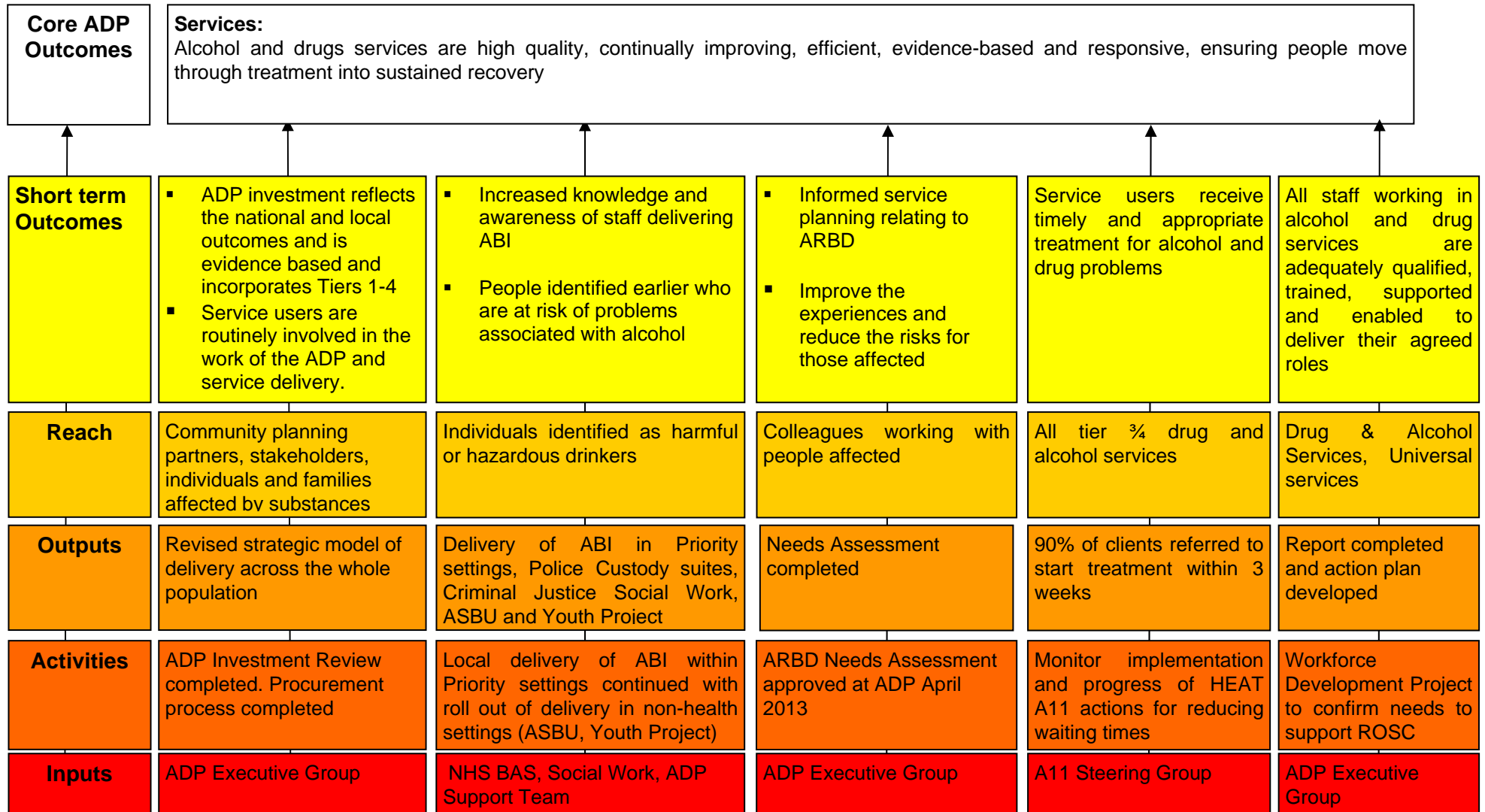


*BAS – NHS Borders Addictions Service, MI – Motivational Interviewing, BBV – Blood Borne Virus, NEX – Needle Exchange, THN – Take Home Naloxone, PGD – Patient Group Direction, SISG – Specialist Interventions Subgroup, CSA – Childhood Sexual Abuse, DA – Domestic Abuse

National Outcome 5: Our children have the best start in life
National Outcome 8: We have improved the life chances for children, young people and families at risk



National Outcome 6: We live longer, healthier lives



ABI – Alcohol Brief Interventions, ARBD – Alcohol Related Brain Damage, ROSC - Recovery Orientated system of Care, ASBU – Antisocial Behaviour Unit

**ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER
2014**

Report by Chief Social Work Officer

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 This is the seventh annual report of on the work undertaken on the behalf of the Council in the statutory role of Chief Social Work Officer.
- 1.2 The report provides the Council with an account of decisions taken by the Chief Social Work Officer in the statutory areas of Fostering and Adoption, Child Protection, Secure Orders, Adult Protection, Adults with Incapacity, Mental Health and Criminal Justice.
- 1.3 It also gives an overview of regulation and inspection, workforce issues and social policy themes over the year April 2013 to March 2014, and highlights some of the key challenges for Social Work for the coming year.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council approves the report of the Chief Social Work officer attached as Appendix A and in particular notes the elements noted in section 4 of this report.**

3 BACKGROUND

- 3.1 The requirement that every local authority should have a professionally qualified Chief Social Work Officer is contained within Section 45 of the Local Government etc (Scotland) Act 1994. This requirement was reinforced by the recommendation contained in the Changing Lives Report published by the 21st Century Social Work Review Group to strengthen the governance and leadership roles of the Chief Social Work Officer.
- 3.2 Until 2013 this role was fulfilled by the Director Of Social Work. Following the review of the Corporate Management structure in Scottish Borders Council during 2014 a specific service director role was created for the Chief Social Work Officer, reporting directly to the Depute Chief Executive for People. In previous years, the format of this report was a matter for individual local authorities. However for 2014 the Scottish Government have published a template and guidance to enable Chief Social Work Officers across Scotland to develop a more consistent approach to the production of their reports and allow summary comparison of the delivery and performance of Social Work across different areas.

4 OVERVIEW AND EVALUATION

- 4.1 2013/14 has been a period of significant change for Social Work in Scottish Borders Council, including the implementation of Self Directed Support and preparations to implement legislation to integrate Health and Social Care Services and the Children and Young People's Bill.
- 4.2 There have been a number of achievements during this period. Improvements in the discharge process have enabled people to move to appropriate care settings in a timely way. The implementation of Getting It Right For Every Child is well under way and the Early Years agenda is well advanced. Processes for Self Directed Support are in place to provide service users and carers greater say in choice and the management of their care arrangements.
- 4.3 Challenges facing Social Work for 2014/15 are identified including ensuring clear and appropriate governance, maintaining the quality of the social care provision, demographic changes and financial constraints. However, we are well placed to face these challenges and continue to deliver high quality services and improve outcomes for all people who access Social Work services.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report.

5.2 Risk and Mitigations

There are no specific concerns that need to be addressed in respect of the recommendations contained in this report.

5.3 Equalities

Social Justice and equality are key values in Social Work and there are no adverse equality implications arising from the work contained in this report.

5.4 Acting Sustainably

There are no anticipated economic, social or environmental effects.

5.5 Carbon Management

There is no impact on the Council's carbon emissions.

5.6 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to either the Scheme of Administration or the Scheme of Delegation.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, Chief Officer Audit and Risk, Chief Officer HR and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

Approved by

Elaine Torrance
Chief Social Work Officer

Signature

Author(s)

Name	Designation and Contact Number
Elaine Torrance	Chief Social Work Officer 01835 824000
James Chiles	Business Performance Officer 01835 824000
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Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Nicola Tait can also give information on other language translations as well as providing additional copies.

Contact us at Social Work, Scottish Borders Council, Newtown St Boswells, Melrose, TD6 0SA, 01835 825080.



CHIEF SOCIAL WORK OFFICER

ANNUAL REPORT

2013/14

ELAINE TORRANCE

CHIEF SOCIAL WORK OFFICER

INTRODUCTION

This report provides an overview of Social Work activity, performance and achievements during the period 2013/14. The report provides information on the statutory decisions made by the CSWO on behalf of the Council and highlights some key challenges in the forthcoming year. The report format follows the template produced by the Scottish Government's Chief Social Work Advisor to provide greater standardisation across CSWO's reports issued in April 2014.

Local Authority

The Scottish Borders is located in the south east of Scotland and covers an area of 4,731 square kilometres, the sixth largest local authority in Scotland. It is a rural local authority with only two towns, Galashiels and Hawick, with more than 10,000 people.

The 2011 Census showed that there were 113,870 people in the Scottish Borders, making Scottish Borders one of the least populated regions in Scotland, with a population density the sixth lowest in Scotland.

The latest estimates from National Records of Scotland project a 10.6% increase in population for the Scottish Borders between 2010 and 2035, with significant increases in the population aged 65 or more and in particular the 75+ age group which is predicted to rise by almost 100%. These are age groups that make intensive use of Social Work services.

The Scottish Index of Multiple Deprivation (SIMD) in 2012 reported that Scottish Borders contained only 5 (or 0.5%) of the most deprived data zones in Scotland (those in the most deprived 15% of all data zones), a figure which was the same in 2009 but shows an increase since the SIMD started in 2002. Furthermore, the SIMD shows that the more deprived areas in Scottish Borders are still as deprived as they were in 2009, while other regions in Scotland have succeeded in decreasing inequality in their more deprived localities. This relative deprivation adds impetus for Scottish Borders to tackle deprivation and reduce inequalities with at least the same level of commitment as is being deployed in other regions.

Further information can be found in the Scottish Borders Strategic Assessment¹.

Partnership Structures / Governance Arrangements

The requirement that every local authority should have a professionally qualified Chief Social Work Officer (CSWO) is contained within Section 45 of the Local Government etc. (Scotland) Act 1994. This replaced the requirement in Section 3 of the Social Work (Scotland) Act 1968 for each Local Authority to appoint a Director of Social Work.

The responsibilities of the CSWO are clearly laid out in the most recent guidance from the Scottish Government published in 2009. The CSWO is required to ensure the provision of appropriate professional advice in the discharge of local authorities' statutory social work and the role also needs to promote values and standards of professional practice to all social services workers in relation to promoting equality, fairness and social justice.

¹ http://www.scotborders.gov.uk/downloads/file/7249/2014_strategic_assessment

The role provides professional advice to local authorities including elected members and officers to carry out the Local Authority's legal duties in relation to social work. The CSWO assists the Council to understand their responsibilities and the complexities involved when delivering social work services. Key to these are the Council's role as corporate parent, ensuring effective child and adult protection arrangements, the management of high risk offenders as well as carrying out statutory mental health functions.

It is recognised that Social Work has a key contribution to the achievement of national and local outcomes. The CSWO also has a significant role to monitor and improve the quality of service provision and to advise on the identification and management of corporate risk insofar as they relate to social work services.

2013/14 has been a year of considerable change for Social Work in Scottish Borders Council. The Director of Social Work was absent for the period of approximately 6 months and formally resigned in November 2013. The role has been covered during this period by Stella Everingham, Acting Director of Social Work and recently by Elaine Torrance in her new role as Chief Social Work Officer.

In addition, during this period there has been agreement to implement a new Corporate Management structure with the creation of a new "People" Department to cover the service areas of Education and Social Work.

A Depute Chief Executive "People" has been appointed with three key Service Director posts - Chief Social Work Officer, Service Director Children & Young People Officer and a Chief Officer for Health & Social Care Integration. In this revised structure the CSWO will retain operational responsibilities for Criminal Justice Social Work and Mental Health Officer work. The role also leads on behalf of the Council on public protection and ensuring professional leadership for Social Work across all service areas including commissioned services.

During this period of change it has been important to ensure that there has been consistency of decision making and clarity for staff over roles and responsibilities for Social Work and statutory decision making. This has been achieved by ongoing communication including briefing notes, newsletters, management meetings and staff briefings.

The revised structure can be found in Appendix B.

Community Planning Partnership

During 2013 the Community Planning Partnership focused on key priorities identified including early intervention, prevention and building the resilience of communities. Social Work Services play a key role in these areas.

The Scottish Borders Community Planning Partnership has set three key priorities for delivering its vision.

1. Grow our economy
2. Reduce inequalities
3. Maximise the impact from the low carbon agenda

A number of lead officers from the members of the Community Planning Partnership have formed a Community Planning Partnership Equality Group. Under this structure, the group ensures that equalities work is mainstreamed, progress towards equalities outcomes is being made, and equalities best practice is shared.

A range of partnership structures are in place that are key to the delivery of Social Work Services. During 2013/14 a Pathfinder Board was established to oversee the development of the Health & Social Care Partnership which in April 2014 was formalised into a Shadow Integration Board including all Adult Social Care Services.

Other examples of strong partnerships are Public Protection, where multi agency Adult Protection, Child Protection and MAPPA arrangements are in place.

Engagement

Key to all of these developments is effective engagement with service users, carers and local communities. For example an effective development using Change Fund monies has been the establishment of a Community Capacity Team across the Borders, which has been successful in developing community responses to local need.

In addition Social Work commission Borders Voluntary Care Voice (BVCV) to provide support to user/carers groups to participate in planning structures and ensure the voice of people using services is central to decision making. Scottish Care were also supported to be a key part of the Reshaping Care agenda and a key partner in agreeing the use of the Change Fund.

Social Services Delivery Landscape/Market

In general, Scottish Borders has a healthy and industrious population. Scottish Borders has a lower than average population of working age; 58.49% compared to the Scottish average of 62.79%. However, there are lower levels of unemployment than the national average, although these reflect a larger proportion of part-time employment than the Scottish average.

Both men and women within Scottish Borders have a longer than average life expectancy at birth than the Scottish average, and 84.1% of people in the Scottish Borders asses their health as being good or very good compared to 82.2% for Scotland.

There are a number of pressures on the provision of Social Work services within Scottish Borders, including but not limited to:

- Demographic shifts, in particular increasing numbers of people in the older age groups, creating a need to increase capacity while maintaining quality and flexibility
- Increasing expectations and requirement to support people in their own homes and communities
- The financial pressure associated with complex or specialist service provision that cannot be provided within the Scottish Borders
- Ongoing developments for integrated services with partner services and organisations, across both Children's Services and Social Care services.

Joint commissioning plans reflecting these priorities have been developed across Older People, Mental Health and Learning Disability Services which detail priorities for investment in line with Council and Partnership priorities and these will help form the basis of the Strategic Plan for the newly formed partnership.

Finance

The Social Work net expenditure for 2013/14 totalled £81,636,411. Of this total £24,516,048 spend on Children's Services, £48,659,215 spend on Adult Services and £8,461,178 on Support Services. However, Social Work services have continued to face significant financial pressures during 2013/14. During planning for 2013/14, significant investment was made in children and adult care services by Scottish Borders Council, in the region of £2.5m, representing 3.4% of the department's net revenue budget. This assisted to help meet the increased costs arising as a result of greater demand for Older People's services, more young adults in transition from Children's Services and the sustained increase in numbers of children requiring high-cost intensive or secure out of area placements. Further planned investment of £7.5m is planned for the next 5 years across these services.

During 2013/14, Social Work services had to be delivered within a climate of increased cost pressures not entirely met by increased funding. Scottish Borders Council's overall funding levels remained constant, yet costs continued to increase (pay costs, inflation, demography, etc). Between 2014/15 and 2018/19, the cost base of the Council is expected to increase by over £28m, yet funding from the Scottish Government, Council Tax and Non-Domestic Rates is projected to remain fairly static over this period.

This financial outlook poses significant challenge in the delivery of Social Work services and during 2013/14 a number of efficiencies were achieved totalling almost £1.5m, achieved by some temporary service reductions, and efficiency reviews. Between 2014/15, and 2018/19, further savings measures of £4.0m will require delivery, focussed around a programme of business transformation, efficiency targets and increased income from a review of charging. The Department has worked hard to ensure the need to balance the delivery of quality safe and efficient services whilst delivering financial efficiencies. Such a programme has been rolled out corporately across Scottish Borders Council and whilst Social Work services have a relatively lower share of planned targets to achieve, such a programme will continue to present significant financial challenge.

In terms of key pressures, during 2013/14 emergency remedial action was required to address funding pressures relative to demand across Children's and Adult Services. Over £4m of pressures were experienced during the financial year, £1.3m of which was directly attributable to Children's Out of Area Placements and Transport. Within Social Care & Health, £2.7m of pressures above budget were experienced due to a variety of factors including Homecare, complex Learning & Physical Disability care and Residential Care. Whilst the majority of the drivers of these pressures are permanent, some of the solutions identified and remedial action taken in-year in order to deliver the small reported under-spend were temporary, one-off or non-recurring. As a result therefore, significant further strategic planning and service challenge will be required to ensure affordable and sustainable services going forward.

The implementation of Self-Directed Support is causing some financial pressures on the Council. Each new SDS plan incurs an additional marginal cost to the Council since in many cases there is no direct consequential saving within traditional people, building-based or block-commissioned care services. Other key areas of concern during the year relates to the additional social care costs of older people change fund transformation that whilst delivered improved outcomes and financial savings along the care pathway, did not release resources to meet the additional burden created by the provision of new services.

Early intervention and prevention, a key pillar of public service excellence, will remain a key principle of the Council's new corporate transformation programme currently being developed which will further shape the delivery of all services, including adult social care and children's services over the

long-term future. One key planned development is the development of an Arms Length Organisation for the Adult Social Care Services which will be Council owned but will ensure a more business focused approach.

Performance

Performance Management in Scottish Borders is firmly aligned to the themes and priorities identified in the Scottish Borders Single Outcome Agreement and the Scottish Borders Council Corporate Plan. Social Work services have a key role to play in the delivery of several national and local outcomes, and these are placed at the centre of strategic developments across the authority and in partnership planning. These reflect the national outcomes detailed below:

- Our children have the best start in life and are ready to succeed
- We live longer, healthier lives
- We have tackled the significant inequalities in Scottish society
- We have improved the life chances for children, young people and families at risk
- We live our lives safe from crime, disorder and danger.
- Our people are able to maintain their independence as they get older and are able to access appropriate support when they need it
- Our public services are high quality, continually improving, efficient and responsive to local people's needs

Performance is measured and reported at a variety of levels to senior managers within Social Work, to the Scottish Borders Council Corporate Management team, and to the Scottish Borders Council Executive Committee.

There have been a number of notable achievements over the past year and some examples are:

- Improved management and participation in the discharge process to enable people to move into appropriate care settings within suitable timescales
- Implementation of GIRFEC progresses well within the authority, with Scottish Borders partners contributing to the work of the Scottish Government's South East GIRFEC Steering Group. The implementation plan is well established and a multi-agency team in place to carry out the tasks within the plan.
- SDS processes have been developed to ensure that the new legislation can be fully implemented.
- Welfare reform – the Council has adopted a proactive approach to highlight and monitor the impact of Welfare Reform including a focus on communication of changes and provision of advice to the people in the Borders.
- The Early Years agenda is well advanced with the Scottish Borders. Four Early Years Centres are under development with partners and Scottish Borders is well represented in the work of the national Early Years Collaborative.

Statutory Functions

The Chief Social Work Officer has statutory functions that are specific to the role and are referred to in legislation as well as Scottish Government guidance².

Appendix C of this report gives detailed statistics on these functions and associated performance.

Adult Protection referrals remained fairly static during 2013/14 from the previous year. There has continued to be a rise in children requiring out of area placements and notably used two secure placements which is unusual in the Borders but reflecting the significant risks posed by both young people.

In Mental Health the Borders continues to perform well in terms of MHO attendance at emergency assessment stage when compared with other areas. However, completion of social circumstances reports is lower and actions are in place to improve this performance.

In line with Scottish trends the numbers of guardianship applications continue to rise reflecting demographic changes.

In Criminal Justice Social Work there is an upward trend in relation to Diversion from Prosecution, Criminal Justice Social Work Reports, Community Payback Orders and Voluntary Prison throughcare.

Continuous Improvement

2013/14 have seen a range of new service initiatives introduced. In Peebles a new building Extra Care Housing development opened replacing a Care Home. A jointly commissioned core and cluster service for people with enduring Mental Health problems was commissioned and two early years centres established. However there is always more to do.

Self-evaluation is embedded into all social work services through the inspection process, performance monitoring, and a self-evaluation framework to which all services contribute. Multi-agency self-evaluation of services for children and young people is being further developed, with a multi-agency subgroup of the Children and Young People's Planning Partnership called the Planning, Implementation and Evaluation Group taking forward this remit.

The first Standards & Quality Report for integrated children's support services (children and families social work and additional support for learning) was produced this year, to align with the statutory Standards & quality Report required of all education authorities. A combined report for the new People Department's services for children and families will be produced next year.

Closer integration of service evaluation and financial monitoring has led to more robust oversight of improvement activity across the senior management team. In particular the work to integrate financial records into the main Frameworki management information system will allow improved scrutiny, authorisation and monitoring of the financial impact of care provision.

The Council continues to have strong public protection multi disciplinary arrangements from the Chief Senior Officers Overview Group, chaired by the Council's Chief Executive through the public protection committees and sub groups. Key to this work is self evaluation, performance monitoring and audit. Case reviews are often undertaken and improvement actions identified and monitored.

² <http://www.scotland.gov.uk/Publications/2010/01/27154047/>

Eighty complaints were received regarding Social Work Services during this period, a slight decrease of 3.75% from the previous year. A total of 77 complaints were investigated of which 13 were upheld, 18 partially upheld, 33 were not upheld, 12 were withdrawn and 1 was I understand found to be invalid.

Some key themes arose from the complaints including:

- Delays in provision of service
- Communication
- Quality of service
- Processes and procedures

When complaints have been upheld clear actions are identified to improve the quality of service provided and these are regularly reviewed to ensure continuous improvement.

The quality of Older People's Care Homes has fluctuated during this period as reflected in the Care Inspectorate grades detailed in Appendix C. A number of remedial actions have been taken to support Care Homes including dementia training, support for nurses in Care Homes and provision of advice and support from the Reviewing Team. A robust risk assessment and management process has been introduced and this will continue to be monitored over the coming year.

Planning for Change

In Scottish Borders there has been significant progress in the implementation of personalisation and Self Directed Support building on the successful use of Direct Payments.

Self Directed Support requires a fundamental shift in the way public services are delivered to ensure that people can control how the resources available to meet their needs are utilised. However, it is recognised that there are challenges in relation to culture change, developing on outcome based assessment process and changing commissioning arrangements.

Consideration is currently being given to how to support the Community Planning Partnership to manage changes to the delivery of Community Justice.

Legislation to integrate Health and Social Care Services is a further significant change. During 2013/14 a Pathfinder Board was established and a programme approach adopted to steer the design of new arrangements for Adults. Locally there has been a commitment to build on the already well established partnership arrangements including the Joint Learning Disability Service, Mental Health Service and Drugs & Alcohol Partnership. The need to ensure improved outcomes for service users and carers is a key priority along with the development of locally accessible services which are important in a rural area.

Of central importance for Social Work is to ensure that the creation new structures does not create potential barriers with other important services and there will need to be clear linkages between Children, Adult, Substance misuse, Housing Services and Community Safety. The further development of the local Community Planning structures will be important to assist with these links.

Implementation of the changes required in the Children and Young People's Bill are also being planned, including the introduction of named workers and the early years agenda.

User and Carer Empowerment

The principles of collaboration and participation are key to Social Work's approach to the development of services in line with Self Directed Support.

There are many examples of engagement in Scottish Borders including:

- Commissioning of Borders Voluntary Care Voice (BVCV) to provide user/carers reference groups
- Commissioning of specialist advocacy service
- Establishment of a Community Capacity Team across the Borders working together with local communities
- Review of the joint Learning Disability governance structures establishing local Citizens Panels
- Support for the development of Mental Health Consultation Cafes
- Children and Young People
- User/carers representation on the local SDS Project Board and other planning groups has ensured co-production approach

Encouraging feedback and engagement from service users, carers and families is important and arrangements are well established in directly provided services as reflected in Care Commission reports. It continues to be important to engage with people who do not currently access services and the Council have a panel in place which provides some feedback and a broader Social Work survey is planned for 2014.

Workforce Planning/Development

Social Work Services has invested heavily in workforce development and this has proven successful in assisting with the recruitment, retention and development of a highly competent workforce. Furthermore, the Senior Management Team and individual services have taken a strong lead on workforce planning issues, liaising with colleagues from other departments to discuss workforce planning issues.

A Social Work Workforce Planning Group was established in early 2012 to further improve co-ordination and to ensure consistent workforce planning across the Department and with internal and external partners. The group produced a Workforce Planning & Development Strategy 2013-2017 – a five year plan to sustain and build upon a workforce with the talent, skills and flexibility to meet changing needs, which reflects the diversity of the population in Scottish Borders.

This strategy is a high level assessment of the staffing needs for all Social Work Services and identifies methods to address the changing workforce demands and established a set of guiding principles for future workforce planning, and devises an action plan to identify risks, gaps and opportunities.

Whilst there are difficulties in projecting figures given major transformation agendas the information gathered to support the strategy setting process enables the Workforce Planning & Development Team to produce and maintain key information on Workforce Capacity, Qualification Levels and workforce registration requirements. This informs the production of detailed specifications and

targets for training delivery to ensure that there is equitable access to training and that essential training and qualifications targets are met.

