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SCRUTINY COMMITTEE THURSDAY, 26TH NOVEMBER, 2015

A MEETING of the SCRUTINY COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on THURSDAY, 26TH NOVEMBER, 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

19 November 2015

BUSINESS		
1.	Apologies for Absence	
2.	Order of Business	
3.	Declarations of Interest	
4.	Minute (Pages 1 - 10) Minute of the meeting of 29 October 2015 to be approved and signed by the Chairman. (Copy attached).	2 mins
5.	Scrutiny Working Group - Great Tapestry: Proposed Terms of Reference (Pages 11 - 12) (a) To consider Briefing Note by Corporate Transformation and Services Director. (Copy attached). (b) To appoint Members to the Scrutiny Working Group.	20 mins
6.	Scrutiny Reviews (Pages 13 - 16) Update on Subjects included in the Future Scrutiny Review Programme. (Copy attached).	15 mins
7.	Date of Next Meeting Thursday, 28 January 2016.	
8.	Any other Items Previously Circulated	
9.	Any Other Items which the Chairman Decides are Urgent	

NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

Membership of Committee:- Councillors G. Logan (Chairman), W. Archibald, K. Cockburn, A. Cranston, I. Gillespie, S. Mountford, A. J. Nicol, R. Stewart and J. Torrance

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Public Document Pack Agenda Item 4

SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCRUTINY COMMITTEE held in COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 29th October, 2015 at 10.00 am

Present:- Councillors G. Logan (Chairman), W. Archibald, K. Cockburn, A. Cranston, A. J. Nicol and J. Torrance.
Apologies:- Councillors I. Gillespie and S. Mountford
In Attendance:- Democratic Services Team Leader, Democratic Services Officer (P Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 24 September 2015.

DECISION

NOTED for signature by the Chairman.

2. **GREAT TAPESTRY OF SCOTLAND**

With reference to paragraph 4 of the Minute of the Scrutiny Committee of 24 September 2015, Members noted that following a request by Ettrick and Yarrow Community Council to include the Great Tapestry of Scotland in the programme of Scrutiny Reviews, the Scrutiny Committee had deferred its decision until after the Petitions and Deputations Committee had considered the matter at its meeting on 1 October 2015. Copies of the Minute of the Petitions and Deputations Committee of 1 October had been circulated and it was noted that the decision by the Petitions and Deputations Committee at that time was that no further action was required. Members went on to discuss whether or not any further scrutiny of the process was required. Councillor Cockburn proposed that in view of the public disquiet over the decision making process that a working group should be set up to examine this process and ascertain if there were any lessons which could be learned for future projects. Councillors Nicol and Torrance, who were Chairman and Member respectively of the Petitions and Deputations Committee considered that the matter had been fully discussed at the meeting on 1 October and therefore no further action was required.

VOTE

Councillor Cockburn, seconded by Councillor Cranston, moved that a working group should be set up to examine the decision making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects.

Councillor Nicol, seconded by Councillor Archibald, moved as an amendment that no further action was required.

On a show of hand Members voted as follows:-

Motion - 3 votes
Amendment - 3 votes.

There being an equality of votes the Chairman exercised his casting vote in favour of the Motion which was accordingly carried.

Following discussion regarding the possible membership of the Working Group, it was agreed that the appointment of Members to the Group should be deferred until the next

meeting of the Committee to allow all Members to participate in the decision. It was further agreed that the Director of Corporate Transformation and Services would prepare Draft Terms of Reference for the Working Group for consideration at the next meeting scheduled for 26 November 2015.

DECISION

AGREED:-

- (a) to form a Scrutiny Working Group to examine the decision making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects;**
- (b) to defer the appointment of Members to the Scrutiny Working Group until the next meeting of the Scrutiny Committee when it was hoped that all Members of the Committee would be present to participate in the decision; and**
- (c) to consider and agree the draft terms of reference for the Working Group.**

