

# Public Document Pack



## EXECUTIVE COMMITTEE TUESDAY, 18 MAY 2021

A MEETING of the EXECUTIVE COMMITTEE will be held VIA MICROSOFT TEAMS on  
TUESDAY, 18 MAY 2021 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

12 May 2021

<b>BUSINESS</b>		
1.	<b>Apologies for Absence</b>	
2.	<b>Order of Business</b>	
3.	<b>Declarations of Interest</b>	
<b>EDUCATION BUSINESS</b>		
4.	<b>Revised Outdoor Education Policy</b> (Pages 3 - 26)  Consider report by Service Director Young People, Engagement and Inclusion. (Copy attached).	10 mins
5.	<b>Yarrow Primary School Catchment Review</b> (Pages 27 - 76)  Consider report by Service Director Young People, Engagement and Inclusion. (Copy attached).	10 mins
6.	<b>United Nations Convention on the Rights of the Child (UNCRC) Update</b> (Pages 77 - 82)  Consider report by Service Director Young People, Engagement and Inclusion. (Copy attached).	10 mins
7.	<b>Children's Rights</b> (Pages 83 - 108)  Consider report by Service Director Young People Engagement and Inclusion. (Copy attached).	10 mins
<b>OTHER BUSINESS</b>		
8.	<b>Minute</b> (Pages 109 - 112)  Minute of meeting held on 20 April 2021 to be noted and signed by the Chairman. (Copy attached).	2 mins
9.	<b>Update on South of Scotland Economic Partnership Funding</b> (Pages	10 mins

	113 - 122)  Consider report by Executive Director Corporate Improvement and Economy. (Copy attached).	
10.	<b>Pay &amp; Display Parking</b> (Pages 123 - 134)  Consider report by Service Director Assets and Infrastructure. (Copy attached).	20 mins
11.	<b>Strategic Housing Investment Plan Progress for 2020-21</b> (Pages 135 - 142)  To consider report by Executive Director Corporate Improvement and Economy. (Copy attached)	10 mins
12.	<b>Wheelchair Accessible Housing Delivery 2020-21</b> (Pages 143 - 148)  Consider report by Executive Director Corporate Improvement and Economy. (Copy attached).	5 mins
13.	<b>Update on the Covid-19 Financial Support for Business</b> (Pages 149 - 156)  Consider report by Executive Director Corporate Improvement and Economy. (Copy attached).	10 mins
14.	<b>Any Other Items Previously Circulated</b>	
15.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

#### 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.**

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**Membership of Committee:-** Councillors S. Haslam (Chairman), S. Aitchison (Vice-Chairman), G. Edgar, C. Hamilton, S. Hamilton, E. Jardine, S. Mountford, M. Rowley, R. Tatler, G. Turnbull and T. Weatherston

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## REVISED OUTDOOR EDUCATION POLICY

**Report by Service Director, Young People, Engagement and Inclusion**

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### EXECUTIVE COMMITTEE

**18 May 2021**

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#### 1 PURPOSE AND SUMMARY

- 1.1 **This report proposes that the attached Revised Outdoor Education Policy reflects and aligns with the national guidelines outlined in the Scottish Government document 'Going Out There' in order to provide clear guidance on delivering outdoor education in Scottish Borders schools and Early Years settings.**
- 1.2 Outdoor education provides invaluable life experience for children and young people through play and off site activities.
- 1.3 These activities need to be planned ensuring safety at all times.
- 1.4 The National Framework 'Going Out There' was developed to enable its widest possible adoption by integrating support at Local Authority level, along with management, delivery and practice at school/Early Years level.
- 1.5 Adoption of the good practice detailed in the framework, and consequently in the revised Policy, allows Scottish Borders Council to fulfil their responsibilities within the Health and Safety at Work Act 1974 for outdoor experiences and off site activities for all participants.

#### 2 RECOMMENDATIONS

- 2.1 **I recommend that the Executive Committee agree to approve the final draft of the Revised Outdoor Education Policy (Appendix 1) and confirm that it can be circulated to all schools and Early Years settings in Scottish Borders.**



### 3 BACKGROUND

- 3.1 The Scottish Government publication 'Going Out There' is central to the development of the Revised Outdoor Education Policy. It has been developed in partnership by the Scottish Government, the Scottish Advisory Panel for Outdoor Education, the Health and Safety Executive, Education Scotland and the Association of Directors of Education Scotland.
- 3.2 Its main aim is to give more children and young people access to outdoor learning and play opportunities, as this provides invaluable life experiences.
- 3.3 The framework, and revised Policy, is supported by tools, resources and accompanying examples of good practice for the planning and evaluation of different levels of outdoor experiences and off site visits.
- 3.4 The range of activities covered is as follows:
- a) Routine and expected – this is regular activity as part of normal everyday practice in play and learning. For example, local off site visits by foot, local transport or private hire.
  - b) Adventure activities.
  - c) Residential activities.
  - d) International trips and experiences.
- 3.5 Accidents and mistakes may happen during off site visits and the Revised Policy strengthens safety for young people by:
- a) Giving clearer guidance around first aid provision for all off site activities. This must now be accessible at the activity and transport to and from it. It can be a combination of first aid trained school staff and first aid administered by the providers.
  - b) Revising the staff:pupil supervision ratios for off site activity. These ratios vary with the type of activity being undertaken.
  - c) Transferring the responsibility of sourcing the relevant risk assessments and insurance certificates from providers to schools. This ensures that schools have direct access to this information, allowing them to make informed choices. Previously the Education Department sourced these items, but this was highlighted as poor practise in an internal audit.
- 3.6 Another key contributor to safe and successful practice in the different levels of outdoor experiences and off site visits is the ability and competence of front line staff to plan and manage a dynamic situation in a safe and appropriate way. This is underpinned in the framework by:
- a) The Local Authority supporting Headteachers.
  - b) Headteachers supporting, identifying and deploying staff with the right competencies and experience for leading different off site visits.

- c) Staff having available training opportunities to develop their knowledge, skills and confidence in planning, organising and leading outdoor activities or off site visits.

## **4 SUBJECT MATTER**

- 4.1 The Revised Outdoor Education Policy incorporates the action points from an Internal Audit and uses, as its basis, "Going Out There", the Scottish Government's Outdoor Education Guidance. By adopting this policy Schools and Early Years settings will have a framework which ensures they are planning outdoor education experiences ensuring the safety of all those participating. Using Going Out There also aligns Scottish Borders Council with the other Scottish Local Authorities.

## **5 IMPLICATIONS**

### **5.1 Financial**

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

### **5.2 Risk and Mitigations**

The Council has considered new national documentation to ensure that Council policy and guidance takes account of all national advice, guidance and statute. Officers have been fully consulted with a range of partners before finalising documents, therefore mitigating any potential risks to practice. By not adopting the Revised Policy there is a risk that Scottish Borders Council will not fulfil their responsibilities within the Health and Safety at Work Act 1974 for outdoor experiences and off site activities.

### **5.3 Integrated Impact Assessment**

- a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications. It was identified that cost of an excursion could be an issue for families with restricted finances but this is mitigated in the revised policy along with schools' work on reducing the cost of the school day by ensuring that alternative funding streams are accessed to support these families.
- b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report. It was identified that there could be barriers to a young person accessing an activity due to a disability. This is mitigated in the revised policy that an activity must be accessible by all the young people participating. Any additional cost in ensuring accessibility is taken into account at the planning stage and is shared by all those participating. Schools can also access additional funding streams to help with any additional costs involved.

### **5.4 Sustainable Development Goals**

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

## 5.5 **Climate Change**

On implementing the electronic excursion recording system, Evolve, there will be a significant reduction in the paper used in the planning and recording of excursions. The publication, Going Out There, encourages schools to use their local area as the basis for excursions thus reducing carbon emissions associated with transport.

## 5.6 **Rural Proofing**

Rural proofing was applied to the revised policy and one area emerged as a possible issue. In rural areas a significant proportion of young people rely on school transport. Where a school excursion commences or finishes out with the school day, schools must ensure that all young people have alternative transport arranged when school transport is not available.

## 5.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

## 5.8 **Changes to Scheme of Administration or Scheme of Delegation**

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

## **6 CONSULTATION**

- 6.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

### **Approved by**

**Lesley Munro**  
**Service Director,**  
**Young People Engagement & Inclusion**

**Signature.....**

Author(s)

Name	Designation and Contact Number
James Marshall	Quality Improvement Officer 01835 824000 Ext 8021

**Background Papers:** N/A

**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. James Marshall can also give information on other language translations as well as providing additional copies.

Contact us at Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

**EDUCATIONAL EXCURSIONS POLICY, January 2021 – Final Draft**

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**INTRODUCTION**

Scottish Borders Council (SBC) believes that learning outside the classroom helps to bring the curriculum to life, provides deeper subject learning, increases self-confidence, and helps young people develop group work skills and risk awareness to prepare them for their future working lives. Our vision for Educational Excursions is that:

- All children are participating in a range of progressive excursion experiences, which are linked clearly to the curriculum.
- Schools provide accessible, regular, frequent, enjoyable and challenging excursions for all pupils, which are appropriate to their individual learning needs.
- Children and young people are given opportunities to play, learn, and develop outdoors throughout their school career, and enthused to do so beyond school.
- Teachers and educators embed local, national, and foreign excursions into the curriculum, so that learning outside the classroom becomes a realistic expectation for all children and young people.

This policy provides a framework for SBC employees who are involved in planning, leading, or authorising off-site excursions for young people.

**IMPLEMENTATION**

This policy replaces all previous versions of SBC Excursion Policy or Procedures, and will be primarily implemented through the effective use of [Evolve](#) and [Lexi](#), and the adoption of and adherence to [Going Out There](#).

