

SCOTTISH BORDERS COUNCIL
28 SEPTEMBER 2017
APPENDIX I

Questions from Councillor Robson

1. To Executive Member for Transformation & HR

How can members obtain answers on a regular basis to the questions which Audit Scotland says should be asked about equal pay as set out in the following extract at Exhibit 9 on page 20 of Audit Scotland's report 'Equal Pay in Scotland's Councils' published on 7th September 2017

"Questions for elected members in overseeing, challenging and scrutinising equal pay

- *Have I been updated on the number of ongoing equal pay claims at my council? Am I satisfied they are being dealt with effectively?*
- *Have I been updated on the potential cost of equal pay claims?*
- *Have I been updated on the steps my council is taking to mitigate against the risks of equal pay claims? For example:*
- *Have I seen my council's equal pay audit? Did it meet EHRC good practice guidance? Are there any pay gaps? Can we sufficiently justify any differences in pay gaps?*
- *Have I seen action plans and progress reports against my council's equal pay policy?*
- *Have I been updated on changes in case law that might affect my council?*
- *Have I seen equality impact assessments on any changes to my council's pay and grading system?*
- *Has my council fully implemented the SJC third edition guidance and recommendations?*
- *Have I been informed about whether my council has allocated adequate resources to proactively carry out equality work around equal pay/gender pay gap beyond responding to equal pay claims?"*

Reply from Councillor Mountford

In response to your questions I can confirm that Scottish Borders Council has received relatively few equal pay claims compared to other authorities.

A total of 154 claims were lodged with the Employment Tribunal. All but 46 of those have been settled by mutual agreement.

All of these claims relate to the implementation of the Single Status Agreement, and the pay protection emanating therefrom, which was part of the national Single Status agreement, as noted in the report.

While the Council has not received any equal pay claims since then, and I am confident that the Council's Pay and Grading system is fair and non – discriminatory, we remain vigilant to ensure that this remains the case.

This includes ensuring that the system is compliant with Single Status version 3, robustly carrying out Equality Impact Assessments on any changes and taking into account lessons to be learned from cases involving other authorities.

The latest Equality Mainstreaming Report published in April 2017 shows a gender pay gap of 11.9%, which is lower than the national figure of 14.9%. We are, however, committed to reducing that.

As the report details, equal pay and the gender pay gap are separate but related matters.

I am confident that the Council has enshrined the principle of equal pay for equal work.

The report lists several other causes which may contribute to the gender pay gap. These include a lack of flexible working opportunities, disadvantaging women who remain the main care providers, and occupational segregation.

The Council has a comprehensive Flexible Working policy, which allows employees to request a range of flexible working practices. Such applications are considered favourably, subject to service requirements.

We are addressing the issue of occupational segregation through mandatory Equality and Diversity training for all employees, and the provision of Modern Apprenticeships and other employment opportunities.

I am also pleased that the figures from the latest Mainstreaming Report show that 52.94% of the highest paid 2% and 45.14% of the highest paid 5% of employees are women. Both of these figures have seen a consistent increase over the last 3 years.

The Council have 46 equal pay claims outstanding.

These are made up of 37 “first wave” claims, which are claims in respect of the period prior to the implementation of the Single Status Agreement, and 9 “second wave” claims, which are in respect of a 3 year period of pay protection paid to employees who were adversely affected by the implementation.

A further 108 claims lodged with the Employment Tribunal have been settled by agreement.

These cases have been on hold for some time, largely pending the resolution of other cases which would set relevant precedents.

However, SBC have now made increased offers to settle the vast majority of the claims. The exceptions are 6 cases in which the particular circumstances of the claim mean it is inappropriate to make an offer.

Elected members are updated on the potential cost of equal pay claims through the annual accounts, which include a provision for equal pay claims.

The Equality Mainstreaming report 2013, update report 2015 and new Mainstreaming report 2017 give details of employees’ pay with reference to a number of the protected characteristics in the Equality Act, including gender.

These were considered and approved by Council on the following dates:

- Equality Mainstreaming Report 2013 – 25/04/13
- Update Report – 02/04/15
- Equality Mainstreaming Report – 30/03/17

Copies of the relevant reports and minutes are available on the Councils website.

Elected members will continue to receive progress reports and action plans which are contained within the Equality Mainstreaming and Update reports.