3. RELIGIOUS OBSERVANCE POLICY

3.1 With reference to paragraph 6(a) (i) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Gillian McKenzie, Senior Education Officer who were present at the meeting to give a presentation on the Religious Observance Policy in schools across the Scottish Borders. There had also been circulated copies of background information relating to the Religious Observance Policy and the provision of religious and moral education in non-denominational schools and religious education in Roman Catholic schools. Ms McKenzie explained that there were key documents which had been fundamental in the development of Religious Observance nationally and across the Scottish Borders. These included the Curriculum for Excellence – Provision of Religious Observance in Schools and a Briefing on this from the Scottish Government and the SBC Religious Observance Policy. Within primary schools, religious observance events took place at least 6 times a year and in some cases, the Chaplain attended every week of term. All Chaplain-led events were mainly Christian but they also contained a universal moral message and the pupils were regularly involved in preparing and presenting assemblies. It was noted that parents were aware of the option for their children to opt out of these events although few actually did so. In some cases, children could attend some aspects of assemblies and opt out of others and there were a range of learning tasks to be completed. A similar arrangement was in place for secondary schools. Again, religious events took place at least six times a year. These were either on a whole school or a by year basis with few pupils opting out and in some cases Chaplains supported the delivery of religious, moral and philosophical studies in the senior phase. It was noted that in cases where pupils did opt out, alternative and supervised activities were provided. An example of a religious observance programme was included in the presentation. Ms McKenzie explained that within the curriculum, enjoyment was considered to be a design principle and was therefore reported to Education Scotland, adding that available evidence demonstrated that pupils did enjoy their religious observance events.

3.2 The Curriculum for Excellence and Religious and Moral Education explained that this was a process for children and young people to engage in a search for meaning, value and purpose in life. This involved the exploration of beliefs and values and how these were expressed. There was a strong focus on knowledge, understanding, skills, attributes and capabilities of the children and young people. Within the broad general education spectrum for 3 to fifteen year olds, there were a range of outcomes and experiences up to fourth level covering Christianity, world religions selected for study and development of beliefs and values and the presentation included an example of these. Religious and moral education was a statutory subject with the Curriculum for Excellence and materials had been developed to support schools delivering the subject within the senior phase. Certified courses Religious, Moral and Philosophical Studies were also available at

National 4 and 5, and Higher and Advanced Higher levels. A Development Officer post was created on a secondment basis to develop materials and raise awareness of the range of support across Scotland and these materials were now available within schools. In terms of future development of religious observance, engagement with schools would continue to ensure that each had the capacity to deliver religious observance at an appropriate level. Engagement between schools and partners, and with parents and Parent Councils, would be further encouraged and a review of the Council's Religious Observance Policy would be carried out.

- 3.3 Discussion followed and Members raised a number of questions. Statistics were available to evidence a decline, for a number of years, in religious observance outwith schools and Ms Manson was asked whether she was aware of any data to show whether the religious observance currently seen in schools then continued into adulthood. In response, Ms Manson indicated that she was not aware of any such evidence to support either view but should new information become available, this would be shared with Members. However, she confirmed that religious observance did promote wider involvement in the community. Members considered it important that delivery of religious observance in schools kept up to date with what was happening in society and in this regard, Ms Manson was asked whether information relating to Humanist values was taught. In response, Ms Manson explained that the three aspects of religious and moral education were balanced and covered within the curriculum and that "Development of Beliefs and Values" was addressed within the context of experience and outcomes covered by "Christianity" and "World Religions Selected for Study". Ms Manson also commented that young people were participating and engaging in this very thorough journey which was now statutory through to Year 6. The Chairman thanked Ms Manson and Ms McKenzie for their presentation and for the excellent work that had been undertaken in this area.

DECISION NOTED.

4. FAITH SCHOOLS

- 4.1 With reference to paragraph 6(a) (ii) of the Minute of 26 March 2015, the Chairman welcomed Ms Donna Manson, Service Director Children and Young People and Ms Helen Ross, Senior Education Officer who were present at the meeting to give a presentation on Faith Schools in the Scottish Borders. There had also been circulated copies of background information relating to religious education in Roman Catholic schools, including Curriculum for Excellence Principles and Practice; Experiences and Outcomes; a Charter for Roman Catholic Schools in Scotland; a briefing from the Scottish Government on the provision of religious observance in schools; and the Scottish Borders Council Schools Admissions Policy. Ms Ross explained that separate denominational schools had been established as a result of the Education (Scotland) Act 1918 and that there were three Scottish Episcopal and one Jewish school in Scotland. The other denominational schools were Roman Catholic which were funded by the Scottish Government and administered by the local authorities. There were also specific legal provisions to ensure the promotion of a Roman Catholic ethos in these schools. In terms of recruitment, applicants for teacher and promoted posts did not require to be of the Roman Catholic faith but the applications did have to be approved by the Catholic Church authorities in Scotland. There were 366 Catholic schools in Scotland with four primary schools in the Scottish Borders – St Margaret's in Hawick, St Joseph's in Selkirk, St Margaret's in Galashiels and Hayrude in Peebles – and it was agreed in 2012 that one headteacher be appointed to these four schools. Ms Ross explained that for Roman Catholic children, proof of entitlement, in the form of a Certificate of Baptism, was required for admission and for non-Roman Catholic children, a placing request was necessary. These requests would be dealt with in the same way as in the general education schools and Ms Manson advised that during the current year, all placing requests had been granted.

