

Public Document Pack



**SCOTTISH BORDERS COUNCIL
THURSDAY, 25 OCTOBER, 2018**

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS on THURSDAY, 25 OCTOBER, 2018 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
18 October 2018

BUSINESS																								
1.	Convener's Remarks.																							
2.	Apologies for Absence.																							
3.	Order of Business.																							
4.	Declarations of Interest.																							
5.	<p>Minute (Pages 5 - 16)</p> <p>Consider Minute of Scottish Borders Council held on 25 September 2018 for approval and signing by the Convener. (Copy attached.)</p>	2 mins																						
6.	<p>Committee Minutes</p> <p>Consider Minutes of the following Committees:-</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">(a) Hawick Common Good Fund</td> <td style="text-align: right;">21 August 2018</td> </tr> <tr> <td>(b) Police, Fire & Rescue & Safer Communities Board</td> <td style="text-align: right;">31 August 2018</td> </tr> <tr> <td>(c) Pension Fund Committee</td> <td style="text-align: right;">13 September 2018</td> </tr> <tr> <td>(d) Pension Fund Board</td> <td style="text-align: right;">13 September 2018</td> </tr> <tr> <td>(e) Local Review Body</td> <td style="text-align: right;">17 September 2018</td> </tr> <tr> <td>(f) Major Contracts Governance</td> <td style="text-align: right;">18 September 2018</td> </tr> <tr> <td>(g) Civic Government Licensing</td> <td style="text-align: right;">21 September 2018</td> </tr> <tr> <td>(h) Audit & Scrutiny</td> <td style="text-align: right;">24 September 2018</td> </tr> <tr> <td>(i) Peebles Common Good Fund</td> <td style="text-align: right;">25 September 2018</td> </tr> <tr> <td>(j) Planning and Building Standards</td> <td style="text-align: right;">1 October 2018</td> </tr> <tr> <td>(k) Executive</td> <td style="text-align: right;">2 October 2018</td> </tr> </table> <p>(Please see separate Supplement containing the public Committee Minutes.)</p>	(a) Hawick Common Good Fund	21 August 2018	(b) Police, Fire & Rescue & Safer Communities Board	31 August 2018	(c) Pension Fund Committee	13 September 2018	(d) Pension Fund Board	13 September 2018	(e) Local Review Body	17 September 2018	(f) Major Contracts Governance	18 September 2018	(g) Civic Government Licensing	21 September 2018	(h) Audit & Scrutiny	24 September 2018	(i) Peebles Common Good Fund	25 September 2018	(j) Planning and Building Standards	1 October 2018	(k) Executive	2 October 2018	5 mins
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7.	<p>Committee Minute Recommendations (Pages 17 - 48)</p> <p>Consider the recommendations made by the following Committees:-</p>	5 mins																						

(c) Major Contracts Governance	18 September 2018
(d) Civic Government Licensing	21 September 2018
(e) Executive	2 October 2018
(Please see separate Supplement containing private Committee Minutes.)	

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.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
email lmcgeoch@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 25 September 2018 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, K. Chapman, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, W. McAteer, T. Miers, D. Moffat, S. Mountford, C. Penman, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

Apologies:- Councillors S. Bell, J. Brown, K. Drum, S. Marshall, D. Paterson.

In Attendance:- Chief Executive, Executive Director (P. Barr), Executive Director (R. Dickson), Service Director Customer & Communities, Service Director HR, Service Director Regulatory Services, Chief Financial Officer, Chief Social Work Officer, Chief Officer Health & Social Care Integration, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated Tracey Biggs, Galashiels Academy School Canteen Manager, on winning the Scottish School Cook of the Year and re-presented her trophy.

DECISION

AGREED to endorse the comments of the Convener.

2. **MINUTE**

The Minute of the Meeting held on 30 August 2018 was considered.

DECISION

AGREED that the Minute be approved and signed by the Convener.

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

Executive	21 August 2018
Audit & Scrutiny	23 August 2018
Innerleithen Common Good Fund	23 August 2018
Lauder Common Good Fund	27 August 2018
Peebles Common Good Fund	29 August 2018
Planning & Building Standards	3 September 2018
Executive	4 September 2018
Galashiels Common Good Fund	12 September 2018
Selkirk Common Good Fund	12 September 2018
Jedburgh Common Good Fund	12 September 2018
Kelso Common Good Fund	12 September 2018

DECISION

APPROVED the Minutes listed above.

4. **OUR SERVICE FOR YOU: SCOTTISH BORDERS COUNCIL'S STRATEGY FOR OUR CUSTOMERS 2018-2023**

There had been circulated copies of a report by the Service Director Customer and Communities proposing a new Customer Strategy for Scottish Borders Council for the period 2018 – 2023 which re-focused Scottish Borders Council's (SBC) approach to designing and delivering services, putting the customer at the heart of what the Council did and making the

most of current and emerging digital technology. For a variety of reasons, including changing customer expectations, reducing resources, increasing demand for services and developments and investment in digital technology, the need had been identified for a new strategic approach to dealing with customers across SBC services. In a large rural area, and across a large organisation, there were a number of challenges to overcome including changing the way customers contacted SBC, improving and streamlining business processes and ensuring consistently excellent customer care across all services. There were also some cultural challenges within SBC due to, for example, departmental “silo” structures. Against the context of SBC’s new Corporate Plan (Our Plan and your part in it) and the #yourpart campaign that underpinned it, SBC had now developed a new customer strategy that put the customer at the heart of service design and delivery, as contained in Appendix 1 to the report. It articulated SBC’s vision for the future, how it would be delivered and how SBC would measure success, including gathering customer views on satisfaction and measuring how customers contacted and interacted with SBC, and how this changed over time. As technology would play a key part in SBC’s future customer facing arrangements, SBC had established a Digital Customer Steering Group (DCSG) as part of the Digital Transformation Programme, chaired by the Service Director, Customer and Communities. Although established to ensure that both staff and communities had the skills necessary to maximise the investment that SBC was making in digital technology, DCSG had the membership to ensure it could oversee the implementation of the new Customer Strategy. Members generally welcomed the report but emphasised the need to cater for those who could not engage electronically.

DECISION

AGREED to approve the Customer Strategy as contained in Appendix 1 to the report.

5. BARCLAY REVIEW IMPLEMENTATION – CONSULTATION RESPONSE

There had been circulated copies of a report by the Chief Financial Officer seeking approval for the draft response to ‘Barclay Implementation: A consultation on non-domestic rates reform’. The report explained that the Consultation raised a number of issues, which might affect the business of and resources available to the Council. Most significantly, the consultation proposed moving from 5 yearly revaluations for non-domestic rates to 3 yearly revaluations from 2022, and charging rates on ‘commercial activity on current exempt parks and Local Authority land vested in recreation at the same level as similar activity elsewhere’. The Consultation was appended to the Report as Appendix A and the Scottish Borders Council response had been prepared which addressed these and the other proposals contained within the Consultation. The Consultation Response was appended to the report at Appendix B. Member agreed to support the proposed response.

DECISION

AGREED to approve the draft Consultation response contained in Appendix B to the report.

6. SCOTTISH BORDERS COUNCIL FINAL REPORTS AND ACCOUNTS 2017/18

There had been circulated copies of a report by Audit Scotland, the Council’s Auditors, together with a report by the Chief Financial Officer and a copy of the Annual Accounts 2017/18. The Chief Financial Officer’s report explained that this was the second year of Audit Scotland undertaking the external audit of the Council’s Annual Accounts. They also covered the Council’s related charities but KPMG continued to provide the external audit of SB Cares, SB Supports and Bridge Homes. KPMG had concluded their audit and had raised no issues. Audit Scotland had now completed the audit of the Council’s 2017/18 Annual Accounts and had provided an unqualified independent audit opinion. The Annual Audit Report summarised Audit Scotland’s conclusions, including:

- An unqualified audit opinion
- They concurred with management’s accounting treatment and judgements;
- They concluded positively in respect of financial management, financial sustainability, governance and transparency and value for money.

Audit Scotland had identified eight recommendations requiring action and these had been accepted by management and would be enacted within the agreed timescales. As required under the Local Authority Accounts (Scotland) Regulations 2014, the audited Annual Accounts for Scottish Borders Council, Scottish Borders Council's Pension Fund, SBC Common Good Funds, the SBC Charitable Trusts, Bridge Homes LLP, SB Support and SB Cares - copies of which had also been circulated - had been presented to the Audit & Scrutiny Committee the day before and no issues had been raised. Mr Robertson answered Members' questions on Brexit and the Pensions Fund.

DECISION

AGREED to approve the following audited accounts:-

- (a) the Scottish Borders Council's audited Annual Accounts for the year to 31 March 2018;**
- (b) the Scottish Borders Council Common Good Funds' (Charity SC031538) audited Annual Accounts for the year to 31 March 2018;**
- (c) the SBC Welfare Trust (Charity SC044765) audited Annual Accounts for the year to 31 March 2018;**
- (d) the SBC Education Trust (Charity SC044762) audited Annual Accounts for the year to 31 March 2018;**
- (e) the SBC Community Enhancement Trust (Charity SC044764) audited Annual Accounts for the year to 31 March 2018;**
- (f) the Ormiston Trust for Institute Fund (Charity SC019162) audited Annual Accounts for the year to 31 March 2018;**
- (g) the Scottish Borders Council Charity Funds' (Charity SC043896) audited Annual Accounts for the year to 31 March 2018;**
- (h) the Bridge Homes LLP audited Annual Accounts for the year to 31 March 2018;**
- (i) the SB Supports audited Annual Accounts for the year to 31 March 2018;**
- (j) the SB Cares audited Annual Accounts for the year to the 31 March 2018; and**
- (k) the Scottish Borders Council's Pension Fund audited Annual Accounts for the year to 31 March 2018.**

7. ANNUAL TREASURY MANAGEMENT REPORT 2017/18

With reference to paragraph 13 of the Minute of 21 December 2017, there had been circulated copies of a report by the Chief Financial Officer presenting the annual treasury management activities undertaken during the 2017/18 financial year. The report explained that the CIPFA Code of Practice on Treasury Management in the Public Services (the Code) required an annual report on treasury management to be submitted to Council following the end of each financial year. This report highlighted the Council's treasury activity undertaken in the year ended 31 March 2018 and the performance of the Treasury function. Appendix 1 contained the annual report of treasury management activities for 2017/18 and provided an analysis of performance against targets set in relation to Prudential and Treasury Management Indicators. The performance comparisons reported were based on the revised indicators agreed as part of the mid-year report approved on 21 December 2017. The Appendix showed the Council's borrowing requirement to fund the capital investment undertaken during 2017/18, how much the Council actually borrowed against the sums budgeted and the level of external debt within approved limits. During the year the Council had again, where possible, deferred borrowing using surplus cash rather than undertaking new borrowing. However, the Council did undertake short term borrowing for cash flow purposes and additional long term borrowing for capital purposes during the year, amounting to £5m and £10m respectively. Treasury management activity for the year had been

undertaken in compliance with approved policy and the Code. The Council remained under-borrowed against its Capital Financing Requirement (CFR) at 31 March 2018.

DECISION

NOTED that treasury management activity in the year to 31 March 2018 was carried out in compliance with the approved Treasury Management Strategy and Policy as detailed in the report.

8. SESPLAN GOVERNANCE RATIFICATION

There had been circulated copies of a report by the Service Director Regulatory Services seeking ratification of proposed changes to the SESplan governance arrangements. The report explained that the revised SESplan governance arrangements which were proposed followed an internal audit by Fife Council in March 2018 of the existing Governance arrangements. The audit made five recommendations, three of which required amendments to the SESplan Constitution and Financial Rules. These related to the organisation's complaints procedure, the timing of budget approvals by the Joint Committee and Member Authorities, and the procedure for submitting financial monitoring reports.

DECISION

AGREED to ratify the revised SESplan Governance arrangements set out in Appendix 1 to the report.

9. COMMITTEE MEMBERSHIP

Councillor Haslam, seconded by Councillor Mountford, moved that Councillor Carol Hamilton be appointed to the Pension Fund Committee and this was unanimously approved.

DECISION

AGREED to appoint Councillor Carol Hamilton to the Pension Fund Committee.