**Evolve** is the SBC Excursion Approval platform that all establishments must use to organise and authorise all types of pre-planned excursions, and is managed by SBC Outdoor Education Officer.

For further information or help, contact Outdoor Education Officer or the QIO team.

**Lexi** is the SBC Health and Safety platform used for all Risk Assessments, Accident Reports, and H&S Guidance. The editable platform is available [here](#) and the viewable/downloadable Portal is available [here](#).

For further information or help, contact [healthandsafety@scotborders.gov.uk](mailto:healthandsafety@scotborders.gov.uk)

**Going Out There** is the Scottish Framework for safe practice in off-site visits, and is a comprehensive resource for good practice and procedures that all those involved with planning, leading or authorising excursions should be aware of and work to.

## CONTENTS

**\*\*\*CHECK AND INSERT ALL HYPERLINKS AND BOOKMARKS ONCE DOCUMENT IS APPROVED AND FINALISED\*\*\***

## ROLES AND RESPONSIBILITIES

There are four main leadership roles related to the majority of excursions. Each role has specific responsibilities which should be agreed and understood by each party.

**Head of Establishment (HoE)** – ultimately has responsibility for authorising all excursions, although local and onsite excursions may be delegated to other senior staff for approval (see below for detail). The HoE must ensure that visit leaders are competent, and, where relevant, qualified to lead excursions, and that the safety and planning processes in this document and within the Going Out There framework are being followed.

**Educational Visits Co-ordinator (EVC)** – in many establishments this person will likely also be the HT/HoE, but in larger schools this may be a separate role delegated to a DHT or PT. They are likely to be the first point of contact for staff members who are starting to plan an excursion, and are able to authorise Local and On-site activity on Evolve. They will discuss aims and objectives of an excursion with visit leaders prior to the excursion taking place. They will need to be able to review and edit Risk Assessments on Lexi with staff members. They will likely need to understand any implications to staffing within the school during the excursion.

**Visit Leader (VL)** – this is the person who will be the main excursion planner, and who will ultimately lead the excursion and add the excursion to Evolve. They should have relevant experience, competence and qualifications (where needed) to enable the safe and effective delivery of the excursion. The VL should always be an SBC employee, rather than a community volunteer.

**Leaders and Volunteers** – these are additional SBC employees, or community volunteers who are registered as an SBC Volunteer (see Appendix for Volunteer Policy). They will assist the VL in the planning and delivery of the excursion. They should also have relevant experience, competence and qualifications (where needed) to enable them to safely and effectively assist the VL, and take on agreed responsibilities including the leadership of the excursion where the VL becomes incapacitated.

Additional adult helpers may attend excursions, such as parents/carers there to look after pupils with complex needs, or student teachers gaining experience, but a distinction must be made between adults who are excursion leaders, and adults who are there in a non-leadership role. This distinction should also be reflected in excursion ratios, in that only identified excursion leaders are used to plan adult:child ratios. Additionally, external provider staff cannot be used to plan ratios, as they are not covered under SBC Insurance framework.

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## TYPES OF VISIT

**Category 1 – Local and On-Site.** These types of routine and expected excursions will happen on a regular basis, be part of a pupils' normal curricular schooling, and should not involve transport or take place outside of the school day. Forest Schools, swimming lessons, and excursions to local visitor attractions by foot are some examples.

**These must be approved on Evolve by an EVC or HoE, and should be approved on Evolve at least 1week prior to excursion.<sup>1</sup>**

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<sup>1</sup> Evolve forms can be created for recurring local activity such as swimming lessons, Forest Schools etc. – no need for a new Evolve form every week if the session remains substantially the same.

**Category 2 – Non-adventurous day excursions.** Off-site events and activities not involving an overnight element or adventurous activities, which may take place outside of the school day, or involve organised transport. Weekend sports fixtures, coach trips to cities/visitor attractions and farm visits are some examples.

**These must be approved on Evolve by the HoE, and should be approved on Evolve at least 2 weeks prior to excursion.**

**Category 3 - Residential or Adventurous Activities** – any excursions that have an element of adventurous activities (either day based or residential), and all excursions that have an overnight element to them.

**These must be approved on Evolve by the HoE as well as SBC Outdoor Education Officer. Approval must be requested at least 1 month prior to excursion departure.**

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## INITIAL PLANNING

Before places are offered and any money is collected for any excursion, initial planning and discussion between the VL and the HoE or EVC should take place. Excursions must have a clearly defined purpose, either related to the Curriculum for or the personal development of the individual or group. These aims and objectives should be clearly expressed to all involved in the excursion. Only once initial approval has been given by HoE/EVC, should VL's progress to in-depth planning. For unusual or highly adventurous Cat3 excursions, early discussions should take place with Outdoor Education Officer as well as HoE/EVC.

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## FINANCE

VL's and HT's have a duty to ensure that any excursion is open to as wide a range of participants as possible. One aspect that should be considered is how expensive any excursion may be, and what measures the school has in place to support pupils from less well-off households to be able to participate in costly excursions. Equity of learning is vital for all children to learn and succeed, and cost should not be a barrier to this.

Costs associated to making adjustments to transport or accommodation or other excursion factors that arise through the inclusion of pupils with specific medical, physical or learning issues are required to be absorbed by the school. It is unlawful for a school to charge a pupil for making a reasonable adjustment in any circumstances, whatever the financial cost to the school and however the school is funded.

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## RESPONSIBLE ACCESS

The Land Reform Act 2003 establishes a statutory right of responsible access to land and inland waters for outdoor recreation, crossing land, and some educational and commercial purposes. Within Scotland, this should be used as the base level of responsibility for leaders planning visits to outdoor spaces. Other similar legislation may apply in other countries. See <https://www.outdooraccess-scotland.scot/> for more information. Any land access requirements should be investigated and ensured early on in the planning process.

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## PARENTAL ENGAGEMENT

For Cat2 and Cat3 excursions, parents and carers should be informed about the excursion and asked for expressions of interest. **Going Out There** provides an overview of what information should be communicated and when, but to allow parents to make an informed

decision, as the excursion planning progresses they should be given information that includes the following;

**Prior to signing up to an excursion;**

- The aims and benefits of the excursion.
- Details of the likely activities to be undertaken – do not assume that parents will understand what an activity is from the name of the excursion.
- Date/s of the excursion/s.
- Details on the total cost, payment schedules, and refund policies for the excursion.
- The likely level of any identified risks associated with the excursion.
- Details of accommodation and/or activity providers where known at this stage.
- Modes of travel including the names of travel companies where known at this stage.

**After signing up, but before departure/at the excursion briefing meeting;**

- Time and place of departure and return, what the travel plans are, and whether parents/carers will be required to meet their children on return from excursion.
- The size of the group, number of leaders, and the level of supervision.
- Details of provision for special educational or medical needs.
- Names of VL, other staff, and any other accompanying adults/volunteers.
- The planned programme of activities and the details of the activity provider/s.
- Arrangements for emergency and non-emergency contact during the excursion.
- Code of conduct, detailing expected behaviour and possible sanctions.
- Arrangements for the early return of a young person during the excursion.
- Details of SBC/third party insurance that will be in place for the group.
- Medical cover, exceptions in the policy, and any need to arrange additional cover.
- Clothing and equipment to be taken by the young person.
- What should not be taken on the excursion (or purchased during the excursion).
- Advice on pocket money and allocation of money during excursion.

Relevant information should be given as far in advance of the excursion as practical, and be followed up by a parent's/carer's meeting to clarify detail if needed. Alternative arrangements might need to be made for parents/carers who cannot attend or who have difficulty with communication.

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## PARENTAL CONSENT AND MEDICAL FORMS

**Category 1 excursions** – no new information needs sent to parents or carers. **Consent should be gathered for all foreseeable Category 1 excursions at the start of each academic year via a single Medical and Consent Form for Curricular Activity at Local Venues.**

**Category 2 excursions** – parents or carers should be informed about Category 2 excursions, provide their consent, and asked to update any new medical issues or parental contact details through the use of a letter home. **There is no need for a new Medical and Consent Form for Category 2 excursions.**

**Category 3 excursions** – **parents and carers must always complete a new Medical and Consent Form for all Category 3 excursions**, as well as be given all relevant information about the excursion, either through letter/s home or a parental information meeting.

It is important to acknowledge that parental consent will not always be given for every excursion, and when it is not, then the relevant young people cannot take part in that excursion or activity.

## EXCURSION PROGRAMME

### The VL must ensure that;

- The intended programme is suitable for all participants, and that the programme will meet the excursion aims and objectives.
  - A detailed but flexible programme should be established prior to the excursion, with appropriate supervision in place for all parts of the programme.
  - All excursion staff and volunteers, parents/carers, and young people should be aware of the intended programme, including the possibility that the planned activities may change if conditions require it.
  - The programme should be planned alongside external providers where possible, to ensure excursion aims are met, rather than be dictated by the external provider.
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## LEADER RESPONSIBILITIES WHEN USING EXTERNAL PROVIDERS

### The VL must ensure that;

- Clear handover procedures are agreed by visit leaders and the provider.
- Everyone, including the participants, understands the roles and responsibilities of the visit leaders, and those of the provider's staff, throughout the duration of the excursion or activity.
- Visit leaders retain overall supervisory responsibility and duty of care for participants at all times.
- Whilst visit leaders may not have technical expertise in the activities being provided, they still have responsibility to intervene and even stop an activity as a result of a dynamic risk assessment.
- Staff are encouraged to act on an instinct or “gut feeling” if something does not feel right, and at the very least they should raise any concerns to the activity provider at the time.

### **It should be noted that the majority of serious incidents during excursions occur during non-programmed activities or free time.**

Staff must therefore carefully consider the risks associated with free time and non-programmed activity, and what suitable supervision arrangements will be in place outside of structured activity time.

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## TRAVEL/TRANSPORT

Parents must be informed of all types of transport to be used during an excursion.