The Joint Midlothian and Scottish Borders Practice Learning and Development Team works in partnership with operational and planning managers to provide a learning and development service to Social Work and Social Care staff across both authorities. Annual Learning and Development Frameworks have been produced for each of Social Care and Health and Integrated Children's Services. These frameworks are linked to workforce planning information to provide a sound basis for predicting refresher training, learning and development / qualifications requirements over the coming years.

Joint working with Midlothian has enabled the effective delivery of a number of joint programmes:

- Newly Qualified Social Workers are supported through a bi-monthly group.
- Effective Practice Course in Children Services
- PDA in Supervision
- PDA in Practice Learning for South East Scotland
- Court Witness Skills
- Advanced supervision skills

The Department has continued a 'grow your own' approach to developing staff, although reductions in available budget and greater ease of recruiting to certain social work posts has led to fewer sponsorship opportunities for staff. However, essential development programmes are still in place and the creative use of existing funding and the wider use of Student Awards Agency Scotland(SAAS) grants and Independent Learning Accounts (ILAs) have enabled other development opportunities.

The registration of the workforce with the Scottish Social Services Council is a major part of the drive for higher standards in social services nationally and will bring the workforce in line with other professional groups. This process started in 2003 with qualified social workers and other groups required to be registered include residential child care, all managers of residential, day and home care in Adult Services, all workers in adult residential care and nurseries.

With the register for home care workers due to open in 2017 the majority of social care / social work staff will require to be registered by the end of the decade. The Joint Midlothian & Scottish Borders SVQ Assessment Centre continues to support unqualified staff to access vocational qualifications in preparation for registration and this agenda will continue to be a priority over the coming years with progress keeping pace with registration targets and requirements.

The Joint Midlothian & Scottish Borders SVQ Assessment Centre continues to receive 'Excellent' External Verification reports from the SQA with no development points for its programmes. 2013/14 brought major change to departmental structure in Scottish Borders Council with the implementation of two main service groupings of People and Place. Social Work Services' location in People provides opportunities for greater joining with other services particularly with Education Services and the restructuring has also provided an opportunity to take account of forthcoming integration with NHS.

To take account of this changing landscape workforce planning and development services will be undergoing realignment with a decision made to concentrate on a council wide and cross agency Scottish Borders approach. The joint working arrangements with Midlothian came to an end in April 2014 and stronger links established with strategic partners in Scottish Borders such as NHS Borders and Borders College to enable better support of the integration agenda and sectoral development.

Through the SBLearn initiative the corporate Workforce Planning & Development Team are implementing the use of e-learning across all services and, where appropriate, e-learning options for training will augment or replace existing delivery to ensure wider coverage of training. GIRFEC and Child Protection modules have been made mandatory for all staff in Social Work Services – Child Protection for all staff. Corporately, Data Protection and Information Management modules are mandatory for all staff and progress is being made in ensuring widespread use of eLearning.

The Children and Young People's Planning Partnership operates a multi-agency Workforce Development Group sub-group, with a focus on developing joint development opportunities and training for all staff working with children and young people.

Social Work Services works with and provides core funding for Borders Voluntary Community Care Voice to implement the Borders Care Learning Network (BCLN). This plays an important role in supporting the independent and voluntary sector to develop a joint training and development agenda, to ensure good practice and local partnership working in order to maintain and improve standards of care.

There has been a focus on training for staff to implement the new arrangements for Self Directed Support with events, workshops and briefings being provided for all staff and Managers recognising the culture shift that this will require.

Re-ablement training across assessment and Home Care Staff has also been a priority to ensure staff adopt an approach to encourage self-management and promote independence wherever possible.

Key Challenges for the year ahead

Social Work Services continue to face significant challenges in the year ahead including increasing demand for services due to demographic change, managing financial constraints, maintaining service quality and supporting people with whom we work to keep safe and improve quality of life and outcomes. In addition an additional challenge is monitoring the embedding of the new organisation arrangements both in the Council and with the Integration of Health & Social Care. The Council's transformation programme has proved successful in managing Service redesign and change and in 2013/14 efficiencies were made, for example, in redesigning night support, improvements in technology and in the area of substance misuse new services have been jointly commissioned focused on improving outcomes and reducing duplication. However, despite these initiatives there remain particular challenges in the delivery of Social Work and Social Care Services. There continues to be a need for ongoing investment in recruitment and training for the workforce, in particular in domicillary care services. Quality of care home provision requires to be more consistent and work is currently underway to identify additional support for this sector.

The number of young people in out of area placements remains high and a joint review of children and young people's services is underway to identify further local opportunities and services.

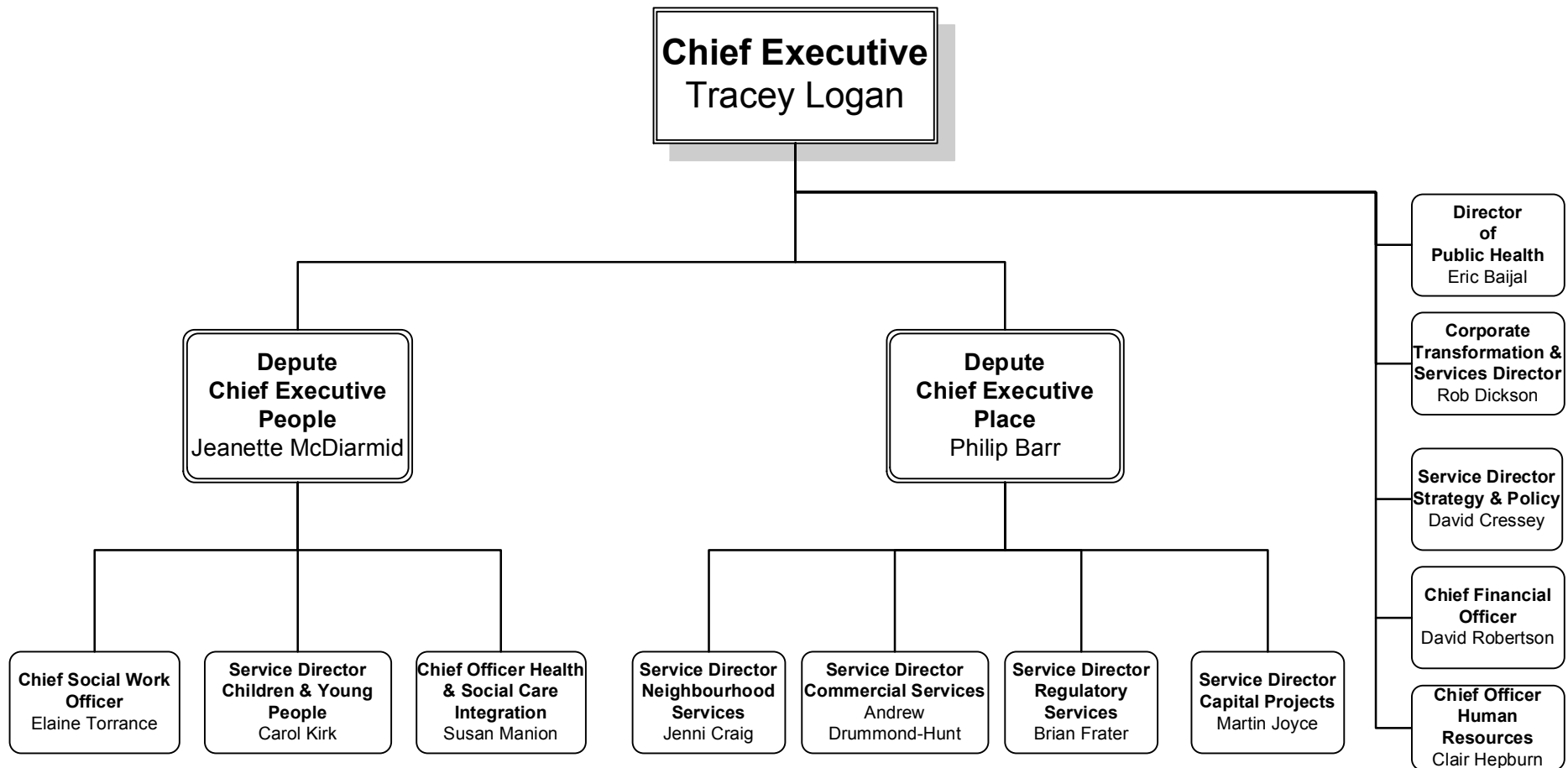
The impact of welfare reform on the broader population is being monitored locally. However, research shows that the long term effects on mental and physical ill health, homelessness and inequality will place additional demands on public services.

In Mental Health increased demands on Mental Health Officers is a challenge and there is significant work required to ensure the Council puts in place robust arrangements to manage the new arrangements for Community Justice.

In my role as Chief Social Work Officer role I will endeavour to continue to monitor, review, update and advise the Council during the coming year on key matters highlighted in this report whilst ensuring effective leadership for all staff in Social Work and Social Care during this period of change.

APPENDIX B

**SCOTTISH BORDERS COUNCIL
CORPORATE MANAGEMENT STRUCTURE**



CORPORATE MANAGEMENT STRUCTURE PEOPLE

**Depute
Chief Executive
People**
Jeanette McDiarmid

**Chief Social Work
Officer**
Elaine Torrance

- Agency Decision Maker
- Out of Hours Service (incl. Bordercare)
- Criminal Justice Services (whole systems approach)
- Mental Health Officer
- Child & Adult Protection (Governance)
- MAPPA (Governance)
- Statutory Quality and Standards

**Service Director
Children & Young
People**
Carol Kirk

- Schools
- Integrated Early Years Services
- Adoption and Fostering Teams
- Integrated Locality Services
- Youth Justice
- Residential Child Care
- Child Protection (Practice)

**Chief Officer Health
& Social Care
Integration**
Susan Manion

To transfer to Integrated Service in 2015

- Locality Teams
- Occupational Therapy
- Learning Disability Services
- Physical Disability Services
- Joint Integrated Mental Health Service
- Strategic Commissioning

APPENDIX C

PERFORMANCE REPORT

STATUTORY FUNCTIONS

1. Fostering and Adoption

Adoption is a positive route for a child where it is apparent that he or she is unlikely to be able to safely return to the immediate or extended family. There is a strong body of evidence to indicate that permanent and/or stable long term placements, including adoption, lead to better outcomes for the child where these placements can be put in place early enough to enable the child to form solid attachments with the carers. This is especially crucial in the early years of 0-3.

In the year to March 2014 there were 7 children adopted, which is broadly in line with previous years. This reflects the focused work being done on permanence planning.

Senior managers have identified a need to focus on robust decision-making for permanence cases to avoid drift and delay. A multi-agency Permanence Planning Group has been established to lead good practice in permanence planning.

	2011-12	2012-13	2013-14
Children adopted during the reporting year	9	9	7
Children placed with prospective adopters at end of year	9	7	7

The Chief Social Work Officer is also the Agency Decision Maker (ADM) in terms of Fostering and Permanence decisions – Regulation 12 Children (Scotland) Act 1995.

It is the ADM's responsibility to make decisions based on recommendations by the Fostering or Permanence Panels. In Scottish Borders Council these panels are held on a monthly basis and consider the following:

- Fostering assessments
- Kinship Care Assessments
- Foster carers reviews
- Assessment of Prospective Adoptive Parents
- Children being considered for Permanence (Long term fostering and Adoption)
- Matching of children with prospective adopters or long term foster carers
- Advice & guidance on complex situations that may be considered for permanence

The ADM receives minutes of the meetings, meets with the chair of the meeting, if required, and makes decisions based on the recommendations.

	2011-12	2012-13	2013-14
Foster Carers approved	8	13	10
Foster Carers de-registered	10	4	2

Foster/Short Breaks Carers reviewed	37	26	35
Long term (permanent) foster carers approved	2	0	4
Children registered for permanence	9	7	14
Prospective adopters approved	8	6	8
Prospective adopters not approved	0	0	0

Kinship care is a desirable outcome for children who are unable to be looked after by their birth parents, and enables children to remain and be cared for within their extended family and community, with clear benefits for their identity and sense of belonging as they develop. This reduces the need for local authority foster carers and promotes better outcomes for the children themselves.

While workers will always consider all options for a child's care and will seek to make use of a child's family strengths and supports, at times it is not possible to place children in their own community. In particular some complex cases require us to place children in specialist placements outside the area. The Scottish Borders has seen a cohort of young people emerging with extremely high needs in 2013/14, who cannot be maintained in a family-based placement but require specialist support and care.

The number of children placed outside of the Scottish Borders has increased over the reporting year, but is still at lower levels than previous years.

	2012	2013	2014
LAC placed outside areas as at 31 March	46 (27%)	32 (22%)	41 (25%)
Kinship placements as at 31 March	37	30	34

The total number of children & young people who are Looked After has increased slightly, but remains at lower levels than in the period up to 2012. This mirrors the national trend, although figures for Scotland are not yet available for 2014.

	2012	2013	2014
Looked After Children as at 31 March (SBC)	211	186	199
Looked After Children as at 31 July (Scotland)	16,248	16,041	tba

To allow for comparison, these figures can be expressed as a percentage of the population aged 0-17, which shows that Scottish Borders has many fewer Looked After Children than the general population for Scotland.

% of pop. Aged 0-17	2012	2013	2014
Looked After Children as at 31 March (SBC)	0.9	0.8	0.9
Looked After Children as at 31 July (Scotland)	1.6	1.5	tba

2. Child Protection

The number of children on the child protection register remains low at 31, which is well below the national average rate per head of population.

The proportion of children who have been re-registered within 2 years has been maintained at a low level with none of the children on the register at the end of the reporting year having been previously registered within the last 2 years. This indicates that the decisions to de-register children are appropriate and not leading to further risk for children.

The average age of children on the register has risen slightly, with 58% of registered children now being aged 4 or under.

The length of time that children spend on the register has remained steady, and is currently lower in comparison to 2011-12, down to 28 weeks from 32 weeks.

	2011-12	2012-13	2013-14
Children on the Child Protection Register (<i>31 March</i>)	34	28	31
Children re-registered within 2 years (<i>31 March</i>)	3%	4%	0%
Children registered during the year	61	58	55
Children de-registered during the year	57	64	52
Children on register aged 4 or under (<i>31 March</i>)	59%	64%	58%
Average number of weeks registered	32	28	28

3. Secure Orders

Two children were the subject of a Secure Order by the Children's Hearing process during 2013/14, which is an unusually high number for Scottish Borders.

Secure Orders are used very infrequently in Scottish Borders, and more early-intervention and community-based support packages are considered to be a better approach to these complex cases. The use of these orders reflected the significant risk these young people placed either to themselves or others.

One significant case review was undertaken during this period and actions resulting from this were implemented and monitored.

4. Adult Protection

A total of 190 Adult Protection Adult Protection Concerns were received in 2013-14, similar to the level in 2012-13 and a decrease on 2011-12. An Adult Protection Concern is where there is a referral reported that an "adult is at risk of harm" as defined under the Adult Support and Protection Act.

	2011-12	2012-13	2013-14
Adult Protection concerns	292	189	190

Clients with a Learning Disability and Older People (excluding people with dementia) are the largest client groups being referred, accounting for 21% and 23% of the referrals received respectively.

When reviewing adults at risk by service user group, two particular groups stand out, these being older adults and adults with a learning disability. Financial harm through scams and bogus callers has been an area of concern for older adults in Scottish Borders. Some of the steps taken locally have included stronger and more effective links being made with Trading Standards and Police Scotland. Social work and Trading standards have also sent out information and advice to previous victims of financial harm and scams, and given key advice given on keeping safe from further harm. The next annual period will see further work around public awareness along with work with banks and building societies and a campaign to advertise locally which will raise the profile and highlight the importance of keeping safe from harm.

The area of learning disability has had different challenges, the rise of social media and internet enabled phones, has seen a rise in harm through social media and internet dating sites. For some adults with a learning disability, there have been particular concerns about relationships and the setting of safe and appropriate boundaries. The digital age and technology will continue to be a challenge for social work and social care staff well into the future.

The reasons for Concerns are quite diverse, with, financial/material harm (29%), physical harm (26%) and Psychological abuse (13%) being the most common, but significant numbers of Concerns for; Acts of omission/neglect (9%), self-harm/neglect (6%), sexual abuse (5%) and Domestic abuse (5%) and also being recorded.

When we review the types of harm reported in Scottish Borders financial/ material harm, continues to be the highest grouping. However when we compare this to last year the figures are very similar.

On reviewing the figures for Physical harm, figures from last year have increased by 20%. Extensive training to partner agencies and the third sector has contributed to better awareness and an increase in reporting. This would be a similar picture for domestic abuse, which has also seen an increase by 25%. In the case of domestic abuse, a Multi-agency Risk Assessment Conference (MARAC) has been implemented which is a robust support system to record, support and tackle this issue.

Self harm remains consistent on last year's figures, and sexual harm has reduced by 40% on last year's figures.

5. Adults with Incapacity

There has been a large increase in the number of Private Welfare Guardianships, although the number of Welfare Guardianships for which the Chief Social Work Officer has responsibility has only risen slightly.

As at 31 March	2011-12	2012-13	2013-14
Private Welfare Guardianships	37	41	64
Chief SW Officer Welfare Guardianships	14	20	22

6. Mental Health services

The Mental Health (Care and Treatment) (Scotland) Act 2003 came into effect in October 2005. The Act enables medical professionals to detain and treat people against their will on grounds of mental disorder. This term is used to cover mental health problems, personality disorders and learning disabilities.

The Act allows for people to be placed on different kinds of compulsory order according to their particular circumstances. There are three main kinds of compulsory powers:

- Emergency detention
- Short-term detention
- Compulsory Treatment Order (CTO)

The use of emergency and short-term detentions has increased since 2011-12, while compulsory treatment orders have dropped slightly.

	2011-12	2012-13	2013-14
Emergency detentions	14	19	18
Short-term detentions	55	70	62
Compulsory treatment orders	34	28	27

This slight reduction may be impacted on by the increased effectiveness of the psychiatric liaison service and crisis service.

7. MAPPA

Multi Agency Public Protection Arrangements (MAPPA) is the framework which joins up the agencies who manage sex offenders. The fundamental purpose of MAPPA is public safety and the reduction of serious harm. The introduction of MAPPA across Scotland in April 2007 gave a consistent approach to the management of offenders, providing a framework for assessing and managing the risk posed by some of those offenders.

There are three levels at which risk is assessed and managed under the MAPPA.

- Level 1: ordinary risk management
- Level 2: local inter-agency risk management
- Level 3: Multi-agency Public Protection Panels (MAPPA)

In Scottish Borders we have agreed that there should be two operational panels that meet monthly - MAPPA Panel Level 1 and MAPPA Panel Level 2. The MAPPA Level 3 Panel is arranged as and when required.

The Level 1 and Level 2 panels are very well supported by all partner agencies and are regularly attended by members of staff with decision making powers. Specific staff, such as case managers or support workers will be invited to attend as required.

The number of discussions held at level 1 in 2013-14 was at the same level as in 2012-13, significantly lower than 2011-12, while those at level 2 were increased, with no level 3 discussions taking place.

	2011-12	2012-13	2013-14
Level 1 Discussions	151	128	123
Level 2 Discussions	28	28	47
Level 3 Discussions	2	2	0

From April 2013 to March 2014 the overall number of sex offenders subject to MAPPA within the Scottish Borders was 86 out of a total across Lothian and Borders of 804. 83 of these cases were managed at level 1 and 3 at level 2 with no cases being managed at level 3.

CARE INSPECTORATE GRADES

Quality improvement is at the core of much of the improvement work across Social Work services. We are aided in this process by the work of the Care Inspectorate who have responsibility for inspecting all Social Work services in Scotland and ensuring that care providers meet the Scottish Government's National Care Standards.

In the period April 2013 to March 2014 the Care Inspectorate carried out inspections on 16 services provided by Scottish Borders Council, as well as 27 private care services and 41 in the voluntary/not-for-profit sector. These consisted of both announced and unannounced inspections.

The inspections covered a range of services, summarised as follows.

Service Description	Local Authority	Private	Voluntary / Non-profit	Total
Adoption	1			1
Adult placement	1			1
Care Home	6	15	9	30
Fostering	1	1		2

Housing Support		4	17	21
Support Service	7	7	15	29
Total	16	27	41	84

The inspections are based on quality themes and grade each service on a scale from 1 (Unsatisfactory) to 6 (Excellent).

Quality Themes:

- Care and Support
- Environment
- Staffing
- Management

Quality Grades:

1. Unsatisfactory
2. Weak
3. Adequate
4. Good
5. Very Good
6. Excellent

Not all services are graded for every theme. For instance, the Adoption service does not provide services in any particular premises and therefore is not graded for Environment.

Overall, 72% of services were rated as 'Good', 'Very Good' or 'Excellent'.

Quality Theme	Quality Grading					
	1	2	3	4	5	6
Care and Support	1	10	9	34	23	0
Environment	1	4	9	17	5	2
Staffing	0	2	16	33	24	2
Management and Leadership	1	7	13	36	19	1
Total	3	23	47	120	71	5
	1%	9%	17%	45%	26%	2%

Notably there has been some fluctuating concerns identified over the quality grades in Older People's Care Homes, with many of the lower grades occurring in these services. A range of actions have been undertaken to support this sector, including additional training in dementia and the introduction of a risk management process, and this will be kept under review during 2014/15.

MODERNISING OUR REWARDS STRATEGY

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to seek approval to implement a range of benefits for employees and elected members including retail, supermarket and holiday operator discounts, health care cash plans, car lease salary sacrifice scheme and technology and software salary sacrifice scheme.**
- 1.2 The range of benefits would will be made available to all Council employees, subject to duration of contract of employment for certain benefits, and elected members.
- 1.3 With a pay freeze followed by minimal pay awards over recent years and the Councils negotiated pay containment measures, the Council recognises that employee finances have been constrained. Traditional monetary incentives as a means of encouraging productivity will continue to be limited in the current financial environment.
- 1.4 As a result of this, we have reviewed our current employee benefits package and would like to build on this to introduce a comprehensive, tailored benefits package that is both varied and cost effective in order to assist with the recruitment, retention and motivation of the Council's workforce.

2 RECOMMENDATIONS

- 2.1 It is recommended to Council that it approves the development and implementation of an Employee Rewards Programme which includes;**
 - **A Shopping Discount Scheme**
 - **A Healthcare Cash Plan**
 - **A Car lease Salary Sacrifice Scheme**
 - **A Technology Purchase Salary Sacrifice Scheme**

3 BACKGROUND

3.1 The Council has a number of existing benefits that employees can take advantage of;

- **Local Government Pension Scheme (LGPS)** – currently the Council offers a final salary pension scheme and following the pension reforms in April 2015 this will become a career average scheme, both of which are very favourable when compared to the much more commonly offered defined benefit schemes most organisations offer. Currently the Council contributes 18% of salary towards the pension scheme for every person that has opted to enrol in the LGPS. In addition, the Council provides access to Additional Voluntary Contributions (AVC) schemes.
- **Holiday entitlement** – the Council offers a generous holiday entitlement of between 34 and 39 days, including public holidays and dependant on service and hours worked per week/year. In addition there is an annual leave purchase scheme.
- **Flexible working** – Employees can take advantage of a wide range of work life balance policies which provide a variety of working options to suit most employees' lifestyles including flexible working, job share, compressed hours, home working and term time working.
- **Training and Development** - The Council is committed to the training and development of employees so that they have the necessary skills, knowledge and behaviours to do their job effectively.
- **Child Care Vouchers** - Employees with children can choose to buy child care vouchers through salary sacrifice. The vouchers are administered online and can be used to pay for most types of childcare including nurseries, child-minders', before and after school clubs and holiday clubs.
- **Discounted access to Borders Sport and Leisure Trust** - Employees have the opportunity to access discounted rates at the Trusts facilities.
- **Discounted course fees with Borders College-** Employees can access discounted evening classes.
- **Cycle to work scheme** - Employees can purchase a bike and cycle safety equipment through salary sacrifice that is paid for over a 12 month period. **Occupational Health Service** - Employees and elected members can access the occupational health advice including medical advice and physiotherapy.
- **Employee Assistance Programme** - Employees can access practical assistance and support on finance, legal advice, personal advice, work life, retirement, healthy lifestyle choices and both telephone and face to face counselling.
- **Long Service Awards** - Employees who have 25 years or more local government service are awarded with a Long Service Award of a £100 gift voucher.
- **Free advertising for local businesses** - Local businesses can advertise offers for employees and elected members for free on the SBC intranet.
- **Car Contract Hire Scheme** - this scheme is an alternative method of vehicle provision for Employees required to use a vehicle for business purposes. If an Employee is eligible for this then they are able to use the vehicle for private use as well. Under this scheme the Council's contribution is fixed for the three year term of the contract by reference to the anticipated business mileage to be run

by the individual. The total cost per month deducted from salary includes the cost of the vehicle, its maintenance, Road Tax and Insurance premiums. Currently the Council supports around 150 cars under the Scheme.

- 3.2 Employee benefit and salary sacrifice schemes are becoming increasingly important as a quick, simple and cost effective way to help recruit, retain and motivate employees by demonstrating that they are valued as well as recognising the importance of work-life balance.
- 3.3 A salary sacrifice scheme is an arrangement whereby an employee gives up the right to receive part of their salary to pay for specified goods/services where a tax exemption exists. This tax exemption means employees do not pay income tax or national insurance contributions on the value of the purchase. However in some situations it will impact on the value of pensionable salary that is used for calculating pension contributions and final pension levels.
- 3.4 At a time of financial austerity, having a range of employee benefits to choose from is a reward for employees which enables their finances to go further.
- 3.5 The proposal is positive and should increase employee morale and engagement.
- 3.6 The Council currently operates an employee benefits page on the intranet that local businesses can advertise on for free. This programme will continue to operate and we will promote this opportunity in SB Connect.