10. A PROPOSAL FOR A SINGLE PUBLIC AUTHORITY IN THE SCOTTISH BORDERS

There had been circulated copies of a report by the Chief Executive seeking approval for the 'Proposal for a Single Public Authority in the Scottish Borders', as detailed in the appendix to the report, and its submission to the Local Governance Review jointly announced by Scottish Government and the Convention of Scottish Local Authorities (COSLA) in December 2017. The report explained that with the aim of driving a step change in outcomes for the citizens and communities of the Scottish Borders, the proposal advanced a vision for a single service delivery vehicle, encompassing the Council and NHS Borders in the first instance. The proposal also examined intermediate practical steps which might be taken to progress this model, and considered how citizens and communities could have 'more say about how public services in their area were run.' In response to concerns that there had been no discussion with Members in advance of this report being presented to Council, the Chief Executive advised that there had been numerous conversations over months with senior Councillors and partners, and the draft response had been taken to a Members Sounding Board meeting on 29 August 2018, with Members asked to discuss it confidentially within their Groups. The Chief Executive then clarified that this was only a proposal to be explored, not a decision to create a single public authority, but a response to a Government consultation, which may or may not lead to this being considered further. Members discussed the proposal at length with a number of views both for and against the proposal being expressed, along with further options for consideration.

VOTE

Councillor Haslam, seconded by Councillor Aitchison, moved that the Council:-

- (a) Agrees that the document 'A Proposal for a Single Public Authority in the Scottish Borders' (Appendix A) should be submitted to the Local Governance Review.*
- (b) Further agrees that:-*

- (i) *The Members Political Sounding Board shall continue to work with Officers in developing the Proposal for Single Public Authority in the Scottish Borders, including how best to engage and consult with the public of the Scottish Borders and other stakeholders and in considering other proposals which emerge during engagement and consultation on the Proposal; and*
- (ii) *The Members Political Sounding Board shall provide regular feedback to Elected Members.*

Councillor H. Anderson, seconded by Councillor Moffat, moved as an amendment that the wording of the synopsis of the submission be replaced with “this paper considers the potential formation of a single public authority as one possible means of delivering a step change in outcomes for citizens and communities of the Scottish Borders. This paper seeks permission to commence initial consultation with elected members and stakeholders and to ensure these consultations also explore and evaluate alternative approaches, such as a lead agency model or enhanced IJB option, to enable the robustness of the single public authority option to be fully tested.”

Councillor Robson, seconded by Councillor Chapman, moved as a further amendment “that this Council notes the draft submission to the Scottish Government Consultation, finds the draft defective in conclusion, content and style and therefore not appropriate to submit to the Scottish Government, recognises that an extended deadline has already been granted by the Scottish Government to allow Scottish Borders Council to submit its response and therefore calls for a representative of all party groups to meet at 10.00 a.m. on Wednesday, 26th October 2018 to change and redraft the submission with delegated authority to approve the final version thereof to be sent timeously to the Scottish Government.”

Councillor Chapman, seconded by Councillor A. Anderson, moved that the votes be taken by roll call and this was unanimously approved.

The Clerk to the Council advised that in terms of Standing Order 42 a vote would firstly be taken between Councillor Haslam’s Motion and Councillor Robson’s amendment, being the direct negative. If Councillor Robson’s amendment succeeded there would be no further vote. However, if Councillor Haslam’s Motion was successful then a vote between that Motion and Councillor H. Anderson’s amendment would then be taken.

Roll Call Vote 1

<u><i>Cllr Haslam’s Motion</i></u>	<u><i>Councillor Robson’s Amendment</i></u>	<u><i>Abstention</i></u>
<i>Councillor Aitchison</i>	<i>Councillor A. Anderson</i>	<i>Councillor H. Scott</i>
<i>Councillor Edgar</i>	<i>Councillor H. Anderson</i>	
<i>Councillor Fullarton</i>	<i>Councillor Chapman</i>	
<i>Councillor Greenwell</i>	<i>Councillor Laing</i>	
<i>Councillor C. Hamilton</i>	<i>Councillor McAteer</i>	
<i>Councillor S. Hamilton</i>	<i>Councillor Moffat</i>	
<i>Councillor Haslam</i>	<i>Councillor Penman</i>	
<i>Councillor Jardine</i>	<i>Councillor Ramage</i>	
<i>Councillor Miers</i>	<i>Councillor Robson</i>	
<i>Councillor Mountford</i>	<i>Councillor Thornton-Nicol</i>	
<i>Councillor Parker</i>		
<i>Councillor Richards</i>		
<i>Councillor Rowley</i>		
<i>Councillor S. Scott</i>		
<i>Councillor Small</i>		
<i>Councillor Tatler</i>		
<i>Councillor Turnbull</i>		
<i>Councillor Weatherston</i>		

The Motion was accordingly carried by 18 votes to 10 so a second vote was held as follows:-

Roll Call Vote 2

Cllr Haslam's Motion

Councillor Aitchison

Councillor Edgar

Councillor Fullarton

Councillor Greenwell

Councillor C. Hamilton

Councillor S. Hamilton

Councillor Haslam

Councillor Jardine

Councillor Miers

Councillor Mountford

Councillor Parker

Councillor Richards

Councillor Rowley

Councillor S. Scott

Councillor Small

Councillor Tatler

Councillor Turnbull

Councillor Weatherston

Councillor H. Anderson's Amendment

Councillor A. Anderson

Councillor H. Anderson

Councillor Chapman

Councillor Laing

Councillor McAteer

Councillor Moffat

Councillor Penman

Councillor Ramage

Councillor Robson

Councillor H. Scott

Councillor Thornton-Nicol

The Motion was accordingly carried by 18 votes to 11.

DECISION

DECIDED that:-

- (a) **the document 'A Proposal for a Single Public Authority in the Scottish Borders' (Appendix A to the report) should be submitted to the Local Governance Review;**
- (b) **the Members Political Sounding Board would continue to work with Officers in developing the Proposal for Single Public Authority in the Scottish Borders, including how best to engage and consult with the public of the Scottish Borders and other stakeholders and in considering other proposals which emerged during engagement and consultation on the Proposal; and**
- (c) **the Members Political Sounding Board would provide regular feedback to Elected Members.**

11. BORDERLANDS INCLUSIVE GROWTH DEAL

With reference to paragraph 7 of the Minute of 30 August 2018, there had been circulated copies of a report by the Executive Director (Mr R. Dickson) setting out the next steps in developing a Borderlands Inclusive Growth Deal proposition. It sought agreement to submit the Deal documentation to the UK and Scottish Governments as a basis for negotiations in order to secure funding that will support economic growth across the Borderlands region. Alongside four partner Councils, the Council had been progressing work on the development of a Borderlands Inclusive Growth Deal proposition. This work had involved close liaison with both UK and Scottish Governments in order to develop a small number of strategic programmes and projects. It would be essential that these programmes and projects complemented the South of Scotland Enterprise Agency proposals and support the inclusive growth agenda. A Deal overview document and associated strategic outline business cases had now been drafted and it was proposed that they were submitted to the UK and Scottish Governments by the end of September 2018. Following submission of the Deal documentation, there was expected to be a period of negotiation with UK and Scottish Governments. At this stage, there was no guarantee that a Deal would be agreed and therefore the financial information relating to the Deal was being treated as confidential by all the partners until such time as there was greater financial certainty in relation to the

negotiations. Members expressed appreciation for the work carried out by officers and supported the proposals.

DECISION

AGREED:-

- (a) to approve the submission of the Borderlands Inclusive Growth Deal proposal to UK and Scottish Governments from Carlisle City Council, Cumbria County Council, Dumfries and Galloway Council, Northumberland County Council and Scottish Borders Council;
- (b) to note the ongoing arrangements and need for continued negotiation with both UK and Scottish Governments;
- (c) that Dumfries and Galloway Council would be the accountable body for the Scottish authorities and noted that Northumberland County Council would be the accountable body for the Deal on behalf of the English authorities; and
- (d) that further reports updating Members on the progress of the Borderlands Inclusive Growth Deal negotiations, and making any necessary decisions, would be presented to the Council at appropriate times.

12. **OPEN QUESTIONS**

The questions submitted by Councillors Penman, Ramage, H. Anderson and Laing were answered.

DECISION

NOTED the replies as detailed in Appendix I to this Minute.

13. **URGENT BUSINESS**

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Convener was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision.

14. **CHAMPION FOR THE DEAF COMMUNITY**

The Convener advised that it was proposed to appoint Councillor Thornton-Nicol as the Champion for the Deaf Community and this was unanimously agreed.

DECISION

AGREED to appoint Councillor Thornton-Nicol as the Champion for the Deaf Community.

15. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

16. **Minute**

The private section of the Council Minute of 30 August 2018 was approved.

17. **Committee Minutes**

The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

18. **Borderlands Inclusive Growth Deal**
Members noted the confidential proposal document.

The meeting concluded at 12.20 p.m.

SCOTTISH BORDERS COUNCIL
25 SEPTEMBER 2018
APPENDIX I

OPEN QUESTIONS

Question from Councillor Penman

To Executive Member for Business and Economic Development

With the new HMRC initiative Making Tax Digital (MTD) starting for VAT registered businesses from April 2019, the current HMRC online tax return services will be withdrawn for those within the scope of the MTD rules and businesses will be required to use a functional compatible software product to submit their returns to HMRC, most of which are cloud based accounting software programs and rely on a broadband connection.

However, according to a study by Ipsos MORI for HM Revenue and Customs, one in five firms are worried that inadequate broadband will prevent them complying with MTD obligations.

This backed up by the findings of recent research by Cambridge Broadband Networks, which revealed that almost half of the UK's business broadband customers are not getting the speeds their provider had promised.

How are we going to help our local businesses in rural areas where broadband connection is currently so poor some businesses are having to travel six miles into a village to send an email. What are our plans to assist these businesses meet their legal requirements?

Reply from Councillor Rowley

I share the Councillor's concerns. There are two distinct issues here. Firstly we know that we have inadequate broadband provision across many parts of the Borders. This is especially true in rural areas; but there is not a universal high speed provision in every town either. The Scottish Government is committed, through its R100 programme, to 100% coverage with download speeds of 30Mbps by 2021; that is two years after the requirement for businesses to meet the new HMRC requirement.

Secondly there is an issue in respect of how aware businesses are of the existing broadband provision, how that can best be utilised and specifically the response required by businesses to the changes being implemented by HMRC.

Business Gateway Advisors are already working with their clients to raise awareness of the changes HMRC are making and have asked for a national provision of training courses in respect of this; that is being considered. The experience with GDPR earlier this year suggests businesses will be slow to realise the implications the changes have with advice and training being required later this year and peaking in the period January to March 2019.

The South of Scotland Economic Partnership met with BT and Openreach earlier this year and raised concerns about both available download speeds and broadband coverage; along with the Council they will continue to lobby hard for improved services across the South of Scotland. However, where provision exists the take up of the available broadband services has been low. That suggests that more requires to be done to support businesses in exploiting the available broadband provision to boost their productivity and profitability. The Partnership is considering how best to address this issue of take up and utilisation. I anticipate they will make announcements in respect of this shortly.

Question from Councillor Ramage

To Executive Member for Business and Economic Development

As a teacher I benefitted greatly from EU funding and in particular Leader and Leader +. Can you advise how much funding has come to the Borders and how many people in our area have benefitted?

Reply from Councillor Rowley

In the time available officers have been able to draw data together for the period 2000 to date covering 3 LEADER programmes administered by Scottish Borders Council. Prior to 2000, 2 programmes of LEADER ran under the administration of Scottish Borders Enterprise.

Under the 3 LEADER programmes managed by the Council, expenditure in the Borders has totalled £7.4M to date. Including individuals trained, young people assisted and others recorded as gaining from the projects 65,000 people have benefitted from the projects funded through these programmes. There is of course a wider benefit across the communities gained from the projects; it is not possible to calculate a figure for this wider benefit.

There is no doubt that these EU funded programmes have played an important part in developing and enhancing a wide range of initiatives across our area.