**Coaches** – for local/one day excursions, coaches should generally be booked through Transport Services using a provider on the Approved Transport Provider List. This may not apply if using a coach to reach a national/foreign destination, or where an excursion provider has arranged coach transport for you.

**Minibuses** – where an establishment intends to use a self-drive minibus, the HoE must ensure they are satisfied that the intended driver/s hold the correct license and have relevant and recent minibus driving experience. For most journeys in minibuses, it would be prudent to have two leaders present in the vehicle, preferably with both having the ability to drive the minibus.

**Private vehicles** - if part of the excursion plan calls for pupils to be transported in a private car, with no other SBC approved volunteers or staff members present, then schools must ensure the driver has been PVG checked and has **relevant** current insurance and driving license, and that the vehicle has current MOT and tax. This does not apply to excursions where pupils are expected to meet at a venue, having arranged transport themselves. Where parents opt to car share, this must be done without school organisation, otherwise the private vehicle checks above must be carried out.

**Rail, Ferry, Air travel and Public Transport** – when using nationally recognised travel providers for major journeys by rail, ferry or air, no further checks are required by VL's or HoE's. Similarly, locally or nationally approved public transport providers require no further checks, but parents should be made aware if public transport is being used on an excursion. As part of the excursion planning, VL's should consider what they will do if public transport is cancelled, full, missed, or cannot accept all the party in one go.

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## ACCOMMODATION

In the planning stage the Visit Leader should consider whether the accommodation:

- Fits with the aims and objectives of the visit
- Suits the needs and requirements of all participants (including disabled access)
- Is suitable for the gender mix of the group
- Provides adequate security and privacy for all participants
- Complies with appropriate safety standards for the nature of the visit

Prior to the visit the Visit Leader should if possible/appropriate:

- Make a prior visit
- Obtain a floor plan showing the location of the group's rooms. Ideally the rooms should be close together with the leaders' quarters located to enable adequate supervision
- Allocate rooms to participants

On arrival the Visit Leader should:

- Carry out a fire drill as soon as possible to ensure all participants are aware of the lay-out of the accommodation and its fire precautions/exits
  - Check the accommodation to ensure it is safe and fit for purpose
  - Check for any potential hazards (balconies, electrical connections, access to other rooms etc.) and if necessary establish control measures to deal with these. Where the hazards are extreme or cannot be managed adequately consideration has to be given to insisting on alternative accommodation
  - Ensure all participants are aware of the system to ensure their overnight security
  - Ensure participants are aware how to obtain assistance if required during the night
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## EXTERNAL PROVIDERS

Any excursions intending to use external providers, whether for travel, accommodation, or activities, **must** be added to Evolve as soon as any contract is entered into or monies are paid.

### Vetting of Providers

It is the responsibility of HoE's and VL's to ensure any external providers they intend to use are sound and reputable. For large, national providers or companies, which an establishment has used recently, asking for proof of current Public and Employers Liability

Insurance, as well as any relevant national registrations or licenses, may be enough to satisfy VL's that the provider is safe and reputable.

When using small providers or sole traders, especially for the first time, more in-depth due diligence checks on the provider may be required (websites, Facebook business page, TripAdvisor, Google Reviews, speak to other schools/users etc.). These background checks should go hand in hand with requests for evidence of insurance, first aid (where appropriate), risk assessments (see below), as well as any national memberships or licenses (ATOL/ABTA/Adventurous Activities etc.).

For further advice or information please contact Outdoor Education Officer.

### **Overseas Excursions**

For overseas excursions, where it is generally harder to carry out site visits, it is important to try to gain references from other groups that have used a provider. It is important that the location and environment to be visited have been researched thoroughly prior to the excursion, to allow for adequate risk assessing as well as preparing pupils, and briefing parents and other staff leaders in advance of the excursion. This can be done through:

- Prior knowledge from previous visits – liaise with other staff or schools.
- Contacting other organisations that have visited the location recently.
- Researching guidance provided by the [Foreign and Commonwealth Office \(FCO\)](#), and organisations such as the [British Consulates or Embassies](#)

### **Pre-excursion visits**

Where possible, site visits should be considered, and it may be useful to speak to other users. These visits allow VL's to familiarise themselves with the area/site, as well as get a feel for the provider. They also allow for accurate and first-hand information to be given to pupils and parents about the excursion.

### **Outdoor and Adventurous Activities**

Outdoor and Adventurous activity providers may hold the Adventurous Activities Licensing Authority (AALA) license, the Learning Outside the Classroom award (LOtC), or the Adventuremark award. All of these are quality indicators that show a company is safe and reputable. If you are in any doubt, or for further advice or information, please contact Outdoor Education Officer.

Where Adventure Activities are being included in an excursion there needs to be confirmation that appropriate National Governing Body (NGB) qualifications are in place for either school leaders or provider leaders. The excursion VL and HoE must ensure that any school leaders who will be supervising Adventurous Activities have the appropriate NGB as well as relevant First Aid. VL's should seek to confirm with external providers that their staff are appropriately qualified for any Adventurous Activities that will take place. This may be as simple as emailing the provider as part of the excursion planning to ask this question. If in any doubt as to whether an NGB is required for any activity, please contact Outdoor Education.

### **Adventurous Activities Overseas**

Adventure Activities abroad require careful consideration. In many countries there are equivalent standards or regulations to those found in Scotland, but in other countries the standards of safety required are more limited or even non-existent. Pertinent questions will need to be asked to provide assurances that activities will be well-organised, safely carried out, and that any differences of operation are acceptable. Sight of English language Risk Assessments, copies of insurance, and activity specific information relevant to NGB's and safety licenses in that country will be required. Visit Leaders will almost certainly need to seek advice from Outdoor Education about these activities at an early planning stage.

### **Provider Activity Risk Assessments**

Whilst it is useful for VL's to have sight of a sample of generic provider risk assessments (RA's), it is not advised that VL's ask adventurous activity providers to supply copies of all

their outdoor activity RA's. These RA's are likely to relate to technical and operational matters which most SBC visit leaders will have no relevant experience of or qualifications in. Furthermore, it is highly unlikely that SBC leaders will be able to add input to or change these RA's. There is therefore little benefit in asking to view these **unless** SBC leaders will have a specific role in instructing these activities alongside external providers.

### **Venue Specific Planning**

There should be additional planning and risk assessing in place for Venues with Specific Planning Considerations (Coastal Visits, Unsupervised Swimming Pools and Pools Abroad, Natural Swimming Activities, and Farm, Agricultural, and Animal Visits etc.). For example, whilst many schools may visit local farms, the VL should confirm that the farm has a risk assessment and adequate hygiene provisions in place for school visits. As another example, visits to Coastal environments will require additional planning around areas such as effects on environment of specific weather/wind directions; tide times; nature of underfoot conditions; access/egress from beaches etc.

It is likely that these types of excursions will require VL's to produce venue specific RA's in advance of the excursion, with a greater emphasis on pre-excursion visits than other more accessible venues such as museums, art galleries, historical venues etc.

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## **INSURANCE**

All young people, visit leaders and HoE approved volunteers are covered by the Council's School Journeys Policy Insurance whilst on approved excursions, providing the conditions of the policy are observed. There are notable exceptions to the policy, mainly related to types of activity undertaken, such as off-piste skiing, any form of racing other than on foot, and any type of motorsport activity. If an excursion is likely to involve activities that are outside the range of normal excursions, please ensure you discuss this with SBC Insurance before any in depth planning takes place. In some cases, specialist additional insurance may be required.

In the case of excursions abroad, SBC Insurance must be advised of the following well in advance of the excursion, and then kept updated should there be any changes;

- School name
- Visit Leader names
- Destination of excursion
- Dates of departure and return
- Number in group (including details of adult - pupil ratio)
- Name and date of birth for all pupils
- Name, date of birth and excursion role for all adults

**For foreign excursions, schools must also inform the insurer of any high risk medical conditions that any excursion participant may have, that may affect travel or participation, as well as ensure that they have provided "Fit for Travel" notes from their doctor to the school.** In line with many travel insurance policies, the policy has an exclusion of "travelling or intending to travel against medical advice". Further information can be found **HERE (Link to intranet with Insurance section "Fitness to Travel" document).**

It is worth discussing major medical issues directly with parents or carers, as well as the pupil, to ensure that all parties are aware of expectations and levels of insurance in place, as well as the level of medical care and first aid that the school leaders are able to provide during the excursion. Any relevant Pupil Health Care Plans must always be taken on excursion.

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## RATIOS OF STAFF

Competent leadership by an appropriate number of adults is one of the most important safety factors in excursion planning. It is important to have adequate ratios of competent/qualified adult leaders to children for any off site excursion. Leader numbers will be influenced by a variety of factors, including:

- Gender, size, age, and ability of the group.
- Special behavioural, physical, complex, or medical needs within the group.
- Nature of any activities to be undertaken.
- Level of experience of off site visits within the excursion leader team.
- Level of experience in, or knowledge of, the planned activities.
- Prior or current knowledge of the chosen venue/s.
- Duration and nature of the journey and excursion.
- Type and familiarity of any accommodation or travel methods used.
- Competence of staff, both in general and for specific activities.
- Competence and behaviour of young people.
- Environmental factors (i.e. busy urban; wild and remote; time of year; weather etc.).
- First aid or specialist qualification requirements.
- Amount of physical resources available to support the excursion.

Ratios will ultimately be affected by the factors above, and whilst many of these factors may lower the following suggested ratios, it is unlikely any factors will increase them.