4 PROPOSITION

- 4.1 It is proposed that an enhanced rewards package is introduced that includes the following options.

Shopping Discount Scheme

- 4.2 The Shopping Discount Scheme offers employees reductions in everyday shopping from supermarkets and high street shops. It also offers discounted holiday operator rates.
- 4.3 The percentage discount operates via a pre-loadable card e.g. a card that offers 8% discount in a wide range of high street shops. In addition a pre-loadable supermarket card is also available that offers a 4% discount.
- 4.4 The proposed Shopping Discount Scheme has an estimated cost of introducing this for three years would be £3.50 per employee.
- 4.5 The benefit would be available to employees who have a contract of employment with the Council which is at least 2 years in duration and will be provided once an employee has completed a period of 6 months employment.
- 4.6 It is anticipated that this can be in place before Christmas.

Health Care Cash Plan

- 4.7 The Health Cash Plan helps employees budget for the cost of visiting the dentist, optician, physiotherapist and a number of other healthcare professionals. Whether it's a check-up, treatment or an emergency. This would be open to all employees.
- 4.8 There would be no cost to the Council to introduce this benefit; it is for each individual to decide on whether they wish to pay into the Plan to access the benefits.
- 4.9 The scheme would be available to all employees, regardless of employment status, with contributions being collected directly from the individual rather than through payroll deduction.

Technology Purchase Salary Sacrifice Scheme

- 4.10 The Technology Purchase Salary Sacrifice Scheme enables employees to enjoy the use of equipment such as iPad, computers, Smart TV's and Smartphones through salary sacrifice.
- 4.11 The sacrifice is made in equal instalments over 36 months in return for the employer's agreement to provide the employee with the home technology equipment of their choice.
- 4.12 To qualify employees would need to have been employed by the Council for 6 months and have a contract of employment that is expected to last for the duration of the salary sacrifice period, three years.
- 4.13 There would be no cost to the Council to introduce this benefit.
- 4.14 All the schemes are fully managed services and will be offered via an online web portal.

Car lease Salary Sacrifice Scheme

- 4.15 Work has been undertaken in relation to reviewing the Council's existing Car Contract Hire Scheme with the view to replacing it with a Car Salary Sacrifice Scheme.
- 4.16 The objectives underpinning this review are:
- to provide a scheme that provides wider employee access to car rather than just those who do business miles
 - to provide an affordable and flexible car financing scheme to employees
 - to reduce the cost to the Council of providing the current scheme
 - to support the Council's promotion of sustainability and carbon reduction.
- 4.17 As a result it has been identified that it would be beneficial to both employees and the Council to cease the provision of the current Car Contract Hire Scheme and introduce a Car Salary Sacrifice Scheme.
- 4.18 This Scheme would be a fully managed service thereby potentially releasing administrative capacity in the Finance Team.

- 4.19 The exact cost implications for the Council and individual employees will differ according to a variety of factors:
- the model of car chosen
 - the eco-friendliness of the model of the car
 - the insurance claims history and how many drivers to be covered
 - the tax position of the individual employee
 - whether an individual is in the LGPS
- 4.20 As well as being able to offer a scheme open to all employees irrespective of their business mileage, the use of a car salary sacrifice scheme provides the employees several benefits including:
- Financing at rates and risk premiums which take account of the Council as the employer
 - Access to a new car at volume purchasing discounts
 - The payments being subject to a tax exemption which means employees do not pay income tax or national insurance contributions.
- 4.21 There is a potential adverse impact on an employee's pensionable pay and the resulting pension receivable; however this impact is for the employee to assess against their own personal circumstances and financial priorities. In addition, it is possible for them to investigate off-setting this through the use of AVCs potentially using the savings they receive through paying for a new car via salary sacrifice.
- 4.22 It is anticipated that the Council could save between £400 and £1,000 per individual participating in the scheme due to National insurance and Pension savings without reducing the mileage rate from the current 45 pence per mile.
- 4.23 It is anticipated that the Council will be in a position to use already negotiated frameworks for this type of scheme, and if this is possible with a product that meets the Council's requirements then it is intended to work towards implementation by 1st April 2015.

Promotion of the Additional Benefits

- 4.24 To assist in marketing all the providers of these services will provide a managed launch campaign to ensure optimum employee engagement. Whilst the schemes are web based, marketing leaflets would be made available for those employees who do not have access to the internet.
- 4.25 All the existing benefits and proposed additional rewards will be available to elected members, dependant on meeting the relevant criteria with the exception of long service awards.
- 4.26 The introduction of a wider scheme will allow employees to maximise available discounts and access affordable arrangements for purchases. The introduction of the scheme will also reduce the risk of employees accessing expensive loans/ credit options.

5 IMPLICATIONS

5.1 Financial

- (a) The cost of implementing the discounted shopping scheme is estimated at £18,550 to provide all eligible staff with a card for a three year period. This cost will be met from existing resources within the HR budget.

- (b) The anticipated savings associated with the Car lease salary sacrifice scheme are £130,000p.a. by the end of the second full year of implementation. This is based on an annual uptake of up to 250 employees per annum. This saving will be included within the proposals brought forward for the 5 year Financial Plan to be agreed in February 2015.

- (c) The technology purchase salary sacrifice scheme will also provide savings in employee and employers national insurance which will be dependent on uptake.

5.2 Risk and Mitigations

Procurement will be engaged to support the securing of the most appropriate schemes to deliver these services and ensure value for money. Widening of salary sacrifice opportunities, means that the Council will need to investigate whether is a requirement to place a maximum value on deductions via salary sacrifice schemes.

5.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

5.4 Acting Sustainably

None

5.5 Carbon Management

No impact.

5.6 Rural Proofing

Not required.

5.7 Changes to Scheme of Administration or Scheme of Delegation

None.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council, Corporate Transformation and Services Director, Procurement Manager and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

**Tracey Logan
Chief Executive**

Signature

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**REVIEW OF COUNCIL'S DECISION MAKING STRUCTURE -
IMPLEMENTATION**

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

20 November 2014

1 PURPOSE AND SUMMARY

- 1.1 This report seeks approval for a new Scheme of Administration to be introduced from 1 January 2015, a Deputations procedure and a revised Calendar of meetings.**
- 1.2 At the meeting of Council on 30 October 2014, Members approved in principle a new committee structure, removing the service committees and bringing in a Scrutiny committee to complement the Executive committee, and reviving the call-in procedure.
- 1.3 A new Scheme of Administration, attached as Appendix A to this report, has been drafted, for implementation from 1 January 2015. The new Scheme of Administration has been divided into different sections: the main committees; consultative groups; ad-hoc committees; and community and partnership bodies. No changes are proposed to the current political party split on membership of committees; or any changes to existing committee appointments, unless Members choose to do so. It is proposed that the call-in procedure is re-introduced, which will allow for a decision of the Executive to be called-in for review by the Scrutiny Committee. While the Executive will consider regularly Council performance, it is anticipated Scrutiny will also independently monitor the performance of the Authority towards achieving its policy objectives and priorities, and review the effectiveness of the Council's work against agreed standards, targets and budgets.
- 1.4 A separate review of licensing is being undertaken to consider the appropriate number of members on both the Civic Government Licensing Committee and the Licensing Board. This review will look at practice elsewhere in Scotland and also take soundings from members of both the Committee and Board, before reporting back to Council in early 2015. In the interim period, no changes are proposed to the membership of both bodies.
- 1.5 A deputations procedure is attached as Appendix B to this report. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Deputations should demonstrate that there is a public interest in the issue that they are raising. As individuals have the opportunity to present a petition, it is considered that deputations could be made on behalf of a recognised community

organisation or group. It is proposed that the deputations procedure operates in the same way as the petitions procedure to ensure equity between individuals and groups.

- 1.6 An amended calendar of meetings is attached as Appendix C to this report and this shows a reduction in planned committee meetings from 111 in the current committee structure to 99 in the new structure over the same period.

2 RECOMMENDATIONS

2.1 I recommend that the Council agrees to:-

- (a) approve the Scheme of Administration, attached as Appendix A to this report, to take effect from 1 January 2015;**
- (b) appoint the members of Scrutiny Committee, and make any changes to existing committee appointments if required;**
- (c) approve the draft Deputations procedure, attached as Appendix B to this report, with the finer details of the procedure being considered by the Petitions Committee before final approval being agreed by Council;**
- (d) approve the amended Calendar of Meetings for January to July 2015, attached as Appendix C to this report; and**
- (e) consider a further report on the membership of both the Licensing Board and the Civic Government Licensing Committee early in 2015.**

3 BACKGROUND

- 3.1 Following a review of the committee structure which came into being in October 2012, at the previous meeting of Council on 30 October 2014, Members approved in principle a new committee structure, removing the service committees and bringing in a Scrutiny committee to complement the Executive committee, and reviving the call-in procedure.
- 3.2 Further work has now been carried out on the specific details for a new Scheme of Administration, with the remit of each committee; a new Delegations process; and an amended calendar of meetings for January to July 2015.

4 SCHEME OF ADMINISTRATION

- 4.1 A new Scheme of Administration, attached as Appendix A to this report, has been drafted taking into account the decision of Council on 30 October 2014 and the comments made by Members at that meeting during the debate. The new Scheme of Administration has been divided into different sections: the main committees; consultative groups; ad-hoc committees; and community and partnership bodies. No changes are proposed to the current political party split on membership of committees; or any changes to existing committee appointments, unless Members choose to do so.
- 4.2 It is proposed that the call-in procedure is re-introduced, which will allow for a decision of the Executive to be called-in for review by the Scrutiny Committee. Details of this procedure are laid out in pages 6 to 8 of the Scheme of Administration.
- 4.3 The service committees for Education, Environment & Infrastructure, and Social Work & Housing have now been removed and their remits transferred to the Executive Committee. It is proposed that the Executive Committee is managed in a themed format, with the themes being Education; Finance; Performance; and Economic Development. Themed Executive meetings would begin with the specific topic and then proceed to general business thereafter. General business would be chaired by the existing Chair of the Executive Committee and include the themed Finance and Performance elements. However, the themed Education and Economic Development Executives would be chaired by the relevant Portfolio holders for that part of the business. At the part of an Executive Committee meeting which is considering Education Authority business as a main theme, the following additional members would be included for that part of the meeting only: 3 religious representatives (voting members); 2 teachers (non-voting); and 2 representatives from Parent Councils. At the part of an Executive Committee meeting which is considering Economic Development business as a main theme, 2 additional non-voting members appointed from an external sources would be included for that part of the meeting only.
- 4.4 Trading Operations Sub-Committee shall remain as a Sub-Committee of the Executive, with the Education Performance Sub-Committee and Social Work Complaints Review Sub-Committee becoming Sub-Committees of Executive.
- 4.5 With regard to the effectiveness of current scrutiny measures, Members felt that it was important to have an effective scrutiny mechanism that could provide a balance and challenge to the Executive. It was considered

beneficial to have independent scrutiny outside of the committee which made the original decision hence the establishment of a dedicated stand-alone Scrutiny Committee. While the Executive will consider regularly Council performance, it is anticipated Scrutiny will also independently monitor the performance of the Authority towards achieving its policy objectives and priorities, and review the effectiveness of the Council's work against agreed standards, targets and budgets. This scrutiny could be carried out either through "hearings" whereby officers and relevant Executive Members can give presentations and be questioned at Scrutiny meetings, or through the setting up of short term Working Groups to review areas of corporate and/or wider community interest. It is proposed that the Scrutiny Committee has nine members, excluding any members of the Executive. The Chairman of that Committee shall be a Member from the Opposition, with the Vice-Chairman being a Member from the Administration.

- 4.6 No changes are proposed to the Audit and Risk Committee.
- 4.7 A separate review of licensing is being undertaken to consider the appropriate number of members on both the Civic Government Licensing Committee and the Licensing Board. This review will look at practice elsewhere in Scotland and also take soundings from members of both the Committee and Board, before reporting back to Council in early 2015. In the interim period, no changes are proposed to the membership of both bodies.
- 4.8 No changes are proposed at present to the Pension Fund Committee. However, Members should note that will be required to governance aspects of the management of the Pension Fund from April 2015. The final details of the necessary legislation is not yet available, but a report will be brought to Council in due course with further details.
- 4.9 No changes are proposed to either the Planning and Building Standards Committee or the Local Review Body, apart from an increase in the quorum of the Local Review Body from three to four Members to reflect the previous increase in membership of this body.
- 4.10 No changes are proposed to either the Joint Consultative Groups for Staff and Teachers respectively, or the Employee Council.
- 4.11 Section VIX of the Scheme of Administration gives details of a number of permanent ad-hoc committees: Standards; Petitions and Deputations; Appointment; Staffing Appeals; Education Appeals; Members Sounding Board; Political Management Arrangements; and Ward Project Advisory Groups. It is not intended to pre-set meeting dates for these bodies but instead meeting dates will be arranged as business demands. With regard to the Ward Project Advisory Groups, these will be established as required, comprising members of Ward(s), and shall consider local major capital project(s) at the early development stages and make the Executive Committee aware of any particular local issues or insight on the project(s), prior to the Executive Committee taking decisions.
- 4.12 Section XIII of the Scheme of Administration gives details of the Community and Partnership Bodies in which the Council is required, or has agreed to set up, lead and/or participate, along with representatives of other key public, community, voluntary and private sector bodies. These include the Police, Fire & Rescue, and Safer Communities Board; the Health and Social Care Shadow Joint Integration Board, incorporating the

Community Health and Care Partnership; the Community Planning Strategic Board; and Area Forums. Members should note that changes will be required to the Shadow Joint Integration Board for April 2015, once the final legislation is available relative to the Public Services (Joint Working)(Scotland) Act 2014.

- 4.13 Should Members be minded to approve the Scheme of Administration, it is anticipated that the new committee structure will come into being on 1 January 2015. Any decisions or outstanding items of business from the current committee structure will be referred to the appropriate committee in the new structure. Members will also require to appoint the membership of the Scrutiny committee.

5 DEPUTATIONS

- 5.1 At the meeting of Council on 30 October 2014, Members agreed to include deputations within the formal committee structure. A deputations procedure is attached as Appendix B to this report. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Deputations should demonstrate that there is a public interest in the issue that they are raising. Given the correlation between petitions and deputations it is proposed that any deputations be heard by the Petitions and Deputations Committee which can then, if appropriate, refer the issue on to another Committee or Director, or decide that no further action is required. As individuals have the opportunity to present a petition, it is considered that deputations could be made on behalf of a recognised community organisation or group. It is proposed that the deputations procedure operates in the same way as the petitions procedure to ensure equity between individuals and groups.
- 5.2 It is further proposed that the finer details of the deputations procedure be considered by the current Petitions Committee, with final approval agreed by Council, following recommendations from the Petitions Committee.

6 CALENDAR OF MEETINGS

- 6.1 An amended calendar of meetings is attached as Appendix C to this report. It is anticipated that there will be sufficient business for the Executive Committee to consider to timetable in meetings roughly every two weeks, taking into account school holidays. In addition one or other of the Administration's Advisory Groups (Policy; and Finance & Resources) are scheduled to meet at the conclusion of each Executive meeting. Meetings of the Scrutiny Committee have been scheduled in for once per month, with the proviso that should business dictate or there is a call-in, further meetings will be added as necessary.
- 6.2 No meetings have been scheduled for the ad-hoc committees at this time as it is anticipated these will only meet as and when there is business to consider.
- 6.3 The amended calendar of meetings shows a reduction in planned committee meetings from 111 in the current committee structure to 99 in the new structure.

7 IMPLICATIONS

7.1 Financial

It is not anticipated that there will be any increased costs attached to the recommendations contained in this report.

7.2 Risk and Mitigations

The existing committee structure was introduced in 2012 following the local government elections. Alongside this new committee structure a commitment was made to review its effectiveness within 18 months. The review has now been carried out and Members agreed to a new committee structure in principle at its meeting in October 2014. This report and appendices give further details on the remits of each committee in the new structure, the draft deputations procedure, and an amended calendar of meetings. Further checks will be carried out to ensure that any decisions from the existing committees will be carried out and any outstanding reports brought before the relevant committee in the new structure.

7.3 Equalities

No Equalities Impact Assessment has been carried out on the Scheme of Administration although a checklist was completed and this confirmed that the proposals set out in the Scheme and in this report do not have any potential adverse impact on any particular group of clients, residents or staff; nor do they discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

7.4 Acting Sustainably

No economic, social or environmental effects are anticipated from the proposals contained in this report.

7.5 Carbon Management

There should be no impact on the Council’s carbon emissions from the proposals contained in this report.

7.6 Rural Proofing

A rural proofing checklist has been completed and it is anticipated there will be no specific impact on the rural area from the proposals contained in this report.

7.7 Changes to Scheme of Administration or Scheme of Delegation

A new Scheme of Administration is part of the proposals in this report. Should this be approved, the Clerk to the Council will make any required changes to the Scheme of Delegation as necessary.

8 CONSULTATION

8.1 Consultation has taken place with members of the Council’s Corporate Management Team, the Chief Legal Officer and the Chief Officer Audit & Risk and their comments received are incorporated in the report.

Approved by

Chief Executive

Signature

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council 01835 825004

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 30 October 2014

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jenny Wilkinson can also give information on other language translations as well as providing additional copies.

Contact us at Jenny Wilkinson, Democratic Services, Council Headquarters, Newtown St Boswells, TD6 0SA Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

Scottish Borders Code of Governance

DRAFT

Scheme of Administration

Openness

Accountability

Responsiveness

Democracy

Scottish Borders Council
20 November 2014

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SECTION I

GENERAL

Purpose

1. This Scheme of Administration:-
 - (a) regulates the constitution and membership of the Committees of the Council;
 - (b) the allocation of the functions of the Committees of the Council; and
 - (c) the delegation to Committees of authority to exercise the functions of the Council.

Amendment

2. This Scheme may be amended at any time by the Council by decision of a simple majority, or, for more minor changes arising from a decision of the Council or the Executive, by the Clerk to the Council in accordance with the Scheme of Delegation.

Interpretation

3. In this Scheme the following expressions have the following meanings assigned to them:
 - "Act" in relation to the functions of the Council means an Act of Parliament or any amendment or variation of such, including Regulations made under an Act.
 - "The Local Government Acts" means the Local Government (Scotland) Act 1973, the Local Government etc (Scotland) Act 1994, and any other relevant statute relating to committees
 - "Area" in relation to the geographical area of jurisdiction of the Council shall be the Scottish Borders as defined in column 1 of Part 1 of Schedule 1 to the Local Government etc. (Scotland) Act 1994.
 - "Council" means the Scottish Borders Council.
 - "Committee", also relates to Boards, and where the context permits, includes any Sub-Committee of that Committee.
 - "Convener" means the Civic Head of the Council appointed by the Council.
 - "Vice-Convener" means the Depute Civic Head of the Council appointed by the Council.
 - "Co-opted Member" means any member of a Committee who is not an Elected Member.
 - "Chief Executive" means the Chief Executive appointed by the Council.
 - "Assessor" means the Assessor appointed by the Council as valuation authority under Section 27(2) of the Local Government etc. (Scotland) Act 1994, except in Section XV (Local Review Body) where its meaning is taken from the Planning etc. (Scotland) Act 2006.
 - "Elected Member" or "Member" means a Councillor elected to the Council in terms of Chapter 1 of Part 1 of the Local Government etc (Scotland) Act 1994, as amended.

“Leader” means the Leader for the time being of the Council.

“Depute Leader” means the Depute Leaders for the time being of the Council.

“Administration” in relation to the membership of the Council and Committees means the ruling group formed by an alliance of the majority of Members on the Council.

“Opposition” in relation to the membership of the Council and Committees means the registered group formed by an alliance of Members outwith the ruling group on the Council.

Committees, etc.

4. Subject to the provisions of the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, the Council shall appoint and maintain the following Committees, and Sub-Committees:

Council Sub-Committees

- Duns Common Good Fund
- Galashiels Common Good Fund
- Hawick Common Good Fund
- Jedburgh Common Good Fund
- Kelso Common Good Fund
- Lauder Common Good Fund
- Peebles Common Good Fund
- Selkirk Common Good Fund
- William Hill Trust

Executive Committee

- Trading Operations Sub-Committee
- Education Performance Sub-Committee
- Social Work Complaints Review Sub-Committee

Scrutiny Committee

Audit and Risk Committee

Civic Government Licensing Committee

Licensing Board

Pension Fund Committee

Planning and Building Standards Committee

Local Review Body

Joint Consultative Group – Staff

Joint Consultative Group – Teachers

Employee Council

Police, Fire & Rescue, and Community Safety Board

Health and Social Care Shadow Integration Board

Community Planning Strategic Board

Area Forums

- Berwickshire Area Forum
- Cheviot Area Forum
- Eildon Area Forum
- Teviot & Liddesdale Area Forum
- Tweeddale Area Forum

Appointment Committee

Petitions Committee

Standards Committee

Staffing Appeals Committee

**Education Appeals Committee
Members Sounding Board: Political Management Arrangements
Ward Project Advisory Groups**

5. The respective Committees, etc., of the Council shall have the Constitution, Quorum, Terms of Reference and Delegated Powers, as detailed in the appropriate Section of this Scheme.
6. The Council may from time to time appoint such other Committees, Sub-Committees, etc., and/or Working Parties with such Constitution, Quorum, Terms of Reference and Delegated Powers as the Council may decide.
7. The Minutes of a meeting of a Sub-Committee will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Sub-Committee and will be circulated to the next meeting of the parent Committee for approval of any recommendations.
8. The Minutes of parent Committees will be submitted for approval as a correct record and signed by the person chairing the next meeting of the Committee and will be circulated to the next meeting of the Council for approval of any recommendations.

Call-In Procedure

9. Any report being considered by the Executive Committee will include a statement from the Clerk to the Council if it is to be exempt from the Call-In procedure, giving the reasons for the exemption. This exemption is subject to the Executive Committee approving the recommendations as detailed in the report. Should the Executive Committee amend the recommendations contained in any report then the Clerk to the Council will require to review the exemption or non-exemption status of the report accordingly.
10. A decision of the Executive Committee can be called-in for review by Scrutiny in the following way subject to the terms detailed in (a) to (f) below:
 - (i) the Clerk to the Council must be informed, in writing, of the request;
 - (ii) the request must be made before 5 p.m on the fourth working day following the Executive meeting, whether the Minute of that meeting has been issued or not; and
 - (iii) at least five named members of the Council must subscribe to the request.

(a) Decisions Not Subject to Call-in

Certain types of decision are exempted from Call-in and these are:

- (i) matters which require formal ratification by the full Council, such as the setting of the level of Council Tax;
- (ii) decisions taken under emergency powers;

- (iii) decisions where a delay would prejudice the best interests of the Council – for example if:
 - (1) the decision is a formal response by the Council which has to be given within a prescribed deadline;
 - (2) immediate action is needed in order to avoid possible legal proceedings against the Council; or where a delay would involve a breach of law (such as where a statutory or contractual timescale would be infringed by a delay);
 - (3) deferral of an immediate implementation of the decision could result in financial detriment to the Council. If financial detriment is cited as a reason for refusal, then details of the actual costs and their composition will be included in the explanation.

(b) Terms for Calling-in Items

- (i) Requests for a call-in must contain a clear and specific reason for wishing the decision to be reviewed.
- (ii) It is acceptable for requests to be submitted to the Clerk to the Council by e-mail provided that an individual e-mail is received from each of the members identified as subscribing to the request giving their own individual endorsement to this.
- (iii) One of the five signatories to the request must be identified as the “lead member” for the purpose of processing the matter. The request will therefore need to stipulate which of the five wishes to be the designated “lead member”.

(c) Timescale for Reviewing Decisions Called-in

It is important to ensure that Scrutiny has sufficient time to review a decision, whilst at the same time avoiding undue delay to the decision-making process of the Council. To this end, Scrutiny will review a decision called-in at the first available meeting or at a specially convened meeting after the due notice of call-in has been received by the Clerk to the Council and will provide a report for the meeting of the Executive immediately following. Where Scrutiny is, for some reason, unable to provide a response within this timescale, it will notify the Executive accordingly, together with the reason why it has been unable to complete its review, and advise of the expected completion date. Should any such delay lead to the best interests of the Council being prejudiced then the call-in will fall.

(d) Procedure for Reviewing Items Called-in

In order to carry out a review of decisions called-in, Scrutiny will require to interview Executive members and/or officials. Where this is the case, and in order to ensure that all such interviews are fair and productive, it is suggested that to help provide information relating to the matter under

review, the person or persons who are to be asked to attend the meeting will:

- (i) be given prior notice of this; and
- (ii) be provided with an indication of the nature of the issue under consideration or of the questions likely to be asked.

In terms of officials asked to attend, the procedure for Scrutiny will be to ask the relevant Director who will either attend in person or will nominate an appropriate representative. The designated "lead member" for the request (if he/she is not already a member of Scrutiny) will be extended the opportunity of attending the meeting of Scrutiny where the matter is to be discussed in order to explain in more detail the reasons for calling-in the decision.