Supplementary

Councillor Ramage asked what specific steps had been taken to mitigate the loss of this funding and would it be considered by the Brexit Response Team? Councillor Rowley advised that he was not in a position to answer whether the Brexit Response Team had considered European Funding but as advised by the Chief Executive earlier in the meeting, a report would come to Council in due course. Councillor Rowley was happy to engage in discussions once there was greater clarity. However, he did point out that the UK was a net contributor to Europe and these funds came from tax payers, so there would be opportunities for local schemes in the future.

Question from Councillor H. Anderson

To Executive Member for Roads and Infrastructure

As you aware from your attendance at the recent public meeting in West Linton with over 120 residents, there continues to be a high level of dissatisfaction in West Linton, Carlops and Dolphinton at the complete loss of any public transport provision after 7.35 pm. Can you specify what steps SBC are taking to explore and provide an alternative evening transport provision for this part of Tweeddale West?

Reply from Councillor Edgar

This question relates to the new timetable for service 101 Dumfries – Biggar – Edinburgh (return) which came in to being on 19th August 2018.

Prior to the meeting held in West Linton on 29th August 2018 Council Officers contacted the three main bus companies in the area to see if any arrangement/connection could be put in place using existing services from Penicuik. Borders Buses and Lothian Buses rejected the suggestion of extending existing services beyond Penicuik to West Linton. Stagecoach offered to put back their new 19.35 journey out of Edinburgh to 20.30 Monday-Saturday for a cost of approximately £15,000 per annum or alternatively on Friday and Saturday only for a cost of £5,000 per annum. There was a caveat that the other partners SWestrans/D&G, Midlothian Council and SPT agreed to the change. At the meeting on the 29th August this suggestion was broadly rejected by the attendees. There was no visible support for this option when Councillor Anderson asked attendees to mark a chart if they agreed as the chart remained blank.

At the same meeting Officers suggested that the Community consider a taxi connection. It was explained that a similar arrangement already existed in Midlothian and was a good alternative to a registered local bus service. It was clearly explained that there was no Council budget available for this and the Community would need to raise their own funding of approximately £18,000 per annum. Officers suggested a possible connection with the existing Borders Buses X62 service in Penicuik with connections at 20.30, 21.30 and 22.30. Service options were Monday to Saturday or alternatively Friday and Saturday service only; both options would appear on the tender specification.

Since the meeting Council Officers have put together a tender, created a specification and formatted terms and conditions. That tender went out to the trade week commencing 17th September 2018 and is due back on Wednesday 26th September 2018. Once the tender receipts have been assessed and evaluated the results will be given to West Linton Community Council to distribute.

Supplementary

Councillor Anderson advised she was interested in the taxi model that could be trialed for 3 months for a maximum cost of £10k and if no-one used it then it could cease, but asked that the door not be closed on this option. Councillor Edgar advised that the problem with that was the Council had not budget available for such a proposal. A number of groups in other areas had previously been refused funding which would need to be revisited if any funding was identified and given to West Linton.

Question from Councillor Laing

To Executive Member for Business and Economic Development

With 6 months to go, does the Executive Member for Business and Economic Development still hold the view that fishing exports from East Berwickshire will be unaffected by Brexit?

Reply from Councillor Rowley

I am providing this response as a personal one, not drafted by officers, as this is a political matter. Councillor Laing is perhaps mistaken to assume that I do not think exports will be unaffected by Brexit. However, I suggest neither of us yet knows what Brexit will look like so we cannot know what the effects, either negative or even positive, may be. I am concerned about the effects across all of Berwickshire, not just East Berwickshire. For example Farne Salmon employs over 700 people in Duns and is the largest salmon processor in the UK, possibly Europe. Brexit is something I did not want and it will bring both challenges and opportunities. We need to keep an eye on things until we know the direction of travel but this is difficult because things are so fluid at the moment. I have read many Government and SPICe papers containing between 4-6 different scenarios which are ever changing. The Economic Development Group for Eastern Berwickshire will focus on the implications of Brexit once they become clear. Having just returned from a holiday in a Cornish Harbour the fishermen there were clear that they welcomed the approach of full access to our fishing waters. Of Scotland's £79bn exports, £50bn just go over the border and a SPICe report indicates that this is mainly for the domestic market with little going further afield. I remain convinced that the quality of much of Berwickshire's seafood is so high that even with modest tariffs it will still have a strong future. We need to eat more of our local food near to where it is produced and more tourism businesses should be using it to feed their guests to deliver significant economic effects locally. It is important to celebrate our local food."

Supplementary

Councillor Laing asked what plans were in place for the fishing industry for a "No Deal" Brexit. Councillor Rowley restated his previous answer and advised that her concerns would be raised with the Brexit Response Team.

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SCOTTISH BORDERS COUNCIL 25 OCTOBER 2018

STARRED ITEMS FROM COMMITTEE MINUTES

AUDIT & SCRUTINY COMMITTEE – 24 SEPTEMBER 2018

3. SCRUTINY WORK PROGRAMME 2018/19

With reference to paragraph 8 of the Minute of 7 June 2018, there had been circulated copies of the Scrutiny Work Programme with suggestions for future Scrutiny reviews to be approved by Council. The Clerk to the Council, Ms Wilkinson, advised that Item No. 5 'Information provided to Members in reports', would be removed from the Programme as this would be included in the Review of the Scheme of Administration which would be subject to a report to full Council. The Committee requested that Item No. 1 the review on 'Councillors' role in staff matters' also included training given to officers and the monitoring of decisions of staff disciplinary hearings and employment tribunals. Members also discussed whether Item No. 3 'The Impact of Brexit' should be considered by the Audit & Scrutiny Committee or whether this would be better considered at full Council.

VOTE

Councillor Scott, seconded by Councillor Richards, moved that Item No. 3, 'Impact of Brexit on the Scottish Borders' be removed from the Scrutiny Work Programme.

Councillor Anderson, seconded by Councillor Thornton-Nicol, moved that it remain on the Scrutiny Work Programme.

On a show of hands Members voted as follows:

<i>Motion</i>	-	3
<i>Amendment</i>	-	2

The Motion was accordingly carried.

DECISION

(a) AGREED:

(i) the Scrutiny Work Programme 2018/19 as detailed in the Appendix to this Minute; and

*** (ii) to recommend approval to Council of the Scrutiny Work programme as detailed in the Appendix to the Minute.**

(b) NOTED that additional items could be added to the Scrutiny Work Programme as appropriate.

Scrutiny Work Programme 2018/19

	Review subject	Outcome/Lead Officer
1	Councillors' Role in staff matters	Presentation giving an update on the role, guidance and training given to Councillors and Officers on staff disciplinary appeals and employment tribunals, and the monitoring of these decisions. (Lead Officer(s): Clair Hepburn, Service Director HR and Iain Davidson, Employee Relations Manager).
2	Amey – Trunk Roads Management	Presentation from Amey Scotland on trunk roads management. (Lead Officer: Martin Joyce, Service Director Assets & Infrastructure & David Girdler, Chief Officer – Roads).
3	ALEOs and Live Borders	Briefing on the performance monitoring process through the Major Contracts Governance Group. (Lead Officer: Philip Barr, Executive Director).
4	Co-wheels contact	Presentation on the Co-wheels contract (Lead Officer: David Robertson, Chief Financial Officer).

EXECUTIVE COMMITTEE – 2 OCTOBER 2018

2. DYSLEXIA POLICY

With reference to paragraph 15 of the Executive Committee Minute of 19 June 2018, there had been circulated copies of a report by the Service Director Children and Young People seeking approval for a new Dyslexia Policy. The Quality Improvement Manager explained that the identification of literacy difficulties including dyslexia was an area of concern for staff, pupils and parents. Parents had raised concerns regarding the 'diagnosis or labelling' of dyslexia. The Policy provided a very clear and robust framework based on national guidance and advice and offered support for schools and parents in this difficult area. The purpose of this guidance was to set out policy in this area and to ensure that all staff were aware of their responsibilities and roles to support children and young people who had, or may have had, dyslexia. This involved the identification of dyslexia in a timely fashion and the provision of timely effective adaptations and interventions (including technological solutions). A comprehensive toolkit had been developed to support the implementation of the Policy in schools. The draft Policy was attached as an Appendix to the report. In the ensuing discussion, Members welcomed this policy which they recognised as being long-awaited. In response to questions about timescales around diagnosis and associated expectations of parents, it was stressed that there was no one test for dyslexia and due to different interventions it was difficult to put a timeframe on this. However the communication to parents was that this Policy would facilitate earlier diagnosis by P3/P4 rather than having to wait until secondary school stage.

DECISION

* **AGREED to recommend to Council adoption of the Dyslexia Policy (2018).**

Scottish Borders Council

Policy and procedures: children and young people with literacy difficulties including dyslexia.

Foreword

Literacy skills are fundamental in today's society. For many years it has been recognised that some young people have particular difficulties with learning to read, write and spell. In the past such difficulties have been variously described as specific difficulties, specific learning difficulties, or dyslexia. The present policy has been developed by a dyslexia working group following the launch by the Scottish Government of the national toolkit. This toolkit, re-launched in summer 2012 as *'Addressing Dyslexia,'* is a comprehensive resource for all teachers, parents and other professionals. This emphasis is important; all teachers should play a direct role in supporting the development of literacy skills across the curriculum. Strong and effective strategies for supporting literacy development cannot be separated from effective strategies and procedures for identifying and supporting dyslexia. What is required is an integrated approach which provides support for all pupils as and when they need it. All teachers therefore need to have an appropriate awareness of the development of literacy skills and of the principles, resources and materials which are relevant to providing effective help to those who need it. The importance of effective whole school approaches for supporting literacy should not be underestimated. Not all pupils who experience some difficulty will be identified as having dyslexia, but for those who require it, each school will have access to teachers with relevant experience, skills and knowledge who will have a more specialist role. It is important to emphasise that such teachers may appropriately co-ordinate the assessment and identification of dyslexia. Where appropriate, advice and additional support can be sought from the school educational psychologist and from a range of allied health professionals.

Dyslexia can have a profound impact on children's feelings and confidence. In supporting children and young people in our schools with dyslexia we all need to ensure that they do not lose confidence in their ability to succeed. Our job is to support all our pupils, to foster their development as individuals, to reach their full potential nurturing their strengths as well as supporting their challenges with learning. Knowledge and understanding about how to support literacy skills for those experiencing difficulties has grown considerably in recent years. What is needed is a mix of well-evidenced teaching approaches that promote literacy for all children combined with targeted interventions for those with most difficulty. Technological solutions need to be available to those who can benefit from it.

Donna Manson, Service Director, Children & Young People.

Writing an essay is:

' the most awful thing in the world and all the right words are ending up spelt wrong '

Secondary pupil in a Scottish Borders school

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A separate Operational Guidance has been written to support the implementation of this policy. Relevant parts of the operational guidance will be referred to throughout this policy

In this document the term '*parents*' will refer to parents, carers or guardians, and the term '*pupil*' will refer to children and young people.

For ease some of the main references cited throughout the document can be followed up through referring to Section 11 of the Operational Guidance which provides a summary of links.

DRAFT

1. Situating dyslexia within the wider local and national priorities

This dyslexia policy should be considered within the context of Scottish Borders Council's wider approaches for supporting inclusion and literacy. A key question in the identification of dyslexia asks for evidence that difficulties are persistent despite the child or young person being provided with appropriate learning opportunities. Therefore, this policy assumes the delivery of high quality curriculum in literacy for all from the early years onwards. Implementation of this dyslexia policy also relies on a collaborative approach in all schools which delivers well evidenced programmes to support literacy for all children combined with targeted interventions for those with difficulty. Pupils need to be actively taught how to read through accessing appropriate instruction and experiences for developing and extending their literacy skills, ensuring prior knowledge is built upon. . Such an emphasis maximises the development of literacy skills and ensures that pupils will generally be considered for identification of dyslexia after they have received provision of both universal and individually targeted programmes and continue, nevertheless, to demonstrate persistent difficulties.

