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SCOTTISH BORDERS COUNCIL

MINUTES of Meeting of the SCRUTINY COMMITTEE held in COMMITTEE ROOM 4, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on Thursday, 28th April, 2016 at 10.00 am

Present:- Councillors G. Logan (Chairman), W. Archibald, A. Cranston, I. Gillespie, B Herd and W. McAteer.
Apologies:- Councillors K. Cockburn, A. J. Nicol and J. Torrance
Also Present:- Councillor S. Aitchison.
In Attendance:- Clerk to the Council, Democratic Services Officer (P. Bolson).

1. **MINUTE**

There had been circulated copies of the Minute of 24 March 2016.

DECISION

NOTED for signature by the Chairman.

2. **MATTER ARISING:**

2.1 **ROADS RETRUNKING AND ROADS CAPITAL SPEND**

With reference to paragraph 7.4 of the Minute of 24 March 2016, there had been circulated copies of a briefing note providing Members with information relating to the capital costs of works to individual roads in the roads infrastructure. Mr Colin Ovens, Infrastructure Manager and Mr David Richardson, Asset Manager were in attendance to present the briefing note and provide additional information as required. The briefing note explained that officers had reviewed the comments from Transport Scotland in relation to a proposal to re-trunk A7 north of Galashiels and A72 Galashiels to Skirling and the position had been clarified that trunk roads were routes that were of strategic national importance and which followed the principles of:- providing the users with a coherent and continuous system of routes, serving destinations of importance to industry, commerce, agriculture and tourism; and defining nationally important routes which would be developed in line with strategic national transport demands. Mr Ovens emphasised that Transport Scotland would not be reviewing trunk road status on an individual basis and there were no current plans for a review of the strategic network as a whole. The report also explained that Transport Scotland was clearly of the view that the existing trunk roads through the Borders already met the function detailed above and that the non-trunk sections of A7 and A72 were of more local importance. Any future consideration by Ministers to trunk the above routes, which were managed locally, would bring with it an expectation that the stretches of road to be trunked would be of, or near to, trunk road standards.

2.2 With regard to the revenue costs of works to individual roads, Members were advised that the budget sat within Neighbourhood Services and that these figures were included in the Block Revenue allocation and were not recorded against specific roads. A number of questions were raised in terms of specific stretches of road and Mr Ovens and Mr Richardson provided clarification in terms of how the situations would be addressed. In some situations, the Council would be made aware of problems during routine inspections and in others, through reporting by members of the public. Action would be taken either directly by SBC or by providing advice to the landowner. Details of the capital spend on A7, A72 and A697 were provided within the briefing note and comparisons provided for each financial year from 2011/12 through to 2015/16. The Chairman thanked Mr Ovens and Mr Richardson for their attendance.

DECISION

NOTED the report.