Activity / Type	Demographic	Ratio
<b>Category 1 and 2 excursions</b>	Nursery	1:3 (minimum 2 staff)
	Primary (P1-P3)	1:6 (minimum 2 staff)
	Primary (P4-P5)	1:12 (minimum 2 staff)
	Primary (P6-P7)	1:15 (minimum 2 staff)
	Secondary	1:15 (1 staff member)
	Secondary	1:20 (minimum 2 staff)
<b>Category 3 UK Residential</b>	P4 – S3	1:12 (minimum 2 staff)
	S4 – S6	1:12 (minimum 2 staff) <sup>2</sup>
<b>Category 3 Overseas Residential</b>	Secondary	1:10 (minimum 2 staff) <sup>3</sup>
<b>Category 3 Adventurous Activity (self-led, UK or Overseas)</b>	All	Activity specific, see OEd for additional information.

Where leaders intend to operate without other staff members or adult volunteers, the group should be briefed on action to take in the event of leader illness or injury. Approval of staffing levels for excursions ultimately lies with the HoE/EVC, who must be satisfied that the staff team involved are sufficiently competent and experienced in relation to the intended excursion or activity. Where HoE/EVC requires additional input to staffing levels for self-led adventurous activities, please contact Outdoor Education for advice and guidance.

<sup>2</sup> In certain circumstances, with small groups, some excursions with older secondary pupils may take place with only 1x SBC staff member, but there **must** also be 1x registered SBC adult volunteer on the excursion. The volunteer must be fully briefed on their responsibilities, especially in the event of SBC staff leader being incapacitated. In these situations, it is vital that the school has another staff member on standby, who is able to travel and join the excursion at very short notice in the event of SBC staff incapacity. This may involve being able to book flights at the last minute, having a “grab bag” already packed with clothes/passport etc., and being able to organise any child care or pet care commitments with minimal notice.

<sup>3</sup> As above, but with extra prior planning in place for foreign excursions, such as any vaccinations required, any visas required, a supply of relevant currency etc.

### **Additional Volunteers**

Persons under 21 (including students) will often be able to make a significant contribution as additional helpers, but they must not be regarded as having any “in loco parentis” responsibility or be placed in a group leadership capacity.

For excursion leaders who are not SBC Employees, please see SBC Volunteer guidance (pg15, Additional Information) to ensure that they are registered with the school as well as PVG checked where required.

Accompanying adults with no excursion leadership role, which may include learning assistants, parents, or regular school helpers, must be over 21 years of age and must be approved by the HoE. Adults in this capacity do not need registered as volunteers or need a PVG as long as the HoE and the VL are absolutely certain that the adult in question will have no leadership capacity or unsupervised access to pupils, even in emergency situations.

### **Leader Incapacity.**

For all excursions with low numbers of leaders, extra thought must be given to what will happen in the case of leader incapacity. A ratio of 2:24 can quickly become 1:23 if a young person needs to go to hospital for example, or if a leader falls ill, and it may be that schools need to send another member of staff out to join the excursion, either temporarily or for the remainder of the excursion.

**When planning ratios, please note that external provider staff cannot be included in the numbers, as they are not covered under SBC Educational Visits Insurance.**

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## **SUPERVISION ARRANGEMENTS**

There are two main types of group supervision. Either, or both, may be used during an excursion, or adapted at any time depending on the level of risk or needs of the group;

- Direct Supervision (leaders accompany the group)
- Remote Supervision (leaders are not accompanying the group)

**Direct Supervision** means that the leaders will be with the group, though they may not always be actually leading the group – there is still scope for a group to self-lead.

**Remote Supervision** means that the leader will not be with the group for certain aspects of the excursion. This may mean the leader is shadowing the group from a distance, tailing the group, or is only checking in with the group at pre-defined times/places.

Remote supervision may happen during Duke of Edinburgh expeditions, field work studies, orienteering, downtime/free time etc. It can be used to help young people develop personal resilience and independence, as well as provide responsibility and leadership opportunities. Judgement needs to be made by the VL about how well-equipped a group of young people are to take part in any activity under remote supervision. It is important to recognise that this decision can and may change during a trip due to many factors. Supervision type should be acknowledged when risk assessing an excursion. Areas to consider should include;

- First Aid (can medical help arrive quickly, or do the group need First Aid training?)
- Equipment (can the group be self-sufficient, warm, and sheltered in an emergency?)
- Knowledge and experience (do the group have the combined skills required to successfully complete the planned excursion?)
- Emergencies (do the group know what to do/how to effect help in emergency situations, and do leaders know how and when to instigate search and rescue?)

Clear advice should be given to young people about what is expected of them when working remotely, and what they should do if something goes wrong. Parents should be advised of the likelihood and aims of any remotely supervised activity. Leaders should be sufficiently experienced to be able to determine that the overall training, skills and abilities of the group are appropriate to the activity where remote supervision will be used.

Supervision may be reduced from direct to remote as a group's competence improves. However, any changes in supervision must take place in sequential stages, in line with the experience and skills of the group. Supervision must be adapted if conditions change beyond the level of a group's training, such as deteriorating weather conditions. In all cases of remote supervision, daily telephone or face to face contact must be planned in advance with groups – ideally at the start, middle and end of each day if possible.

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## GROUP MANAGEMENT

Small groups under the control of a named leader usually provides for a much more effective method of supervision than a large excursion under the collective care of a number of leaders. This is particularly important for large scale events such as sporting tournaments or local walks involving the entire year group. Headcounts are a crucial tool in the supervision of all groups, and should be done at regular intervals, and especially before and after any travel stops. Roll calls can also be of crucial importance if an excursion becomes separated or has to be divided, or if there is an accident or emergency.

Whilst not all leaders will be expected to have a copy of all medical and consent forms, a full list of group names and specific additional or medical information of those taking part should be carried by the VL and all other adults on the excursion.

The visit leaders have ultimate responsibility for participants at all times during excursions, even when the group is under instruction by a member of an external provider's staff. With this in mind, leaders should never be afraid to question providers or instructors if something doesn't feel right, or if something is clearly making any group member feel uncomfortable.

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## RISK MANAGEMENT

All excursions should have a Risk Assessment (RA) carried out for various aspects such as activities, travel, or the overall type of excursion. Detailed planning for prevention of incidents and emergencies must also be in place prior to departure.

### **Risk Assessment process;**

- Generic and activity specific excursion RA's should be published to the Lexi portal by the HoE/EVC.
- VL and any other leaders read, understand and implement the relevant RA's for their excursion that are on the Lexi Portal.
- If VL and other leaders agree that these RA's are adequate to cover their excursion, then VL uploads relevant RA's to the excursion document on Evolve.
- If VL and other leaders think there needs to be changes made/risks and controls added to RA's, then VL needs to discuss and agree this with EVC/HoE who will make relevant updates to the relevant RA's then add the new RA version to the portal
- VL then uploads relevant updated RA's to excursion document on Evolve.

### **Additional Risk Management procedures should ensure;**

- That if there are pupils or staff with additional needs, their needs should be considered and an individual risk assessment carried out as required.

- That any known medical issues (pupil or leader) are shared with other visit leaders as required. In some cases, the medical issues may need to be talked through with the young person and their parents/carers before the excursion, and a separate risk assessment produced for the individual.
- Planning for last minute staffing issues and potential unavailability of staff or supporters has taken place. For foreign excursions, this would include being aware of the availability and costs of changing travel arrangements, and having passports etc. close to hand for standby staff.
- All groups are clothed and equipped appropriately for the intended activity, taking into account location, time of year and expected weather.
- Staff check that the group have all essential items before departure, and a contingency plan is available if they do not.
- All safety equipment is checked by a suitably qualified visit leader, unless provided by an external provider.
- Any near misses are reported where applicable, and related risks and controls to stop them happening again are added to the relevant excursion RA's.

For adventurous and residential excursions, as well as a master set of relevant paperwork, VL's must ensure there are backups of important documents/paperwork such as photocopies of passports etc. These can be in paper form, or downloaded to an electronic device belonging to the establishment.

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## DYNAMIC RISK ASSESSING

This should take place just before and during an activity, and include factors such as weather, water levels, illness and injury, change of venue or ground conditions, changes to staffing etc. When assigning staff to particular excursions, it is important to ensure that they have a suitable level of competence to recognise hazards which arise during an excursion, and to understand when an activity is becoming dangerous or untenable.

It is also crucial that leaders have the ability and competence to deliver any new activities or plans when the original excursion is changed due to a dynamic risk assessment. Any new risks that become apparent during a dynamic risk assessment, that are not already on the excursion RA's, should be added to the relevant RA's upon completion of excursion for future similar excursions.

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## FIRST AID AND INJURIES

As part of the planning process the VL should assess what level of first aid support may be required, and appoint a person to be in charge of first aid arrangements as needed. In all cases other than local or onsite activity (where the school is close enough to provide first aid cover), the following points should be addressed;

- First aid must be in place either through visit leader/s having a relevant and in-date first aid qualification, or by ensuring that there are trained first aiders at the intended venue/provider location.
- Excursions where there are participants with high level medical issues will require additional planning, and leaders should discuss the need for specialist training.
- Expeditions and outdoor activities may require leaders to hold specific first aid awards in line with their National Governing Body qualifications, without which the award is not valid.
- All injuries sustained during approved excursions which require first aid, or a visit to a health centre, hospital or other medical establishment for treatment, must be reported

on Lexi by the VL within 48 hours of injury. Lexi can be accessed on laptops, tablets and mobiles, and so reports can be filled in whilst on excursion.

- Certain types of incident or injury may also be reportable to HSE – SBC H&S will liaise with you about this once you have added the accident report to Lexi.

It is worth noting that whilst coaches and minibuses must carry First Aid Kits by law, there is no legal obligation for drivers of any hired coach or minibus to be trained in First Aid.

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## EMERGENCY PLANNING

### All adult leaders in the group should;

- Know how to contact all relevant emergency services, including procedures when in foreign countries.
- Be fully aware of emergency medication for those who require it (and know how to access it).
- Have access to emergency contact information for all group members.
- Have a list of all group members and any relevant medical or additional information.
- Be aware of the importance of carrying an Emergency Response Card (ERC) and, in an emergency situation, following the instructions on it.