This approach reflects the principles emphasised both in the national definition of dyslexia and in the national toolkit. It is also consistent with the national priorities which emphasise the need to support literacy and pupil wellbeing across the curriculum. All teachers have a responsibility for supporting and developing wellbeing and literacy skills (as outlined in the General Teaching Council for Scotland's professional standards for Registration of Teachers). The approach outlined in this policy requires commitment and support from all teachers, classroom staff and parents to identify those presenting with literacy needs and to provide appropriately tailored resources and support. Such an approach is best delivered through a staged approach to assessing, supporting and reviewing needs such as has been established in Scottish Borders over many years. Evidence is gathered throughout this process of ongoing literacy assessments, intervention and review. The process begins during the child's early years and continues throughout primary and secondary education. The staged approach is appropriate for identifying and supporting pupils presenting with a range of additional support needs including dyslexia.

2. Definition of dyslexia

The 2009 working definition of dyslexia followed in this guidance and noted below was developed by the Scottish Government, Dyslexia Scotland, a wide range of stakeholders and the Cross Party group on Dyslexia in the Scottish Parliament. The aim of this particular definition is to provide a description of the range of indicators and characteristics of dyslexia as helpful guidance for educational practitioners, learners, parents/carers and others.

Dyslexia can be described as a continuum of difficulties in learning to read, write and/or spell, which persist despite the provision of appropriate learning opportunities.

These difficulties often do not reflect an individual's cognitive abilities and may not be typical of performance in other areas.

The impact of dyslexia as a barrier to learning varies in degree according to the learning and teaching environment, as there are often associated difficulties such as:

- *auditory and /or visual processing of language-based information*
- *phonological awareness*
- *oral language skills and reading fluency*
- *short-term and working memory*
- *sequencing and directionality*
- *number skills*
- *organisational ability*

Motor skills and co-ordination may also be affected.

<http://addressingdyslexia.org/what-dyslexia>

The national guidance developed in Scotland on dyslexia goes on to say that:

'Dyslexia exists in all cultures and across the range of abilities and socio-economic backgrounds.

It is a hereditary, life-long, neurodevelopmental condition. Unidentified, dyslexia is likely to result in low self-esteem, high stress, atypical behaviour, and low achievement.

Learners with dyslexia will benefit from early identification, appropriate intervention and targeted effective teaching, enabling them to become successful learners, confident individuals, effective contributors and responsible citizens.'

This Scottish Borders Council policy emphasises that there is no single identifying pattern for dyslexia. Instead dyslexia should be understood as a functional descriptor for a range of presenting patterns which impact detrimentally upon reading, writing or spelling. It is critical to recognise however that each individual learner experiencing difficulties with reading, writing and spelling may also demonstrate wider patterns of associated difficulties that will require appropriate recognition and support.

The working definition highlights that difficulty with literacy is not the only factor to consider when identifying dyslexia. A number of associated difficulties may be relevant to an individual's experience of dyslexia. For example challenges with motor co-ordination. Identifying these may be very relevant to supporting children who are experiencing difficulties with literacy (especially writing). However, no single associated difficulty or feature (or combination of features) should be regarded as evidence of the presence of dyslexia (as the identification model for dyslexia rests on response to targeted literacy intervention over time).

3. Key messages

This policy replaces the previous SBC guidance (2002) on 'Understanding, identifying and responding to specific learning difficulties/dyslexia'. There are some key points to note, each of which is important:

- Adoption of the national definition for dyslexia means that the term, 'dyslexia' can now be used to refer to difficulties with learning to read, write or spell (or a combination of these).
- Dyslexia should only be identified when the child or young person's difficulties persist despite provision of appropriate learning opportunities. The identification and assessment of dyslexia requires an ongoing process of information gathering over a period of time in the learning context. All professionals involved have a responsibility to contribute to this process.
- It is not appropriate to identify dyslexia on the basis of a single test carried out at one point in time.
- It is important that all children experiencing difficulties with any aspect of literacy are identified and appropriately supported. It is to be expected that literacy difficulties will always be identified and targeted prior to a decision to identify dyslexia.
- Dyslexia will *usually* not be identified earlier than the P3 stage because assessment involves implementation and evaluation of targeted intervention over a significant period of time.
- The identification of dyslexia is a collaborative process co-ordinated by the designated learning support teacher who will consult with all involved including young people, parents, class teachers and key specialists, for example educational psychologist, occupational therapist and/or speech and language therapist, as required.

4. The National Toolkit

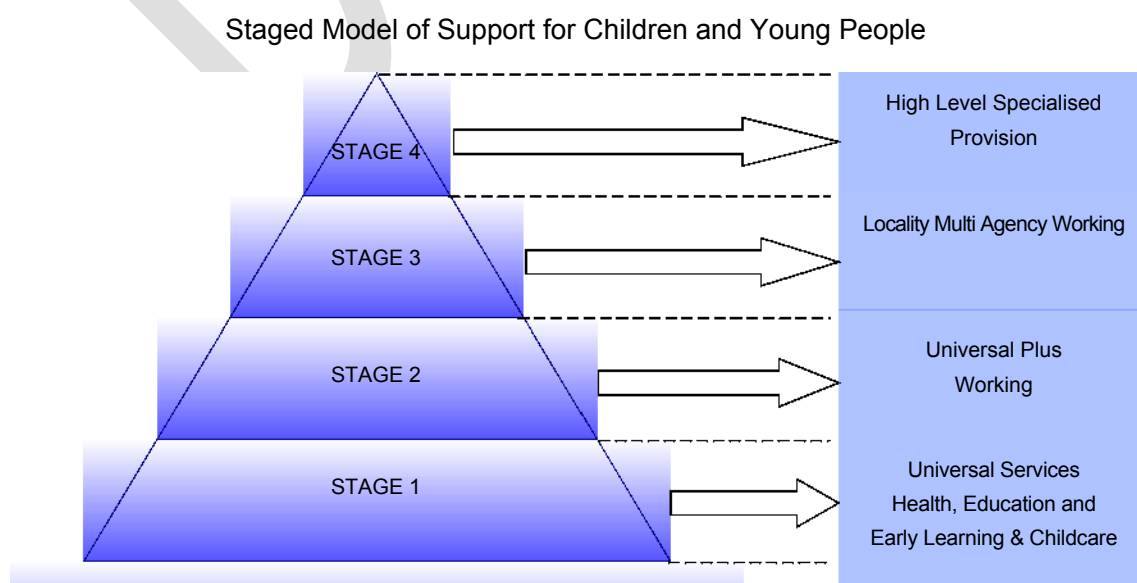
In June 2010 the Scottish Government launched an online national resource the Addressing Dyslexia Toolkit. In 2017 the toolkit was redeveloped to improve user navigation and it continues to support Curriculum for Excellence. The Toolkit is a comprehensive resource set within the Scottish context for inclusive education and has a range of free resources and information for all educational practitioners. New free online professional learning opportunities are available to support practitioners further develop their pedagogy and practice for dyslexia, inclusive practice and literacy. Many approaches and strategies for dyslexia (as promoted in the toolkit) are appropriate and beneficial in teaching literacy for all learners.

This Scottish Borders' policy sits alongside the national toolkit. The link for the national toolkit is <http://www.addressingdyslexia.org/>

This Scottish Borders' policy identifies the key procedures and processes to be followed in all schools in Scottish Borders and also highlights specific resources that have been identified, developed and promoted in Scottish Borders.

5. GIRFEC and the Additional Support for Learning (ASfL) Act

GIRFEC (*Getting It Right for Every Child*, Scottish Government, 2008) is the national framework which aims to ensure improved outcomes through staged and collaborative intervention. This approach places the child at the centre of the process. The approach is designed to ensure that children get the help they need when they need it. This staged approach is often represented using the "GIRFEC Triangle". The GIRFEC triangle used in Scottish Borders is shown below.



This triangle depicts a four-level framework of support ranging from Universal Services to those offering progressively greater degrees of specialisation.

The framework is intended to ensure that appropriate and proportionate support can be deployed from a range of services when required.

Scottish Borders Council uses the GIRFEC Staged Model of Support to identify, assess and support ALL needs, including all learning needs. The principles for identifying and responding to difficulties with literacy are the same as for all other types of need. What is distinctive is the focus and nature of assessment and support.

When considering support for these learners *The Additional Support for Learning Act* (2004, as amended) is also relevant. This emphasises the following values and principles for effective assessment and intervention:

- adopting the least intrusive and most effective course of action
- taking a holistic view of the pupil and their circumstances, and what they need to grow and develop and achieve their potential
- seeking, taking account of and noting the views of the pupil and parents and involving them fully in the assessment process and in finding solutions
- ensuring that parents and the pupil understand, and are asked to agree to, the aims of any assessment and the purposes of any action proposed
- ensuring that assessment is an ongoing, integrated process of gathering and evaluating information, planning, providing for and reviewing services for the individual
- taking into account issues of diversity and equality and ensuring that outcomes do not discriminate against the pupil and their families
- working in partnership with parents to develop skills to support children's education and health and wellbeing

Together, *The Additional Support for Learning Act* and the *Getting it right for every child* approach carry some important implications for practice in supporting learners who are experiencing difficulties with literacy.

It is important to consult with the child at an early stage about their experience of the learning process, about what is challenging, and about what helps.

Whilst it is important to provide effective support it is also important to consider how to do this sensitively and proportionately. In recognition of SBC pupils' feedback during the consultation on this Policy, schools should consider the possible impact upon learners' confidence and self-esteem of receiving support within or outwith the classroom. School staff should actively seek and respect learners' preferences about how they access support; and should communicate these preferences to those who

teach and support them. Schools also need to seek and respect learners' preferences about how widely information about their support needs is shared.

In the case of support for literacy difficulties it is envisaged that most learners' needs will be effectively met by universal services; namely Class Teachers (Stage 1). Class Teachers remain responsible for meeting a learner's needs when support requires to be enhanced through consultation, assessment and intervention from other specialist services from Stage 2 or above (e.g. Support for Learning Teacher, Speech & Language Therapy Services, Educational Psychologist).

Initial concerns should be registered and responded to by the Class Teacher, who will then consult with parents or carers and colleagues within school (eg the Support for Learning Teacher) as required. Evidence of the learner's progress will be gathered over time and this will inform decisions about teaching approaches and targeted interventions. Where further advice, assessment or intervention from specialist services is required this should be integrated into the continuing processes of teaching and learning for which universal services remain responsible. The emphasis when seeking specialist multi-agency support should be on acting to support effective teaching and learning, and effective planning of future teaching and learning; rather than on external assessment to identify a disorder or deficit.

6. The importance of a positive, confident and inclusive school culture

Curriculum for Excellence emphasises the fundamental importance of positive relationships in school as a pre-requisite for effective learning and achievement. All pupils (and staff) need a sense of belonging and wellbeing in their (school) community. Hand-in-hand with the requirements to support literacy and numeracy, all teachers have a vital role in supporting emotional wellbeing to ensure all pupils are supported to develop positive relationships and have confidence in their ability to succeed.

The HMIE *Literature Review of current approaches to the provision of education for children with Dyslexia* (HMIE 2007) strongly emphasises the emotional impacts of experience of Dyslexia. It positions *facilitating a positive sense of self* as a key dimension of effective teaching and intervention (section 2.2.3 pp.13-15).

Survey evidence from a Manchester Metropolitan University (MMU) study carried out pupils with dyslexia indicates that a crucial, even the over-riding, factor associated with academic success is what has been described by Mike Johnson as the '*emotional climate of the classroom*' (cited in British Dyslexia Association, *Dyslexia Friendly Schools Pack*, page 24). How classroom teaching is organised and experienced can have a great impact on what pupils think and feel about their capacity to learn and, through this, how they see themselves. Critically, what learners with dyslexia require is, what Dyslexia Scotland describe in one of their publications, as '*empathic and effective class teachers*' (*Supporting pupils with Dyslexia at primary school, Book.3 The upper primary*, 2011).

One of the dyslexic pupils who contributed to the MMU survey described what good teachers do as follows:

'They notice when you are having problems and they don't dismiss you by ignoring you and your questions. When I am stuck I know I can put my hand up and not get shouted at for not listening. The teacher smiles at me and then explains again, doing at least two examples with me.' (British Dyslexia Association, Dyslexia Friendly Schools Pack, p 24)

Mike Johnson helpfully summarises the perspectives from dyslexic learners as follows:

'Overall, it is clear that these pupils have no difficulty recognising the learning environment in which they can succeed. It is interesting that the underlying theme is the emotional climate in the classroom rather than any specific techniques or special methodology. They want calmness and security, the feeling that teachers might actually like them and are enthusiastic about their subject, quiet recognition of their difference and the provision of two key structures, differentiation and support.'