- 4.2 The current rolls at the Roman Catholic schools were small, ranging from 14 at St Margaret's in Hawick to 81 at Halyrude in Peebles and this had presented a number of challenges eg in the delivery of the curriculum in one and two teacher schools with multi-composite classes; recruitment and retention of teaching staff which was due, in part, to the small number of Roman Catholic recruits and the need for approval, the perception by some teachers that there were limited opportunities for development in small schools, the lack of recruitment from outside the area and a sense of isolation within smaller schools. With regard to the approval process for teachers in Roman Catholic schools, there were a number of requirements. When seeking approval, a teacher had to demonstrate how his/her personal "religious belief and character" enabled him/her to undertake the duties of the particular teaching post within the context of a Catholic school, with its particular mission, values and ethos, as outlined in a 'A Charter for Catholic Schools in Scotland'; teachers were also required to provide a reference from a suitable person who could testify to the teacher's personal "religious belief and character"; the reference for Catholic teachers had to be provided by the teacher's parish priest who would be able to testify to the teacher's personal "religious belief and character"; and for those teaching posts which impacted on the teaching of Religious education, teachers would be expected to provide evidence of having obtained an appropriate teaching qualification in Catholic Religious Education. With regard to leadership, it was acknowledged that absences in one and two teacher schools could cause difficulties and robust measures were therefore in place to cover these situations. There had also been some parental concerns in respect of the stability of teaching staff and the reducing school rolls and impact of these on the number of classes. Ms Manson advised that some very valuable work had been carried out to meet these challenges and a range of measures had and were being implemented. Permanent staffing was now in place within the schools; enhanced support had been provided to the four schools to help development and ensure consistency of approach; increased officer engagement with Parent Councils; curriculum progression and tracking and monitoring of pupil development which was manageable and appropriate; and the development and involvement of staff in taking good practice forward in their schools.
- 4.3 A number of questions were raised by Members. With regard to the roll at Haryrude, Ms Manson explained that sometimes, parents just preferred smaller schools and in terms of more young families moving into the area and wishing to enrol at Halyrude, Ms Manson did not consider that the capacity of the school was an issue. When parents submitted placing requests, they were informed of the ethos of the school and given information on what to expect within the school system. Withdrawal from some classes was possible in certain circumstances. Ms Manson advised that no denominational schools in Scotland had been withdrawn from the education system although some had amalgamated with other multi-denominational schools. With regard to withdrawal of religious education in schools, Members were advised that this was raised in the Scottish Parliament two or three years ago and at that time, no action was recommended. Members noted that there were no Catholic schools in Berwickshire and Ms Manson advised that there was currently no demand for this, and any pupils would be transported to the appropriate school as required. Members asked whether, with reducing rolls, consideration would be given to amalgamating schools and Ms Manson advised that any review by Scottish Borders Council of the school estate would, necessarily, take this into account. In addressing the issues of recruitment and approval for teachers within Roman Catholic Schools, Ms Manson explained that a Liaison Officer for SBC was linked with the Gillies Centre in Edinburgh and their role included responsibility for training of non-Catholic teachers working in Catholic schools and supporting and advising staff through the approval process. Discussion following in relation to the locations of Roman Catholic Schools in the Borders and Members were advised that historically, developing mill towns brought in a labour force which created a demand for schools, including the need for Catholic schools in some areas.
- 4.4 The Chairman thanked Ms Manson and Ms Ross for their presentation and complimented them on the work that had been undertaken. Ms Mason stated that community engagement was essential and that comments were welcomed either directly or via Elected Members. As Executive Member for Education, Councillor Aitchison thanked the

Scrutiny Committee for the opportunity to make this presentation and commented that the way in which religious education was delivered in schools was more relevant now than ever before and that pride should be taken in the high level of tolerance evidenced within Scottish Borders schools.