3. **SUPPORT FOR HIGHLY ABLE LEARNERS IN SCHOOLS**

- 3.1 With reference to paragraph 8 of the Minute of 24 March 2016, Ms Donna Manson, Service Director Children and Young People was in attendance to provide Members with information on how schools within the Scottish Borders provided support for its young people, and in particular, highly able learners. Ms Manson introduced Ms Michelle Strong, Chief Officer Education; Ms Jacqueline Wilson, Headteacher at Kingsland Primary School, Peebles; and Mr John Clark, Headteacher at Berwickshire High School; who would provide additional information to Members in respect of how support had been successful in their particular areas. Ms Manson explained that the rationale Inclusion for All would be presented to the Executive Committee in May 2016 and this would detail how the Council would meet the needs of all learners, taking into account changes in legislation and plans for the provision of enhanced support in areas such as specialist needs and highly able learners. Ms Manson reported that Scottish Borders Council schools were currently in the top quartile and improving. SBC was also fully compliant with the National Development Framework.
- 3.2 Ms Strong explained that terminology used within the education system had changed over the years. Terms such as marked aptitude, talented, gifted, exceptional etc had been replaced with "highly able learners" as the accepted term. In order to promote inclusion for all learners, "Getting It Right for Every Child" (GIRFEC) had been implemented in the Scottish Borders in April 2016, developing and adopting a growth mindset for young people. The term "highly able learner" referred both to pupils who worked or had the potential to work ahead of their age peers and/or to pupils who were highly able across the curriculum as well as in one or more particular areas. It was emphasised that the Curriculum for Excellence took into consideration the development of the whole young person, including their enjoyment of learning, and support was tailored to suit each individual. In terms of education beyond school, Ms Manson advised Members that all options were discussed with parents and issues such as readiness to leave home were considered. Opportunities such as Modern Apprenticeships would be considered along with university, college etc and it was acknowledged that schools were often in the position of knowing the pupil well and therefore being able to tailor their curriculum and Individualised Plan (IEP) according to the ability of each young person.
- 3.3 Ms Wilson advised Members that there were in the region of 600 pupils attending Kingsland Primary School and just over 60 children in nursery education. There was obviously a wide range of abilities within the school and in terms of how each individual developed throughout their primary school years. In order to provide support for highly able learners in this environment, a number of activities were in place to encourage these young people. Activities included participation in master classes for those identified with particular skills; opportunities to work in different classes, accelerated work such as the Scottish Mathematical Council and additional support from the High School for pupils at level three and beyond. Further examples of local opportunities included partnership working with local clubs and taking part in national and local competitions. Members were advised that in some instances, pupils represented Scotland internationally. A number of other opportunities were available to highly able secondary pupils and these included developing talent and ability in sports such as pole vault, javelin and carting; musical ability and on occasion, the "once in a lifetime" ability shown by an individual young person in subjects such as mathematics. It was recognised that resilience was an important part of education and for highly able learners, who had perhaps experienced few or no hurdles in their lives, developing resilience would help them to deal with any future disappointments they might encounter. Mr Clark explained that "differentiation" was key across all subjects and this allowed a teacher to ensure pupils within a group were given work appropriate to their individual level and not all given the same work, as all pupils were unique; and "setting" when young people were grouped together according to ability in order to manage differentiation. However, there was a balance as having more able pupils in groups could be a help for those less able. These tools, when used as part of the overall strategy, were extremely beneficial at all levels of ability, as was the

use of mentoring within the school setting which ensured skills were developed to the maximum. There was a need to bring creativity to the curriculum to allow young people to develop, and links with universities and other organisations had been set up to assist in this. Examples to demonstrate how such links were used to benefit individual young people were given.

- 3.4 Discussion followed and Members raised a number of questions. It was emphasised that all aspects of a learner's journey were equally important and with regard to developing partnerships with local businesses, it was emphasised that development of business/entrepreneurial skills was as important as any other. Developing the young workforce within secondary schools was important and as well as young people going out into the community for work experience, businesses were also invited into schools. In terms of mentoring and social interaction, Mr Clark acknowledged that this was a very important issue and advised Members of a mentoring project which had been tested at Hawick High School, where senior pupils had been trained in 'Mentally Flourishing Schools'. This also involved the use of mobile 'phone technology and the use of an application called Toot Toot. Pupils could feed information about problems/concerns they had in to the Toot Toot online forum 24 hours per day and the school could then assess the issue and identify the most appropriate person to deal with each situation. Discussion followed about the options for young people who did not wish to go to university immediately following secondary school. Ms Manson explained the importance of getting the message across to communities that it was "socially acceptable" that university might not be the next step for every young person and that work experience could lead to professional qualifications in other ways. Ms Manson also acknowledged that the new IT contract with CGI could ultimately provide a range of opportunities for young people in the Scottish Borders.
- 3.5 A concern had been raised in relation to the number of qualifications a young person was permitted to study in 4th year at High School. Ms Strong explained that currently six or seven National examinations could be taken in one year whereas under the previous system it had been up to eight O levels over two years. Colleges and Universities were not looking at 8 or 9 qualifications and Universities were looking at Highers not Nationals, so it was important to look at the totality of qualifications required by pupils to meet their future roles. It was important to achieve a balance and allow other interests such as music, sport etc. to be continued and such hobbies and any work experience were also taken into account for further education placements. There was work to be done to look at exactly what young people were going on to study after school and therefore best tailor the qualifications and the number taken to reach that goal. Parents were also invited to contribute to these discussions. Invited to speak as Executive Member for Education, Councillor Aitchison commented that schools had a very complex task to assist all learners in reaching their potential and to ensure that ability challenges were met when a young person was highly able in a number of subjects. The Chairman thanked officers for their very informative and interesting presentation.

DECISION

NOTED the presentation.