This all builds up to a picture that suggests that enhancing the achievements of pupils with dyslexia does not make unreasonable demands on teachers at either primary or secondary phases of education, it is the way .. teachers go about teaching and organising classrooms that are seen as either facilitating or frustrating. The key comes in understanding how each pupil thinks and feels. ' (British Dyslexia Association, Dyslexia Friendly Schools Pack, p 24)

Literacy difficulties and dyslexia have the potential to profoundly damage feelings, self-esteem and confidence. It is therefore vital to ensure that class or subject teachers provide pupils with calmness and security, recognition of their strengths as well as their needs and a willingness to adopt flexible approaches which recognise, and embed, the ways they learn best. It is also important that when pupils are experiencing difficulties that teachers mediate the responses of other pupils. This includes effective management of unhelpful reactions, as well as effective modelling of supportive and affirming responses.

School leadership should promote a school culture which supports all staff to effectively meet individual needs whilst ensuring that pupils experiencing challenges have appropriately broad opportunities to develop and demonstrate their strengths across the curriculum. In this way, self-esteem and social recognition will be actively promoted. The goal is to develop learners who have a balanced and informed understanding of their strengths and difficulties, are motivated to learn, assured in their use of learning strategies and have the confidence to ask for help whenever and wherever they need it. This presumes that early and ongoing perspectives from the pupil are sought regarding their experiences of the learning process, both in terms of those aspects that are challenging and those supports that are most enabling. Parents also may possess key information regarding how the pupil's learning is affecting their social confidence and life skills; and schools should promote a culture that encourages pupils and parents to request appropriate support. Active home support is crucial to enable pupils to fully achieve their literacy potential. In this way schools will ensure that the support available at the universal Getting it right for

every child stage (i.e. within classroom) will be maximised and the numbers requiring more focused involvement of ASN / SfL staff for targeted (e.g. IEP) and specialist stages (e.g. CSP) will be minimised.

7.1 The process to be followed in investigating whether dyslexia should be identified

In relation to literacy difficulties, the process of assessment, support and review will be delivered collaboratively and follow a staged approach. Over time this process will support staff to:

- provide a baseline measure of pupil's abilities and skills in literacy
- build a profile of pupil's literacy development in terms of strengths, difficulties and needs over time
- provide targeted and effective intervention

Support provided will be the least intrusive to deliver effective intervention but will emphasise a positive and holistic approach which builds health, wellbeing and confidence. In this model assessment is therefore linked integrally with intervention. Evidence of progress over time will be an important part of the assessment. Evaluation of this progress will ultimately inform the decision as to whether identification of dyslexia can be evidenced.

The flowcharts below outline the process of assessment and intervention of literacy difficulties in primary and secondary schools respectively.

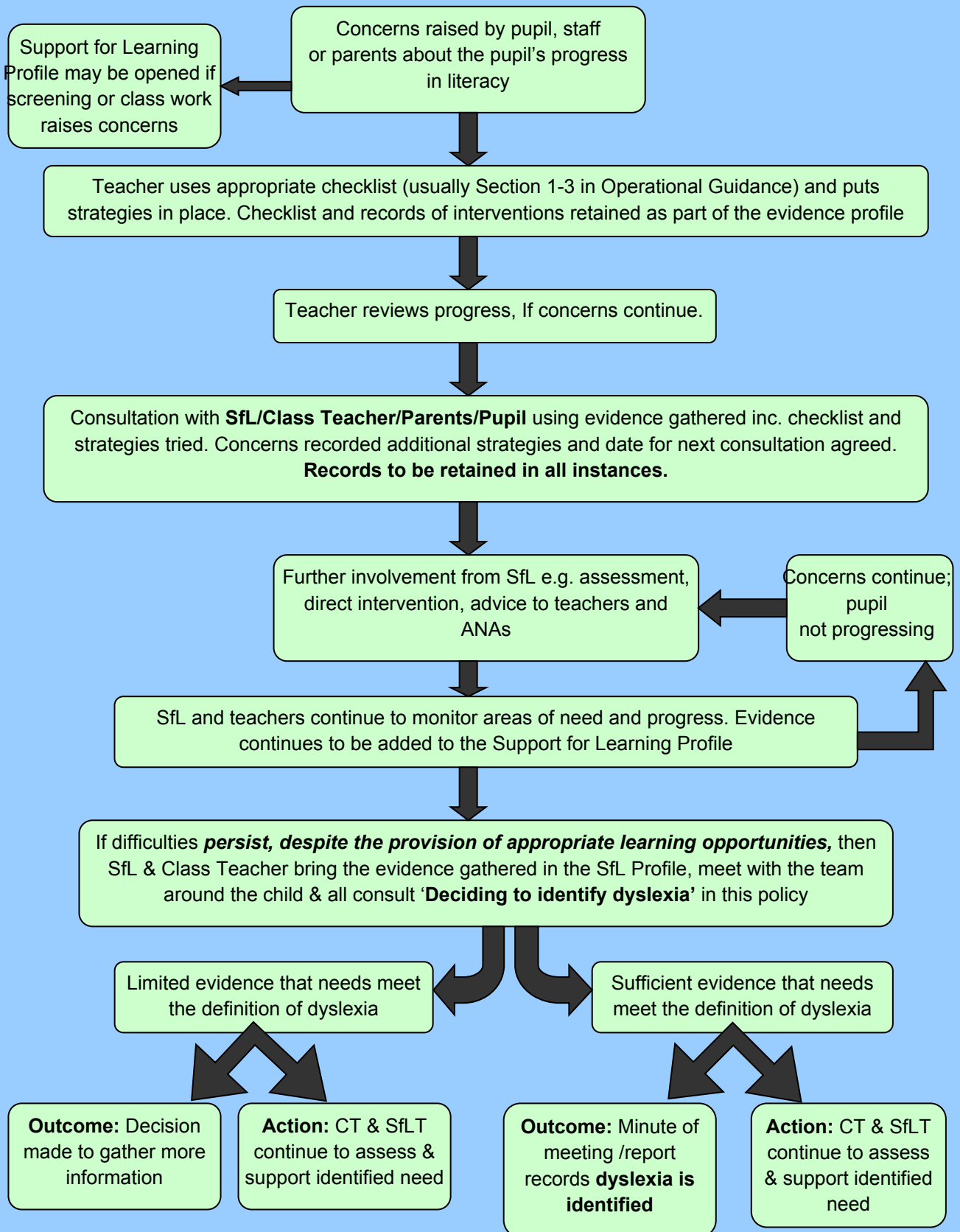
- For the Primary process (Flowchart 1) please note that evidence may be gathered on the Early Level Checklist – Early Learning and Childcare and P1 (see Section 1 of the Operational Guidance).¹ However it is not appropriate to identify dyslexia for pupils at this stage. Rather the focus will be on identification of needs, providing effective intervention, and continuing assessment.

The following points apply to both Primary and Secondary processes:

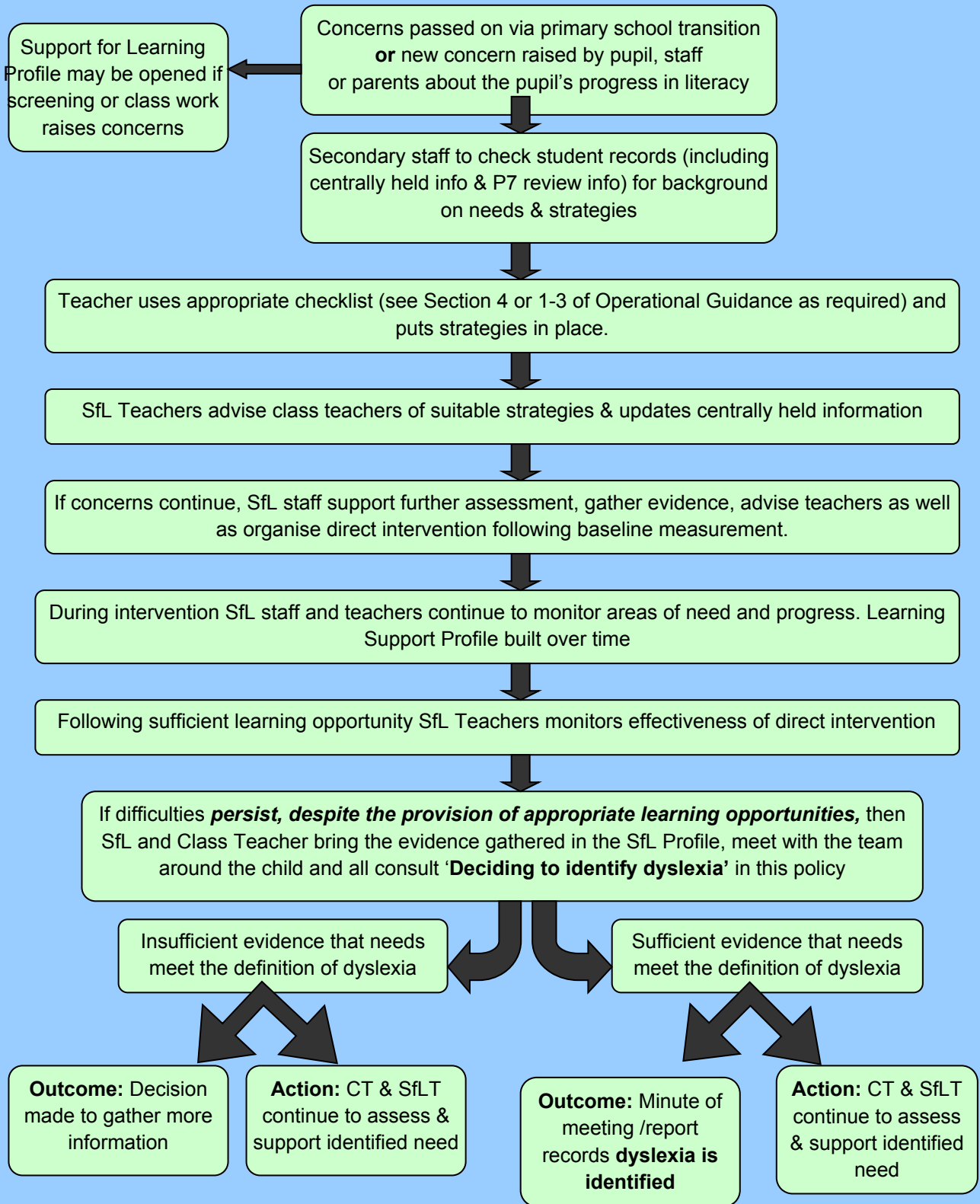
- The flowcharts capture the common core processes that should be included in schools' procedures; however individual schools may add additional detail
- Optional consultation with Educational Psychologist and other professionals/ colleagues is available at any point

¹ Please note that the checklists included in this policy have been adapted from the national materials in the toolkit; however it should be emphasised that the present policy supports the use of the toolkit checklists as an alternative.

FLOWCHART 1: Process of assessing literacy difficulties and identifying dyslexia in primary school



FLOWCHART 2: Process of assessing literacy difficulties and identifying dyslexia in secondary school



*All evidence gathered and stored in the Pupil Profile will be helpful in respect of any SQA Assessment arrangements

Schools must follow 'Additional Support for Learning' legislation. This means all pupils with additional support needs will be supported by an ongoing process of assessment, planning, provision of support and review, irrespective of whether their needs are identified as dyslexia or not.

In keeping with the principles of assessment and intervention outlined above, parents, and the pupil will be involved in an ongoing way and this includes the decision making processes relating to the identification of dyslexia.

The process of identifying dyslexia may be triggered by the pupil, parents or the professionals working with the pupil. Confirmation of dyslexia can help the pupil understand their literacy difficulties and improve self-esteem.

Please refer to Section 10 'Identification of dyslexia, conceptual issues' within the Operational Guidance for a more detailed summary of how dyslexia has been conceptualised in this policy. This information is particularly intended for those with a specialist role in supporting and identifying pupils presenting with dyslexia.