**DECISION
NOTED.**

5. **SCRUTINY REVIEWS - UPDATE ON SUBJECTS INCLUDED IN THE FUTURE
SCRUTINY REVIEW PROGRAMME**

With reference to paragraph 4 of the Minute of 24 September 2015, there had been circulated an updated list of subjects which the Scrutiny Committee had been asked to review and which included the source of the request, the stage the process had reached and the date, if identified, of the Scrutiny meeting at which the information would be presented. In addition, Members were also asked to consider further subjects for inclusion on this list for presentation at future meetings of the Committee. When deciding whether subjects would be reviewed by the Scrutiny Committee, Members required a clear indication from the initiator of the request as to which aspects of the subject they wished to be reviewed. This would enable the Committee to determine whether the subject was appropriate for consideration. It was agreed that guidance should be made available to ensure that requests for Reviews contained sufficient information to enable the Committee to make its decision. Following discussion, Members agreed that a presentation on the impact on Scottish Borders Council of the Community Empowerment Bill, requested by the Liberal Democrats Group, be brought to the next meeting of the Committee on 26 November 2015 and that Councillor Nicol, on behalf of the Group, would provide further information on specific aspects of the Bill to be included in the presentation. It was agreed that Protection of Private Water Supplies requested by Councillor Bhatia would be added to the list of Reviews and that this would be presented to the Scrutiny Committee at a future date. With reference to the Review of the budget for roads repairs and maintenance, Members asked why this had been scheduled for 28 January 2016. An explanation as to the timing of this Review would be presented to the Committee at its meeting on 26 November 2015. Consideration whether or not to conduct a review of the financing arrangements for the Transport Interchange would also be decided in November.

**DECISION
AGREED the proposed list of subjects for review by Scrutiny Committee, as
appended to the Minute, and any further actions detailed against particular reviews.**

6. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday 26 November 2015.

The meeting concluded at 11.35 am

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Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Graeme Donald	Religious Observance Policy } }These will be presented together at the } same meeting.	With Service Director Children & Young People	29 October 2015 Completed
Scrutiny Committee	Faith Schools }	With Service Director Children & Young People	29 October 2015 Completed
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	With Service Director Children & Young People	24 September 2015 Completed
Scrutiny Committee	Home Schooling and Non-Schooling	With Service Director Children & Young People	20 August 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Severe Learning Difficulties	With Service Director Children & Young People	24 September 2015 Completed
Ettrick and Yarrow Community Council	Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made.	Letter from CC dated 15 June 2015. Agreed not to consider until it had been presented to Petitions and Deputations Committee on 1 October 2015. EYCC will be notified.	Update to the 29 October 2015 meeting on the decision of the Petitions and Deputations Committee of 1 October. Ongoing. Short term Scrutiny Working Group to be established with membership agreed on 26 November 2015.
Ettrick and Yarrow	To review the extent to which the SBC budget for road repairs and	Letter from CC	28 January 2016.

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Community Council – Allocation of Budgets for Road Maintenance and Repairs	maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural</u> roads is arrived at and whether more should be allocated.	dated 15 June 2015. Agreed to consider this.	
Councillor Turnbull	Fees for taxi licensing – the amount paid to outside bodies in administering taxi licensing and how the fees for a licence in the Borders compare with those of neighbouring authorities.	Information emailed to Cllr Turnbull from Jackie Wilson on 5/10/15. Cllr Turnbull does not wish to pursue further.	14 October 2015 completed.
Councillor Bhatia	Protection of Private Water Supplies	Request further information from Cllr Bhatia to determine what would be scrutinised. Information rec'd.	26 November 2015
Lib Dem Group	Implications of the Community Empowerment Act on the Council	Request further information from the Lib Dem Group to determine what would be scrutinised.	26 November 2015
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	Agreed to consider this.	To be agreed
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive Committee. <i>Scrutiny Review on hold.</i>	

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**SCRUTINY WORKING GROUP – GREAT TAPESTRY:
PROPOSED TERMS OF REFERENCE**

Briefing Note by Corporate Transformation and Services Director

SCRUTINY COMMITTEE

26 November 2015

1 BACKGROUND

At its meeting on 29 October 2015, the Scrutiny Committee agreed the following:

- (a) to form a Scrutiny Working Group to examine the decision making process in respect of the Great Tapestry of Scotland Project and ascertain if there were any lessons which could be learned for future projects;
- (b) to defer the appointment of members to the Scrutiny Working Group until the next meeting of the Scrutiny Committee when it was hoped that all members of the Committee would be present to participate in the decision; and
- (c) to consider and agree the draft terms of reference for the Working Group.

2 TERMS OF REFERENCE

The proposed draft Terms of Reference for consideration at the Scrutiny Committee's meeting on 26 November 2015, are as follows:

- 1. To review the process, to date, in respect of all decision making linked to The Great Tapestry of Scotland. Specifically to review:
 - (a) The preparatory work, evaluation and reviews undertaken by officers in preparing reports for Members;
 - (b) Opportunities available to Members to scrutinise material and information available prior to, and at, Council meetings;

and, in respect of (a) and (b) whether there are any gaps that could be better addressed in future projects.