4. SCHOOL TRANSPORT AND ESCORTS

- 4.1 With reference to paragraph 8 of the Minute of 24 March 2016, there had been circulated copies of a briefing note providing information on the existing practice for school transport. Ms Manson and Mr John Dellow, Team Leader Transport Services presented a summary of the provision within Scottish Borders Council. The Policy was scheduled for review within the next two years and would take account of the financial challenges in place at the time. Ms Manson explained that there was a statutory obligation to provide transport for all children who lived two or more miles from the catchment school and who were under 8 years of age; in the case of any other child, the distance was set at three miles from the school. Within the Scottish Borders, this transport was provided free of charge. Pupils enrolled at a Roman Catholic school were offered transport under the same restrictions where they lived within the designated catchment area of that school and

transport was also provided for pupils with additional support needs. Figures provided detailed that there were 178 contracts in place to provide 3,426 mainstream pupils with transport; a further 112 contracts existed for transport for pupils with additional support needs; 123 pupils required escort provision and 42 currently received a privilege lift (as defined in paragraph 4.2 of the briefing note). Within the primary and secondary school areas, the percentage of the school roll receiving school transport ranged from 40% in Berwickshire, 38% in Earlston, 18% in Eyemouth, 10% in Hawick to 8% in Galashiels. The Service was flexible and responsive and was delivered using Best Value principles. The Passenger Transport section managed all aspects of school transport provision and utilised a range of vehicles which were verified as meeting required legislation. The budget for school transport for 2015/16 was £5,016,300 and Ms Manson explained some of the issues facing the service e.g. increasing operator costs; supply in the market meeting the demand; and the number of licenced operators, drivers, vehicles and availability. There were examples of exceptional partnership working such as when bus operators were able to continue services during challenging weather conditions with the help of local people; the implementation of additional vehicles at short notice when a primary school was relocated; and when a bus driver ensured the safety of pupils alighting from the bus on which they were travelling.

- 4.2 Following discussion, a number of questions were raised. In terms of entitlement to free school transport being transferred along with a pupil when s/he moved to a different school, Ms Manson advised that a planned review of the existing Policy would address this issue, and emphasised that pupil safety was paramount at all times. Ms Manson advised that using the Borders Railway as part of school transport provision would present risk assessment challenges and suggested that train travel might be considered only in specific circumstances. Further discussion took place in respect of utilising unused seats on buses. Ms Manson explained that under the statutory provision requirement, seat allocation was for individual pupils and allocating this seat if the pupil was not in attendance raised a number of issues. This would also be reviewed as part of the current Policy which would be presented to Council for approval in due course.

**DECISION
NOTED:**

- (a) the presentation;
- (b) that information on transport received from parents would be included in the School Estates review; and
- (c) that there would be an incremental review of school transport linked to the Schools Estates review carried out over the next 12 to 24 months.

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

- 5.1 With reference to paragraph 4 of the Minute of 18 February 2016, there had been circulated an updated list of subjects which 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.
- 5.2 Discussion took place on the inclusion and timing of a review on Artificial Pitches and the Clerk to the Council was asked to explore the possibility of this subject being brought forward to the June meeting. With regard to Home Schooling, it was reported that no

further action had been taken at this time to write to the Minister with a view to considering a change in legislation affecting home schooled children and young people. The Council's Legal Services was currently looking into what could be included in such a letter and a private update would be given to the Scrutiny Committee at its next meeting.

DECISION

NOTED the proposed list of subjects for review by Scrutiny Committee as amended on 28 April 2016 and appended to this Minute.

6. **DATE OF NEXT MEETING**

The next meeting of the Scrutiny Committee would take place on Thursday, 9 June 2016.

DECISION

NOTED.

7. **MINUTE**

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

The Committee approved the private section of the Minute of 24 March 2016.