7.2 Supporting pupils with literacy difficulties including dyslexia

Support needs change over time and strategies implemented will change to reflect this. Intervention for pupils with literacy difficulties/dyslexia is dependent on comprehensive ongoing assessment of their strengths and difficulties. This helps teachers to target their intervention appropriately and modify it depending on the pupil's response to that intervention.

This policy offers ideas for classroom strategies and choice of teaching approaches and interventions for pupils. Efficient recording and transfer of information during transition times from class to class, teacher to teacher and/or school to school is central for planning and continuing support.

Effective early literacy teaching

It is recommended that all early literacy instruction should:

- have a strong focus on developing phonological awareness
- emphasise a structured and progressive phonics approach
- teach fluency through exposure to different texts suitable for the level of the reader alongside teaching phonics

- teach vocabulary explicitly using multisensory approaches e.g. spoken word, printed word, object, picture, motion
- embed literacy learning in talking and listening and other language based teaching
- teach sight recognition for key words
- teach comprehension skills

For further information about support strategies and approaches designed for mainstream teachers see Section 8: Strategies to support pupils with literacy difficulties/ dyslexia in the mainstream classroom in the Operational Guidance. Additionally the national toolkit provides a wealth of advice and resources.

7.3 When is it appropriate to identify dyslexia?

National guidance (cf HMle report, *Education for learners with dyslexia*, 2008) advises that assessing children for dyslexia at the Early Learning and Childcare stage is premature. The position taken in this policy is that identification in the early level years (i.e. generally Nursery and Primary one) is inadvisable.

It is unhelpful to identify dyslexia prematurely i.e. before the pupil has had sufficient opportunity to receive targeted, and as necessary, specialist interventions designed to address their individual learning needs. Identification would only be appropriate where robust assessment, teaching and targeted intervention have been in place for several years. Dyslexia will therefore *usually* not be identified earlier than the P3 stage because assessment involves implementation and evaluation of targeted intervention over a significant period of time.

Although it is not appropriate to identify dyslexia in the early years it should be emphasised that all young children will benefit from programmes and experiences designed to support literacy. It is important that relevant staff identify and support children experiencing any difficulty and provide effective intervention. In this policy the Early Level Checklist – Early Learning and Childcare and P1 (see Section 1 of the Operational Guidance) should be used to build up an individual profile to identify needs and assist targeting of early support. This will help to lessen the impacts in later years.

Just as it is unhelpful to identify dyslexia prematurely it is also generally unhelpful to delay identification. Schools are encouraged to complete identification of dyslexia as soon as they are confident that they have sufficient evidence in the Dyslexia Profile.

It is important to note that the requirements associated with school work change over time and, in the secondary school years particularly, the amount of reading and writing increases. In addition, in response to increasing demands, other associated difficulties may become apparent. Some pupils who have experienced –and

overcome - difficulties in learning to read, write or spell may experience new patterns of challenge (e.g. from the demands associated with lengthy reading requirements in exam papers or the associated working memory or processing demands). It is important for all secondary staff to be alert and responsive to these needs as, and when, they occur. It is also important that secondary schools are able to identify dyslexia promptly through gathering relevant evidence effectively. Such patterns of development are recognised in the Addressing Dyslexia Toolkit which provides guidance for all staff at every stage. Identification of dyslexia in the secondary school years does not therefore need to imply that there has been a failure to appropriately identify dyslexia before this. ²

The assessment of dyslexia in children and young people is a process rather than an end-product. The information provided in the assessment should support the planning for the learner's next steps and this will require monitoring due to the changes and challenges which will occur as the child grows and the curriculum develops. For example, the difficulties experienced in P6 may not be exactly the same in S3 – they may be harder or easier and other challenges may replace them.

7.4 What evidence is needed?

The basis of identifying dyslexia is from the evidence gathered during the ongoing process of assessing and supporting literacy difficulties.

The process of gathering evidence may take account of;

- observations
- samples of work
- checklists
- information about adaptations made and/or interventions tried
- information about the pupil's response to interventions
- information about the pupil's strengths and needs from professionals and parents
- information from the pupil
- relevant factors in developmental history (eg delayed milestones, hearing or sight difficulties, speech or language impairment, experience of trauma or neglect, head injury etc)
- standardised, criterion referenced and dynamic assessments (see section8)

² A formal identification of dyslexia is not required in order to access Scottish Qualifications Authority (SQA) Assessment Arrangements – this process is needs led, it is not dependent on a 'label' –see section 10 below.

All these materials will be added to an ongoing profile which can be accessed by relevant staff.

7.5 How does the decision making process work? The two key questions

The Scottish Government's working definition of dyslexia and the pupil's profile are at the core of decision making. The decision making process involves assessing the evidence gathered over time against the requirements of the definition.

The first sentence of the definition (see section 2 above) gives two key questions; both must be answered with a yes to identify dyslexia.

More information about the two key questions is given below.

Key Question 1: Is there evidence of difficulties in learning to read, write and/or spell?

This must include one or more of the following:

- Significant decoding and word recognition difficulties including difficulties in rate of reading
- Slow progress in writing such as writing speed, technical skills, and planning and organising ideas
- Significant spelling difficulties across the curriculum
- Evidence may be reflected in standardised assessment scores that are significantly below average

Refer to Section 1-4 of the Operational Guidance for the four checklists covering the Curriculum for Excellence levels. These tools have been adapted from materials in the national toolkit and can be used as an initial assessment tool or to add to the evidence profile of the pupil. Completion of these tools should be informed by teacher observations and assessment. If significant difficulties are identified these tools should be used to gather information regarding progress over time.

It is important to note that some pupil's difficulties may emerge or become more significant at a later stage.

Key Question 2: Is there evidence that these difficulties are persistent despite the child or young person being provided with appropriate learning opportunities?

It is important to note that it is the type, persistence and severity of the pupil's needs and not the existence of dyslexia that determine the type, frequency and content of intervention.

Is there evidence that the support on offer in school has been appropriate in level, content and frequency?

Have appropriate universal support strategies and targeted interventions (such as those summarised in Section 8 and 6 respectively within the Operational Guidance) been introduced and reviewed that target the specific needs of the pupil?

Has the powerful and enabling support provided by Information and Communication Technology (ICT) been considered and, as appropriate, been explored and reviewed? Please refer to Section 7: Using ICT to support pupils with literacy difficulties/dyslexia in the Operational Guidance for detailed practical advice.

Has evidence been gathered over a sufficient amount of time, to show that the pupil has experienced appropriate supports?

Is there evidence of factors in the pupil's life (other than dyslexia) that may have limited their engagement in appropriate learning opportunities? The impact of these factors needs to be taken into account before identifying dyslexia. Examples of factors that fall into this category are:

- The only types of support provided are *not* evidence-based as having significant impact on literacy difficulties or dyslexia, e.g. movement based programmes such as DORE and Brain Gym
- The pupil having missed substantial amounts of school
- A disrupted period in school, for example, rapid changes in teaching staff
- Factors in the pupil's home life that have prevented them fully engaging with learning
- Health issues that have prevented them fully engaging with learning, including sensory impairment
- Emotional or behavioural issues that have prevented them from fully engaging with learning
- English as an additional language
- Specific speech and language difficulties

- Motor difficulties
- Developmental disorders (e.g. Autism)

The current definition of dyslexia is wider in the sense that it may now encompass children with a broader range of difficulties than in the past. However, there may be cases where other descriptors may provide a better explanation for the pupil's difficulties. In such cases professional judgement should be exercised in consultation with those involved (including parents) about whether it is meaningful to identify dyslexia.

Educational psychologists, Speech and Language Therapists, Occupational Therapists, and other specialised practitioners are available for consultation as required.

7.6 How to report the decision

The language we use when discussing dyslexia is important. There is a need for consistency, confidence and clarity in how we communicate with parents regarding identification (or not) of dyslexia. It can be expected that a pupil's support needs will change over time. It is important to safeguard, as far as possible, that a pupil is not incorrectly identified as having dyslexia. The following reflects current national guidance and should be followed:

- Avoid terms such as 'dyslexic tendencies', 'signs' or 'indicators of dyslexia' and 'at risk of dyslexia' as these can be potentially confusing for pupils and parents.
- A pupil is either identified as having dyslexia or not (as reflected in the Scottish Government definition).
- A pupil is **identified** (not 'diagnosed') as having dyslexia.
- Modifiers such as 'mild', 'moderate', or 'severe' should only be used to describe the present impact on learning. These terms should not be used to describe the severity of dyslexia as they cannot be reliably quantified but rather exist on a continuum.
- If there is insufficient evidence to support the identification of dyslexia ongoing difficulties with literacy may be indicated. All progress is reviewed over time and this does not necessarily preclude future identification of dyslexia.

Identifying dyslexia is a collaborative process – parents, professionals and the pupil should be involved as fully as possible at every stage of the process. The decision making may be done in a meeting where the team around the child collaboratively

reviews the evidence and makes a decision as to whether identifying dyslexia is appropriate.

It is important to consult with everyone concerned and adopt a sensitive approach to how and when this information is communicated with the pupil.

If the evidence indicates that the child has dyslexia, the reasons for this decision should be carefully explained and recorded. Similarly if the evidence indicates that the child does or does not have dyslexia, or is insufficient to determine this either way, the reasons for this should be carefully explained and recorded, and next steps, if relevant, outlined.

For examples of report wording see Section 9: Assessment and intervention profile: Suggestions for wording feedback to stakeholders within the Operational Guidance.

Whatever the decision, it is important to emphasise the continued support the pupil will receive.

8. Assessment and Intervention

Assessment is fundamental to what teachers do on a daily basis for all pupils. Teachers interpret evidence in relation to the progress of a child toward the goals of a particular section of work. Next steps are decided according to what has been achieved and what problems have been encountered. This assessment evidence can come from a variety of sources, such as:

- Day-to-day work
- Observations
- Specifically constructed summative assessments
- Standardised assessments

This policy stresses the importance of high quality learning and teaching of which assessment is an integral part. The following types of assessment will have particular relevance to this policy:

- Formative assessment/AfL – seeking and interpreting evidence, through day to day activities, for use by learners and their teachers to decide where the learners are in their learning, where they need to go and how they are going to get there.
- Teacher-constructed summative assessment tasks at the end of a block of learning.
- Criterion referenced assessment – e.g. tasks made up of items with right or wrong answers to determine whether specific phonic skills or sight words being taught are secure.

- Assessment through teaching to explore and clarify whether a child responds well to particular teaching approaches or to adaptations in the learning environment (dynamic assessment).

Such assessments will feature as part of regular and ongoing teaching practice by all class teachers for all learners.

Use of criterion referenced assessments

To determine whether there is evidence that a child is presenting with dyslexia, specific criterion referenced assessments repeated over time may be appropriate. Used over time they can capture accuracy, fluency and level of consolidation. They also have the advantage that, as well as measuring progress, they can be very individualised and, when used appropriately, will indicate clearly what needs to be taught next. They may also be adapted flexibly to carry out dynamic assessment.

Use of standardised (or norm referenced) assessments

These assessments generate a standardised measure of how a child performs on a fixed series of assessments compared with other children of the same age. It is important to bear in mind that presentation is inflexible and that there can be detrimental effects on a pupil who is administered age appropriate assessment tools when this is not appropriate to their attainment level. In such circumstances, these assessment results will not be purposeful and may undermine confidence. Such superfluous assessments should be avoided on the basis of advice of relevant members of staff.

It is important to select a test with a suitable age range to permit future re-testing. Standard scores should be used in preference to age equivalent scores when conclusions need to be drawn as to whether a child is dyslexic or not. This is because standard scores provide a more reliable measure of progress over time.

Use of screening assessments for dyslexia

No specific dyslexia screening assessments are recommended in this policy (although evaluative comments on some are given in Section 5 of the Operational Guidance). Schools will carry out general literacy screening assessments in accordance with requirements agreed at Authority, Community Learning Board or school level. These literacy assessments may provide early evidence of pupils who are experiencing some challenge and contribute to their individual pupil profile. However, the approach taken in this policy is to promote the use of checklists administered by classroom teachers (supported as required by support for learning teachers) over a period of time to build up a pupil profile (cf Sections 1-4 of the Operational Guidance).