### Planned Escape/Evacuation

Some activities such as expeditions or field trips will require planning to be in place for escape or evacuation routes in case of emergency or incident. Reasons for alternative routing and evacuation may include increasingly poor weather, slow progress, or injury.

### Emergency Actions

All visit leaders must be aware of their own school's emergency procedures, expected lines of communication, and nominated contacts in case of an incident, accident or emergency where external assistance is required either from the school or from emergency services.

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## EMERGENCY PROCEDURES

In most circumstances, the VL would normally take initial charge of an emergency, which may include the following actions. Where using an external provider, some of these actions may be taken by that provider (first aid, calling for help etc.)

### Initial Actions in an Emergency

- Stop and survey – what is the nature and extent of the emergency or incident.
- Immediate danger – protect self, others, casualty from further danger (in that order).
- Assess Risk – is there a risk of further incident or injury to self, others, casualty.
- Apply immediate first aid as needed and possible.
- If needed, request external help as soon as possible – this may be after stabilising the incident if working alone, or during stabilisation if other leaders are available.
- Ensure that all group members are accounted for, safe, and looked after.
- Ensure that all relevant group members are aware of the incident and are following the emergency procedures.
- Keep a timed record of the incident – who did what, when, and why.
- Ask all party members to refrain from making direct contact with friends or family during and immediately after an incident.
- Inform the school emergency contact as soon as possible after immediate emergency concerns have been addressed.

- Continue to manage the incident/casualty until external help arrives and you are relieved of direct charge of the incident/casualty.
- Ensure that a visit leader accompanies any casualties to hospital where possible, and that the rest of the group are adequately supervised at all times and kept together.

It is worth noting that in remote emergency situations, rescue teams or helicopter crews may arrive, assist, and then depart, and there is a high likelihood you will once again be left in charge of the rest of the group without additional external support.

### **What happens next - where are you going to go and what support do you need?**

- Log the action taken so far, including where any casualties have been taken.
- Instigate contact with other parties who need to know about the situation (parents, SBC HQ, external partner agencies etc.).
- Notify the British Embassy/Consulate if an emergency incident occurs abroad.
- Continue to monitor and oversee the safety of the rest of the group.
- Identify and organise any additional adult support required.
- Identify and organise any additional transport required.
- Identify action/s yet to be taken (and by whom).
- Preserve any potential evidence.
- Keep a written account of all events, times and contacts after the incident.
- Complete an accident report form as soon as possible.

As soon as possible and when safe to do so, write a more in depth account of all relevant facts and actions taken, including names of witnesses and contact details where relevant.

SBC Emergency Planning Service and SBC H&S Team should be informed of any serious incident as soon as possible (0300 100 1800 – out of hours 01896 752 111)

### **Media**

Try to ensure that no one in the group speaks to the media. Names of those involved in the incident should not be given to the media as this could cause distress to their families. Media enquiries should be referred to the SBC Communications Team on the numbers above.

### **Legal Liability**

Ensure that nobody in the group discusses legal liability with any other parties.

### **Incident reporting and aftermath**

Any injury requiring first aid or requiring time off work must be recorded on Lexi within 48hrs after the excursion ends.

Some incidents are reportable under RIDDOR guidance – this will be actioned by the SBC H&S Team once you have completed your accident report on Lexi.

Following any serious incident on an excursion, you should review the incident with your HT, with a report sent to the Outdoor Education Service as well as the Health and Safety team. Acknowledge any lessons learnt from an incident or near miss, and incorporate them into risk assessments, operating procedures and emergency planning arrangements as required.

Serious incidents can have long lasting and unforeseen consequences for those involved, both pupils and leaders. Counselling and additional support may be required, and can be discussed with SBC Health and Wellbeing team in the first instance.

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## **REVIEW**

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It is important to ensure excursions are beneficial to those involved, and meet their pre-determined aims and outcomes. Evolve can be used to provide basic after excursion feedback, but it is hoped that schools will go into more depth to understand and review what went well on any excursion, as well as what could be improved for next time.

Issues with providers should be shared with Outdoor Education Service in case of any follow up discussion required – many providers will be used by a number of schools in the area.

Unforeseen risks and near misses should also be reviewed, and your excursion risk assessments and control measures should be updated as required.

Awards, certificates, or outstanding achievements from excursions should be recognised and presented where applicable, and publicly shared and celebrated as possible.

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**END OF POLICY**

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**“The ability and competence of visit leaders to plan and manage a dynamic situation in a safe and appropriate way is the key contributor to safe and successful practice in the different levels of outdoor experience and off-site excursions” – ‘Going Out There’ (Scottish Framework for Safe practice in Off-Site Excursions)**

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## ADDITIONAL LINKS AND INFORMAITON

Evolve - [SBC Evolve site](#)  
Going Out There - <https://www.goingoutthere.co.uk/>  
Emergency Response Card - [Intranet here](#)  
Lexi Live - [SHE Assure Lexi Login](#)  
Lexi Portal - [Lexi Portal](#)  
Lexi support - [healthandsafety@scotborders.gov.uk](mailto:healthandsafety@scotborders.gov.uk)  
Medical and Consent Form – **INTRANET HERE**  
SBC Volunteer Policy – **INTRANET HERE**  
SBC Discrimination policy – **INTRANET HERE**  
SBC DoF guidance – **INTRANET HERE**  
SBC Swimming and Water Activity guidance – **INTRANET HERE**  
Foreign Office Travel Advice - <https://www.gov.uk/foreign-travel-advice>  
Health and Safety at Work Act - <https://www.hse.gov.uk/legislation/hswa.htm>  
Scottish Outdoor Access Code - <https://www.outdooraccess-scotland.scot/>  
Adventurous Activities Licensing - <https://www.hse.gov.uk/aala/>  
Learning Outside the Classroom Quality Badge - <https://www.lotcqualitybadge.org.uk/>  
Adventuremark - <https://www.adventuremark.co.uk/>  
CfE through Outdoor Learning - [CfE Outdoor Learning](#)  
Duke of Edinburgh Award - <https://www.dofe.org/>  
John Muir Award - <https://www.johnmuirtrust.org/john-muir-award>  
JASS Awards - <https://www.jasschools.org.uk/>  
Learning Through Landscapes - <https://www.ltl.org.uk/>  
Learning Away – [Brilliant Residentials](#)  
School trips and outdoor learning activities – [Tackling the health and safety myths](#)  
RIDDOR and HSE guidance for schools - <https://www.hse.gov.uk/pubns/edis1.pdf>  
SBC Insurance - [cr.insurance@scotborders.gov.uk](mailto:cr.insurance@scotborders.gov.uk)  
SBC Health and Safety - [healthandsafety@scotborders.gov.uk](mailto:healthandsafety@scotborders.gov.uk)  
Fit for Travel guidance - **INTRANET**

**For further information, support, advice or clarification, please contact SBC  
Outdoor Education Officer or SBC Quality Improvement Officers.**

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## **YARROW PRIMARY SCHOOL CATCHMENT REVIEW**

**Report by Service Director, Young People Engagement & Inclusion**

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### **EXECUTIVE COMMITTEE**

**18 MAY 2021**

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#### **1 PURPOSE AND SUMMARY**

##### **1.1 This report comprises:-**

**1.1.1 Details of the Statutory Consultation that was undertaken to review the catchment area boundary between Yarrow Primary School and Philiphaugh Community School; and**

**1.1.2 A recommendation that the catchment boundary be changed in accordance with the plan attached in Appendix 1.**

1.2 Approval was given in April 2019 to undertake a statutory consultation regarding a proposal to amend the catchment boundaries of Yarrow Primary School and Philiphaugh Community School. This proposal followed a sustained decline in pupil numbers at Yarrow Primary School. The consultation period ran from 10 May 2019 to 26 June 2019, with 32 member of the community submitting responses. Education Scotland visited both schools after the summer holidays and have published a report supporting the proposed catchment change. In accordance with the Schools (Consultation) (Scotland) Act 2010, a Consultation Report was prepared by Council officers, summarising the consultation process and responding to all the comments made during consultation. The Consultation Report was published on 24 October until 21 November 2019 and provided an opportunity for comment and alternative suggestions from the communities. The Consultation Report is attached as Appendix 2 to this Report. There was one response received during this period, which was in support of the proposed amendments to the catchment areas. As a result of the impact of the COVID-19 Pandemic, there has been a delay in presenting this Paper to Committee. It is proposed that the catchment areas are amended before the start of the school year 2021/22.