There have been two significant Court of Session decisions in the Equal Pay sphere over recent years, both involving Glasgow City Council:

1. A decision that employees of Council owned arms -length organisations can compare themselves to Council employees for equal pay purposes. This does not have a significant effect on SBC because employees of the Council’s arms-

length organisation, SB Cares, retain the same terms and conditions as SBC employees, including the pay and grading procedure. Any change to that requires to be approved by elected members.

2. A decision that Glasgow City Council's job evaluation system, and pay protection paid to employees who lost out on the introduction of the Single Status Agreement had not been shown to be non-discriminatory.
This decision very much turns on its particular circumstances, and the decision was based on the fact that the onus was on Glasgow to positively establish the lack of discrimination and the way they presented the case did not go far enough to do that

As detailed above, offers have been made to resolve the small number of second wave claims which are outstanding.

An Equality Impact Assessment was carried out on the Job Evaluation Scheme used to implement the Single Status Agreement.

Further changes were made in 2013, through a negotiation relating to pay and terms and conditions.

This resulted in the removal of the top incremental point for grades 8-12 and Chief Officers; removal of enhancement payments for weekend work and a change to the rate of enhancement and time of applicability for night work.

Again an Equality Impact Assessment was carried out and is available on the Council's webpage.

Supplementary

Councillor Robson asked if consideration would be given to publishing this information on the Council's website and updating it on a regular basis. Councillor Mountford advised that EIA and Mainstreaming reports were already published but he would ask officers if it was practical to go beyond that.

To the Executive Member for Roads and Infrastructure

Can the Executive Member advise whether a traffic management study or any kind of traffic or transport survey was carried out prior to, or has been conducted during, the construction of the new Broomlands Primary School in Kelso and if so what conclusions were drawn and proposals made therein?

Reply from Councillor Edgar

As is normal in developments of this scale, a Transport Statement was prepared as part of the Planning Application process. This was undertaken in November 2015 by Goodson Associates.

Its conclusions were that the proposed development would integrate well with the existing transport network, with pedestrians, cyclists, public transport patrons and car users all catered for in a sustainable manner and that there were no transport related issues preventing the award of planning consent.

It should be emphasised that the new primary school at Broomlands is still currently under construction, resulting in considerable additional traffic movements in the area in preparation for its scheduled winter opening.

This traffic is in addition to the normal day to day school related activity from the existing adjacent school. Once the transfer to the new school is complete and the existing school demolished it is anticipated that parking and traffic management in the area will be much improved.

In the interim staff continue to work with Police Scotland, the main Contractor and the Head Teacher to minimise disruption.

Supplementary

Councillor Robson asked if the parking information during the demolition phase could be conveyed to the Parent Council who did not seem to be aware of this and had safety concerns for the children. Councillor Edgar advised that safety of the children was always paramount and he would ask officers to liaise with the Parent Council.

Question from Councillor S. Scott

To the Leader

Can you please explain what if anything the Council is proposing to do, to provide extra care beds in order to relieve the problem of delayed discharge at Borders General Hospital?

Reply from Councillor Haslam

An Intermediate Care facility has been developed within Waverly Care Home in Galashiels which provides 16 transitional care beds. This facility supports discharge from acute care at BGH for people who are clinically fit but who would benefit from a period of additional rehabilitation and support to enable them to return home wherever possible. Work is ongoing to explore options with other care homes who might also be able to offer intermediate care beds.

Work is currently under way to develop a facility in Tweedbank which will initially provide further beds to enable timely discharge of patients from BGH so that assessment for their ongoing care requirements can take place in a more appropriate environment than an acute hospital bed.

NHS Borders and Scottish Borders Council have worked in partnership to develop an appropriate Winter Plan which identifies options and processes to increase capacity in community settings across care sectors in order to support discharge processes within BGH and community hospitals.

Borders Health & Social Care Partnership's Transformational Change Programme includes the development of an "out of hospital" community services model which will incorporate a range of bed and non-bed based models of care to support people to remain at or return to home or community settings wherever possible. This will support discharge processes from BGH and also help to prevent admissions wherever possible.