Considerations when determining Interventions

Given that identification of dyslexia rests on limited response to appropriate targeted intervention over time, conclusions need to take into consideration whether the intervention(s) provided meet the criteria for effective literacy intervention (cf Section 6 of the Operational Guidance). Assessments need to coincide with the period of time during which the child has been receiving targeted intervention.

Section 6 of the Operational Guidance in this policy provides details about catch-up interventions that are used in primary and secondary schools in SBC, along with evidence of their effectiveness. In commenting on effectiveness this policy has drawn on reviews published by Greg Brooks. Section 6 of the Operational Guidance provides a link to his latest review (*'What works for children and young people with literacy difficulties?' 2013, fourth edition*) along with a complete list of all the interventions which are featured in the fourth edition. Section 6 of the Operational Guidance also identifies other interventions for which the evidence is less robust than for those cited in the fourth edition. This includes some locally used interventions that are currently not supported by empirical evidence but which some SBC practitioners regard as useful.

It should be emphasised that the levels of effectiveness demonstrated in published studies reflect the specific conditions which applied during the intervention study (e.g.) the target population, duration, frequency and quality of teacher/adult support etc. Mere use of an evidenced intervention in another context does not guarantee equivalent results. Similarly, use of an approved intervention which currently lacks robust empirical evidence may, especially when delivered intensively, be very effective. It is important that practitioners make informed judgements about the interventions to be used in the light of the specific needs and context.

Notwithstanding the specific conditions required for individual intervention programmes to be effective, the following general guidance may be helpful when considering the appropriateness of a catch-up programme:

- Good classroom teaching remains central to effective practice in supporting learners with literacy difficulties.
- Is the approach to be used structured and systematic?
- Before choosing an intervention, consider the practicalities. Remember that the levels of effectiveness demonstrated in published studies are based on specific standards regarding amount and quality of teacher support for the intervention. So consider:
 1. Will the sessions to be provided be sufficiently frequent to be effective?
 2. Will the sessions to be provided be sufficient in duration to be effective?
- In order to work best ICT interventions should be precisely targeted and skilfully mediated by an adult (teacher or assistant). Adequate time should be committed

to using the diagnostic tools within ICT interventions in order to ensure that the intervention is appropriately targeted, and that pupil progress is assessed robustly.

- Some interventions for pupils who are experiencing difficulties with spelling can be effective if they are highly-structured, targeted and delivered systematically “little and often”. Generally, such schemes are more successful in enabling children to grasp relatively regular spelling patterns.
- Targeted intervention can be effective in improving comprehension skills. It is important to enable children who are having difficulties with reading to experience rich, exciting texts. Activities that enable them to explore the texts’ meaning will embed the relevance of reading by relating it to their wider experience; and will enable them to experience and practise using new vocabulary.
- A small number of recommended schemes are specifically targeted at upper primary and early secondary pupils. Those recommended may be effective in supporting pupils to continue to make gains in reading that will enable them to better manage the secondary curriculum.
- Structured Reading Partnership interventions (which involve assistants, parents and other appropriate adults as pupils’ reading partners) can be very effective. To be effective these schemes require provision of training and ongoing support to the reading partners; and robust systems to enable partners and the class teacher to review progress.

Where an evidence based intervention is being implemented as outlined above, Brooks concludes that, if the catch-up programme meets the child’s needs ‘*Good impact – sufficient to at least double the standard rate of progress – can be achieved, and it is reasonable to expect it*’ Brooks, 2013, p18). Class teachers and SfL teachers have a role in collaboratively monitoring a learner’s response to strategies and interventions and the gains being made over time. If a strategy or intervention is not giving the expected results the needs of the learner should be reconsidered and the strategy or intervention modified.

Further, there will be some pupils with persistent difficulties who may not respond well to intervention, even though it is appropriately selected and skilfully delivered. Their progress may be very limited or very slow. This group of pupils may benefit from intensive, one to one instruction. It is important to note that while failure to respond to intervention(s) may indicate dyslexia, the impact of social emotional difficulties or other barriers to learning should also be considered.

Factors that support a good response to Intervention

Multiple factors will influence a learner’s responsiveness to well-structured interventions.

Professional literature recognises many *protective factors* which may support the successful acquisition of literacy skills. It is widely recognised that learners may be more likely to respond to effective teaching and to well-structured interventions when:

- they have had positive early experiences of exposure to print in various forms
- people in their life value reading; and home and school work effectively in partnership to support the pupil's progress
- they have a positive view of themselves as learners
- they practise reading
- they have strong phonological awareness
- they have good articulation
- they recognise letters, sounds and have good rapid automatic naming (RAN)
- they have good short-term memory which is central in learning to read and spell
- they have good oral language skills (a prerequisite to reading comprehension)
- they have extensive vocabulary and good expressive syntax and grammar
- teachers ensure that teaching of phonology, vocabulary and print mutually reinforce one another. Work on phonological skills for reading should be embedded within a broad approach that involves graphic representation, reading for meaning, speaking and listening.
- they have supportive social networks
- all staff, parents and peers support and understand their difficulties.

9. Arrangements for pupils identified as dyslexic under previous policies within or external to Scottish Borders Council

When the method of identifying any condition or difficulty changes there may be some concern raised as to whether pupils previously identified as dyslexic will still be considered dyslexic under the new guidelines. This policy is very clear that there are no expectations that children previously identified as dyslexic should be re-assessed for the purpose of identification. However, all pupils with literacy difficulties or dyslexia, will be involved in ongoing assessment and monitoring to identify their

current needs and to review the effectiveness of the intervention they are receiving. Thus, if requested or it was felt necessary, it would be within current procedures to apply the new identification process to support or refute the previous identification of dyslexia.

Where schools are approached by parents, pupils or others with a privately commissioned report by an external agency indicating that a pupil has been identified as dyslexic, the school is under no obligation to adopt this view. Nonetheless, it is important to emphasise that the education authority is required legally to take account of such reports and advice as a part of the evidence gathering procedure. Such reports and advice should be added to the pupil's profile. Schools must also seek and take account of the views of parents and, where appropriate, of pupils themselves in relation to such reports and advice. However, any single stand-alone assessment does not on its own provide sufficient evidence for identification of dyslexia. Information gathered and views held by partner agencies and external services are an important part of understanding a pupil's needs and this policy encourages the consensual sharing of information.

10. Literacy difficulties, dyslexia and SQA arrangements

Where there is evidence of significantly improved performance, pupils undertaking assessments (internal or external) may receive some form of assessment arrangements (AA). It is important to emphasise that entitlement is based on evidence. Identification of dyslexia is not a necessary requirement for the provision of AA; conversely, on its own, identification of dyslexia is not sufficient evidence for the provision of AA.

AA should reflect as far as possible the young person's normal way of learning and producing work. Requirements for AA should be considered on a subject by subject basis.

Current and more detailed information can be found at this link:

<http://www.sqa.org.uk/sqa/14976.html>

11. Post-school transition and dyslexia

If a pupil has been identified as dyslexic then they may be eligible for support in higher education.

Pupils with a disability entering higher education are eligible for extra support through the Disabled Students Allowance (DSA). Students with dyslexia may qualify for this support. Detailed information about DSA can be found on the Student Awards

Agency for Scotland website: <http://www.saas.gov.uk> . Before leaving secondary school any young person can request a report or statement from the school confirming that they have dyslexia and detailing support needs and history of any support given. This may be provided to prospective employers or education institutions. Further post school transition information is available on the Addressing Dyslexia toolkit, Dyslexia Scotland and Dyslexia Unwrapped.

<http://addressingdyslexia.org/post-school>

<https://www.dyslexiascotland.org.uk/our-leaflets> - Employment and the Workplace

https://unwrapped.dyslexiascotland.org.uk/info-and-support/articles?field_age_group_tid=14

12. Operational Guidance

Operational Guidance is key to supporting classroom practitioners and senior management identify and address literacy difficulties including dyslexia. A comprehensive toolkit has been developed to support the implementation of this policy in schools. This guidance consists of the following:

- Early Level Checklist
- First Level Checklist
- Second Level Checklist
- Third, Fourth and Senior Level Checklist
- Assessment tools used in Scottish Borders Council
- Effective interventions used to support literacy difficulties/dyslexia in SBC
- Using ICT to support pupils with literacy difficulties/dyslexia
- Strategies to support pupils with literacy difficulties/
dyslexia in the mainstream classroom
- Assessment and Intervention Profile; Suggestions for
wording feedback to stakeholders
- Identification of dyslexia; conceptual issues
- Useful Links

13. Acknowledgements

This policy update has been developed by a Scottish Borders Council Dyslexia working group. The members of this working group would particularly like to acknowledge the following resources as having made a particular contribution to the present policy:

- The national dyslexia toolkit. <http://www.addressingdyslexia.org/>
- What works for children and young people with literacy difficulties? The effectiveness of intervention schemes, Fourth Edition. Greg Brooks (2013) http://www.interventionsforliteracy.org.uk/widgets_GregBrooks/What_works_for_children_fourth_ed.pdf
- British Dyslexia Association dyslexia friendly schools resource pack http://www.bdadyslexia.org.uk/files/dfs_pack_English.pdf
- HMle report, 2008: Education for learners with dyslexia <http://www.addressingdyslexia.org/sites/default/files/resources/Making%20Sense%20Dyslexia%20Report%202014.pdf>

Education Scotland 2014: Making Sense: Education for Children and Young People with Dyslexia in Scotland – [National Improvement Hub – Making Sense Report](#) In addition the working group would like to acknowledge the particular value to the present work of the policy documentation generated by Stirling Council published on the web as Stirling Council Education: Policy and procedures for assessing, identifying and meeting the needs of children and young people with dyslexia.

In addition the Local Authority is grateful for guidance and advice provided by Fran Rinaldi, Development Officer – Dyslexia and Inclusive Practice, Education Scotland.

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SCOTTISH BORDERS COUNCIL BRITISH SIGN LANGUAGE (BSL) PLAN 2018-2024

Report by Service Director Customer and Communities

SCOTTISH BORDERS COUNCIL

25 October 2018

1 PURPOSE AND SUMMARY

- 1.1 **This report seeks approval for the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024, complying with the BSL (Scotland) Act 2015.**
- 1.2 The British Sign Language (Scotland) Act 2015 (the [BSL \(Scotland\) Act 2015](#)) now requires public bodies in Scotland to publish plans every six years, showing how they will promote and support BSL. The overall aim of the Act is to make Scotland the best place in the world for (British Sign Language) BSL users to live, learn, work and visit.
- 1.3 The Council has taken a holistic approach to developing its BSL plan, with a focus on embedding BSL within its approach to customer services, communication, and training, and working with relevant Community Planning Partners including the local See Hear Group and the local BSL community and online consultation.

2 RECOMMENDATIONS

- 2.1 **I recommend that Scottish Borders Council approves the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 described in this report and attached in Appendix 1.**

3 BACKGROUND

- 3.1 The Scottish Government published the [British Sign Language \(BSL\) National Plan 2017-2023](#) in October of 2017, as a requirement of the BSL (Scotland) Act 2015. Scottish Borders Council, like other public bodies (specifically NHS Borders and Borders College) is required to produce a BSL Plan 2018-2024 by October 2018. These plans must:
- Involve BSL users (including those who use the tactile form of the language) and those who represent them;
 - Ensure that the consultation on the draft plan is accessible to D/deaf and Deafblind BSL users; and
 - Be published in BSL as well as in English in both draft form, and in final form.
- 3.2 The legislation says that BSL plans should 'try to achieve consistency' with the BSL National Plan 2017-2023.
- 3.3 According to the 2011 Census, the Scottish Borders had **228** people aged 3 and over that identified that BSL was a language used at home. Given the very small BSL community in the Scottish Borders three local public bodies (Scottish Borders Council, NHS Borders and Borders College) agreed to have a joint approach to BSL Plan development.
- 3.4 The Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 was developed with input from:
- See Hear Strategy Group (acting as reference group)
 - Scottish Borders Council directorates
 - Live Borders
 - BSL community through an engagement day (Saturday 21 July 2018)
 - Online public consultation

4 SCOTTISH BORDERS COUNCIL BRITISH SIGN LANGUAGE (BSL) PLAN 2018-2024

- 4.1 The actions in the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 focus on embedding BSL within its approach to customer services, communication, and training. The actions are:
1. BSL Users are empowered to exercise their rights in accessing SBC Services and that staff are responsive in support of these rights.
 2. Raise staff awareness of BSL and [contact Scotland-BSL](#)
 3. Ensure all staff have access to relevant and appropriate training on BSL.
 4. Ensure BSL is embedded within SBC's new Customer Strategy, approved September 2018. (The Customer Strategy defines the ways in which customers will interact and do business with SBC over the next 5 years to meet changing expectations and needs, and to take full advantage of digital technology where appropriate).