(e) Procedure for Scrutiny Recommendations being considered by the Executive

Once Scrutiny has considered a Call-in and come to a conclusion, the Chairman of Scrutiny (or his representative) and the Lead Member of the Call-in, are required to attend the Executive meeting where any Scrutiny recommendations are being considered, to introduce the findings/recommendations of Scrutiny.

(f) Procedure in the Event of Continuing Differences between the Executive and Scrutiny

If agreement cannot be reached between the Executive and Scrutiny on the matter called in, then the matter will be referred to the full Council for a final resolution of the matter.

SECTION II

PROVISIONS APPLICABLE TO ALL COMMITTEES

Referred Functions

1. Subject to the provisions of the Local Government (Scotland) Act 1973 and the Local Government etc. (Scotland) Act 1994 and any other relevant statutes, and subject also to the provisions of the Council's Standing Orders, where any function of the Council is referred to a Committee, the Committee shall not have the power to exercise the function in like manner as the Council, but the Committee shall consider any matter relating to that function and report to the Council or Committee as the case may be and any recommendation by the Committee on any such matter shall be subject to the approval of the Council, or of any Committee to which that function may have been delegated.
2. There shall be excluded from reference to any Committee the following:
 - (a) any matter specifically referred to another Committee;
 - (b) any matter which the Council may decide is specifically excluded from reference to the Committee.
3. Notwithstanding the reference to one Committee of any class of functions, the Council shall have power to refer any one of those functions on any particular occasion specifically to another Committee when by reason of the nature of the matter and in the opinion of the Council, it should be so referred.
4. Where any question arises out of or in connection with the functions referred to two or more Committees, these Committees shall confer together and give all necessary assistance before reporting to the Council either jointly or separately.
5. In the event of any difference arising between two or more Committees, the matter shall be determined by the Council after receiving reports on the matter from each Committee concerned.

Delegated Functions

6. Subject to the provisions of the Local Government Acts and any other relevant statutes and subject also to the provisions of the Council's Standing Orders, where any function of the Council is delegated to a Committee (or Sub-Committee), that body shall have the power to exercise the function in like manner in all respects as the Council could have exercised it had there been no delegation; provided, however, that it shall be competent for such Committee (or Sub-Committee) in relation to any delegated matter, instead of taking a decision on the matter, to make a recommendation on the matter to the Council or Committee as the case may be, in which event the matter shall be decided by the Council or Committee as the case may be after consideration of that recommendation. Any recommendation which requires a final decision by full Council shall be identified in the Minute of the Committee marking the recommendation with an asterisk*, and any recommendation which requires a final decision by the Executive Committee shall be identified in the Minute of the Committee marking the recommendation with a hash#.

General

7. Subject to the provisions of the Local Government Acts and any other relevant statutes:
 - (a) Each Committee shall give effect to any instruction of the Council.
 - (b) The Council may at any time if they so determine deal with any matter included in the reference or delegation to a Committee although no report from such Committee is before them.
 - (c) The Council may, at any time, by decision recorded in the Minutes of the Council, vary, add to or restrict any reference or delegation to any Committee or Working Group.
 - (d) A Committee may at any time if they so determine deal with any matter included in the reference or delegation to a Working Group of that Committee although no report from such Working Group is before it.
8. The Council shall appoint all members of Committees and Sub-Committees unless otherwise provided in this Scheme. The appropriate Committee shall appoint all members of its Working Groups unless otherwise provided in this Scheme. The term of office of members of Committees shall be as decided by the Council. The Leader and Depute Leaders of the Council shall be entitled, in addition to their membership of the Executive Committee, to attend and speak at any Committee, Sub-Committee or Working Group of the Council – except Planning and Building Standards Committee, Licensing Board, and Civic Government Licensing Committee - but shall not be entitled to vote at these bodies unless as a duly appointed member of that body.
9. For the purpose of awarding Members' Allowances, including payments to Senior Councillors, and for the purpose of appointment of Members to Committees, the Council will apply the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007, the Local Government (Allowances and Expenses) (Scotland) Regulations 2007 and the Local Governance (Scotland) Act 2004 (Allowances and Expenses) Regulations 2007, and any subsequent variation or amendment thereto. The Council shall only recognise a political group, its Leader, Depute Leader (where specified by any political group), and the membership of any political group, where appropriate notice is delivered to the Council's Chief Executive or Proper Officer.

Furthermore, the Council shall take account of the preferred nominations submitted by the various groups, by notice signed by the Leader or Depute Leader of the group concerned and delivered to the Chief Executive or other authorised officer, in the selection of persons to be appointed as members of Committees, always however within the overall number of members of each group entitled by the Council to have membership of each Committee. The Council will also take account of any subsequent variation in the preferred nomination or nominations submitted by any group, by notice signed and delivered as aforesaid, in relation to the membership of any Committee, always subject to the same consideration as immediately before specified.

10. Casual vacancies in the membership of any Committee, however arising, shall be filled as soon as reasonably possible, taking account of Clause 10 of Section II of this Scheme, and the term of office of members so appointed to fill casual vacancies shall be as decided by the Council; provided that in the event of a casual vacancy arising within the period of three months immediately preceding the next ordinary statutory election of councillors, the Council in the case of a vacancy in the membership of a Committee may decide that the vacancy shall remain unfilled for the remainder of that period.
11. The Council shall appoint the Chairman and Vice-Chairman (if required) of each Committee (other than the Licensing Board and Area Forums), and unless otherwise specified in this Scheme, the persons appointed shall be Elected Members. The Chairman and Vice-Chairman of an Area Forum shall be Elected Members and shall be appointed by the Elected Members who are members of that Area Forum. Each Committee shall appoint the Chairman of any Working Group of that Committee and the person appointed shall already be a member of that Committee.
12. A Committee may delegate to an Officer of the Council, or to an Officer or Officers in consultation with an Elected Member or Members as appropriate, authority to undertake or discharge any function which is delegated to that Committee or Sub-Committee. Authority may not be delegated to an individual Councillor or Councillors unless as members of a particular Committee or Sub-Committee meeting formally.
13. An Elected Member may take part in the proceedings of, speak and vote (if appointed as a voting member) at any Committee (or Working Group) of which he or she is a member. An Elected Member may attend the proceedings of a Committee of which he or she is not a member but may not take part or vote and may only speak if, following a prior request to the Chairman, he or she is invited to address the Committee on the matter under consideration. Such a request may be granted where a specific Ward issue is involved, or otherwise in exceptional circumstances, at the Chairman's discretion.

A Co-opted Member may only attend, take part in, speak (and vote if the appointment is as a voting-member) at a meeting of a Committee of which he or she is a member.
14. Committee meetings are open for members of the public to attend except to the extent that they are excluded under Section 50(A)(2) and (4) of the Local Government (Scotland) Act 1973. Members of the public may not take part in Committee meetings and may only speak if, following a prior request to the Chairman, he or she is invited to address the Committee on the matter under consideration. The Chairman shall have sole discretion on whether to invite members of the public to address the Committee. No such right to speak will be granted where Committees are considering planning or licensing applications, other than when a Licensing Hearing has been convened.

Items for Agendas and Reports to Committees

15. Only those reports which require a decision to be taken by a Committee of the Council, or are necessary to enable the Committee to discharge its business or exercise its statutory or monitoring role, will normally be included on the

agenda of any Committee. It shall be delegated to the Chief Executive or the Clerk to the Council to make the final determination on whether or not an item of business should be included on an agenda. Any reports or other documents which are for information only will be included in an Information Bulletin prepared by the Clerk to the Council for issue to all Members of the Council on a regular basis.

SECTION III SCOTTISH BORDERS COUNCIL

Constitution

All 34 Elected Members.

Chairman

The Convener shall be Chairman of the Council and the Vice-Convener Vice-Chairman.

Quorum

- (a) The complete number of Council members is thirty four. Subject to Standing Order No. 18, no business shall be transacted at a meeting of the Council unless at least one-fourth (i.e. nine members) of the complete number of Council members are present.
- (b) Where there are vacancies of more than one-third of the Council members (i.e. more than 12 members), then the quorum of the Council is determined as follows:-
- Until the number of members in office is increased to not less than two-thirds (i.e. 24 members) of the complete number of Council members, the quorum of the Council shall be determined by the actual number of Council members, instead of the complete number of Council members. The quorum, however, shall never be less than one-eighth (i.e. five members) of the complete number of members of the Council.

Decisions Excluded from Delegation to any Committee by Statute

1. The raising of money by Rates, Council Tax or borrowing.
2. The approval annually of the Revenue Financial Plan and the setting of the level of Council Tax for any year.
3. The approval annually of the Capital Financial Plan.
4. The approval annually of the Council's and Pension Fund's statutory accounts.
5. The approval annually of the Council's treasury management policy and strategy.
6. The approval of any new policies and strategies.
7. Approve the Community Plan.
8. Except as provided for in this Scheme of Administration, Financial Regulations, Scheme of Delegation and Standing Orders approved by the Council, in respect of the matters referred to the Committee:
 - (i) the incurring of any net new expenditure not provided for in the estimates of Capital or Revenue expenditure unless and until such expenditure is reported to and approved by the Council;
 - (ii) the amendment of the Financial Regulations for regulating the Council's financial procedures;

- (iii) the amendment of this Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Council;
 - (iv) the preparation, review and amendment of the Standing Orders for regulating the proceedings and business of the Council and Committees
 - (v) the preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officers.
9. The making of an order for the compulsory acquisition of any land or buildings.
 10. Other than to a Committee specially appointed for the purpose, the appointment of the Chief Executive and the dismissal of the Chief Executive, the Assessor or any Director.
 11. All matters relating to elections of Councillors.
 12. Matters relating to any alteration in the boundaries of the area or electoral wards and the number of Councillors.
 13. The appointment of representatives of the Council on outside bodies.
 14. The decision to co-operate or combine with other local authorities in the provision of services, other than decisions relating to any arrangements under which the Council's Trading Organisations may co-operate or combine with other contracting units in the provision of services.
 15. The preparation and review of the Scheme for Community Councils and carrying out those powers and duties relative to facilitating and co-ordinating the Council's relationship with Community Councils.
 16. Consideration of Provisional Orders or Private Bills affecting the interests of the Council and approval of the terms of any Provisional Order or Private Bill to be promoted by the Council.
 17. Approval of the Strategic and Local Development Plans.
 18. The consideration of planning applications in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.
 19. The conducting of Pre-determination Hearings to consider representations from applicants and other interested parties in respect of National Developments and Major developments which are significantly contrary to the local development plan as defined within Section 38A(1) of the Town and Country Planning Act (Scotland) Act 1997.

Other Functions

20. Approve items of expenditure for any Common Good Fund of a value greater than £20,000.

21. Determine any matters affecting Common Good Funds, other than those delegated to Common Good Fund Sub-Committees.
22. Determine, if required, any matter referred or delegated to any other Committee.
23. Approve the change of status, or closure, of any school. [*Note: Where a recommendation has not been received from the Executive Committee, the religious/teacher/parent council representatives on the Executive Committee shall be given the opportunity to contribute to the debate.*]

(COUNCIL SUB-COMMITTEES)

COMMON GOOD FUND SUB-COMMITTEES

Constitution

- (a) For each Common Good Fund Sub-Committee, the elected Scottish Borders Councillors representing the Ward(s) of:
For **Duns** - Mid Berwickshire
For **Galashiels** – Galashiels and District
For **Hawick** – Hawick and Denholm; Hawick and Hermitage
For **Jedburgh** – Jedburgh and District
For **Kelso** – Kelso and District
For **Lauder** – Leaderdale and Melrose
For **Peebles** – Tweeddale East; Tweeddale West
For **Selkirk** - Selkirkshire
- (b) For each of the Common Good Fund Sub-Committee, a member of the following local Community Council(s) as a non-voting member:
For **Duns** – Duns Community Council
For **Galashiels** – Galashiels Community Council
For **Hawick** – Burnfoot Community Council; Hawick Community Council
For **Jedburgh** – Jedburgh Community Council
For **Kelso** – Kelso Community Council
For **Lauder** – Lauderdale Community Council
For **Peebles** – Peebles Community Council
For **Selkirk** – Selkirk Community Council

Quorum

- (a) Two Scottish Borders Councillors, in relation to the Common Good Fund Sub-Committees of **Duns, Galashiels, Jedburgh, Kelso, Lauder** and **Selkirk**.
- (b) Three Scottish Borders Councillors, with at least one from each Ward, in relation to the Common Good Fund Sub-Committees of **Hawick** and **Peebles**.

Chairman of each Sub-Committee

The Chairman of each Sub-Committee shall be a Scottish Borders Councillor.

Functions Referred

The following functions of the Council shall stand referred to each Sub-Committee:

1. The routine administration of the Common Good Fund.
2. Award of grants or loans of up to £20,000.
- *3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.
4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.

- *5. Make recommendations to Council in relation to the sale or lease or purchase of Common Good land or property of a value greater than £20,000.
6. Hold an annual meeting to consider:
- (i) a budget for the year ahead;
 - (ii) a report reviewing the performance of investments and approval for the amount of funds to be invested, as per the Corporate Investment Policy;
 - (iii) a report on the factorage of property, as appropriate;
- and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Consult such other parties as the Sub-Committee considers appropriate prior to decision making.
8. Ensure the implementation of decisions affecting the Common Good Fund and monitor their impact on the Common Good Fund.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

(COUNCIL SUB-COMMITTEES)

WILLIAM HILL TRUST SUB-COMMITTEE

Constitution

- (a) The three elected Scottish Borders Councillors representing the Ward of Leaderdale and Melrose.
- (b) A member of Melrose Community Council as a non-voting member.

Chairman

The Chairman shall be a Scottish Borders Councillor.

Quorum

Two Scottish Borders Councillors.

Functions Referred

The following functions of the Council shall stand referred to the Sub-Committee:

1. The routine administration of the Trust Fund.
2. Award of grants or loans of up to £20,000 from the Trust Fund.
- *3. Make recommendations to Council in respect of grants or loans or major items of expenditure above £20,000.
4. Approve terms for hires, wayleaves, leases etc., and the sale or purchase of land and property up to a value of £20,000.
- *5. Make recommendations to Council in relation to the sale or lease or purchase of Trust Fund land or property of a value greater than £20,000.
6. Hold an annual meeting to consider a budget and to hear reports reviewing the performance of investments and on the factorage of property and otherwise to hold meetings on an ad hoc basis to deal with business as it arises.
7. Consult such other parties as the Sub-Committee considers appropriate prior to decision making, including Community Councils.
8. Ensure the implementation of decisions affecting the Trust Fund and monitor their impact on the Trust Fund.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Sub-Committee for consideration and recommendation only and must receive approval of Council.

SECTION IV

EXECUTIVE

Constitution

- (a) 16 Members of the Council, being:-

Leader of the Council
Depute Leader of the Council (Finance)
Depute Leader of the Council (Health Service)
Executive Members for –
 Community Planning (Vice-Convener)
 Culture, Sport and Community Learning
 Community Safety
 Economic Development
 Education
 Environmental Services
 HR and Corporate Improvement
 Planning and Environment
 Roads and Infrastructure
 Social Work
Three members of the Opposition

- (b) At that part of an Executive meeting which is considering Education Authority business as a main theme, the Executive will include (for that part of the meeting only) the following additional members as voting members (to be made in accordance with Appendix A to this Scheme) – three persons interested in the promotion of religious education appointed in accordance with Section 124 of the Local Government (Scotland) Act 1973 as amended by Section 31 of the Local Government Etc. (Scotland) Act 1994; and the following additional members as non-voting members – two teachers in the employment of the Council appointed as non-voting members by the Council from nominations to be made in accordance with Appendix B to this Schem, and two representatives from Parent Councils, one from the Primary Sector, and one from the Secondary Sector.
- (c) At that part of an Executive meeting which is considering Economic Development business as a main theme, the Executive will include (for that part of the meeting only) two additional members appointed from an external source as non-voting members.

Chairman

- (a) The Leader of the Council shall be Chairman of the Executive. The Depute Leaders shall be Vice-Chairmen.
- (b) At that part of an Executive meeting which is considering Education Authority business as a main theme, the Executive will be chaired by the Executive Member for Education.

- (c) At that part of an Executive meeting which is considering Economic Development business as a main theme, the Executive will be chaired by the Executive Member for Economic Development.

Quorum

Seven members of the Executive shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

Policy and Performance

1. Review and alter from time to time, as may be considered necessary, any existing policies or strategies not specifically within the remit of any other Council Committee.
- *2. Consider the broad needs of the Council's Area and matters of comprehensive importance, including advising the Council on European Community matters, making recommendations to Council as necessary.
3. Consider regularly Council performance against:-
 - The Single Outcome Agreement
 - Corporate and Improvement Plans including policy objectives and priorities
 - Relevant Business Plan actions and initiatives
 - Statutory Performance Indicators and the Annual Public Performance Report
 - Key performance indicators and other relevant performance indicators
 - Business Transformation
 - Best Value
4. Identify the requirement for any in-depth policy or practice review work arising from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.
5. Ensure the enactment of committee decisions and monitor their impact on Council services.

Resources and Services

6. Consider matters relating to the organisation and administration of all Services of the Council, including the business management and financial controls of the Council's significant Trading Operations.
7. Initiate or carry out reviews of strategic or corporate significance and such other reviews as the Executive deem appropriate.

Financial Management

8. Secure the co-ordination, control and proper management of the financial affairs of the Council.
9. Consider regularly the Council's performance against the revenue and capital budgets and associated financial statements.

10. Within the context of the approved Capital Financial Plan, approve proposals for capital expenditure.
11. Within the context of the approved Revenue Financial Plan, except where specifically delegated to another Committee, approve proposals for revenue expenditure, including proposals for virement in terms of Financial Regulation 7.9. For the avoidance of doubt, this means approval of all decisions relating to virements between Services, capital finance from current revenue, policy changes and the carry forward of earmarked balances.
- *12. Consider requests to incur revenue expenditure not provided for in the approved Revenue Financial Plan and make recommendations to Council.
- *13. Consider requests to incur capital expenditure not provided for in the approved Capital Financial Plan and make recommendations to Council.
14. Consider all matters (not delegated directly to Officers) related to:
 - (i) Revenue and Capital budgets and funding approved by Council;
 - (ii) banking;
 - (iii) debt management and debt recovery, including the appointment of sheriff officers;
 - (iv) Treasury Management;
 - (v) procurement;
 - (vi) investment;
 - (vii) borrowing;
 - (viii) income collection; and
 - (ix) insurance arrangements of the Council.
15. Consider all matters related to the collection of Council Tax, Rates, (former) Community Charges, Water and Sewerage Charge (on behalf of Scottish Water) and acting as Collecting Authority therefore in terms of Section 79 of the Local Government etc. (Scotland) Act 1994.
16. Approve applications for funding and authorise grants above the level not delegated directly to officers.
17. Determine applications for financial assistance from outside bodies.
18. Establish an ad-hoc Procurement Appeals Committee, consisting of three Members, to consider and determine any appeals by suppliers against the disqualification of their tender by the Council for any reason.

Property, Land and Accommodation

19. Consider matters relating to land and buildings, including:
 - (i) asset management planning for the Council's estate;
 - (ii) the provision, management, furnishing, equipping, maintenance and facilities management of buildings;
 - (iii) negotiations relating to commercial developments and the acquisition and disposal of land and/or buildings; and
 - (iv) energy and carbon management.

Staffing

20. Consider the training, development and welfare of all staff, including the preparation and review of Council policies on staffing issues and Health and Safety at Work, and the promotion of good human resources management and employment practices.
21. Consider all matters relating to the conditions of service, remuneration, allowances, superannuation and pensions of all employees, including consultation and negotiation with the appropriate Trades Unions as necessary, and the ratification of National Agreements and significant Local Agreements.

Education

- *22. Consider the broad educational needs of the Council's area, making recommendations to Council as necessary.
23. Oversee the functions of the Council under the Education (Scotland) Acts, the Education (Additional Support for Learning) (Scotland) Act 2004, and all other relevant legislation and regulations.
24. Consider all matters relating to education including pre-school education, primary education, secondary education and community learning and development.
- *25. Make recommendations on the change of status, or closure, of any school.
26. Consider all matters relating to Parent Councils.
27. Establish an ad-hoc Sub-Committee, as required, to deal with any parents who are failing to meet their responsibilities regarding a child's attendance at school, if a parent:-
 - (a) fails to provide a reasonable excuse for the child's absence from school; and/or
 - (b) provides dubious excuses for the child's absence; and/or
 - (c) does not effectively address the matter of the child's absence from school.

Economic Development

28. Provide strategic leadership and vision for Economic Development in the Scottish Borders, developing and overseeing the delivery of economic development plans.
29. Ensure key changes are implemented by the Council to achieve improved services for businesses, encouraging a 'business positive' culture across the Council.
30. Scrutinise and review the effectiveness of Council services, other agencies and organisations in promoting the economic development and well-being of the Scottish Borders.

Miscellaneous

31. Consider new legislation and advise Council accordingly.

32. Initiate or defend civil actions other than those relating to matters standing referred to other Committees.
33. Consider all matters not specifically referred to or delegated to any other Committee.
- *34. Make recommendations to Council regarding responses to statutory and other consultations.

Functions Delegated

All of the functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the Council.

(EXECUTIVE COMMITTEE)

TRADING OPERATIONS SUB-COMMITTEE

Constitution

Five Members of the Council, being:

- (a) the Depute Leader (Finance)
- (b) the Executive Member for HR and Corporate Improvement
- (c) the Executive Member for Roads and Infrastructure
- (d) the Executive Member for Environmental Services
- (e) one Member from the Opposition.

Chairman

The Executive Member for HR and Corporate Improvement shall be Chairman of the Sub-Committee.

Quorum

Three members of the Sub-Committee shall constitute a quorum.

Functions Referred

The following functions of the Council in relation to significant Trading Operations shall stand referred to the Sub-Committee:-

1. The consideration of matters relative to business management of trading services including providing an appropriate level of scrutiny on the financial risk arising from trading operations.
2. The monitoring of the trading arrangements and operations in terms of the Local Government (Scotland) Act 2003.
3. The evaluation of financial controls and the detailed monitoring of financial and performance levels for trading services.
4. The evaluation of Financial Plans for delivering required performance levels from trading services.
5. Consideration of the strategic model employed by trading services, and to contribute towards the long-term strategic development process.
6. Consideration of matters relative to tendering for internal and external contract works.
7. The determination of appropriate processes and practices, within overall Council policy, to support the efficient and effective development of trading powers.
8. To understand the trading risk exposure and to evaluate measures to manage the trading risk-reward balance.
9. The consideration of Joint Arrangements with suppliers or other parties to improve the effectiveness and/or efficiency of the trading organisation.

Functions Delegated

All of the functions referred to the Sub-Committee.

(EXECUTIVE COMMITTEE)

EDUCATION PERFORMANCE SUB-COMMITTEE

Constitution

Three Elected Members, being the Executive Member for Education, together with two other Members of the Executive Committee. The Teacher Representatives and Parent Council representatives are excluded from membership of the Sub-Committee.

Chairman

The Chairman shall be the Executive Member for Education.

Quorum

Two Members of the Sub-Committee shall constitute a quorum.

Functions Referred

The following functions of the Committee shall stand referred to the Sub-Committee:-

1. To consider all published reports, action plans, and follow up reports on:
 - (i) pre-school, primary and secondary school by Her Majesty's Inspectorate of Education (HMIe);
 - (ii) community learning and development (CLAD) and other community services by Her Majesty's Inspectorate of Education (HMIe);
 - (iii) Care Inspectorate (on educational establishments in the Scottish Borders);
and
 - (iv) internal school reviews.
- #2. To request follow-up reports in respect of the implementation of any Action Plans, if required, for any of the above reports, and make recommendations to the Executive Committee, as necessary.

Functions Delegated

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and recommendation only and must receive approval of the Executive Committee.

(EXECUTIVE COMMITTEE)

SOCIAL WORK COMPLAINTS REVIEW SUB-COMMITTEE

Constitution

Three members as follows:- An Executive Member and two independent persons.

Chairman

The Chairman shall be appointed by the Sub-Committee and shall be an independent person.

Quorum

Three members of the Sub-Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Complaints Review Sub-Committee:-

- #1. Where required, the review of responses made to complainers making representations in relation to the discharge of, or failure to discharge, any of the functions of the Council under the Social Work (Scotland) Act 1968, or any of the enactments referred to in Section 2(2) thereof.

Functions Delegated

All functions above NOT marked #. Those functions marked # are referred to the Sub-Committee for consideration and any recommendations must receive approval of the Executive Committee.

SECTION V SCRUTINY

Constitution

Nine Members of the Council, excluding any members of the Executive.

Chairman

The Chairman of the Committee shall be a Member from the Opposition. The Vice-Chairman shall be a Member from the Administration.

Quorum

Four members of the Committee shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

- *1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
- *2. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.
3. Acting as a focus for value for money and service quality exercises.
- #4. Management of the "Call in" procedure for the examination of decisions of the Executive.
5. Any other matter referred to the Committee for consideration by Council or the Executive.

Functions Delegated

All functions above NOT marked * or #. Those functions marked # are referred to the Committee # are referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee.

SECTION VI

AUDIT AND RISK COMMITTEE

Constitution

Eight members - being six Members of the Council and two non-voting members appointed from an external source. The Council Members shall comprise six Members not on the Executive Committee (4 from the Administration and 2 from the Opposition).