#### **2 RECOMMENDATION**

**2.1 It is recommend that the Executive Committee approve the proposal to amend the catchment areas of Yarrow Primary School**

**and Philiphaugh Community School in accordance with the plan annexed in Appendix 1.**

### 3 BACKGROUND

- 3.1 Children & Young People Services commenced a School Estate Review in February 2016. The strategic principles of this review are to:-
  - 3.1.1 Increase educational opportunities for all generations in the community;
  - 3.1.2 Improve outcomes for children and young people;
  - 3.1.3 Improve sustainability;
  - 3.1.4 Future proof the school estate; and
  - 3.1.5 Improve affordability.
- 3.2 The School Estate Review comprises a review of the rural schools and all schools with a roll under 50. A strategy was adopted to proactively support the schools in becoming more sustainable. There has been engagement with parent councils and each school was asked to draw up a sustainability plan. This work was led by parents and began with a focus on the strengths and unique selling points of each school. This led to some positive outcomes e.g. a breakfast club being started and the introduction of Early Learning and Childcare settings at certain schools. Other schools have been very proactive, through social media, promoting their strengths and achievements, building better connections in and across their communities.
- 3.3 Several meetings have been held with parents at Yarrow Primary School during the School Estate Review. The parents have highlighted their concerns about the falling school roll and wished to investigate options to increase pupil numbers and improve the sustainability of their school in their community. One of the options that they wished to pursue was an extension of the school's catchment area towards Selkirk.
- 3.4 Officers held an informal drop in session at Yarrowford Village Hall on 11 December 2018, to seek the views of the local community regarding catchment areas. 12 people attended the session, all of whom considered that it would be appropriate to consult upon a proposal to amend the catchment area for Yarrow Primary School to include the Yarrowford and Broadmeadows area. Records indicate that there are a small number of pupils (<10) residing in the Yarrowford and Broadmeadows area, currently attend the catchment school, Philiphaugh Community School in Selkirk. It was therefore proposed to consult with the community to obtain their views on a proposal to amend the catchment zones to include the Yarrowford and Broadmeadows area in the catchment.
- 3.5 The Proposal Paper was published on 10 May 2019 until 26 June 2019. 2 public meetings were held and 32 responses were received in response to the Proposal Paper. The Consultation Report contains full detail of the responses and the public meeting. Education Scotland also visited both schools, engaging with pupils, parents and staff. A copy of the report from Education Scotland forms part of the Consultation Report along with responses to their comments. In summary 97% of respondents agreed with the proposal. Education Scotland stated that the Proposal Paper set out a reasonable case for the proposal to amend the catchment areas and that the proposal has clear educational benefits.

- 3.6 There are currently 13 pupils attending Yarrow Primary School and the roll is projected to remain at a similar level in the next few years. 4 of these pupils are currently attending following placement requests, one of whom is from Yarrowford. The current roll of Philiphaugh Community School is 105 pupils. The impact of amending the catchment is considered minimal and the school staff have confirmed that they did not think this proposed change would be significant albeit they would be disappointed if some of the children chose to change schools.
- 3.7 It is evident that there has been a drop in the number of children living in the Yarrow valley over recent years and this change in demographics is unlikely to alter. Accordingly given the level of support in the community for the proposal, it is recommended that the catchment areas be amended in an attempt to increase the roll at the school and make it a more sustainable educational offer for the area. It is proposed that this change would be effective from summer 2021. It is recommended that, if approved, the catchment change is reviewed in 3 years to evaluate its impact.
- 3.8 If approval is given to amending the catchment areas, the primary school aged children currently living in the area which will become part of the Yarrow catchment will be given the choice as to which school they wish to attend. The children who wish to continue to attend Philiphaugh will be transported on the same basis as they are currently. Children who wish to attend Yarrow will receive transportation from August 2021. Any younger siblings of children attending Philiphaugh will also be entitled to transport providing that the sibling will commence attending the school while the older sibling remains a pupil at Philiphaugh.

## **4 IMPLICATIONS**

### **4.1 Financial**

Based on the number of children currently in the area proposed for consultation it is estimated that a contract for one additional vehicle would be required to transport the children to Yarrow Primary School. This is projected to cost an additional £15,000- £22,000 per annum (depending on size of vehicle). This cost has been calculated in conjunction with the School Transport team based on their detailed knowledge of procurement and market in the area.

### **4.2 Risk and Mitigations**

The consultation has been carried out in accordance with the terms of the Schools (Consultation) (Scotland) Act 2010. This process was overseen by Legal Services. The proposal seeks to improve the sustainability of a school, which is considered important by its community. The school roll is currently at a level which can present challenges regarding delivery of a full curriculum and providing the opportunities and experiences required by the Curriculum for Excellence. As part of the School Estates Review, Officers have been working with the staff and the parents at the School identifying ways to improve the sustainability of the School. The parents and the community are agreed that amending the catchment area will increase the roll and the sustainability of the school, thus improving the opportunities and outcomes for the pupils. If the catchment area is not amended then the school roll is projected to remain at similar level which will ultimately require consideration of the education model at the School. Rural schools

are provided a degree of protection in current legislation. While this proposal cannot guarantee the sustainability of the School, as the decisions will be made by each family regarding their child's education, before any proposal is made regarding the future of the School it is both important and, following recent decisions by the Courts, a legal requirement that a Council not only investigates but undertakes all reasonable options to improve the sustainability of a rural school. The impact of the catchment area change will be reviewed 3 years after the date of implementation.

#### **4.3 Integrated Impact Assessment**

An Integrated Impact Assessment has been completed in respect of this proposal and no adverse equality implications have been identified.

#### **4.4 Sustainable Development Goals**

This proposal will not directly impact on the UN Sustainable Development Goals but does attempt to improve community links within the Yarrow Valley and Yarrow Primary School.

#### **4.5 Climate Change**

This proposal may result in one additional vehicle being operated on behalf of the Council in the Yarrow Valley for school transport purposes. While this may increase emissions there are currently children attending the School through placement requests who are being transported individually. The amending of the catchment area may lead to a reduction in individual car journeys in the Valley to the School

#### **4.6 Rural Proofing**

This purpose of this proposal is to attempt to improve the sustainability of a rural school which is considered important by its community.

#### **4.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

#### **4.8 Changes to Scheme of Administration or Scheme of Delegation**

This proposal does not require any changes to the Scheme of Administration or Scheme of Delegation.

### **5 CONSULTATION**

5.1 The Executive Director Finance and Regulatory Services, Monitoring Officer, Chief Legal Officer, Chief Officer Audit and Risk, Service Director Human Resources and Communications, Clerk to the Council, and Corporate Communications have been consulted and their comments have been incorporated in the final report.

**Approved by**

**Lesley Munro**

**Signature .....**

**Service Director, Young People Engagement & Inclusion**

**Author(s)**

Name	Designation and Contact Number
Gillian Sellar	Solicitor 01835 824000

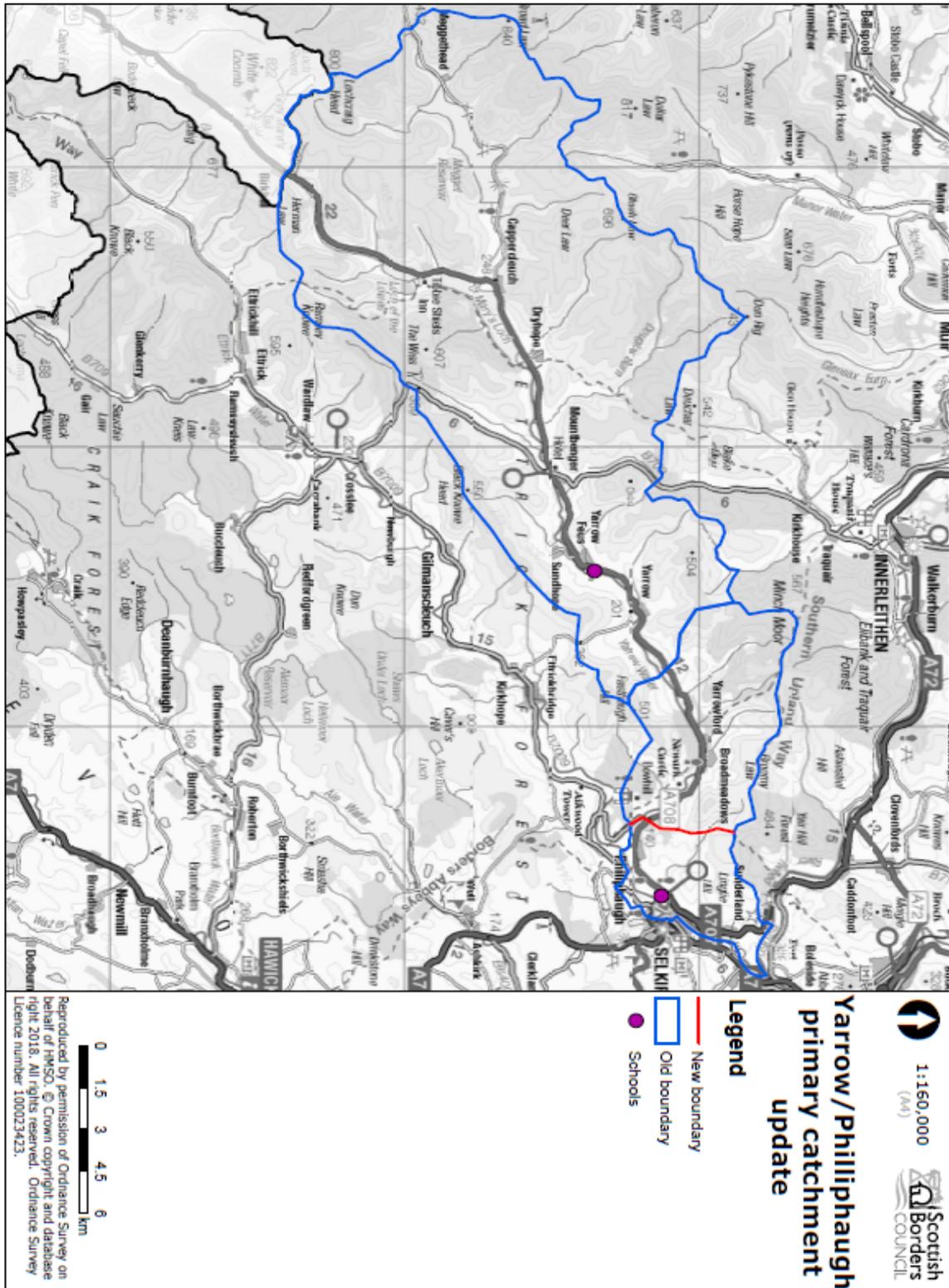
**Background Papers:** Appendix 1 – Plan of Proposed Catchment Amendments  
Appendix 2 – Consultation Report

**Previous Minute Reference:** Proposal to Consult on Catchment Proposal for Yarrow Primary School and Philiphaugh Community School, Selkirk 30 April 2019

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

Contact us at [schoolestates@scotborders.gov.uk](mailto:schoolestates@scotborders.gov.uk) or 01835 824000.