5. Establish a clear Translation and Interpretation resource (which includes BSL) which is accessible by all services.
 6. Raise awareness in all schools that BSL is part of the 1+2 language policy. (The 1 + 2 Language policy is where children are taught two languages in addition to their mother tongue)
 7. BSL users are able to engage and participate in democracy and cultural events.
- 4.2 The Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 will be implemented across all council services and monitored by the Customer and Communities Directorate. It is important to note that the SBC BSL Plan 2018-2024 actions focus on embedding BSL within its approach to customer services, communication, and training, and working with relevant Community Planning Partners.
- 4.3 The local "See Hear" Group will continue to act as a reference group for the SBC BSL Plan and implementation.
- 4.4 Scottish Borders Council will contribute to the Scottish Government's national progress report in 2020, a requirement under the BSL (Scotland) Act.

5 IMPLICATIONS

5.1 Financial

There is no identified budget for the implementation of the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024. The costs attached with these actions are to be incorporated into existing budgets. However, the Scottish Government allocated £11,000 to each Scottish Local Authority, including Scottish Borders Council, to fund the development of the local BSL plan. The Scottish Government has stated that residual funds from the £11,000 should be allocated to implementing the local BSL plan.

5.2 Risk and Mitigations

The development and implementation of Scottish Borders Council's British Sign Language (BSL) plan is a legislative requirement and part of the Council's equalities duty. To not develop and implement a BSL plan would be a legislative, equalities and reputational risk.

5.3 Equalities

A full equality impact assessment (EIA) has been conducted and it indicates clear benefits to BSL Users and anticipates no adverse equalities implications. Indirectly the BSL Plan will also benefit others.

5.4 Acting Sustainably

The actions of the Scottish Borders Council British Sign Language (BSL) Plan will be implemented in a sustainable manner to improve fairness and equality of access to services and opportunities to engage and participate in public life for BSL users.

5.5 Carbon Management

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

5.6 Rural Proofing

The Scottish Borders Council British Sign Language (BSL) plan focuses on fair and equitable access to services, opportunity for engagement and participation for BSL users regardless of where they live in the Scottish Borders.

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes required to the Scheme of Administration or the Scheme of Delegation as a result of the Scottish Borders Council British Sign Language (BSL) Plan.

6 CONSULTATION

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

6.2 Others consulted on the Scottish Borders Council British Sign Language (BSL) Plan 2018-2014 include:

- Corporate Equalities and Diversity Officer – Human Resources
- Corporate Communications
- See Hear Strategy Group
- Internal BSL Plan Officer Group

Approved by

Jenni Craig

Service Director Customer and Communities Signature

Author(s)

Name	Designation and Contact Number
Erin R. Murray	Research and Policy Officer Tel: 01835 82 4000

Background Papers:

Previous Minute Reference: n/a

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

Contact: Erin R Murray, Scottish Borders Council Headquarters, Newtown St. Boswells, Melrose, TD6 0SA, Tel: 01835 824000, ermurray@scotborders.gov.uk

Scottish Borders Council: British Sign Language (BSL) Plan 2018-2024

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Foreword by Scottish Borders Council's Champion for the Deaf Community

I am pleased to present Scottish Borders Council: British Sign Language (BSL) Plan 2018 - 2024.

Many years ago, I chose to learn BSL (level one) at Borders College. I may not use it every day, but it has enabled me to speak to my BSL friends and colleagues without a barrier.

The Scottish Government aims to make Scotland the best place in the world for BSL (British Sign Language) users to live, learn, work and visit.

As a Council, we need to ensure that all residents of the Scottish Borders are able to access our services seamlessly. While the number of BSL users may be small, we have to provide parity of service to them. A language barrier should never be the reason someone cannot live actively in their community.

This BSL Plan is our part in helping to make that happen.

Cllr. Elaine Thornton-Nicol
Scottish Borders Council's Champion for the Deaf Community
October 2018

Introduction to Scottish Borders Council's British Sign Language Plan 2018-2024

The Scottish Government wants to make Scotland the best place in the world for (British Sign Language) BSL users to live, learn, work and visit. This means that people whose first or preferred language is BSL will be fully involved in daily and public life in Scotland, as active, healthy citizens, and will be able to make informed choices about every aspect of their lives.

The [BSL \(Scotland\) Act 2015](#) requires public bodies in Scotland to publish plans every six years, showing how they will promote and support BSL. This is the first BSL Local Plan for Scottish Borders Council (SBC) developed in co-ordination with NHS Borders, Borders College and the local BSL community.

Throughout the plan, we refer to 'BSL users'. This covers all people whose first or preferred language is BSL, including those who receive the language in a tactile¹ form due to sight loss.

BSL is a language in its own right, with its own grammar, syntax and vocabulary. It has its own dialects and rich variation. Most importantly, it is a language which enables many of our D/deaf (D - people born deaf, d - those who become deaf) and Deafblind citizens to learn, work, parent, be creative, live life to the full, and to make their contribution to our communities, our culture and our economy.

This plan identifies the actions that Scottish Borders Council will take between 2018 and 2024 to comply with the BSL (Scotland) Act 2015. SBC took a holistic approach to developing its BSL plan, with a focus on embedding BSL within its approach to customer services, communication, and training.

A BSL version of the Scottish Borders Council BSL Plan can be found on the Council's website. www.scotborders.gov.uk/BSLplan

Key Contact for Scottish Borders Council' BSL Plan is:

Erin R. Murray
Research and Policy Officer
Customer and Communities
Scottish Borders Council
Tel: 01835-824000
Email: ERMurray@scotborders.gov.uk

British Sign Language (BSL) users can contact us via [contactSCOTLAND-BSL](#)
contactSCOTLAND-BSL

¹ **Tactile BSL** is used by those whose first and preferred language is BSL. It has its own BSL grammatical structure, syntax, lexicon, vocabulary, and emanates from the BSL community, for use by those BSL users who can no longer see and have to adapt to using tactile means.

Development of Scottish Borders Council's British Sign Language (BSL) Plan 2018-2024

The Scottish Government published the [British Sign Language \(BSL\) National Plan 2017-2023](#) in October of 2017, as a requirement of the British Sign Language (Scotland) Act 2015. Scottish Borders Council, like other public bodies (specifically NHS Borders and Borders College) is required to produce a BSL Plan 2018-2024 by October 2018. These plans must:

- Involve BSL users (including those who use the tactile form of the language) and those who represent them;
- Ensure that the consultation on the draft plan is accessible to D/deaf and Deafblind BSL users; and
- Be published in BSL as well as in English in both draft form, and in final form.

The legislation says that BSL plans should 'try to achieve consistency' with the BSL National Plan 2017-2023.

According to the 2011 Census, the Scottish Borders had **228** people aged 3 and over that identified that BSL was a language used at home.

Given that the BSL community in the Scottish Borders is very small, the three local public bodies (Scottish Borders Council, NHS Borders and Borders College) agreed to have joint approach to BSL Plan development.

To help develop of the local plans with the BSL community in the Scottish Borders there was an engagement day on Saturday 21 July 2018. A video summary of the event can be seen [here](#). The event was attended by eight local BSL users. The event was jointly managed by SBC, Borders College and NHS Borders. Also in attendance were representatives from BDA (Scotland) and [ContactScotlandBSL](#).

There was also a full public [online consultation](#) for the Local BSL Plans that ran between 08 August 2018 and 26 August 2018. There were 8 respondents to the consultation all of which were positive to the proposed actions of SBC, Borders College and NHS Borders.











The SBC local BSL plan was developed with representatives of the different departments of SBC and Live Borders.

The local See Hear group has acted as the reference group for the development of the SBC BSL Plan. The See Hear group membership is comprised of representatives of the Scottish Borders community planning partnership and people with sensory impairment (primarily those that are deaf / hearing impaired and blind / partially sighted).

Contact with other Councils and the BDA (British Deaf Association – Scotland) was made to ensure SBC's BSL plan was consistent with others and following guidance from the Scottish Government.

National British Sign Language (BSL) Plan

The actions within the SBC BSL plan support the 10 long-term goals in the National BSL Plan, and are consistent with the actions in the National Plan. The 10 long-term goals in the National BSL Plan are:

Symbol	Goal Name	Goal Description
	Across all our services	Across the Scottish public sector, information and services will be accessible to BSL users.
	Family Support, Early Learning and Childcare	The Getting it Right for Every Child (GIRFEC) approach will be fully embedded, with a D/deaf or Deafblind child and their family offered the right information and support at the right time to engage with BSL
	School Education	Children and young people who use BSL will get the support they need at all stages of their learning, so that they can reach their full potential; parents who use BSL will have the same opportunities as other parents to be fully involved in their child's education; and more pupils will be able to learn BSL at school
	Post-School Education	BSL users will be able to maximise their potential at school, will be supported to transition to post-school education if they wish to do so, and will receive the support they need to do well in their chosen subject(s)
	Training, Work and Social Security	BSL users will be supported to develop the skills they need to become valued members of the Scottish workforce, so that they can fulfil their potential, and improve Scotland's economic performance. They will be provided with support to enable them to progress in their chosen career
	Health (including social care), Mental Health and Wellbeing	BSL users will have access to the information and services they need to live active, healthy lives, and to make informed choices at every stage of their lives
	Transport	BSL users will have safe, fair and inclusive access to public transport and the systems that support all transport use in Scotland
	Culture and the Arts	BSL users will have full access to the cultural life of Scotland, an equal opportunity to enjoy and contribute to culture and the arts, and are encouraged to share BSL and Deaf Culture with the people of Scotland
	Justice	BSL users will have fair and equal access to the civil, criminal and juvenile justice systems in Scotland
	Democracy	BSL users will be fully involved in democratic and public life in Scotland, as active and informed citizens, as voters, as elected politicians and as board members of our public bodies

Scottish Borders Council British Sign Language (BSL) Plan 2018-2024

SBC British Sign Language (BSL) Plan 2018-2024 has seven holistic actions. These actions are consistent with the ten long term goals of the National BSL plan. These actions were identified for Scottish Borders Council following consultation with the BSL community, the Scottish Borders See Hear group, Scottish Borders Council departments, Live Borders and the general public.

The actions in the Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 focus on embedding BSL within its approach to customer services, communication, and training. The actions are listed in the table below along with who has the lead for each action.

No.	Action	Lead
1	BSL Users are empowered to exercise their rights in accessing SBC Services and that staff are responsive in support of these rights.	All SBC Services, SB Cares, Live Borders
2	Raise staff awareness of BSL and contactScotland-BSL	All SBC Services, SB Cares, Live Borders
3	Ensure all staff have access to relevant and appropriate training on BSL	Human Resources
4	Ensure BSL is embedded within SBC's new Customer Strategy, approved September 2018. (The Customer Strategy defines the ways in which customers will interact and do business with SBC over the next 5 years to meet changing expectations and needs, and to take full advantage of digital technology where appropriate)	Customer and Communities
5	Establish a clear Translation and Interpretation resource (which includes BSL) which is accessible by all services.	Human Resources and Communications
6	Raise awareness in all schools that BSL is part of the 1+2 language policy. (The 1 + 2 Language policy is where children are taught two languages in addition to their mother tongue)	Education
7	BSL users are able to engage and participate in democracy and cultural events.	Customer and Communities and Live Borders Electoral Registration

Going Forward

The Scottish Borders Council British Sign Language (BSL) Plan 2018-2024 will be implemented and monitored by the Customer and Communities directorate. It is important to note that the SBC BSL Plan 2018-2024 actions focus on embedding BSL within its approach to customer services, communication, and training and relevant Community Planning Partners.

The local See Hear Strategy Group will continue to act as a reference group for the SBC BSL Plan and implementation.

Scottish Borders Council will contribute to the national progress report in 2020.

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