Question from Councillor Drum

To the Executive Member for Business and Economic Development

The Scottish Governments Programme for Scotland, 2017 – 18 has some ambitious plans to ensure Scotland is fully digitally connected. As part of these plans, they aim to deliver free Wi-Fi throughout major towns and city centres across Scotland. Can I ask what are the council's plans to ensure our Towns in the Scottish Borders are included as 'Major Towns'?

Reply from Councillor Rowley

Scottish Borders Council has very close links with the Digital Team at the Scottish Government. It has been indicated to officers by the lead official looking after this scheme that Scottish Borders towns are within the scope of this Initiative. Currently the Scottish Government is carrying out an information gathering exercise covering towns and city centres throughout Scotland to find out what gaps there are in the provision of free wifi. Following this survey, decisions will be made on the towns and city centres to be covered.

Our officials will work closely with the Scottish Government to ensure as many towns in the Scottish Borders are included as is possible in the implementation of the Initiative.

Question from Councillor H. Anderson

To the Executive Member for Neighbourhoods and Communities

At a recent meeting with the Communities and Partnership Manager I was advised that a total of £1.88 million had been awarded to community groups across all 5 localities over the 2 year period from 2015-17. This funding had comprised SBC Community Grant Scheme, SBC Quality of Life Scheme, SBC Small Schemes, Pay parking funds, Village Hall Funding, Local Festival Grants and EU Leader funding.

Just over one quarter of this sum, £456,235, was specifically allocated from the Quality of Life fund, the Small Schemes fund and the Community Grant scheme and an analysis of the proportion of the Community Grants Scheme by category for the Tweeddale area was provided for the longer period from 2012-17.

Can a similar analysis of the awards by category from the Quality of Life and Small Grants Scheme funds be provided?

Reply from Councillor Aitchison

Yes a similar analysis can be provided and the Communities & Partnership Manager is already working on this.

It is also worth noting that a review of funding streams is taking place and a report will be coming forward to Council in due course.

Questions from Councillor Chapman

1. Executive Member for Culture & Sport

2018 marks an important year for the Jim Clark Rally, marking the anniversary of Jim Clark's death in 1968. I would therefore like to ask if the Museum be open in time?

Reply from Councillor Jardine

The project programme has been established and agreed for some time in that while construction works will commence in 2018, the current expectation is that the new museum will be available to open in March 2019. This is subject to the "Approval to Proceed" from HLF which, in turn, will be dependent on all other matters being resolved & agreed with them.

The team would be more than happy to look at undertaking or assisting in an event during the construction stage to recognise the 2018 milestone.

2. Executive Member for Transformation & HR

To ask the Council Executive what provision has it, or intends to implement to train all staff and elected member of Scottish Borders Council in The United Nations Convention on the Rights of the Child? How does this Council intend to embed the principles of the Charter throughout all the policies and decision making processes of this Council?

Reply from Councillor Mountford

A Child Rights and Engagement Strategy is being prepared by the Children & Young People Department. This is being led by the Engagement and Participation Officer.

An e-learning package covering Child Rights and the Child Rights Ambassador Programme is currently available on the Council's e-learning system. It is available to employees and elected members.

This will be formally rolled out when the Strategy is launched.

The Child Rights Ambassador Programme is designed to encourage children and young people to become Ambassadors for Child Rights.

Ambassadors will have three main tasks:

1. Tell children and young people about their rights under the Convention.
2. Tell children and young people about Scotland's Commissioner for Young People.
3. Organise events and activities which promote child rights in their community.

A handbook giving details of rights under the Convention and further detail on the Ambassador Programme has been prepared and will be available in every Primary and Secondary School in the Borders.

Unicef run a "Rights Respecting School" award, which recognises that Child Rights are embedded within an individual school.

Every school in the Borders has achieved the Recognition of Commitment stage, at which they plan towards formally obtaining a Level 1 award and thereafter Level 2.

Several schools have already obtained the Level 1 award.

3. Executive Member for Children and Young People

What advice is being given to schools on what IT system to use when reporting bullying in our schools?

Reply from Councillor Haslam in the absence of Councillor C Hamilton

Scottish Borders Council "Respectful Relationships Policy 2012" advises that incidents of a bullying nature are to be recorded in SEEMIS (National Information System for Schools used across all 32 Local Authorities). The recordings should take place within the Bullying and Equalities Module.