Chairman

The Chairman shall be one of the Scottish Borders Council Members.

Quorum

Three Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. Assess the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control to provide reasonable assurance of effective and efficient operations, including the review of assessment of fraud risks and the monitoring of the counter fraud strategy, actions and resources.
2. Assess the adequacy and effectiveness of the Council's risk management arrangements.
3. Assess the adequacy and effectiveness of corporate governance arrangements against the good governance framework and consideration of annual governance reports and assurances to ensure that the highest standards of probity and public accountability are demonstrated to underpin the delivery of value for money or best value services.
- *4. Review the Council's audited Statement of Accounts and the Annual Report from the External Auditor to Members and the Controller of Audit, prior to submission to Council.
5. Approve the Terms of Reference for Internal Audit and the strategic and annual internal audit plans.
6. Monitor and review the performance of internal audit.
7. All matters relating to the implementation of recommendations contained within internal audit reports.
8. Review external audit plans and arrangements for effective liaison between external and internal audit.
9. Monitor responses to recommendations contained within external audit reports and the implementation of such recommendations.

10. The scrutiny of treasury management strategy and policies.
11. Assess the adequacy and effectiveness of the Pension Fund's systems of internal financial control, including counter fraud, theft or corruption and framework of internal control to provide reasonable assurance of effective and efficient operations.
- *12. Review the Pension Fund's audited Statement of Accounts and the Annual Report from the External Auditor to members and the Controller of Audit, prior to submission to Council.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

SECTION VII

CIVIC GOVERNMENT LICENSING COMMITTEE

Constitution

Eleven Members of the Council.

Quorum

Five members of the Committee shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Council's responsibilities for licensing under the Civic Government (Scotland) Act 1982, except those matters specifically delegated to the Head of Legal Services.
2. All matters relating to the Council's responsibilities for the granting and revocation of miscellaneous licences, except those matters specifically delegated to the Head of Legal Services.

Functions Delegated

All of the functions referred to the Committee.

SECTION VIII

LICENSING BOARD

There shall be constituted the Scottish Borders Licensing Board, "the Licensing Board", meeting as required and having the following constitution, quorum and functions.

Constitution

The Licensing Board shall consist of eleven Members of the Council.

Convener

The Convener of the Licensing Board shall be appointed at the first meeting of the Licensing Board from among their number.

Quorum

Five Members of the Licensing Board shall constitute a quorum.

Functions Referred

The following functions stand referred to the Licensing Board in terms of the relevant Liquor Licensing and Betting & Gaming Legislation.

1. All matters relating to Liquor Licensing.
2. The approval of disciplinary or enforcement action relating to Licensees.
3. All matters relating to Bookmakers' Permits, Betting Office Licences, Bingo Licences and Amusement with Prizes Permits for Liquor Licensed Premises.

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Note: All Members of the Licensing Board must complete satisfactorily the required training before taking any part in Licensing Board proceedings.

SECTION IX

PENSION FUND COMMITTEE

Constitution

Seven Members of the Council comprising –

- (a) the Convener
- (b) the Depute Leader (Finance)
- (c) the Executive Member for HR and Corporate Improvement
- (c) two other Members of the Administration
- (e) two members from the Opposition

(Trade Unions, Scheduled and Active Admissions Bodies to be invited to send representatives as observers)

Quorum

Four members of the Committee shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

1. All matters relating to the Management of the Council's Pension Fund.
2. Employer discretions under Local Government Pension Scheme (Scotland) Regulations 2008 (replaced from 1 April 2015 by Local Government Pension Scheme (Scotland) Regulations 2014).

Functions Delegated

All of the functions delegated to the Committee.

SECTION X

PLANNING AND BUILDING STANDARDS COMMITTEE

Constitution

Nine Members of the Council.

Quorum

Four members of the Committee shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to Town and Country Planning except the following:-
 - (a) Strategic Development Plan and Local Development Plan
 - (b) Applications referred under Section 38(A)(1) of the Town and Country Planning (Scotland) Act 1997
 - (c) Applications and other matters delegated to the Service Director Regulatory Services
2. All matters relating to the Council's responsibilities for Building Control except those delegated to the Service Director Regulatory Services.
3. Consideration and determination of appeals against the proposed refusal of applications for Building Warrants and Relaxations of the Building Regulations.

Functions Delegated

All of the functions referred to the Committee.

SECTION XI

LOCAL REVIEW BODY

Constitution

Nine Members of the Council.

Chairman

The Chairman of the Local Review Body shall be the Chairman of the Planning and Building Standards Committee or in his absence the Vice-Chairman.

Quorum

Four Members shall constitute a quorum.

Assessor

The Review Body may appoint an Assessor to sit with the Local Review Body at any hearing session it elects to hold to advise on matters arising.

Functions Referred

The following functions of the Council shall stand referred to the Review Body:-

1. Conduct Reviews in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997 where the appointed person has:-
 - (a) Refused an application for planning permission or for consent, agreement or approval;
 - (b) Granted it subject to conditions; or
 - (c) Not determined it within such period as may be prescribed by regulations or a development order.

Functions Delegated

All functions referred to the Review Body

Note

Where the Local Review Body considers that the review documents before them provide sufficient information to enable them to determine the review, they may determine the review without further procedure. (Regulation 12 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008.)

Other than in circumstances where the Local Review Body considers the review documents provide sufficient information to enable them to determine the review without further procedure, the Local Review Body may consider the review:

- (a) by means of written submissions;
- (b) by holding one or more hearing sessions;
- (c) by means of a site inspection; or
- (d) by a combination of procedures.

Functions Delegated

All functions detailed above.

SECTION XII CONSULTATIVE GROUPS

JOINT CONSULTATIVE GROUP FOR STAFF

Constitution

Fourteen members comprising:-

- (a) The Executive Member (HR and Corporate Improvement) and seven other Members of the Council, being three members from the Administration and two members from the Opposition;
- (b) Eight employee Trade Union Representatives, namely:-
 - (i) Three from Unison
 - (ii) Three from Unite
 - (iii) One from General Municipal and Boilermakers Union
 - (iv) One other to be agreed by the Trade Unions
 - (v) One from GMB: MPO (only to attend for items relating to Chief Officials)

Chairman

The Executive Member (HR and Corporate Improvement) shall be the Chairman of the Group.

Quorum

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Council employees except Teachers. (The pay grading, efficiency or disciplinary record of any individual employee is not within the scope of the Group)

Functions Delegated

All functions referred to the Consultative Group.

JOINT CONSULTATIVE GROUP FOR TEACHERS

Constitution

Fourteen members comprising:-

- (a) The Executive Member for Education and five other Members of the Council, being three members from the Administration and two members from the Opposition.
- (b) Eight employee Trade Union Representatives, namely:-
 - (i) Four from E.I.S.
 - (ii) Two from S.S.T.A.
 - (iii) One from P.A.T.
 - (iv) One other to be agreed by the Trade Unions

Chairman

The Executive Member for Education shall be the Chairman of the Group.

Quorum

Three Members of the Council and four Trade Union representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Group:-

1. Consultation on matters relating to terms and conditions of employment, health & safety and welfare of all Teachers employed by the Council. (The pay grading, efficiency or disciplinary record of any individual teacher is not within the scope of the Group.)

Functions Delegated

All functions referred to the Consultative Group.

EMPLOYEE COUNCIL

Constitution

- (a) Five Elected Members of the Council, being the Convener, the Leader, the Depute Leader (Finance), Executive Member for HR and Corporate Improvement, and the Leader of the Opposition.
- (b) Any Five members of the Corporate Management Team.
- (c) Employee representatives from across the Council.

Chairman

The Convener shall be Chairman of the Employee Council.

Quorum

Two Elected Members of the Council, two of the Corporate Management Team, and two of the employee representatives shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Employee Council –

1. Share information and promote communication between Council management and staff.
2. Be informed and consulted on (but not as a negotiating body) issues affecting employment and the Council's plans, including:
 - Public sector reform and related issues
 - Information on recent or probable developments of the Council's activities, financial and economic situation
 - Organisational design and development
 - Budget development and implementation
 - Information and consultation on developments regarding employment arrangements, particularly where these may cause significant change to employment
 - Employee benefits
 - Council business issues.

Note: The Employee Council shall not affect the rights and responsibilities of Council management to make all business, financial, commercial, operational and technological decisions.

Functions Delegated

All functions referred to the Employee Council.

SECTION VIX

AD-HOC COMMITTEES

STANDARDS COMMITTEE

Constitution

Eight Members of the Council, being, in addition to the Chairman, five members from the Administration and two members from the Opposition.

Quorum

Three members of the Committee shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee:-

1. All matters relating to the Ethical Standards in Public Life etc. (Scotland) Act 2000.
2. The adoption and application of the Code of Conduct for Councillors.
3. The consideration, investigation and determination of all complaints made concerning the conduct of Councillors.
- *4. The consideration and revision from time to time of the list of sanctions available to the Council in the event of misconduct on the part of a Councillor.
5. The consideration of reports from the Monitoring Officer on matters relating to the Ethical Framework.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of Council.

PETITIONS AND DEPUTATIONS COMMITTEE

Constitution

Seven members, being five Members of the Administration and two Members of the Opposition.

Quorum

Three Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

1. Consider petitions submitted to the Council in accordance with the Council's approved petitions procedure and determine the appropriate action to be taken within the terms of the procedure.
2. Consider deputations to the Council in accordance with the Council's approved deputations procedure and determine the appropriate action to be taken within the terms of the procedure.

Functions Delegated

All of the functions delegated to the Committee.

APPOINTMENT COMMITTEE

Constitution

Minimum of Five Members of the Council comprising –

- (a) the Leader
- (b) the Executive Member for HR and Corporate Improvement
- (c) the relevant Executive Member(s)
- (d) one other Member of the Administration
- (e) one Member from the Opposition

In this context, “relevant Executive Member(s)” means the Executive Member(s) for the Service(s) within which the appointment is being made.

Chairman

The Executive Member (HR and Corporate Improvement) shall be Chairman of the Committee.

Quorum

Three members of the Committee shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to the Committee -

1. The recruitment of staff to posts at Service Director and above.

Functions Delegated

All of the functions referred to the Committee.

STAFFING APPEALS COMMITTEE

Constitution

All Members of the Council shall be Members of an Appeals Panel, from which three members of a Staffing Appeals Committee shall be drawn.

Chairman

The Executive Member (HR and Corporate Improvement) shall be the Chairman of the Staffing Appeals Panel or in his absence another of the Executive Members.

Selection of Appeal Committees

Each of the Staffing Appeals Committees shall be selected by the Clerk to the Council or her authorised representative in consultation with the Chairman of the Appeals Panel.

Chairman

The Chairman of the Appeals Panel shall chair the Committee or, in his absence, the Chairman shall be another Executive Member.

Quorum

Two Members of the Committee shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Committee:-

1. The consideration and determination of appeals by all employees against decisions in respect of discipline.
2. The consideration and determination of grievances by all employees.

Note: Grievances in respect of pay, gradings or conditions of service shall be dealt with through the relevant Council policies and procedures and not through the Staffing Appeals Committee.

Functions Delegated

All of the functions referred to the Committee.

EDUCATION APPEALS COMMITTEE

Constitution

The rules for the formal constitution and membership of the Education Appeal Sub-Committee are laid down in the Education (Scotland) Act 1980.

There may be up to three different categories of membership of the Appeal Sub-Committee as follows:-

- (a) Members of the Council who are not members of the Executive Committee.
- (b) Members of the Executive Committee (including non-elected members).
- (c) Lay members.

The following arrangements apply in respect of the selection of the Panel and individual Appeal Sub-Committees.

Appointment of Panel

A Panel from which members of Appeal Sub-Committees shall be drawn shall comprise 55 persons as follows:-

- (a) The Convener, who shall be Chairman of the Panel.
- (b) The Executive Member for Education, who shall be Vice-Chairman of the Panel.
[Neither of these persons may chair an Appeal Committee.]
- (c) Sixteen Members of the Executive Committee, which excludes the Teacher and Parent Council representatives (none of whom may chair the Appeal Committee).
- (d) Eighteen Members of Council who are not members of the Executive Committee.
- (e) Eighteen persons who are not members of the Council or the Executive Committee and who are either parents of children of school age or persons having experience in education or persons acquainted with the educational conditions in the area, and who are members of the nominated Parent Councils – one to be nominated by each Secondary Parent Council and by the Parent Council for the largest primary school in each of the catchment areas for the nine secondary schools. In the event of any such primary or secondary school not having a Parent Council or of any Parent Council declining to provide a nominee, then a nomination will be sought from the Parent Council of the next largest primary school and so on.

Functions Referred

The following functions shall stand referred to the Sub-Committee:-

1. Appeals by parents against decisions of the Council acting as Education Authority as to the schools, excluding nursery schools or classes, which their child or children should attend.
2. Appeals by parents against decisions of the Council acting as Education Authority to exclude their child or children from school.

3. Various appeals by parents in connection with their child or children being recorded as having marked or continuing special education needs.

Functions Delegated

All of the functions referred to the Sub-Committee.

Duration of Appointment

The term of office of members of the Panel shall be:-

- (a) In the case of Members of the Executive Committee or of the Council, from the date of their appointment until the date of the next Council election.
- (b) In the case of persons nominated by Parent Councils, from the date of their appointment until the date when they are due to stand down.

Selection of Appeal Sub-Committees

5. (a) Each Appeal Sub-Committee shall be selected by the Clerk to the Council or his authorised representative in consultation with the Chairman of the Panel, or, in his absence, the Vice-Chairman of the Panel.
- (b) Each Appeal Committee shall comprise 5 persons being:-
 - 3 Members of the Executive Committee or of the Council from the Panel.
 - 2 other persons from the Panel.
- (c) In the event of all 5 persons not being in attendance at a hearing of an appeal, the Appeal Sub-Committee shall be reduced to 3 persons including not less than:-
 - 1 Member of the Executive Committee or of the Council from the Panel.
 - 1 other person from the Panel.
- (d) The Clerk to the Council or his authorised representative, in consultation with the Chairman or, in his absence, the Vice-Chairman of the Panel, shall appoint the Chairman of the Appeal Committee, who shall not be a Member of the Executive Committee.

Administrative Arrangements

6. The Clerk to the Council or his authorised representative shall act as Clerk to the Appeal Committee and the Service Director Children and Young People or his representative shall present the case for the Council at any Appeal Committee hearing.

MEMBERS SOUNDING BOARD: POLITICAL MANAGEMENT ARRANGEMENTS

Constitution

Seven members of the Council, being the Leader, the Depute Leaders, and one member from each of the constituted political groups in the membership of the Council.

Chairman

The Chairman of the Board shall be the Leader.

Quorum

Four members of the Board shall constitute a quorum.

Functions Referred

The following functions shall stand referred to the Board:-

- *1. To advise on any review of decision-making and policy development processes and the working practices which support these processes.
- *2. To make recommendations on any changes or actions which will strengthen and enhance the democratic decision-making and policy development procedures.
- *3. To make recommendations on consultations requiring political input.
4. To exercise any delegated functions made by the Council.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of Council.

WARD PROJECT ADVISORY GROUPS

Constitution

An Advisory Group shall be established for each Ward, as required, comprising the elected Members for that particular Ward or, should more than one Ward be involved, the elected Members for those particular Wards.

Chairman

The Chairman of each Advisory Group shall be appointed from within the membership at the meeting.

Quorum

Two members shall constitute a quorum.

Functions Referred

The following functions shall stand referred to each Advisory Group:-

- #1. Consider local major capital project(s) at the early development stages, as required, and make the Executive Committee aware of any particular local issues or insight on the project(s), prior to the Executive Committee taking decisions.

Functions Delegated

No functions are delegated. Those functions marked # are referred to the Advisory Groups for consideration and recommendation only to the Executive Committee.

SECTION XIII

COMMUNITY AND PARTNERSHIP BODIES

General

1. The Council is required, or has agreed, to set up, lead and/or participate in a number of Community and Partnership Bodies. The aim is to work in partnership with other key public, voluntary and private bodies, together with communities and businesses to maintain and improve the quality of life and meet the needs of Borders residents and their communities through the delivery of high quality public services, projects, advocacy and other actions.
2. The principles for going forward are –
 - To provide effective structures for delivery/implementation;
 - To include partner buy-in and Member involvement;
 - To have meaningful community involvement and stakeholder engagement as appropriate;
 - To help prioritise services where most needed;
 - To comply with any statute and regulations governing those public, private and voluntary sector organisations involved.
3. Each of the Community and Partnership Bodies in the following sections shall take cognisance at all times of the following over-arching outcome within the Single Outcome Agreement:-

**Our public services are high quality,
continually improving,
efficient and
responsive to local people's needs.**

4. Decisions at meetings of the Bodies in Sections XXIII shall be reached on a consensus basis where possible between the SBC Elected Members and other members of the Body. Should consensus between SBC Elected Members and other members not be reached on a decision, then the matter shall be raised at each individual organisation's governing body, except for Area Forums, whereby the Elected Members of Scottish Borders Council shall decide the matter by vote.
5. Any delegated budgets shall operate as aligned budgets delegated to the Committee of Scottish Borders Council and the Committees or representatives of other partner organisations respectively, and this will mean that only Members of Scottish Borders Council may expend budgets delegated by Scottish Borders Council, and other organisations' budgets shall be expended in accordance with their own operating rules.

POLICE, FIRE & RESCUE, AND SAFER COMMUNITIES BOARD

Constitution

Twelve members, being seven Members of the Council, and five non-voting members appointed from an external source.

The Council Members shall comprise the Executive Member for Community Safety, four Members of the Administration and two Members of the Opposition.

The non-voting members shall comprise a representative from each of NHS Borders, the Scottish Borders Housing Network, Lothian and Borders Community Justice Authority, the voluntary sector, and the business sector.

Chairman

The Chairman and Vice-Chairman of the Board shall be Elected Members of the Council.

Quorum

Three Elected Members of the Council shall constitute a quorum.

Functions Referred

The following functions of the Council shall stand referred to the Board:-

- *1. Assess the adequacy and effectiveness of the Scottish Borders Policing Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- *2. Assess the adequacy and effectiveness of the Scottish Borders Fire and Rescue Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
- *3. Assess the adequacy and effectiveness of the Scottish Borders Safer Communities Plan in terms of priorities, community engagement and performance related measures to provide reasonable assurance of effective and efficient implementation and operation; and make recommendations on any aspect of these Plans in terms of issues or improvements.
4. Contribute to the delivery of the Scottish Borders Single Outcome Agreement (SOA) within the Scottish Borders Community Planning Transformation Plan, and in particular the local outcome indicators and programme in relation to the national outcome "We live our lives safe from crime, disorder and danger".
5. Monitor and keep under review progress and delivery of all Safer Communities projects and initiatives.
6. Consider statistical reports on complaints on policing, fire and rescue, and safer communities in the Scottish Borders.

- *7. Consider and draft responses to any consultation documents pertaining to policing, fire & rescue services, and safer communities.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council.

**SCOTTISH BORDERS HEALTH AND SOCIAL CARE
SHADOW JOINT INTEGRATION BOARD
(incorporating the COMMUNITY HEALTH AND CARE PARTNERSHIP)**

General

The Shadow Integration Board shall be an Advisory Committee of NHS Borders and Scottish Borders Council meeting together during the shadow period.

Constitution

(a) Six Elected Members of Scottish Borders Council being:-

- (i) the Leader
- (ii) the Depute Leader (Finance)
- (iii) the Depute Leader (Health Service)
- (iv) Executive Member for Social Work
- (v) Executive Member for Education
- (vi) One other Elected Member

(b) Six Members of NHS Borders

(c) Nine advisory (non-voting) members:

- (i) Clinical Director of the Health Board
- (ii) Chief Social Work Officer
- (iii) Director of Finance of the Health Board
- (iv) Chief Financial Officer
- (v) One representative from the staff side
- (vi) One representative of the third sector
- (vii) One representative of carers
- (viii) One representative of service users
- (ix) Chief Officer of the Shadow Joint Integration Board

Chairman

The first Chairman of the Board shall be from the body not employing the Integration Board's Chief Officer, with the Vice-Chairman from the body employing the Chief Officer. The Chairman shall not have a casting vote.

Quorum

Three Elected Members from Scottish Borders Council and three members from NHS Borders shall constitute a Quorum

Budgets

Any delegated budgets shall operate as aligned budgets and shall require the final approval of Scottish Borders Council and NHS Borders respectively.

Functions Referred

The following functions of the Council and NHS Board, within policy, budget and legislative requirements, shall stand referred to the Board, namely -

1. All arrangements relating to the following services delivered in partnership through the Scottish Borders Council and NHS Borders and other stakeholders for primarily adult services - in terms of health and care, but not education - to include:

- (a) Joint Learning Disability Service
 - (b) Joint Mental Health Service
 - (c) Drug and Alcohol Services
 - (d) Assessment and Care Management Teams
 - (e) Joint Health Improvement Team
 - (f) Older people's services including Residential and Care Home Services
 - (g) Change Fund/Delayed Discharge
 - (h) Ability Equipment Store
 - (i) Physical Disability Services – including care at home and day support
 - (j) Community Hospitals and nursing services – including all services provided in the four community hospitals and district nursing, health visiting, and school nurse services provided to local communities
 - (k) GP prescribing and general medical services - including all prescriptions dispensed in Borders for all residents as well as all medical services provided by local GP's
 - (l) Allied Health Professionals Services – this covers physiotherapy, occupational therapy, podiatry, dietetics and speech and language therapy which provide both hospital and community based services to the whole Borders population
 - (m) other services agreed by both organisations.
2. Consider the above arrangements for children's services as previously considered through the Health and Care Partnership.

Remit

1. After consultation with Scottish Borders Council and NHS Borders, appoint an Interim Chief Officer on a fixed term contract in line with delegated functions.
2. Delegate functions to the Chief Officer.
- *3. Prepare a budget for the delivery of integrated or aligned services.
- *4. Undertake regular monitoring of the budget.
- *5. Give a Direction to Scottish Borders Council and NHS Borders to carry out functions on its behalf.
- *6. Prepare the Health and Social Care Integration Scheme.
- *7. Prepare the Health and Social Care Strategic plan, (including the establishment of the Strategic Planning Group) which will include joint locality planning and service delivery, joint strategies, commissioning plans, service redesign and pooled budgets.
- *8. Publish the Health and Social Care Strategic Plan.
- *9. Monitor performance of the integrated services' joint outcomes relating to the Integration Planning Principles and the National Health Wellbeing Outcomes.
10. Prepare and publish an annual report.
11. Prepare and publish an annual financial statement.

12. Ensure appropriate consultation and engagement has taken place with stakeholders, staff, carers and that a communications strategy is in place.
- *13. Ensure that adequate arrangements in terms of policy agreed by Scottish Borders Council and NHS Borders are in place to provide such care as is required from within the annual budgets overseen by the Board. Should a potential overspend be projected, a joint report will be submitted by the Board to the appropriate Committees of Scottish Borders Council and NHS Borders making proposals to address this. The Board will not exceed its delegated budgets without an express resolution of both organisations, which resolution shall address funding.
- *14. Consider and make recommendations in relation to any potential areas of joint working referred by either Scottish Borders Council or NHS Borders.
- *15. Consider such other health and social care issues as either Chief Executive may from time to time advise the Board.
16. Establish any sub-Committees or Working Groups as required and subject to any Regulations by Ministers.
17. Comply with Scottish Ministers' Regulations, Orders, Directions and Guidance.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council.

COMMUNITY PLANNING STRATEGIC BOARD

General

The Community Planning Strategic Board shall comprise Scottish Borders Council Elected Members meeting together with Statutory and other Community Planning Partner representatives.

Constitution

- (a) Five Elected Members of Scottish Borders Council being:-
- (i) Leader
 - (ii) Executive Member for Community Planning
 - (iii) Executive Member for Economic Development
 - (iv) Executive Member for HR and Corporate Performance
 - (v) Executive Member for Health Service
- (b) Five representatives from the statutory Community Planning Partners, being:-
- (i) Chairman and Vice-Chairman of NHS Borders
 - (ii) Chairman of Scottish Enterprise Regional Advisory Board
 - (iii) Divisional Commander of Police Service
 - (iv) a representative from the Fire and Rescue Service
 - (v) SESTRAN
- (c) Other representatives of any other local body as agreed by Scottish Borders Councillors and the Statutory Planning Partners, including:
- (i) Registered Social Landlords;
 - (ii) Borders College;
 - (iii) Scottish Enterprise;
 - (iv) Third Sector.

Chairman

The Chairman and Vice-Chairman of the Board shall be Elected Members of the Council. The Chairman shall not have a casting vote.

Quorum

Three Elected Members of the Council and three representatives from the statutory Community Planning Partners shall constitute a quorum.