**APPENDIX 1 - PLAN OF PROPOSED CATCHMENT AMENDMENT**



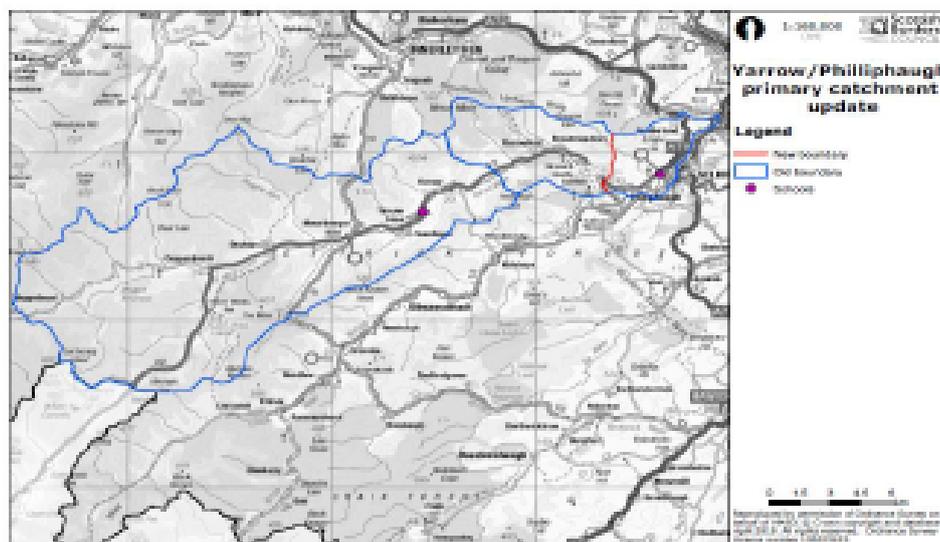
## APPENDIX 2 – CONSULTATION REPORT



### SCOTTISH BORDERS COUNCIL CHILDREN AND YOUNG PEOPLE'S SERVICES

#### CONSULTATION REPORT

#### PROPOSED AMENDMENT TO THE CATCHMENT AREAS OF YARROW PRIMARY SCHOOL AND PHILIPHAUGH COMMUNITY SCHOOL



**Please share your views on the Proposal or make any alternative suggestions by contacting us before 21 November 2019 at:-**

Selkirk Catchment Review Consultation  
Children and Young People's Services  
Scottish Borders Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 6SA; or

Email Address: [schoolstates@scotborders.gov.uk](mailto:schoolstates@scotborders.gov.uk); or

Online: <https://scotborders.citizenspace.com/children-and-young-people/talkirkcatchment>

*This Consultation Report has been issued by Scottish Borders Council's Children and Young People's Services in terms of the Schools (Consultation) (Scotland) Act 2010, as amended.*

## SUMMARY OF THE PROCESS FOR THIS CONSULTATION REPORT

### Introduction

- 1.1 This Consultation Report has been issued as part of a statutory consultation process required in terms of the Schools (Consultation) (Scotland) Act 2010 as amended (2010 Act). The 2010 Act sets out the consultation process that local authorities must follow when proposing a permanent change to any of their schools – such as a closure, relocation or change of catchment area.
- 1.2 This consultation has been undertaken following a decision by Scottish Borders Council's Executive Committee on 30 April 2019 to commence a statutory consultation process regarding a proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School in accordance with the plans annexed to the Proposal Paper (the Proposal).
- 1.3 This Consultation Report, in conjunction with the Proposal Paper (attached as Appendix 1), details the Council's compliance with the terms of the 2010 Act.

### Proposal Paper

- 1.4 A Proposal Paper detailing the Proposal and the Council's reasons for making the Proposal was published on 10 May 2019. A copy of the Proposal Paper was made available free of charge in these locations: –
  - Council Headquarters, Newtown St Boswells
  - Yarrow Primary School, Yarrow, Selkirk
  - Philiphaugh Community School, Selkirk
  - Selkirk Library, Etrick Terrace, Selkirk

and published on the Scottish Borders Council website:

<https://scotborders.citizenaccess.com/children-and-young-people/selkirkcatchment>

### Advertising and Notice of Proposal Paper

- 1.5 The publication of the Proposal Paper was advertised in Southern Reporter, providing details and dates of the consultation period and the public meeting. There were also press releases and social media postings at the start of the consultation process, before the public meeting and before the end of the consultation period.
- 1.6 Formal notice of the Proposal was sent by Letter or email to:
  - the parents/carers of the children within the Yarrow and Philiphaugh catchment areas and Selkirk High School;
  - the Parent Councils of the affected schools;
  - the parent/carers of any children likely to attend Yarrow Primary School and Philiphaugh Community School or any affected school within two years of the date of the publication of the Proposal Paper;
  - any Trade Union which is representative of the staff;
  - the staff (teaching and non-teaching) at the affected schools;
  - the Community Councils of Etrick & Yarrow and Selkirk;
  - Community Planning Partnership partners;
  - the constituency Member of the Scottish Parliament;

- the constituency Member of Parliament; and
- the List Members of the Scottish Parliament.

#### **Length of Consultation period**

- 1.7 The consultation period for the Proposal ran from 10 May 2019 until 25 June 2019 (both dates inclusive). This period allowed in excess of the statutory minimum of 30 school days. There were 32 responses received in respect of this statutory consultation both on line and in writing. The responses are summarised and responded to in Section 4 below.

#### **Public meetings**

- 1.8 Public meetings were held on:

30 May 2019 at 5.30pm at Phillphaugh Community School (No members of the community attended)

30 May 2019 at 7.30pm at Yarrow Primary School (10 members of the community attended).

Minutes were taken at the meeting and views were sought following a presentation being given. Copies of the meeting notes are included as Appendix 2

#### **Meetings with Pupils and Staff**

- 1.9 Meetings were held with pupils and staff at Yarrow Primary School and Phillphaugh Community School. A summary of these discussions is in Section 3.

#### **Involvement of Education Scotland**

- 1.10 Education Scotland was notified in advance of this Statutory Consultation process being approved. On completion of the Statutory Consultation period, a copy of the Proposal Paper was sent by Scottish Borders Council to Education Scotland. Education Scotland also received a copy of all relevant additional materials, minutes of public meeting, a copy of the written representations and replies received by the Council during the consultation period.

- 1.11 Education Scotland has prepared a report on the educational aspects of the Proposal, based on the representations and documents mentioned above as well as their interviews with pupils, parents, staff, and associated schools. In preparing their report, Education Scotland visited the affected schools and made reasonable enquiries as they considered appropriate. Their report can be found at Appendix 3 and also on the Education Scotland Website [Education Scotland Consultation Reports](#).

- 1.12 Education Scotland state in their report that the Proposal has clear educational benefits and will provide a more viable and sustainable rural school option with parity of access to learning and opportunities for children in the Yarrow valley. The issues raised in the Education Scotland Report with regards to the Proposal along with the Council's responses are set out in Section 5 of this Consultation Report.

#### **Preparation of Public Consultation Report**

- 1.13 Council officers have reviewed the Proposal having regard to the Education Scotland Report, the discussions at the public meeting, comments from pupils and staff and all the responses received during the consultation period. This Consultation Report has been prepared by Scottish

Borders Council Children and Young People's Services team as a result. This report will be published in electronic and printed formats. It will be available on the Council web-site, from Council Headquarters, Selkirk library and the affected schools, free of charge. Anyone who made written representations during the consultation period will also be informed about the report, if contact details have been provided.

#### Publication of the Consultation Report

- 1.14 This Consultation Report was published at on 24 October 2019 and is available for further consideration until 21 November 2019. The intention is that interested parties should have time to consider the Consultation Report and if they so wish, to raise concerns and pose alternative solutions by making written or electronic submissions to:

Selkirk Catchment Consultation  
Children and Young People's Services  
Scottish Borders Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA; or

Email Address: [schoolastataa@scotborders.gov.uk](mailto:schoolastataa@scotborders.gov.uk)

Consultation Site:  
<https://scotborders.citizenspace.com/children-and-young-people/selkirkcatchment>

If you wish to respond by letter or electronically, you are invited to state your relationship with the school – for example, "pupil", "parent", "carer", "relative", "former pupil", "teacher in school", "member of the community" etc. Responses from Parent Councils, Staff and Pupil Councils are particularly welcome.

For any written or electronic response to be considered it must be received by the Council no later than the last day of the consultation period, 21 November 2019.

#### Distribution

- 1.15 A copy of the Consultation Report will be made available free of charge for public consultation from 24 October 2019 to 21 November 2019 in these locations –

- Council Headquarters, Newtown St Boswells, TD6 0SA
- Yarrow Primary School, Yarrow, Selkirk
- Philiphaugh Community School, Selkirk
- Selkirk Library, Etrick Terrace, Selkirk

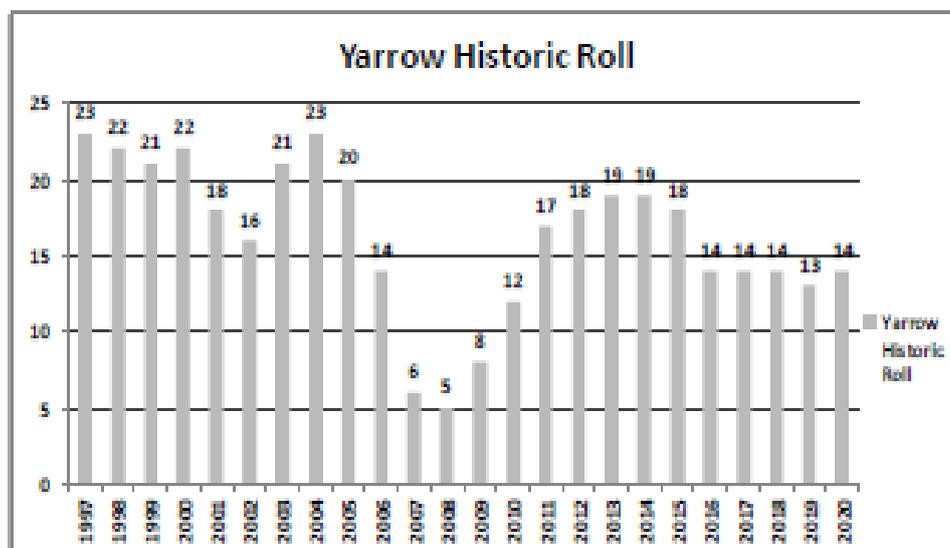
and published on the Scottish Borders Council website:  
<https://scotborders.citizenspace.com/children-and-young-people/selkirkcatchment>

#### Decision

- 1.16 This report together with all other relevant documentation will be considered by Scottish Borders Council's Executive Committee who will be asked to make a decision on or around 21 January 2020.