The meeting concluded at 11.55 am

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Scrutiny Committee – Review Subjects 2015/16

Working Groups In progress

Source	Issue/Description	Stage	Meeting dates
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.	Scrutiny Working Group	9 March 2016 21 March 2016 14 April 2016 18 May 2016 7 June 2016

Page 1 Timetabled for Scrutiny Meetings

Source	Issue/Description	Stage	Scrutiny Committee meeting date
Councillor Nicol	Review of Bridges Assets. The review should include the condition of bridges on the register and the processes for inspection and maintenance.	Presentation by Service Director Assets and Infrastructure	TBA
Royal Burgh of Peebles & District Community Council	This issue relates to how (and under what circumstances) community consultation is designed, planned and managed, and how the processes by which Council canvasses the views of local communities can be facilitated and improved upon. In particular, use the example of the process that led to the decision by the Council's Executive Committee to agree that Victoria Park, Peebles is the preferred location for a 3G pitch.	Presentation from Corporate Transformation & Services Director.	Clarity and scope of review required.
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, and Douglas Scott on Communities and Partnership Manager.	A briefing for all members is being planned. Following this briefing Scrutiny to reconsider.

Source	Issue/Description	Stage	Scrutiny Committee meeting date
Greenlaw and Hume CC	To consider outsourcing success stories from this Council and elsewhere in Scotland, in particular where the service has been outsourced to a third sector organisation.	Presentation by Ms Watters	18 August 2016.
Councillor Nicol	Recycling Centres. Update on the remarketing of goods for recycling at the Centre, including how other Local Authorities had approached this.	Jenni Craig	22 September 2016
Councillor Archibald	Artificial sports pitches. Briefing paper to be brought forward on existing artificial pitches in the Scottish Borders, to include information on the use, costs, benefits and issues of these facilities.	Rob Dickson	Date to be confirmed
Councillor Cockburn	Asymmetric Week	Donna Manson	18 August 2016
Councillor Torrance	Social Work Duty Hub.	Elaine Torrance	Date to be confirmed

Review Subjects to be considered/awaiting further information

Source	Issue/Description	Stage
Scrutiny Committee	Recycling Centres. Update on the remarketing of goods for recycling at the Centre, including how other Local Authorities had approached this.	Likely to be considered by the Executive Committee. Projects Team being contacted for update on developments.
Councillor Gillespie	Home Schooling. To consider the requirement for a change in the law to ensure health assessments for home schooled children are carried out. Also to investigate parents undertaking an examination to ensure that they were adequate educators for primary and secondary school education.	Service Director Children & Young People to discuss further with Councillor Gillespie.

Reviews completed

Source	Issue/Description	Stage	Scrutiny Committee meeting date.
Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager	28 April 2016 Completed.
Councillor Logan	Support for Highly Able Learners in Schools	Presentation by Service Director Children & Young People.	28 April 2016. Completed.
Councillor Torrance	School Transport and Escorts	Presentation by Service Director Children and Young People.	28 April 2016. Completed.
Scrutiny Committee	Attainment levels in Schools in Deprived Areas	None – briefing session	24 September 2015 Completed
Scrutiny Committee	Mainstream Schools and Children with Complex Additional Support Needs	None – briefing session	24 September 2015 Completed
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 Licensing Team Leader on 5/10/15. Cllr Turnbull does not wish to pursue further.	14 October 2015 Completed.
Graeme Donald	Religious Observance Policy } }These were presented together at the } same meeting.	None – briefing session	29 October 2015 Completed
Scrutiny Committee	Faith Schools }	None – briefing session	29 October 2015 Completed
Ettrick and Yarrow Community	To review the extent to which the SBC budget for road repairs and maintenance is sufficient to meet need and the not unreasonable	Recommendation considered by	28 January 2016.

Source	Issue/Description	Stage	Scrutiny Committee meeting date.
Scrutiny Committee	Following the review on road repairs maintenance, presented to the January meeting of Scrutiny Committee. There was a further report to the March meeting on the implications on the capital and revenue budgets of the trunk status of the A72 and A7. Scrutiny Committee requested a further report identifying the revenue and capital costs of works to individual roads in the roads infrastructure.	Report from Asset Manager	28 April 2016 Completed.
Council – Allocation of Budgets for Road Maintenance and Repairs	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.	Executive Committee 8 March 2016 – accepted.	
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>	Recommendation to be considered by Executive Committee on 22 March 2016.	18 February 2016 Completed.
Scrutiny Committee	Financing arrangements for the Transport Interchange in Galashiels - to include subsidy arrangements and departure charges.	None.	24 March 2016 Completed
Councillor Archibald	Equalities Legislation. Consideration on the Council's up to date grant application form and information on how the legislation is applied to local festivals, in particular where the Council awards grants.	None.	24 March 2016 Completed