Functions Referred

The following functions of the Council, within policy, budget and legislative requirements, and in compliance with any statute and regulations governing these public, private and voluntary sector organisations involved, shall stand referred to the Board -

- *1. Approve a strategy to achieve the objectives of the Community Planning Partnership, based on the National Outcomes within the Single Outcome Agreement, to include: -
- what the priorities are for the 4 key strategic themes of Early Intervention and Prevention; Place and Communities; Economy and

Infrastructure; and Future Model of Public Service Delivery for the Scottish Borders

- how they will translate into outcomes
 - what outcome indicators will be used to measure progress and the impact of collective activity.
2. Scrutinise the performance of each of the Delivery Teams for the 4 themes - Early Intervention and Prevention; Place and Communities; Economy and Infrastructure; and Future Model of Public Service Delivery for the Scottish Borders – in achieving its strategic priorities.
 - *3. Consider and make recommendations, if required, on any aspects of Community Planning, in terms of issues or improvements.
 4. Provide effective commitment and leadership and facilitate agreement between partners on the strategic priorities for the area.
 5. Review commitments made by partners to agree future levels of activity.
 6. Provide direction in reaching decisions on those issues that involve competing interests or are controversial or contentious.
 7. Ensure other Elected Members, Council Committees and Partner Bodies are fully and regularly briefed on key Community Planning issues, developments and programmes which impact on their particular service interest.
 8. Develop networks or discussion forums for sharing experiences in good practice.
 9. Promote mutual understanding of need by sharing key organisational information.
 10. Actively encourage opportunities for formal and informal joint working, joint use of resources and joint funding options, where this will offer scope for service improvement.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Board for consideration and recommendation only and must receive approval of the Council.

AREA FORUMS

Constitution

Berwickshire Area Forum –

- (a) The six elected Scottish Borders Councillors representing the Wards of East Berwickshire and Mid-Berwickshire;
- (b) The Chairman or a representative from each of the Community Councils in the Berwickshire area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from any other local body as agreed by the Scottish Borders Councillors.

Cheviot Area Forum –

- (a) The six elected Scottish Borders Councillors representing the Wards of Kelso & District and Jedburgh and District;
- (b) The Chairman or a representative from each of the Community Councils in the Cheviot area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from any other local body as agreed by the Scottish Borders Councillors.

Eildon Area Forum –

- (a) The ten elected Scottish Borders Councillors representing the Wards of Galashiels & District, Leaderdale & Melrose, and Selkirkshire;
- (b) The Chairman or a representative from each of the Community Councils in the Eildon area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from any other local body as agreed by the Scottish Borders Councillors.

Teviot and Liddesdale Area Forum -

- (a) The six elected Scottish Borders Councillors representing the Wards of Hawick and Denholm and Hawick and Hermitage;
- (b) The Chairman or a representative from each of the Community Councils in the Teviot and Liddesdale area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from any other local body as agreed by the Scottish Borders Councillors.

Tweeddale Area Forum -

- (a) The six elected Scottish Borders Councillors representing the Wards of Tweeddale East and Tweeddale West;

- (b) The Chairman or a representative from each of the Community Councils in the Tweeddale area;
- (c) A representative from NHS Borders;
- (d) A representative from the Police;
- (e) A representative from any other local body as agreed by the Scottish Borders Councillors.

Chairman/Vice Chairman

The Chairman and Vice Chairman of each Area Forum shall be Members of Scottish Borders Council and shall be elected by the Members of the Council who are members of the relevant Area Forum.

Quorum

Three of the Scottish Borders Council Members of each Area Forum, including at least one representative from each Ward, shall constitute a quorum, except for the Eildon Area Forum where five shall constitute a Quorum.

Functions Referred

The following functions of the Council shall stand referred to each Area Forum, in compliance with any statute and regulations governing those public, private and voluntary sector organisations involved:-

1. Scrutinise the local impact and performance of Council and other services in the area.
2. Scrutinise the local impact and performance of the Community Planning Partnership in the area.
- *3. Make recommendations on the objectives and priorities for the area, including economic development, engaging with local communities and businesses as appropriate.
4. Provide direction for decision-making on those issues that involve competing interests or are controversial or contentious, other than planning applications.
5. Gain a shared understanding of need in the area.
6. Seek to engage and involve the local business community and consider ways to attract commercial enterprise to the area.
7. Act as a consultation body requiring local input, where appropriate.
8. Determine local holiday dates.
- *9. Consider and make recommendations for Local Byelaws and Management Rules.
- *10. Consider and make recommendations if required to the relevant Committee on local community matters, including local economic development plans.
- *11. Identify impediments and barriers which inhibit integrated approaches in local service provision, and make recommendations on how these could be overcome.

12. Approve Small Schemes and Roads Funding Members Priorities, including the use of Pay Parking income (restricted to specific towns only).
13. Approve all matters relating to street naming and numbering, where not delegated to officers.
14. Approve local traffic management schemes.
15. Approve the making of temporary, permanent or experimental orders for the regulation of traffic, including stopping-up orders.

Functions Delegated

All functions above NOT marked *. Those functions marked * are referred to the Committee for consideration and recommendation only and must receive approval of the relevant other Council committee.

General

In addition to the functions referred and delegated to the Area Forums, the Council or other Organisations may from time to time seek the views of Area Forums on specific matters or applications outwith their normal remit.

REGULATIONS – RELIGIOUS REPRESENTATIVES

for Nominations of Persons interested in the Promotion of Religious Education to be Appointed to the Executive Committee (for that part of the meeting considering Education Authority matters)

1. The Council shall appoint three persons interested in the promotion of religious education to be members of the Executive Committee (for that part of the meeting considering Education Authority matters) in accordance with Section 124 of the Local Government (Scotland) Act 1973, as amended by Section 31 of the Local Government etc. (Scotland) Act 1994.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Regulation 5(e), the persons will be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. One person interested in the promotion of religious education shall be nominated by the General Assembly of the Church of Scotland in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Clerk to the Council shall, in a year of an election of Councillors, request the Principal Clerk of the General Assembly of the Church of Scotland to submit to him a nomination of the person not later than the First day of May in that year.
4. One person interested in the promotion of religious education shall be nominated by the Roman Catholic Church, in such manner as may be determined by its Scottish Hierarchy in terms of Section 124 of the Local Government (Scotland) Act 1973 as amended. The Clerk to the Council shall, in a year of an election of Councillors, request the Archbishop of Edinburgh and St. Andrews to submit to him a nomination of the person not later than the First day of May in that year.
5. One other person interested in the promotion of religious education shall be nominated in terms of Section 124 of the Local Government (Scotland) Act 1973, as amended. The nomination shall be made in accordance with the following provisions:-
 - (a) Not later than the Fifteenth day of March in the year of an election of Councillors, the Clerk to the Council, by advertisement in one or more newspapers circulating in the Area, shall give notice that the Churches or denominational bodies (other than the Church of Scotland and the Roman Catholic Church) who claim to have duly constituted charges or other regularly appointed places of worship within the Area and to be entitled to be represented at the meeting for nomination of one person with a view to appointment as a member of the Executive Committee (for that part of the meeting considering Education Authority matters), may obtain copies of these Regulations on application to him; and that each of these Churches or denominational bodies who desire to be represented at the meeting for the nomination of one person with a view to appointment as a member of the Executive Committee (for that part of the meeting

considering Education Authority matters) must transmit to him prior to the Thirty first day of March -

- (i) A certified list of the names and situations of the duly constituted charges or other regularly appointed places of worship which such church or other denominational body claims to have within the Area;
- (ii) A certified statement of the number of representatives whom such church or denominational body claims to be entitled to have at the said meeting calculated in accordance with the following scale -

Number of duly constituted charges or other regularly appointed places of worship	Number of representatives at meeting
Not more than three	One
More than three and not more than six	Two
More than six and not more than ten	Three
More than ten and not more than fifteen	Four
More than fifteen and not more than twenty	Five
Each ten in excess of twenty	One additional

- (iii) The full names and postal addresses of the persons appointed to represent such Church or denominational body at the said meeting.
- (b) Not later than the Seventh day of April, the Clerk to the Council shall -
- (i) Prepare a list of the Churches or denominational bodies who have claimed to have duly constituted charges or other regularly appointed places of worship within the Area, which list shall, as regards each Church or denominational body included therein, show the total number of duly constituted charges or other regularly appointed places of worship and the number of representatives at the aforesaid meeting which such Church or denominational body has claimed.
 - (ii) Transmit a copy of such list to each of the Churches or denominational bodies included therein, and at the same time intimate to such Churches or denominational bodies that they may inspect at his office all the certified lists of the duly constituted charges or other regularly appointed places of worship and all the certified statements of the numbers of representatives claimed at the aforesaid meeting which he has received from Churches or denominational bodies in the Area; and that any Church or denominational body included in the list may, within seven days after the date of such intimation, lodge with him objections to any of the certified lists or certified statements on the ground that such list or statement is inaccurate.
- (c) If any objection to any such certified list or certified statement on the ground that it is inaccurate is received by the Clerk to the Council in accordance with the immediately preceding paragraph, he shall, as soon as reasonably may be, fix a time and place for the hearing and determination of such objection and send a copy of each such objection to each Church or denominational body included in the list and intimate

the time and place fixed for the hearing and determination of the objections, and each Church or denominational body included in the list may be represented at such hearing and determination by not more than two representatives. The Convener or a person nominated by him shall preside at such hearing and, after such procedure as he may prescribe, shall determine whether the objection is well founded and shall in accordance with the scale prescribed in paragraph (a)(ii) of this Regulation, fix the number of representatives whom each church or denominational body shall be entitled to have at the meeting for the nomination of a person in terms of this Regulation. The determination of the Convener or the person appointed by him shall be final and not subject to review.

- (d) If no such objections are received or upon the determination of any such objections, the Clerk to the Council shall call a meeting of the representatives appointed by the Churches or denominational bodies for the purpose of nominating a person with a view to such person being appointed a member of the Executive Committee (for that part of the meeting considering Education Authority matters). Such meeting shall be held in the Council's Headquarters, Newtown St. Boswells, not later than the Thirtieth day of April and shall be called by circular addressed and sent by post to each representative not less than six days prior to the date of the meeting. The Convener, or such other person appointed by him, shall preside and conduct and regulate the proceedings at the meeting, but he shall have only a casting vote. Each representative of a Church or denominational body present at the meeting shall have one vote only. The Clerk to the Council shall report the result of such meeting of representatives to the Council as soon as possible after the ordinary statutory election of Councillors.
- (e) In the event of a casual vacancy among the members of the Executive Committee appointed in accordance with this Regulation, the provisions contained in this Regulation shall apply to and govern the constitution and covering of the meeting of representatives of Churches or denominational bodies for the purpose of filling such vacancy. The Clerk to the Council shall determine the dates for taking the action required of him, allowing periods of time between events similar to those specified in the preceding sub-paragraphs.

REGULATIONS - TEACHERS

**for Nominations of Teachers to be Appointed to the
Executive Committee (for that part of the meeting considering Education
Authority matters)**

1. The Council shall appoint two Teachers in the employment of the Council as Teachers' Representatives to be members of the Executive Committee, for that part of the meeting considering Education Authority matters.
2. The appointments shall be made by the Council as soon as possible after the ordinary statutory election of Councillors in the month of May and, subject to Regulation 13, the Teachers' Representatives shall be appointed and hold office until the day of the next ordinary statutory election of Councillors.
3. Teachers entitled to nominate and vote for Teachers' Representatives and teachers entitled to be nominated as Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the Council and engaged in Primary or Secondary Education as at the First day of March in the year of election.
4. A teacher shall be entitled to nominate and vote for not more than two Teachers' Representatives.
5. The Convener or a person nominated by him shall be the Supervising Officer to supervise the nominations of Teachers' Representatives and the decisions of the Supervising Officer on all matters relating to the nominations shall be final and not subject to review.
6. Not later than the Fifteenth day of March in the year of an election of Councillors, the Service Director Children and Young People shall send to all teachers entitled to nominate Teachers' Representatives a notice specifying the right of each teacher to nominate not more than two Teachers' Representatives and the arrangements for making nominations of Teachers' Representatives and for voting on the nominations if necessary.
7. Each nomination shall be on a form prescribed by the Service Director Children and Young People and shall be signed by two teachers, one as proposer and one as seconder, and shall be counter-signed by the nominee to signify his or her consent to the nomination.
8. Candidates may provide a personal statement of not more than 250 words, which statement must either accompany the nomination form or be lodged with the Service Director Children and Young People on the Seventh day of April in the year of the election at the latest. The statement will be reproduced and circulated by the Service Director Children and Young People with the ballot papers. Statements must not be defamatory, offensive, obscene, likely to incite racial hatred or political in nature or designed to effect public support for a political party. If any part of the personal statement is not permitted by reason of being defamatory, offensive, obscene, likely to incite racial hatred or political

in nature, the circulation of it will be refused by the Supervising Officer unless suitably amended by the candidate or candidates concerned. The candidates remain responsible for their own personal statement

9. Nominations must be lodged with the Service Director Children and Young People at Council Headquarters, Newtown St. Boswells, not later than 4 p.m. on the Thirty first day of March in the year of election.
10. Immediately after the closing date for the receipt of nominations, the Service Director Children and Young People shall issue to each teacher who is validly nominated, a list of the names and addresses of all teachers who are validly nominated. A teacher may withdraw his or her nomination by written intimation to that effect lodged with the Service Director Children and Young People not later than 4 p.m. on the Seventh day of April in the year of election.
11. Where more than two teachers remain validly nominated the Service Director Children and Young People shall, not later than the Fifteenth day of April in the year of election, send ballot papers to all the teachers entitled to vote.
12. Ballot papers, duly completed, shall be lodged in sealed marked envelopes with the Service Director Children and Young People not later than 4 p.m. on the Twenty fifth day of April in the year of election.
13. The Supervising Officer shall make arrangements for the ballot papers to be opened and the votes to be counted not later than the Thirtieth day of April in the year of election and shall forthwith notify the names of the persons duly nominated as Teachers' Representatives to the Chief Executive who shall report the names to the Council as soon as possible after the ordinary statutory election of Councillors.
14. In the event of a casual vacancy among the Teachers' Representatives on the Executive Committee, the provisions contained in these Regulations shall apply to and govern the nomination of a successor Teachers' Representative. The Service Director Children and Young People shall determine the dates for taking the action required of him allowing periods of time between events similar to those specified in the preceding Regulations. The teachers entitled to nominate and vote for the Teachers' Representatives shall be registered teachers holding full-time permanent appointments with the council and engaged in Primary or Secondary Education all as at the Fifteenth day prior to the date fixed by the Service Director Children and Young People for issuing the notice specified in Regulation 6 above.

POLITICAL GROUPS

Constitution of political groups

1. (1) A political group shall be treated as constituted in relation to a local authority when there is delivered to the proper officer of the local authority a notice in writing which -
 - (a) is signed by two or more members of the local authority who wish to be treated as a political group; and
 - (b) complies with the provisions of sub-paragraph (3).
- (2) A political group shall cease to be constituted if the number of persons who are to be treated as members of that group is less than two.
- (3) A notice under sub-paragraph (1) shall state -
 - (a) that the members of the local authority who have signed it wish to be treated as a political group;
 - (b) the name of the group; and
 - (c) the name of one member of the group who has signed the notice and who is to act as its leader.
- (4) A notice under sub-paragraph (1) may specify the name of one or other member of the group who has signed the notice and who is authorised to act in the place of the leader when he is unable to act ("the deputy leader").
- (5) The name of the group or the name of the person who is the leader or deputy leader may be changed by a further notice in writing delivered to the proper officer and signed -
 - (a) in the case of a change in the name of the group or the deputy leader, by the leader of the group or a majority of the members of the group;
 - (b) in the case of a change of the leader of the group, by a majority of the members of the group.

Membership of political groups

2. Subject to paragraph 4, a member of the local authority is to be treated as a member of a political group if -
 - (a) he has signed a notice in accordance with paragraph 1; or
 - (b) he has delivered to the proper officer a notice in writing which is signed by him and by the leader or deputy leader of the group or by a majority of the members of the group, stating that he wishes to join the group.

Cessation of membership

3. A person is to be treated as having ceased to be a member of a political group when -
 - (a) he has ceased to be a member of the local authority;
 - (b) he has notified the proper officer in writing that he no longer wishes to be treated as a member of the group;
 - (c) there is delivered to the proper officer a notice under paragraph 1 or 2(b) signed by the person whereby a new political group is constituted or he joins another political group; or
 - (d) there is delivered to the proper officer a notice in writing signed by the majority of the members of the group stating that they no longer wish him to be treated as a member of it.

Restriction on membership

4. No person shall be treated as a member of more than one political group at any given time and, accordingly, if a person changes the political group of which he is a member by a notice under paragraph 1 or 2 he shall from the date of delivery of that notice be treated -
 - (a) in the case of a notice under paragraph 1, as a member only of the new political group which is constituted in accordance with that paragraph; and
 - (b) in the case of a notice under paragraph 2(b) as a member only of the group named in the notice.

Scottish Borders Council
DRAFT
Deputations Procedure

Deputations

1. Deputations can be made on behalf of a recognised community organisation or a group. Individuals wishing to raise matters should do so using the Council's Petitions Procedure.
2. Deputations should raise issues which relate to matters within the responsibility of Scottish Borders Council or the general well-being of the residents of the Scottish Borders. Deputations should demonstrate that there is a public interest in the issue that they are raising.
3. Details of a deputation should be submitted to the Clerk to the Council in writing, either by email or letter, including a clear statement which covers the main subject. Any further information, for example, about measures already taken or approaches made to other bodies, should be included but limited to no more than 4 sides of A4 paper.
4. Elected Members may not lead or be part of a deputation and no deputation will be accepted from a political party.
5. Where there are already regulatory procedures in place or the matter relates to individuals, then it would not be appropriate to accept such deputations, therefore deputations shall not be accepted:
 - (i) about planning, licensing, or other matters where there are already regulatory procedures in place;
 - (ii) about personal or business issues;
 - (iii) about commercially sensitive or confidential material;
 - (iv) about individual Councillors, members of Council staff, or other individuals who may easily be identified;
 - (v) about employees' terms and conditions of employment;
 - (vi) about information which is protected by an interdict or court order;
 - (vii) about an allegation that someone has broken the law;

- (viii) which contain language which is defamatory, offensive, provocative or otherwise inappropriate;
 - (ix) which relate to a complaint or grievance (which should be handled through the Council's complaints procedure);
 - (x) which relate to a decision made by the Council or a committee during the preceding six months; and
 - (xi) which are identical or similar to other petitions made within the preceding twelve months.
6. The Clerk to the Council, or her representative, shall ensure deputations keep to procedures and are admissible. All valid deputations, with accompanying information if any, shall be passed to the next scheduled meeting of the Petitions and Deputations Committee. Any Deputations which are the same, or substantially similar, shall be considered together.
7. A summary report shall be prepared for the Committee by the Clerk to the Council about any deputations received during the period that are considered inadmissible for any of the reasons listed in paragraph 5 above. The Committee will make the final decision as to whether these are valid.

Meetings of the Petitions and Deputations Committee

8. When hearing a deputation, the relevant Director(s), Executive Member(s) and Community Planning Partner representative(s) shall be invited to attend the meeting to provide further information, as appropriate.
9. The principal speaker for the deputation should indicate whether further information will be provided to be sent out in advance to the Committee.
10. No deputation to the Meeting of the Petitions and Deputations Committee shall exceed 10 in number and, at the discretion of the Chairman, only one speaker shall be heard by the Committee. The time allowed to present the petition shall not exceed 10 minutes, except at the discretion of the Chairman. The speaker should also be prepared to answer questions.
11. Notice of deputations scheduled to be considered by the Petitions and Deputations Committee will be through the usual on-line public access facility to committee papers. Those participating in a deputation should be made aware that the detail of the deputation, with their name and address may be published on the Council website as part of the agenda pack for the meeting of the Petitions and Deputations Committee.
12. The procedure at the meeting, for each deputation considered, shall be as follows:
- (i) the meeting shall be in public unless the subject matter of the deputation would be deemed to be confidential under the terms of Section 7A of the Local Government (Scotland) Act 1973;

- (ii) the principal speaker, or named deputy, shall give a statement in explanation of the deputation;
- (iii) there will be an opportunity for Members of the Committee to ask questions of the speaker;
- (iv) there will be an opportunity for any Director(s), Executive Member(s) and Community Planning Partner representative(s) present to ask questions of the speaker;
- (v) a response to the deputation may be heard from a Director, Executive Member and/or Community Planning Partner representative present at the meeting;
- (vi) there will be an opportunity for Members of the Committee to ask questions of any Director, Executive Member(s) and Community Planning Partner representative(s) present at the meeting;
- (vii) there will be an opportunity for the speaker to ask questions of any Elected Member, Director or Community Planning Partner representative present at the meeting;
- (viii) Members of the Committee shall then discuss the information available and consider their findings. The Committee may defer a decision should further information be required.

Note: any contribution on behalf of the deputation from a second or other speaker(s) shall be at the discretion of the Chairman. The public will not be allowed to speak at the meeting unless invited to do so by the Chairman.

13. The Petitions and Deputations Committee shall agree to one of the following:-
 - (i) refer the subject of the deputation to another Committee or Director, with or without a recommendation or comment. That Committee or Director shall then make the final decision which could include taking no further action;
 - (ii) refer the subject of the deputation to the relevant Community Planning Partner, with or without a recommendation or comment, if appropriate;
 - (iii) that the issue(s) raised do not merit or do not require further action.
14. The decision of the Petitions and Deputations Committee, and any reason for that decision, shall be recorded in the Minute of the Meeting and a copy of the Minute shall be sent to the principal speaker by Democratic Services staff. Where the subject of a deputation is referred to a Director or another body, the responsibility for communicating the final outcome of the petition is also referred. Updates on these outcomes will be provided to the Petitions and Deputations Committee.

15. There will be no right of appeal in response to a final decision made in response to a deputation.

SCOTTISH BORDERS COUNCIL
CALENDAR OF MEETINGS - To be approved by Council 20/11/14

JANUARY - JULY 2015

Jan-15				
THUR (SH)	1	JAN		
FRI (SH)	2	JAN		
SAT	3	JAN		
SUN	4	JAN		
MON (SH)	5	JAN		
TUES	6	JAN		
WED	7	JAN		
THUR	8	JAN		
FRI	9	JAN		
SAT	10	JAN		
SUN	11	JAN		
MON	12	JAN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	13	JAN		
WED	14	JAN		
THUR	15	JAN		
FRI	16	JAN		
SAT	17	JAN		
SUN	18	JAN		
MON	19	JAN	AUDIT AND RISK COMMITTEE	10.15 a.m.
TUES	20	JAN	EXECUTIVE COMMITTEE (Education) followed by AAGs	10.00 a.m.
TUES	20	JAN	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	21	JAN		
THUR	22	JAN		
FRI	23	JAN	LICENSING BOARD	10.00 a.m.
FRI	23	JAN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	24	JAN		
SUN	25	JAN		
MON	26	JAN	LOCAL REVIEW BODY	10.00 a.m.
TUES	27	JAN	LOCAL LICENSING FORUM	4.00 p.m.
WED	28	JAN	JCG: STAFF	10.00 a.m.
THUR	29	JAN	SCRUTINY COMMITTEE	10.00 a.m.
FRI	30	JAN		
SAT	31	JAN		
Feb-15				
SUN	1	FEB		
MON	2	FEB	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	3	FEB	EXECUTIVE COMMITTEE (Economic Development) followed by AAGs	2.00 p.m.
WED	4	FEB	JEDBURGH CGF SUB-COMMITTEE	4.30 p.m.
WED	4	FEB	KELSO CGF SUB-COMMITTEE	5.30 p.m.
WED	4	FEB	CHEVIOT AREA FORUM	6.30 p.m.
THUR	5	FEB		
FRI	6	FEB		
SAT	7	FEB		
SUN	8	FEB		
MON	9	FEB	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
MON	9	FEB	HEALTH & SOCIAL CARE SHADOW BOARD	2.00 p.m.
TUES	10	FEB		
WED	11	FEB		
THUR	12	FEB	SCOTTISH BORDERS COUNCIL (SPECIAL)	10.00 a.m.
THUR	12	FEB	EILDON AREA FORUM	6.30 p.m.
FRI	13	FEB	POLICE, FIRE & RESCUE AND SAFER COMMS BOARD	9.30 a.m.
SAT	14	FEB		
SUN	15	FEB		
MON	16	FEB	LOCAL REVIEW BODY	10.00 a.m.
TUES	17	FEB	HAWICK COMMON GOOD FUND SUB-COMMITTEE	4.00 p.m.
TUES	17	FEB	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	18	FEB	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	19	FEB	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	20	FEB	LICENSING BOARD	10.00 a.m.
FRI	20	FEB	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	FEB		
SUN	22	FEB		
MON	23	FEB		
TUES	24	FEB	EXECUTIVE COMMITTEE (Finance) followed by AAGs	10.00 a.m.
TUES	24	FEB	LAUDER COMMON GOOD FUND SUB-COMMITTEE	2.00 p.m.
WED	25	FEB	JCG: TEACHERS	2.00 p.m.
THUR	26	FEB	SCRUTINY COMMITTEE	10.00 a.m.
FRI	27	FEB		
SAT	28	FEB		
Mar-15				
SUN	1	MAR		
MON	2	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	3	MAR		
WED	4	MAR	PEEBLES COMMON GOOD FUND SUB-COMMITTEE	5.00 p.m.
WED	4	MAR	TWEEDDALE AREA FORUM	6.30 p.m.
THUR	5	MAR	PENSION FUND COMMITTEE	10.00 a.m.
THUR	5	MAR	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
THUR	5	MAR	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	6	MAR		
SAT	7	MAR		
SUN	8	MAR		

SCOTTISH BORDERS COUNCIL
CALENDAR OF MEETINGS - To be approved by Council 20/11/14