- 2. To examine the extent to which documentation available in the public domain was sufficiently helpful for the public and whether such documentation could be improved in the future.
- 3. In light of their work, the Working Group is to draft any appropriate recommendations for consideration by the Scrutiny Committee.

The Scrutiny Committee, in turn, would then consider whether these recommendations should be accepted and made to the Executive Committee.

Approved by

Name	Rob Dickson	Signature
Title	Corporate Transformation and Services Director	

Scrutiny Committee – Review Subjects

The following are those subject areas which have been requested for Scrutiny to consider and the stage they have reached:

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Ettrick and Yarrow Community Council	Great Tapestry of Scotland – to scrutinise the whole process through which the decision appears to have been taken by SBC Councillors to site the great tapestry of Scotland in a new-build at Tweedbank. In particular, to scrutinise the extent to which a full option appraisal was undertaken of all possible sites and that the detailed business case was presented for all options prior to any decision being made.	Letter from CC dated 15 June 2015. Agreed not to consider until it had been presented to Petitions and Deputations Committee on 1 October 2015. EYCC will be notified.	Short term Scrutiny Working Group to be established with membership agreed on 26 November 2015.
Ettrick and Yarrow Community Council – Allocation of Budgets for Road Maintenance and Repairs	To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable expectation that roads will be maintained in a safe condition. Within this context, to particularly examine how the allocation of budget for <u>rural</u> roads is arrived at and whether more should be allocated.	Letter from CC dated 15 June 2015. Agreed to consider this.	28 January 2016.
Councillor Bhatia	Protection of Private Water Supplies – <i>"in relation to Planning e.g. when a planning application is granted which requires an additional private supply or taking water from an existing private supply, how do existing householders ensure that their supply is protected? This may be purely a civil matter or the Council may have a role. This is further exacerbated with large forestry/windfarm applications."</i>	Presentation will include input from Planning, Environmental Health and SEPA.	18 February 2016
Lib Dem Group	Implications of the Community Empowerment Act on the Council – <i>"there may be multiple implications of the Community Empowerment Act e.g. disposal of assets either SBC or Common Good, the transfer of local services to community groups who wish to take them on, future provision of allotments etc."</i>	Presentation from Shona Smith, Communities and Partnership Manager now scheduled.	18 February 2016

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	Agreed to consider this. Consideration whether or not to conduct a review of the financing arrangements for the Transport Interchange would also be decided in November.	
Councillor Logan	Support for High Achievers in Schools		28 January 2016. Presentation by Service Director Children & Young People.
Councillor Torrance	Passenger Transport and Escorts		
Greenlaw and Hume CC	<p>Local Authorities have for some time now had “their backs to the wall” with funding cuts and freezes. I know from my dealings with various departments of SBC that activity levels are always being reviewed for yet more efficiencies. The reality however is that such reviews, after many years, will collide with the laws of diminishing returns. The efforts of the review in fact might outweigh the efficiencies delivered, some of which might be more theoretical than realisable.</p> <p>Another approach, often shied away from because of the implications for current staffing levels, is to consider whether any SBC activity could more efficiently and cost effectively be delivered by external service providers. Outsourcing can of course sound like a good idea, but years down the line can become an even bigger burden, if the terms and conditions have not been properly thought through, and the relationship has not been nurtured and kept healthy.</p> <p>So outsourcing is not an easy option, or one that should be entered into lightly, but for any of the 32 local authorities in Scotland there is a potential</p>		

Source	Issue/Description	Stage	Proposed Scrutiny Committee meeting date
	<p>short cut to identify really good outsourcing opportunities i.e. by looking at best practice in other LA's and learn from their outsourcing success stories.</p> <p>I think this is particularly relevant where the most obvious provider for outsourced services is a not for profit organisation. The example I have in mind is in the area of social services where SBC's neighbouring authority, Dumfries and Galloway, have outsourced debt and benefit advisory service provision completely to Citizens Advice Bureau (CAB).</p> <p>Like many Third Sector organisations operating on a national level, CAB can access a level of high quality trained volunteer resource, many from a professional background, that Local Authorities are simply unable to access. Like CAB many have a highly regarded reputation, network, and track record of performance delivery, which makes them an ideal partnership candidate, which already has deeply embedded credibility in the community.</p> <p>So my suggestion in summary is that SBC Scrutiny Committee should look at outsourcing success stories elsewhere in Scottish Local Authority bodies, in particular where the service has been outsourced to a third sector organisation.</p>		
Scrutiny Committee	Renewable energy – to include arrangements for biomass boilers at high schools.	Likely to be considered by the Executive Committee. <i>Scrutiny Review on hold.</i>	

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