Within the new Business Support Structure for Schools our Business Managers now have the responsibility and opportunity to streamline all key information recording processes across the school cluster. As part of their role they are looking at the use of SEEMIS by all schools and will be providing support to ensure all schools are following advice and guidance as referred to above.

Supplementary

Councillor Chapman advised that there seemed to be mixed messages in schools and that Members had been advised that there had been no cases of LGBT bullying which he did not believe was correct. He asked that it was ensured that all teachers were using the correct system. Councillor Haslam agreed that safeguarding children was of primary importance and she would take responsibility to make sure that teachers were properly advised.

4. Executive Member for Neighbourhoods and Localities

What steps are being taken to ensure appropriate future burial sites are being identified, with many of the current graveyards – such as the site in Peebles – reaching capacity in the coming years?

Reply from Councillor Aitchison

As well as the currently allocated sites within the SBC Local Development Plan, the Council continues to review its Capital Programme on an annual basis and in doing so responds to future investment priorities.

The Burial and Cremation (Scotland) Act 2016 also places duties and provides powers to Local Authorities which have to be taken into consideration when developing plans for future burial ground requirements. The Act and its potential implications for the Scottish Borders will need to be considered as part of a strategic review of Burial Grounds and a report on the matter will be brought forward to the Council in due course.

5. Executive Member for Neighbourhoods and Localities

How much of tax payers' money is being used to clean up after dog fouling? What action is being taken by this Council to identify and prosecute the small number of irresponsible dog owners who regularly ignore the rules? In addition, what action is being taken by this Council to better promote responsible dog ownership?

Reply from Councillor Aitchison

The Council's Street Cleansing budget is currently in the region of £1.4m per annum based on LFR (Local Finance Returns) and contained within this budget are the costs incurred for the clearing of dog fouling. The ledger does not separately record costs associated with this activity.

As Members may be aware, the Council has recently completed a pilot project on Dog Fouling Enforcement and the Responsible Dog Ownership Strategy and a report on the Pilot including recommendations for next steps will be brought to Council in the near future.

Importantly, Elected Members will understand that a balanced approach to the scourge of Dog Fouling is required whereby individuals take personal responsibility for their actions, whilst enabling responsible dog owners, who are the vast majority, to support the Council in its efforts. This approach when harnessed with increased public awareness and improved access to facilities are likely to be the building blocks of our approach to dog fouling and responsible dog ownership in future.

Supplementary

Councillor Chapman commented on the work being carried out in Newtown St. Boswells and he asked what role the Council played in extending such best practice to other Border towns. Councillor Aitchison advised that consideration always needed to be given on how best to spend the budget but he was happy to meet any community who wanted to get involved.

6. Executive Member for Adult Social Care

Our demographic projections show that our over-60 years of age population living in the Scottish Borders will grow by 50% in the next years, just two terms of office, including this one. What action is being taken by this Council to ensure we are ready to support residents within the local authority area, regardless of where they live within the Scottish Borders?

Reply from Councillor Haslam in the absence of Councillor Weatherston

The demographic projections have been used and continue to be used to inform service development across health and social care to ensure equitable and appropriate provision of care and support. In addition to the projected increase in the older adult population, other demographic and public health information, needs assessment, local housing plans etc are also used routinely to plan future service development and delivery.

Continued joint working with partner agencies, including third sector and the development of robust locality planning processes as part of the integration agenda will ensure that service development is aligned with the needs of local communities.

Supplementary

Councillor Chapman asked what investment the Council was making into home care support especially in rural areas. Councillor Haslam advised that a pilot was currently underway based on the Buurtzorg model of care, which would be reported back.

Question from Councillor Jardine

To the Executive Member for Finance

I was startled to read recently that many Councils across Scotland are not prepared for the transition from the old £1 coin to the new £1 coin. Can I please be made aware if the Scottish Borders Council is fully ready for the old £1 coin withdrawal from circulation? I ask with particular interest in the readiness of car parking meters throughout the region.

Reply from Councillor Turnbull

All Pay & Display parking machines in the Scottish Borders have been fitted with new validators and can take both the new and old £1 pound coins.

All catering machines that take £1 coins have been changed and the companies that supply these machines have also been instructed to return in October to disable the old £1 coins from being accepted.

The Council is fully ready for the new £1 coin.