JANUARY - JULY 2015

MON	9	MAR		
TUES	10	MAR	EXECUTIVE COMMITTEE (Performance) followed by AAGs	10.00 a.m.
WED	11	MAR		
THUR	12	MAR	EDUCATION PERFORMANCE SUB-CTEE	10.00 a.m.
THUR	12	MAR	EMPLOYEE COUNCIL	3.00 p.m.
FRI	13	MAR		
SAT	14	MAR		
SUN	15	MAR		
MON	16	MAR	LOCAL REVIEW BODY	10.00 a.m.
TUES	17	MAR	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	18	MAR		
THUR	19	MAR		
FRI	20	MAR	LICENSING BOARD	10.00 a.m.
FRI	20	MAR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	21	MAR		
SUN	22	MAR		
MON	23	MAR	AUDIT AND RISK COMMITTEE	10.15 a.m.
TUES	24	MAR	EXECUTIVE COMMITTEE (Education) followed by AAGs	10.00 a.m.
TUES	24	MAR	LOCAL LICENSING FORUM	4.00 p.m.
WED	25	MAR		
THUR	26	MAR	SCRUTINY COMMITTEE	10.00 a.m.
FRI	27	MAR		
SAT	28	MAR		
SUN	29	MAR		
MON	30	MAR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	31	MAR		
Apr-15				
WED	1	APR	CHEVIOT AREA FORUM	6.30 p.m.
THUR	2	APR	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI (SH)	3	APR		
SAT	4	APR		
SUN	5	APR		
MON(SH)	6	APR		
TUES(SH)	7	APR		
WED(SH)	8	APR		
THUR(SH)	9	APR		
FRI(SH)	10	APR		
SAT	11	APR		
SUN	12	APR		
MON (SH)	13	APR		
TUES (SH)	14	APR		
WED (SH)	15	APR		
THUR (SH)	16	APR		
FRI (SH)	17	APR		
SAT	18	APR		
SUN	19	APR		
MON	20	APR	LOCAL REVIEW BODY	10.00 a.m.
TUES	21	APR	EXECUTIVE COMMITTEE (Finance) followed by AAGs	10.00 a.m.
TUES	21	APR	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	22	APR		
THUR	23	APR		
FRI	24	APR	LICENSING BOARD	10.00 a.m.
FRI	24	APR	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	25	APR		
SUN	26	APR		
MON	27	APR	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	28	APR		
WED	29	APR		
THUR	30	APR	SCRUTINY COMMITTEE	10.00 a.m.
May-15				
FRI	1	MAY		
SAT	2	MAY		
SUN	3	MAY		
MON	4	MAY	PUBLIC HOLIDAY	
TUES	5	MAY		
WED	6	MAY		
THUR	7	MAY	WESTMINSTER ELECTION	
FRI	8	MAY		
SAT	9	MAY		
SUN	10	MAY		
MON	11	MAY	AUDIT AND RISK COMMITTEE	10.15 a.m.
TUES	12	MAY	EXECUTIVE COMMITTEE (Economic Development) followed by AAGs	10.00 a.m.
WED	13	MAY		
THUR	14	MAY	EILDON AREA FORUM	6.30 p.m.
FRI	15	MAY	POLICE, FIRE & RESCUE AND SAFER COMMS BOARD	9.30 a.m.
SAT	16	MAY		
SUN	17	MAY		
MON	18	MAY	LOCAL REVIEW BODY	10.00 a.m.
TUES	19	MAY	HAWICK CGF SUB-COMMITTEE	4.00 p.m.
TUES	19	MAY	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	20	MAY		
THUR	21	MAY	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	22	MAY	LICENSING BOARD	10.00 a.m.
FRI	22	MAY	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	23	MAY		

SCOTTISH BORDERS COUNCIL
CALENDAR OF MEETINGS - To be approved by Council 20/11/14

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SUN	24	MAY		
MON	25	MAY		
TUES	26	MAY	EXECUTIVE COMMITTEE (Education) followed by AAGs	10.00 a.m.
WED	27	MAY	PEEBLES CGF SUB-COMMITTEE	5.00 p.m.
WED	27	MAY	TWEEDDALE AREA FORUM	6.30 p.m.
THUR	28	MAY	SCRUTINY COMMITTEE	
THUR	28	MAY	EMPLOYEE COUNCIL	
FRI	29	MAY		
SAT	30	MAY		
SUN	31	MAY		
Jun-15				
MON	1	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	2	JUN		
WED	3	JUN	JCG: TEACHERS	2.00 p.m.
WED	3	JUN	KELSO COMMON GOOD FUND SUB-COMMITTEE	4.30 p.m.
WED	3	JUN	JEDBURGH COMMON GOOD FUND SUB-CTEE	5.30 p.m.
WED	3	JUN	CHEVIOT AREA FORUM	6.30 p.m.
THUR	4	JUN	EDUCATION PERFORMANCESUB-CTEE	10.00 a.m.
THUR	4	JUN	BERWICKSHIRE AREA FORUM	6.30 p.m.
FRI	5	JUN		
SAT	6	JUN		
SUN	7	JUN		
MON	8	JUN	TRADING OPERATIONS SUB-COMMITTEE	10.00 a.m.
TUES	9	JUN	EXECUTIVE COMMITTEE (Performance) followed by AAGs	10.00 a.m.
TUES	9	JUN	LOCAL LICENSING FORUM	4.00 p.m.
WED	10	JUN	JCG: STAFF	10.00 a.m.
WED	10	JUN	SELKIRK CGF SUB-COMMITTEE	3.00 p.m.
THUR	11	JUN	SCRUTINY COMMITTEE	10.00 a.m.
THUR	11	JUN	COMMUNITY PLANNING STRATEGIC BOARD	2.00 p.m.
FRI	12	JUN		
SAT	13	JUN		
SUN	14	JUN		
MON	15	JUN	LOCAL REVIEW BODY	10.00 a.m.
TUES	16	JUN	LAUDER CGF SUB-COMMITTEE	2.00 p.m.
TUES	16	JUN	TEVIOT & LIDDESDALE AREA FORUM	6.30 p.m.
WED	17	JUN		
THUR	18	JUN	PENSION FUND COMMITTEE	10.00 a.m.
FRI	19	JUN	LICENSING BOARD	10.00 a.m.
FRI	19	JUN	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	20	JUN		
SUN	21	JUN		
MON	22	JUN		
TUES	23	JUN		
WED	24	JUN		
THUR	25	JUN	SCOTTISH BORDERS COUNCIL	10.00 a.m.
FRI	26	JUN		
SAT	27	JUN		
SUN	28	JUN		
MON	29	JUN	PLANNING AND BUILDING STANDARDS	10.00 a.m.
TUES	30	JUN	AUDIT AND RISK COMMITTEE	10.15 a.m.
Jul-15				
WED	1	JUL		
THUR (SH)	2	JUL		
FRI (SH)	3	JUL		
SAT	4	JUL		
SUN	5	JUL		
MON (SH)	6	JUL		
TUES (SH)	7	JUL		
WED (SH)	8	JUL		
THUR (SH)	9	JUL		
FRI (SH)	10	JUL		
SAT	11	JUL		
SUN	12	JUL		
MON (SH)	13	JUL		
TUES (SH)	14	JUL		
WED (SH)	15	JUL		
THUR (SH)	16	JUL		
FRI (SH)	17	JUL		
SAT	18	JUL		
SUN	19	JUL		
MON (SH)	20	JUL	LOCAL REVIEW BODY	10.00 a.m.
TUES (SH)	21	JUL		
WED (SH)	22	JUL		
THUR (SH)	23	JUL		
FRI (SH)	24	JUL	LICENSING BOARD	10.00 a.m.
FRI (SH)	24	JUL	CIVIC GOVERNMENT LICENSING COMMITTEE	11.00 a.m.
SAT	25	JUL		
SUN	26	JUL		
MON (SH)	27	JUL		
TUES (SH)	28	JUL		
WED (SH)	29	JUL		
THUR (SH)	30	JUL		
FRI (SH)	31	JUL		

JANUARY - JULY 2015

(SH) School Holiday

AAG = Administration Advisory Group

REVIEW OF POLLING PLACES

Report by Chief Executive

SCOTTISH BORDERS COUNCIL

20 NOVEMBER 2014

1 PURPOSE AND SUMMARY

- 1.1 This report details the outcome of the consultation with Community Councils regarding the proposal to close polling places with an electorate of less than 100 voters and reports back on the possibility of using the new games hall at Peebles High School in place of Priorsford Primary Schools as the polling place for Polling District 2A of the Tweeddale East Ward.**
- 1.2 The Council considered the outcome of the required review of polling districts, polling places and polling stations at their meeting on 27 March 2014 and agreed:-
- (a) to consult with local Community Councils - on behalf of their local electorate - on the proposal to permanently close the polling places currently located in Tweedsmuir, Manor, Cappercleuch, Abbey St. Bathans, Cranshaws, Makerstoun, Hownam, Crailing, Edgerston and Hermitage to take effect from the publication of the Register of Electors on 27 February 2015; and
 - (b) that a review be undertaken of the new Games Hall at Peebles High School as a possible polling place to replace Priorsford Primary School, this being subject to suitability.
- 1.3 Manor and Abbey St Bathans have been removed from the review as their electorate has now increased in excess of 100 voters criteria.
- 1.4 The responses received from Community Councils and other interested parties are contained in full in Appendix 1 to the report and, with the exception of Crailing, all are strongly against the closure of their polling places.
- 1.5 With regard to the use of Peebles High School Games Hall contact has been made with the Headteacher and a meeting is being arranged to discuss the suitability of the games hall as a polling place.

2 RECOMMENDATIONS

2.1 I recommend that the Council:

- (a) Considers whether or not to proceed with the permanent closure of any of the polling places currently located in Tweedsmuir, Cappercleuch, Cranshaws, Makerstoun, Hownam, Crailing, Edgerston and Hermitage; and**
- (b) Agrees to delegate powers to the Chief Executive to determine if the polling place for Tweeddale East Polling District 2A should be moved from Priorsford Primary School to the Games Hall at Peebles High School, following a meeting with the Headteacher to assess suitability.**

3 BACKGROUND

3.1 It was reported at the Council meeting in March 2014 that, in terms of the Electoral Registration and Administration Act 2013, the Council had undertaken a review of its current polling districts, polling places and polling stations. As part of this review, polling places had also been assessed against the number of electors in the polling district. There were at that time 10 polling places with under 100 electors on the electoral roll for that particular district. This has since reduced to 8, as both Manor and Abbey St Bathans have had increases in their electorate which takes them over the 100 threshold. They have therefore been removed from consideration at present. As the proposed closure of these polling places was not included in the original consultation process it was agreed at the March Council meeting that the Community Councils in each of the affected areas be consulted on these proposals before any action to close these polling places was taken.

4 OUTCOME OF THE CONSULTATION PROCESS

4.1 A total of 9 responses have been received to the consultation and these are copied in full in Appendix 1 to the report. With the exception of the response regarding Crailing, all communities are strongly opposed to the closure of their polling places.

4.2 The main points raised in these responses include:-

- Difficulties for some residents to travel to an alternative polling station
- Voting by post should not be compulsory
- Closure will reduce turnout
- Size of community should not be a factor
- Undemocratic to not allow people to vote locally
- Impact on the viability of more remote village halls
- All services in a rural area are more expensive and savings would be small
- Combine polling places in towns to save money
- Polling districts could be realigned to increase voter number

4.3 In response to some of the points made it is acknowledged that some residents will have to travel further to vote. However, the impact of this will depend on where within the current polling district they reside in comparison with the location of the alternative polling place. Within these areas very few electors live within walking distance of their polling place, are not served by regular public transport services and have to travel for many of their other services. Voting by post is already a well-used alternative in some areas but it is appreciated that some people prefer to vote in person. The appointment of a proxy is also an alternative. It is not possible to comment on whether the closure of a polling place would reduce turnout in advance of a closure. With regard to the suggestion that polling places in towns could be combined would be difficult to implement due to the size of hall and the number of voters who require to be accommodated. The possibility of realigning polling districts might be feasible in some areas but could impact on the viability of other polling places and was already considered as part of the recent review of polling places when did combine two polling places in Galashiels. We also moved two polling places from

schools into local halls in our continuing aim to reduce the number of school closures for elections.

5. COST AND STATISTICAL INFORMATION

- 5.1 Appendix 2 provides the information previously provided in the March report to Council but updated to take account of current elector numbers.
- 5.2 The percentage of voters in these areas who choose to vote by post on a permanent basis varies from 29% in the Tweedsmuir area to just 6% in the Cranshaws area.
- 5.3 The average percentage of voters who actually voted in person at their polling place over the last 4 electoral events varies from 48% in the Cranshaws area to 63% in the Tweedsmuir area.
- 5.4 The average cost per elector ranges from £12.86 for the Makerstoun area to £24.20 per elector for the Cappercleuch area. Obviously there are a variety of sizes of electorates at polling stations with more than 100 electors so cost per elector varies from area to area but at a larger station with around 600 voters voting in person the cost is around £1 per elector and postal votes cost around £2 each.

6. USE OF PEEBLES HIGH SCHOOL GAMES HALL

- 6.1 Initial information regarding the requirements of a polling place have been provided to the Headteacher at Peebles High School and a meeting with him on site is to be arranged to see if it would indeed be feasible to use the games hall as a polling place. Once this meeting has been held it is recommended that powers be delegated to the Chief Executive to determine whether or not it would be appropriate to move the polling place for Tweeddale East Polling District 2A from Priorsford primary School to Peebles High School Games Hall.

7. IMPLICATIONS

7.1 Financial

The proposed changes to be implemented for elections from 2015 onwards will result in a saving of just over £5,000 per election based on current costs. Although this would only be a direct saving to the Council every 4 years the Council has to consider the public pound at all levels of Government.

7.2 Risk and Mitigations

There is a risk that closing polling places will discourage some electors from voting in future. However, all voters will be offered the opportunity of having a postal vote or appointing a proxy voter should they not wish to travel to their replacement polling place.

7.3 Equalities

An Equality Impact Assessment has been carried out and there are some equality implications anticipated. However, there are alternatives available and no voter will be denied their right to vote either by post, proxy or in person.

7.4 Acting Sustainably

There are no anticipated economic, social or environmental effects resulting from these changes.

7.5 Carbon Management

There should be little impact on the Council’s carbon emissions by implementing these changes.

7.6 Rural Proofing

A Rural Proofing checklist has been completed. The checklist does show that there will be some impact on those living in the areas concerned. However, the majority of people living in these areas already depend on the use of cars to obtain many services and alternative methods of voting are available.

7.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

8 CONSULTATION

8.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Tracey Logan, Chief executive

Signature

Author(s)

Name	Designation and Contact Number
Louise McGeoch	Democratic Services Team Leader 01835 825005

Background Papers:

Previous Minute Reference: Scottish Borders Council 27 March 2014

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Louise McGeoch can also give information on other language translations as well as providing additional copies.

Contact us at Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA Fax 01835 825001 or telephone 01835 825005

APPENDIX 1

Index of Consultation Responses

Name	Polling Place
Upper Tweed Community Council	Tweedsmuir Village Hall
Mrs C Parker, Tweedsmuir	Tweedsmuir Village Hall
Ettrick & Yarrow Community Council	St. Marys Hall, Cappercleuch
Lammermuir Community Council	Cranshaws Village Hall
Floors Makerstoun, Nenthorn & Smailholm Community Council	Makerstoun Village Hall
Kalewater Community Council	Hownam Village Hall
Jed Valley Community Council	Edgerston Village Hall
Crailing, Eckford and Nisbet Community Council	Crailing Village Hall
Hermitage Hall Committee	Hermitage Village Hall

APPENDIX 2

Review of Polling Places– Polling Places with less than 100 electors Updated Electorate Information and costs

Ward	Polling Place	Total Electorate as at 1 November 2014 (Permanent Postal Voters)	Polling Station Electorate	Suggested alternative Polling Place	Distance in miles to new polling place	Average voter turnout over last 4 electoral events	Polling stations costs 2014*	Approx. cost per elector based on average turnout
1. Tweeddale West	Tweedsmuir Village Hall	87 (25)	62	Broughton Village Hall	8	63%	£703	£15.98
4. Selkirkshire	St. Marys Hall, Cappercleuch	50 (11)	39	Yarrow Village Hall	8.5	58%	£605	£24.20
6. Mid Berwickshire	Cranshaws Village Hall	69 (4)	65	Preston Village Hall	7.5	48%	£655	£21.13
8. Kelso & District	Makerstoun Village Hall	97 (14)	83	Smailholm Village Hall	4	53%	£540	£12.86
8. Kelso & District	Hownam Village Hall	61 (5)	56	Morebattle Institute	4	58%	£525	£16.41
9. Jedburgh & District	Eckford Village Hall	93 (14)	79	Crailing Village Hall#	2.5	62%	£610	£12.98
9. Jedburgh & District	Edgerston Village Hall	100 (21)	79	Jedburgh Town Hall	7	58%	£935	£19.48
10. Hawick & Hermitage	Hermitage Village Hall	69 (14)	55	Newcastleton Village Hall	6	49%	£574	£22.95

*Polling station costs are based the cost of polling staff fees, the average cost of stationery and delivery of polling screens (£415) plus the actual cost of hall rental

Although Eckford has the smaller number of electors it is proposed to cease using Crailing Village Hall as it has no disabled access

Upper Tweed Community Council

Thirlestane House,
Broughton,
Biggar, ML12 6HQ
Telephone 01899-830250
E-mail: thirlestane1903@aol.com
22 September 2014

Louise McGeogh,
Democratic Services Team Leader,
Scottish Borders Council,
Council Headquarters,
Newtown St Boswells,
Melrose, TD6 OSA

Dear Ms McGeogh,

REVIEW OF POLLING PLACES

Further to your letter of 1 July, I have now obtained feedback from a number of Tweedsmuir residents about your proposal to close their polling place. Feelings are running high on this issue. The comments we received were entirely negative and the main points which were made can be summarised as follows:

- Because Tweedsmuir, a dispersed rural area, has no public transport, it would be difficult for many residents (including the elderly) to travel to the Broughton polling station. For some people this could mean a round trip of up to 30 miles. If it is essential to close a polling station, it should be one in a heavily populated area where other polling stations are within reach. At the very least, if the Tweedsmuir polling station were closed, the Scottish Borders Council should provide a bus on polling day to take voters to and from Broughton.
- A postal vote is a poor alternative, because it does not enable voters to hear last-minute arguments and developments which may influence their decision (as occurred in the recent referendum, for example). If postal voting is left to the last minute, there are always doubts about whether the vote will reach the returning officer in time. While postal voting is acceptable as a voluntary alternative for those who wish to use it for personal reasons, it is not acceptable on a compulsory basis, which would be the effect for those voters who cannot reach Broughton. It is wrong for the manner of voting to be dictated by where a person lives.
- One of the reasons for preferring to vote in person rather than by post is that a spoiled ballot paper can be replaced at the polling station. Moreover, if anyone is unsure about the rules for filling the ballot paper in, they can seek guidance from the staff.
- In the past Tweedsmuir has tended to have a relatively high turn-out at elections, and it is likely that the proposed closure would reduce this and undermine the local community, which would be a backwards step for democracy at a time when the Scottish Government has an objective of greater stakeholder engagement.

As one of our respondents put it: "Removing our local polling station flies in the face of both current political trends and sensible practical ways of promoting local democracy. Please don't do it".

Yours sincerely,

Chris Lewin, Chairman

Polmood Lodge, Tweedsmuir, Biggar, ML12 6QN

22nd September 2014

Louise McGeogh,
Democratic Services Team Leader,
Scottish Borders Council,
Council Headquarters,
Newtown St Boswells,
Melrose, TD6 OSA

25 SEP 2014

ADMINISTRATIVE

Dear Ms McGeogh

Proposal to close Tweedsmuir Polling station

I heard about the proposal to close Tweedsmuir polling station through the chairperson of Upper Tweed Community Council. I took it upon myself to consult the Tweedsmuir community because we have had confirmation from Scottish Borders Council that we are able to set up a separate community council but do not expect to be operating as Tweedsmuir Community Council until later in the year.

These are the comments and concerns that have come to me and as you will see, Tweedsmuir residents are very concerned and angry about the proposal to remove Tweedsmuir polling station.

The size of the community should not be a factor in the ease (or otherwise) of exercising one's right to vote - if it were - might that not be discriminatory?
As there is no public transport at Tweedsmuir it is essential to maintain a local polling station within walking distance of the village

What exactly does the council do for this area? £2000 a year poll tax with no return - of course the polling station should stay open

As central government pays all the expenses for polling stations throughout the country - SBC is unjustified in proposing to close any of them - I endorse all the comments you have received so far.

this is an extremely well used polling station in a very rural area with no access to public transport I feel that removal of this polling station would once again undermine this fragile rural community.

Proposal relates to an arbitrary figure rather than compelling reasons
Central government pays election costs - so cost saving should not influence decisions inclosing a rural polling station

30 minute round trip car journey

The manner in which I decide to vote should not be dictated by where I reside

Voting by post deprives last minute choice

Not in the spirit of Scottish Government's objective "greater stakeholder engagement"

Polmood Lodge, Tweedsmuir, Biggar, ML12 6QN

If the boundaries were changed to include all of the new Tweedsmuir
Community council area - would numbers not exceed 100?

Too far to travel

No public transport

Postal vote is not an acceptable alternative due to last minute arguments and
discussions

Size of the community should not be a factor in denying people the right to vote

Disproportionate impact on rural areas

Only one post box that takes large letters and lack of confidence in postal
service

Against political trends and local democracy

Undemocratic to deny the opportunity of voting locally

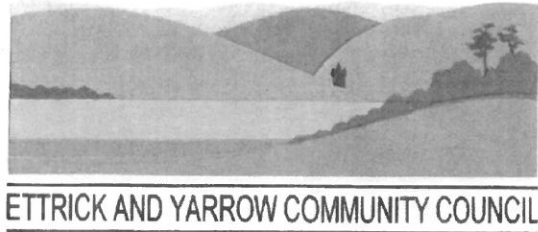
Erosion of rural services and facilities

Historic high percentage of voters at Tweedsmuir

Please can you take our comments, concerns and worries into consideration
and inform Tweedsmuir residents of any further developments.

Yours sincerely

Christine Parker
Polmood Lodge
Tweedsmuir
Biggar
ML12 6QN
01899880329



Louise McGeoch
Democratic Services Team Leader
Chief Executive's Department
Scottish Borders Council
Council Headquarters
Newtown St. Boswells
Melrose, TD6 0SA

October 29th 2014

Dear Ms McGeoch

Thank you for the opportunity to comment on your proposals to close a number of rural polling stations. Etrick & Yarrow Community Council strongly opposes the closure of Cappercleuch Polling Station on the following grounds:

- Village Halls are the lifeline of rural communities and many, like Cappercleuch, are already struggling to survive. Cappercleuch is particularly vulnerable just now and this proposal would remove a critical function from the hall.
- These proposals appear to run counter to the Scottish Government policy of supporting rural communities. We are working hard to revitalise the valleys, and this proposal is not helpful in this respect.
- We accept that the cost per capita is high, but this will always be the case for any more rural service. We have already had a reduction in our mobile library service and are unhappy that it is the most rural areas that continue to be penalised.
- It is regrettable that SBC did not conduct an Equality Impact Assessment prior to putting these proposals out for consultation. This has subsequently been undertaken, but has omitted to consider the fact that closing rural polling stations discriminates against those living in these more isolated areas. Voters now have even further to travel to vote and research shows that voter turnout (particularly for local and European elections) reduces with distance travelled. While we recognise the alternative of postal voting, not everyone has faith in the reliability of this method and all voters, in our view, should have equal access to the voting process.
- The total saving for all 10 polling places (at less than £6,000) is very, very small. This is a very small price to pay for encouraging a fair and democratic process which does not discriminate further against residents living in very rural areas.
- We feel that SBC should look at other larger alternative savings that could be made which relate to the challenging geography of the region. There are numerous meetings where Council Officers (and probably Councillors) travel significant distances to meet. The travel time (which is a significant cost) could be eliminated and the costs of the meeting (travel expenses, meeting rooms

etc) significantly reduced if more use was made of tele and video conferencing. Staff may require training to do this effectively, but it could make a really significant saving for the Council – without affecting services. Please look at these alternative savings options and retain our local polling places.

- Finally, we wish to draw your attention to the fact that we were not consulted during the original review of Polling Places and are not very happy about this.

We look forward to hearing that the Council has rejected these proposals and in particular that Cappercleuch will continue to be a Polling Place for the foreseeable future.

Yours sincerely

Barbara Harrison

Barbara Harrison
Secretary
Ettrick & Yarrow Community Council

SINGLIEHILL END, ETTRICK VALLEY, SELKIRK TD7 5HP
Tel: 01750 52260 E-mail: bckharrison@btinternet.com

THE LAMMERMUIR COMMUNITY COUNCIL

November 2014

RESPONSE TO SCOTTISH BORDERS COUNCIL'S PROPOSAL TO CLOSE CRANSHAWS VILLAGE HALL AS A POLLING PLACE

The Lammermuir Community Council object to Scottish Borders Council's proposal to close Cranshaws Village Hall as a local polling place as it would seriously imperil the viability of one of the few remaining facilities within our small rural community.

INTRODUCTION – OUR COMMUNITY.

Cranshaws is one of two rural polling stations that serve our widely dispersed rural population. Less than half of our residents live in the three small settlements of Longformacus, Cranshaws and Ellemford, so travelling to vote may already entail a journey of several miles. The proposed alternative polling place could add an additional trip of 15 miles to this.

Community reaction to the proposals to close Cranshaws has been passionate. Voting within your local community isn't just about involvement in the democratic process but is an important social activity when many live in remote locations or have isolated lives and jobs.

The closure proposals have caused great local concern, from both those directly affected and from many others who see this as a particularly bad call by Scottish Borders Council Officers.

Closure would cause unnecessary additional adverse social and economic impacts on a population that already faces significant challenges. The very modest savings to SBC would be dwarfed by the loss of economic and social activity that would result. Significant additional costs would be imposed on many of our residents in exercising their rights to fully engage with the democratic processes across all elections and referenda.

Most fundamentally it would send the message that our local authority doesn't really want to engage fully with its smaller, more remote communities by imposing additional costs and barriers against them fully engaging with the electoral process.

Residents have told us it should be recognised as a basic right for voters to enter their local polling place with the freedom to make their decision right until that moment on polling day. Postal votes are an option but, as the recent Independence Referendum showed, only the ability to cast ones vote after the full campaign has run its course allows voters full engagement and access to any debate. They are not a suitable alternative to the ability to vote locally and in person which is afforded to most residents of the Scottish Borders.

Cutting waste would be applauded by our residents but to save perhaps £500 every four years whilst causing far greater costs and economic and social loss with the consequent denial of local access to all other elections and votes seems both unwise, inefficient and unjust.

OUR RESPONSE

This response is primarily focussed on the proposed closure of Cranshaws as a polling place, but it **should be taken as an objection to the whole policy of closing rural polling places.**

We have received support from across the Scottish Borders and we support those other communities that are objecting to this proposal.

We have worked closely with our neighbouring Community Council at Abbey St Bathans, Preston & Bonkyl. We are grateful for their support and delighted that their polling place has already been relieved. Perhaps due to updated information we forced SBC to produce?

Since the closure proposals were revealed this Community Council has engaged repeatedly with Councillors and Officers at Scottish Borders Council. We thank all for support that has been given, particularly by Members from across the Borders. We thank officers for information that has been offered but we regret the reluctance to fully engage by officers at the highest level and the need to ask Freedom of Information Requests to obtain current information that should have been freely available.

All of the points we have raised with SBC, particularly those raised in repeated correspondence with the Chief Executive, should be fully considered as part of our consultation response on this issue.

We comment on SBC's processes later in this response. In summary we consider the process and implementation of this proposal to be fundamentally flawed: particularly the deliberate omission of a Rural Proofing Assessment and a less-than-thorough Equalities Impact Assessment.

We consider that the Chief Executive's recent order to undertake a review of the EIA and do a Rural Proofing Assessment fully vindicates our stance. Regrettably neither of these assessments has yet been made available, so we are not in an informed position to comment on them prior to this consultation closing. We have asked that we have an opportunity to comment on these should they emerge before Members make a decision at the November Council Meeting.

We ask that officers of Scottish Borders Council reconsider their proposal and recommend to Members that this, and other small rural polling stations that have their community's support, should be maintained, not closed, and their use encouraged.

OUR REASONS

Closure of rural polling places denies residents in small and marginal communities the opportunity to fully engage with the democratic process – something that a postal vote does not offer.

Alternative polling places would impose significant additional costs on voters in a relatively poor community.

Closing Cranshaws would be particularly unjust as we have recently expended considerable cost and effort to make it fully accessible – in part due to a threat by SBC to remove its role as a polling place is it was not.

Closure would deny economic benefit to the area through hall hire fees and local electoral staff payments. These “savings” would be costs to the community – they would be significantly amplified by the consequential loss of all other referenda and elections.

Closure proposals are arbitrary and have not followed SBC’s own policies regarding Rural Proofing or Equalities Impact Assessments.

Closure would create a fundamentally unjust two-tier structure of access to the democratic process – yet again it would be the remoter and more rural communities that suffer the lower level of access to yet another service.

SBC has been in error in promoting this policy in advance of any understanding of any likely impacts that would result. Rural Proofing and Equalities Impact Assessments ought to have been done before any proposal to close had been drafted. These policies are there to inform policy making, not to justify a policy after it has been promoted.

Until this Community Council’s FOI officers were promoting a policy based on outdated 2012 figures. These are now significantly changed but we are unaware that SBC has put these new figures fully into the public domain so people can make fully-informed consultation responses.

SBC has exaggerated the per voter costs. As our FOI shows they are significantly lower in 2014 than the figures presented by SBC – we refer to previous communications with SBC on these voter costs.

Voter numbers at Cranshaws, and at other polling places, have increased notably since this policy was first promoted.

The 100 voter threshold used by SBC is arbitrary and unjust. There is no support for it in policy and it intrinsically harms the most fragile communities.

This policy removes a facility and service from those communities that already have the fewest – our shops, schools and kirks are often gone – this threatens the viability of the last remaining community facility in many communities. As this Community Council has advised when responding to the Local Plan, SBC’s refusal to include any assessment of the region’s smaller rural settlements in in Volume 2 Settlements of the LDP means that their needs, threats and opportunities are largely unknown to SBC and its policy makers. This leads to ill-informed and poor decision-making. SBC should conduct a review of its smaller rural settlements to inform policy as a matter of urgency.

Access and engagement with the democratic processes.

Closing Cranshaws as a polling station would deny our residents the ability to fully engage with the democratic process. Residents have told us that the act of going to vote is import to them and that voting in a hall that is a traditional centre of local activity is important too.

SBC’s proposal would not just deny local access at local elections but would amplify its impacts by forcing the consequential end of polling for Holyrood, Westminster and Brussels Elections and any referenda too. One saving leading to for, or five, cuts!

Closure as a polling place can only lead to less engagement with the democratic process as residents have to spend more time, travel further and incur additional expense to vote.

Closure would be likely to impact on other democratic activity too. Would Councillors, MSPs, MPs and MEPs still be likely to choose halls such as Cranshaws as venues for constituent's surgeries if they were no longer deemed relevant enough to be a polling place? In time it is likely that they would reduce and candidates would be less likely to come out to our communities to canvas, to leaflet or to visit.

Full engagement in the democratic process is what is at stake here and the only proposed mitigation cited is access to a postal vote. That is woefully inadequate and simply doesn't allow for full engagement. Not only are votes required to be cast days before campaigning has finished, but the opportunity for reflection all the way to the polling booth is denied.

Additional Costs for Communities

The economic impacts would be significant. SBC's modest saving of £565 every four years (£141.25 pa) would be dwarfed by the consequential loss of an average of nine elections per ten years from losing local, Scottish, UK National and European Elections. The increased likelihood of future referenda or other elections would increase this loss.

Most of what SBC identifies as the "costs" of using small rural polling places are in fact helpful local economic benefits: hall rentals support much-needed local facilities such as village halls whilst the modest fees paid to election staff tend to go to local, often retired, residents in the community for whom the modest payments are a helpful, if occasional, small financial boost.

Payments to village halls are often vital and to lose rental from at least four sets of elections would be a significant impact on many halls. In the case of Cranshaws it seems particularly unjust as several years ago SBC threatened to withdraw its use as a polling place if it didn't become fully accessible. With significant expenditure from our small community and much local effort, it has made itself fully accessible just as SBC decide to withdraw its function as a polling place. This seems particularly hard to accept when not all of SBC's estate is fully accessible.

Much has been made by SBC of the cost per voter as justification for closing Cranshaws and other polling stations, but nothing has been done on the cost ~~to~~ each voter were they to vote in person under the proposed regime. From Cranshaws the additional expense of the extra 15 mile round trip to vote at Preston would be £6.75 based on standard motoring costs. Were just half of our electorate to do so, that would be an additional economic cost to our community for £243 at every election or vote and many will already have to travel several miles to have voted in Cranshaws.

Environmental Impacts

Were just half of Cranshaws electorate to have to travel 15 additional miles to Preston an additional 540 miles would be travelled over tough roads, often in the four wheel drives that are the necessary working vehicles of many of our residents. Those impacts or costs have not been considered by SBC.

PROPOSED MITIGATION

Postal Votes

Postal votes are an option for voters but they don't allow full engagement with the democratic process. Despite SBC suggesting that postal votes are acceptable alternatives and popular, it is clear that despite our remoteness, lack of public transport and a relatively aging population postal votes are not locally popular with just 5 registered in Cranshaws in 2014 and 3 in 2012.

Residents tell us that being able to enter the polling booth whilst still considering their vote is a reasonable expectation for voters. The recent referendum demonstrated that many who voted by post were denied the opportunity to consider and act on developments in the campaign that happened after they had voted. It is clear from the recent referendum campaign that not only were their complications with postal votes but they denied voters access to the full debate before casting their vote.

Postal voting adds additional complications and has impacts for those who might struggle with literacy or sight issues.

Postal votes are not an adequate mitigation for the removal of a community to vote in person within their own community. It is vital that SBC do not create two tier access to democracy.

PROCESS

SBC's processes in pursuing these closures has been flawed from the start: proposals emerged with no clear basis in policy, consultation has been both minimal and grudging, rural proofing assessments have been avoided, Equalities impacts minimised and full engagement with affected communities declined.

Critically it appears that had this Community Council not been forced to ask a Freedom of Information Request Members would have been asked to take a decision on closure based on historic 2012 (ie 30 month old) data that is now much-changed.

It could be argued that the lack of consultation could be justified by the original statutory consultation on voting arrangements receiving relatively little feedback. Of course no suggestion of closures was made in that consultation and our Community Council merely recorded its satisfaction with the status quo at our regular meeting.

When closure proposals emerged from that process in March 2014 the only justification appeared to be financial savings of the order of £5,688 every four years or £1422 per annum across the Scottish Borders. With two polling places no longer meeting the "under 100" arbitrary criteria that nominal saving is reduced to just £4198 or just £1049.50 per annum.

We need to recognise that the very nominal saving of £4,198 every four years, even if seen as desirable, is significantly overstated as some of the election costs will remain despite alternative polling places, especially if postal votes are encouraged. That potential saving is now presumably reduced as two of the proposed polling stations no longer meet the closure criteria?

The costs of Scottish Borders Council management in pursuing this tiny savings have yet to be quantified, the costs of the voluntary organisations and concerned local residents in questioning them never will be.

On 1 July 2014 when challenged by this Community Council about the scale of any savings and the additional costs to our residents and the impacts of denying polling in other elections SBC's

Democratic Team Leader advised that all other elections had their costs reimbursed by Central Government *"however, we were considering the public purse at all levels."*

This raises two interlinked issues;

What imperative or national policy was SBC pursuing by seeking to close small rural polling stations to all elections? SBC appears to have no remit to "save" other legislative institutions' democratic engagement budgets by declaring an arbitrary 100-electors threshold. This comment appears to be bolstering the defence of a weak policy when challenged.

Why did SBC consider it appropriate to pursue a policy that would prevent at least three times as much income coming into the Scottish Borders region as it was spending? I.e. By "saving" £4,198 - £5,688 similar incoming benefits to the region would be lost with every referendum, Holyrood, Westminster or European election. So SBC's saving costs the region three or four times as much throughout the full electoral cycle.

We reiterate that whilst these sums are expressed as "costs" they are actually much needed, and valued, economic benefits to the small rural communities that host these threatened polling stations.

The additional economic costs to our residents were closure to happen require to be factored in too. The true economic cost of this policy is the total lost income to the Scottish Borders of all prevented elections in each of the closed polling places plus the additional costs for our rural residents to vote at each election

Of course these are the straight economic costs. The social and environmental costs have yet to be assessed by SBC in proper Rural Proofing and Equalities Impact Assessments.

Rural Proofing

Despite a series of enquiries, including direct to the SBC Chief Executive, this Community Council has been unable to ascertain why no Rural Proofing Assessment was undertaken when this is a critical and relevant SBC policy. Here, promoting the closure of rural services, it seems entirely necessary. This seems like the perfect policy for such an assessment: most of the closures were in rural locations, rural facilities were clearly likely to be affected and local services impacted.

We have been informed by the Chief Executive that as of 7 November a Rural Proofing Assessment has now been instructed. Despite enquiries we do not yet know how it will be reported to Members or whether we will have the opportunity to comment before Members make a decision.

It is a central requirement of Rural Proofing that an assessment is undertaken to inform the likely impacts of any proposal. That an assessment has finally (and reluctantly) been undertaken months after a proposal has been formulated, but just days before a decision is due to be taken, seems unhelpful, wrong and unjust.

Equalities Impact Assessment.

SBC is clear in promoting a requirement for Equalities Impact Assessments to be undertaken to inform its decisions and policies. This is clearly widely welcomed. It is a key SBC policy with support at all levels.

There appear to be significant deficiencies in the EIA that supports this policy, particularly as an EIA is supposed to inform any emerging policy, yet here it was done months after SBC had formulated its closure policy.

It is still unclear why SBC were pursuing a policy of polling places closure with a report to Council in March 2014 though an EIA was not approved until August 2014. The assessor was the Democratic Services Team Leader and it was "Agreed by Head of Service" on 14 August 2014 by Tracey Logan in her formal role as Returning Officer.

This was some time after this, and other Community Councils, had indicated significant concern at SBC's polling places closure plans.

Though the EIA was not published, this Community Council requested a copy and SBC provided one.

The EIA Summary received appears to be a tick-box exercise that has been pursued less rigorously than is appropriate for such a significant policy. This is part of the reason why we repeatedly sought a meeting with Ms Logan as she had signed the document off. As well as being done after the policy, the EIA is full of contradictions, understatements and omissions.

Under Summary of Policy/ Service/ Function aims we are just told that "Polling places are provided at various locations within the Scottish Borders to allow registered voters to cast their vote in all local, and national elections." This is a vague statement of the status quo, but not a summary of the policy which is stated as being a "Review of Polling Places". It therefore fails to meet its own requirements.

Under "Strands Impacted" effects on those with health issues are assessed as both "negative" and as "no impact on any person as a result of being in this group". Clearly both options are impossible to reconcile.

Our greatest concern is the assertion that there is no impact on those "Effects on poverty groups". When one looks at the descriptor for this category it seems near-impossible that adverse effects on this group have not been recognised when it is clear that a poor community would suffer additional costs and loss of income multiplied by all elections and referenda.

Clearly there would be an effect on poverty groups. Whilst the general population would be adversely affected by the impacts of a closed polling place our residents would be directly affected by a need to travel an additional 15 miles to vote. Costs include both the mileage cost and the lost time. Literacy issues would be impacted if SBC's desire to see postal voting as the default method for rural communities was followed.

In the "Summary of key recommendations" we are told that "covers 10 polling stations" but only 9 appear in appendix 2 or in subsequent information releases.

In the "Summary of key issues" the issues identified were "reducing numbers of electors voting in person" and "the viability of our smaller polling places". Nowhere was cost mentioned, despite this becoming the central strand of the developing policy.

We trust that all of our concerns – though all of our responses on this issue- will be illustrated in the full report that goes to Members.

We note that the Chief Executive has told us that she plans no officer recommendation and also that there will be one. We don't yet know whether a recommendation will emerge or what it will be so we request the right to address Council before they take their decision.

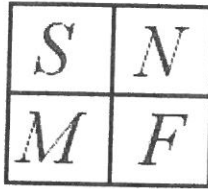
We trust that any recommendation to Members will only be made after we have had an opportunity to comment on the Equalities Impact Assessment that is being revised and the Rural Proofing Assessment that is now underway. We are not sure how SBC itself can be informed by both assessments with a decision due next week at Council?

With best wishes

Mark Rowley

Chairman

Lammermuir Community Council



Floors Makerstoun Nenthorn & Smailholm Community Council

Louise McGeoch
Democratic Services Team Leader
Scottish Borders Council
Newtown St Boswells
TD6 0SA

17 September 2014

Dear Ms McGeoch,

REVIEW OF POLLING PLACES

A meeting was held of the above Community Council on 16 September 2014 and this proposal was discussed. Two Community Councillors were ambivalent but the others, as well as four members of the public, had views to be expressed as follows:

- Whilst there were only 92 electors in Makerstoun on 22 May, there are soon to be far more than that number registered as a number of cottages have been, or are in the process of being, renovated by Makerstoun Estate and thus the total of electors will soon be more than 100 – which should mean that Makerstoun Village Hall should not be closed as a Polling Place.
- In terms of the number of postal voters on 22 May, this number was far higher than normal as 11 voters registered abnormally because they were due to be away on holiday on that date.
- Makerstoun Village Hall is an important part of the community of Makerstoun and the income from its' use as a polling station is vital to it remaining open to be of use to the wider community. In addition, a grant from 'Charity Begins at Home' has just been awarded, received and spent on Makerstoun Village Hall as this charity was so impressed by the role the Village Hall serves in community life.

In the light of these comments, we would be greatly opposed to Makerstoun Village Hall being closed as Polling Place.

Yours sincerely,

Jill Freshwater
Secretary

ADMIN & LEGAL
30 SEP 2014
DEMOCRATIC SERVICES

Review of Polling Places

Response from Kalewater Community Council

I am writing in response to a letter received advising us that the Council intend to close Hownam Polling Station as part of their cost cutting programme before the next election in May 2015.

We discussed this matter at one of our monthly community council meetings and have made it known to the community at large and the response has been pretty well unanimous against any changes to the current voting arrangements.

I also heard the responses of other community councils in the same situation as ourselves at the recent Community Council Network meeting where they clearly stated that it was another stab in the heart of rural community's which have over the last few years lost many services.

Weighing up the costs, would it not be more sensible to close polling stations in towns where there are usually more than one meaning voters would have to travel a few hundred extra yards instead of an extra 10 miles or more in the case of closing Hownam polling station.

If there are savings to be made surely it is only fair that everyone takes the hit not just those of us in small somewhat isolated communities.

Kind regards,

Eric Mc Nulty

Chairman
Kalewater Community Council

Response from Jed Valley Community Council regarding the proposal to cease the use of Edgerston Village Hall as a Polling Place (email extract)

I refer to the above and your letter of 1 July. At the Jed Valley Community Council meeting on 7 October consideration was given to the possibility of closing the Edgerston Village Hall Polling Place. Members had previously been circulated with the information provided with your correspondence in July and following discussion on the matter, a vote was taken resulting in a majority of members Against the closure.

I trust this will be taken into account when the Council consider the matter at their meeting on 30 October.

Kind regards

Graham Fry

Chair

JVCC

Response from Crailing, Eckford and Nisbet Community Council regarding the proposal to cease the use of Crailing Village Hall as a Polling Place (email extract)

Further to your letter of 1st July regarding the review of polling places. I can advise that I raised this at our last Community Council meeting on 3rd September and also notified the wider community who are registered on our group email system. I specifically asked for any feedback by 22nd September 2014. There was a general acceptance of the proposal at the meeting and the only negative feedback I have received since is noted below:

“Regarding the Council going to stop using Lothian Hall for Elections, I think it is a poor excuse in this day and age to use disability access considering the massive amount of postal votes these days.”

Regards

John

John Campbell
Chairman
Crailling, Eckford & Nisbet Community Council

**Submission by Hermitage Hall
to the Scottish Borders Council
on the Proposal to Close Hermitage Hall as a Polling Location**

On 01 October 2014, the Scottish Borders Council Democratic Services office (considering a new Upper Liddesdale & Hermitage Community Council, in which Hermitage Hall is located, was in the process of being, but had not yet been, formed) invited Hermitage Hall to submit views on the above proposal on behalf of the local community. It should be noted that the Hermitage Hall Committee includes members living in all sectors of the Upper Liddesdale & Hermitage Community Council catchment area and the views of the Hermitage Hall Committee set out in this submission are truly representative of the broad Upper Liddesdale & Hermitage community.

The Chief Executive Officer of the Scottish Borders Council has advised that the report to full Council in November 2014 will contain all responses received from affected communities. She has also indicated that there will be no recommendation from Officers whether or not any of the proposed closures should proceed and it will be a matter for Councillors to decide what action should be taken on the future of each individual polling station. She further advised it would be appropriate for direct representations to be made to local Councillors.

In accordance with that advice, a presentation, with a comprehensive written submission, was made by Hermitage Hall to the Teviot & Liddesdale Area Forum on Tuesday, 21 October 2014. The submission included an overview of the history of Hermitage Hall, its organisation, operations, activities, its active community engagement and its important role within the Upper Liddesdale & Hermitage area. The submission was supplemented by information gathered by SBC's Democratic Services office concerning voter enrollment, turn-out and costs for the Hermitage Hall area, as part of equivalent information for all polling locations with less than 100 residents on the applicable electoral rolls.

The submission to the Teviot & Liddesdale Area Forum concluded with a request that:

The Scottish Borders Council reject the proposed closure of Hermitage Hall as a polling place within the Scottish Borders.

To that end, we strongly argue that all community halls, and especially Hermitage Hall, serve a vital role in local communities. They are volunteer driven and strive hard to keep communities together and to provide a wide, diverse range of services/events/activities for active community involvement, at no cost to Scottish Borders Council. Community halls, including Hermitage Hall, should be encouraged by Scottish Borders Council to thrive and prosper and engage their communities in enhancing the quality of life throughout the Borders. Removing small community halls, such as Hermitage Hall, from the direct involvement of local residents in the democratic election process, is insensitive, inappropriate and counter to all Scottish Borders Council stands for.

Set out below, and taken from the submission to the Teviot & Liddesdale Area Forum, is a summary of the justification for Hermitage Hall to remain as an election polling location:

1. **Hermitage Hall plays a very important and central role to bringing residents within its community together.** The Hall is located in a widely-spread rural area where it is not easy to connect with neighbours, nor have a sense of belonging. Every single use of Hermitage Hall is vital to the well-being of the Hall as a volunteer driven gathering place for the community. Being an integral part of the election/determination process for community councillors, SBC Councillors, MSPs, MPs, MEPs and for national issues (such as the Referendum) is important to the community's sense and pride of the role of Hermitage Hall within the Hermitage area. **If the Hall is closed as a community polling location, it can only be seen by the community as a diminishment by Scottish Borders Council of the Hall's viability and role in our community.**

2. Local engagement is a key policy of the Scottish government and Scottish Borders Council has strongly committed to enhancing, improving and assisting wherever possible the strengths of local engagement. **Disengaging the residents of the Hermitage area from the ability to cast votes in elections in their own community hall is contrary to the policy and commitment to local engagement.**

3. **Hermitage Hall is located in the geographic centre of the new Upper Liddesdale & Hermitage Community Council area. It is ideally situated as a local polling place.** For the vote taken of UL&H area residents in May/June 2013 by the SBC Review Group to determine whether a new community council should be formed, it was determined that there were approximately 125 residents on the electoral roll within that area. However, for some unknown reason, there are (as of 18 September 2014) only 69 residents on the electoral roll designated to vote at Hermitage Hall for regular elections. It appears that all the residents living on the B6357 within the UL&H area have been designated to cast votes at Newcastleton Village Hall, although they must travel more than twice the distance to vote there than at Hermitage Hall. **A realignment of the electoral roll to reflect the UL&H community, and the community served by Hermitage Hall, would raise the number of voters on the roll to in excess of 125, which is well above the arbitrary cut-off point of 100 being used to assess the closure of rural halls, including Hermitage Hall, as polling places.** Realignment would also better enfranchise half the voters within the UL&H area, as opposed to making it more difficult for the original half of the electorate, already voting at Hermitage Hall, to participate in the election process. It should also be noted and stressed that Hermitage Hall is the polling location designated by SBC Democratic Services office for all 125+ voters to cast ballots in an election for the Upper Liddesdale & Hermitage Community Council.

4. The **suggested saving to SBC to close Hermitage Hall as a polling place is £550. This is incurred once every four years when SBC elections are being held, i.e., on average a cost of £125 per year to SBC.** Other elections for MSPs, MPs and MEPs are held in the intervening years, but all costs associated with those votes are fully reimbursed to SBC. We respectfully suggest **the cost to SBC of using Hermitage Hall as a polling place is minimal.** However, **the removal of Hermitage Hall as a voting place within its community for all elections, and thereby adversely impacting the ability of our residents to vote, constitutes a serious, indeterminable, intangible cost/loss to the Hermitage Hall community.**

5. It has also been **suggested that postal votes**, which can be implemented at less cost per voter than in-person balloting, **should be more relied on and promoted in rural areas, such as that surrounding Hermitage Hall.** There is **no doubt that postal voting must be available** for voters who would otherwise not be able to cast a vote in an election, **but postal voting should not be considered as the default voting method.** It deprives a voter of the ability to be fully informed on issues up to the vote day (a criticism made about postal voting in the Referendum), to assess final arguments by all candidates and to possibly meet candidates at the polling place on vote day. There is again **an indeterminable intangible adverse impact on the election process when a voter feels he/she must consider casting (or has no choice but to cast) a postal vote because the distance and inconvenience of getting to the nearest polling place is too great.** Closing Hermitage Hall as a polling place and forcing local voters to travel more than twice the distance than can be done now to vote, oft times in very difficult conditions, will have that adverse impact.

Conclusion:

The unacceptable proposal to close Hermitage Hall as a polling place goes to the heart of the right of all residents in our remote, rural community to cast in-person votes in the democratic election process in a fair and reasonable manner, as do the vast majority of other residents within the Borders.

On behalf of our community, we urge Scottish Borders Council to reject the proposed closure of Hermitage Hall as a polling location within the Scottish Borders.