**BACKGROUND**

- 2.1 In February 2016 Scottish Border Council's Executive (Education) Committee agreed to commence a School Estate Review process regarding the current school estate provision and what it should aspire to look like across the region. The Council undertook to engage with all stakeholders to obtain information and opinions regarding the current school estate and to seek views and ideas in respect of the vision of the future school estate.
- 2.2 The five strategic principles that were adopted when reviewing the school estate were:-
  - 2.2.1 Increased educational opportunities for all generations in the community;
  - 2.2.2 Improved outcomes for children and young people;
  - 2.2.3 Sustainability;
  - 2.2.4 Future proofing the school estate; and
  - 2.2.5 Affordability.
- 2.3 The Review included engagement with all schools with a roll of under 50 pupils; seeking to work with the school and parents on ways to boost the roll and improve sustainability. As part of the School Estate Review engagement, Council officers met with parents of Yarrow pupils, who indicated that they had concerns regarding the declining school roll and indicated that they wished to work with the Council to attempt to increase the roll and improve the sustainability of their school. One of the options discussed was whether there was potential to extend the Yarrow catchment zone to increase pupil numbers
- 2.4 Yarrow Primary School is a non-denominational primary school in the Yarrow valley in the Scottish Borders and is within Selkirk High School's catchment zone. The roll has fluctuated over the years, reflecting both changes in demographics and parental choice:-



- 2.5 The school has capacity for 50 pupils. There are currently 14 children attending the school (this includes 3 children attending through placement requests). One child enrolled into P1 at the school in August 2019.
- 2.6 Council officers have worked with parents and the community to identify a proposal regarding proposed catchment area changes for consultation. A drop in engagement session was held in

Yarrowford in December 2018, where community members were invited to share their views on the catchment zones. The Proposal seeks to increase the school roll and improve the schools sustainability.

- 2.7 The decision was made by the Council's Executive Committee on 30 April 2019 to commence a statutory consultation process regarding a proposal to amend the catchment areas of Yarrow Primary School and Philphaugh Community School and seeks to increase the size of Yarrow's catchment area to include the Yarrowford and Broadmeadows area.

## PUPILS AND STAFF

- 3.1 Discussions were held with the pupils at Yarrow Primary School. Key points raised at these discussions with pupils were:-

- Some of the children thought it would be good to have more children at the school as there would be more opportunities for friendships and for there to be a bigger mix of people.
- The children who are the only one in their year group had mixed feelings; one said it can be a bit lonely while the other thought it was good as if you are absent from school then you do not need to catch up.
- The children clearly have a strong bond across the school and within their age groups.
- The children said they were slightly concerned that they might not get as many trips if the school was to get bigger.
- They were slightly concerned about the dynamic changing and there being more arguments, with friendships being diluted and less strong. They were worried that bullying might happen.
- There were worries that they would get less attention and support from the staff.
- The children thought about 16 pupils would be the right number for the school and there was no appetite for there to be 2 classes.
- The children were satisfied with the transition support for High School and were unaware of anyone having issues after transitioning to secondary school.

- 3.3 Discussions were also held with the staff at Yarrow Primary School. The key points raised at these discussions were:-

- The staff were keen to see the school become more sustainable as they had concerns about the potential distance some of the children would have to travel if school was no longer viable.
- The staff considered that the travel times from Broadmeadows to Yarrow Primary and Philphaugh were fairly similar.
- The staff were passionate about the school and what it could offer in terms of experience and opportunities for the children.
- The staff considered that the Proposal would have little impact on Philphaugh Community School but could make a huge difference to Yarrow Primary.
- It was also considered that the children could benefit from there being a greater mix of pupils at the school as they need to learn to deal with different and more challenging situations and relationships.
- The staff did think that if the roll grew much larger then this could compromise the special events that are currently offered at the school.
- The staff do not consider that the children miss out from team events and festivals as they collaborate with smaller schools across the Borders.

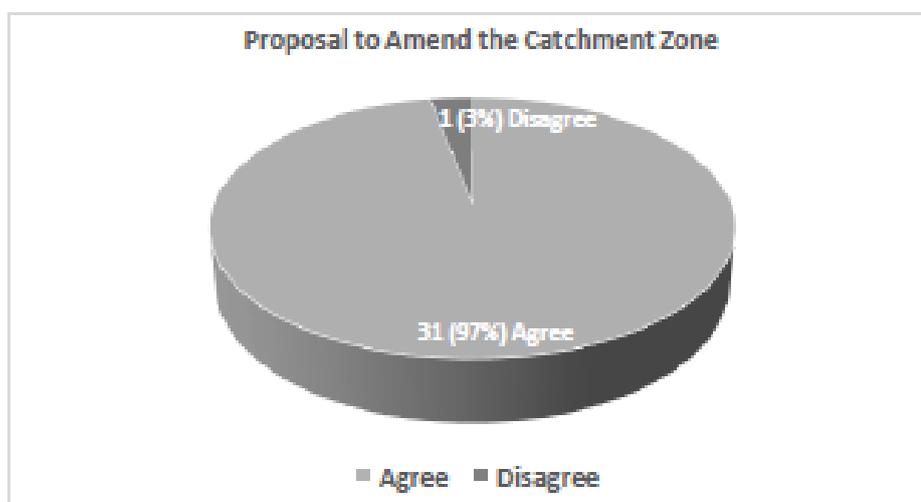
- 3.4 Discussions were also held with a group of pupils at Philphaugh Community School. The group comprised pupils who reside in the Broadmeadows and Yarrowford area, pupils from the Bowhill area and pupils from Selkirk. The main points raised in this discussions were:-

- The children were concerned that they would be "made to" change school. They were reassured by the Council officer that they would have the choice and that they would still get transported to school as they do currently.
  - The children were interested if one bus would take children to both schools. It was explained that there would transport provided in both directions by separate vehicles.
  - The children were interested in knowing more about Yarrow Primary School and thought that families and children should visit both before making a decision. Several of them know pupils at Yarrow.
  - The pupils all said they were happy at their current school. Almost all of them said their preference would be to remain at their current school.
  - When asked if they thought the Proposal was a good idea most of them didn't know but all agreed that it would be good for Yarrow to have more pupils.
- 3.5 The staff at Philphaugh were relaxed about the Proposal. The numbers at Philphaugh have fallen this year so the school now has 5 rather than 6 classes. The impact of losing more pupils, if the catchment was changed, was not considered to be significant albeit they would be disappointed if some of the children chose to move school.

## RESPONSES

- 4.1 There were 32 responses made during the consultation period in respect of the Proposal.

### Do you agree with the Proposal to permanently amend the catchment zones of Yarrow Primary School and Philphaugh Community School?



### Consultee – Analysis

We have analysed the information provided by consultees and the breakdown of the responses is detailed in full below. A significant majority of responses came from the Yarrow community, reflecting the depth of opinion in the catchment. Only one responder identified as being from Yarrowford and there was a low level of response from the Philphaugh catchment.

<b>Responders – Interest</b>	<b>Number</b>
Parents/Carers	17
Pupil	7
Staff	2
Relative of Pupil	14
Parent Council Member	3
Elected Member/MSP/MP	0
Community Planning Partner	0
Community Member	12

<b>Parents – School Interest</b>	<b>Number</b>
Yarrow Primary School	11
Philliphaugh Primary School	1
Kirkhope Primary School	4
Selkirk High School	1

<b>Staff – School Interest</b>	<b>Number</b>
Yarrow Primary School	0
Philliphaugh Primary School	0
Kirkhope Primary School	2
Selkirk High School	0

<b>Pupil – School Interest</b>	<b>Number</b>
Yarrow Primary School	4
Philliphaugh Primary School	0
Kirkhope Primary School	1
Selkirk High School	2

<b>Relative of Pupil – School Interest</b>	<b>Number</b>
Yarrow Primary School	11
Philliphaugh Primary School	0
Kirkhope Primary School	2
Selkirk High School	1

<b>Parent Council Member – School Interest</b>	<b>Number</b>
Yarrow Primary School	3
Philliphaugh Primary School	0
Kirkhope Primary School	0
Selkirk High School	0

<b>Community Member – School Interest</b>	<b>Number</b>
Yarrow Primary School	6
Philliphaugh Primary School	0
Kirkhope Primary School	4
Selkirk High School	2

Questionnaire Comments	Council Responses
<i>It would provide a choice for pupils and parents. I was very worried about sending my children to such a small school but it's been the best decision and they are flying. I don't want the numbers to put people off and I feel that the school could benefit from more children. I am terrified that the school numbers fall too low as snowballing Yarrow as well as Errick would be a disaster.</i>	Noted. All the comments received from parents and children attending the school were very favourable about Yarrow Primary School. Council officers will continue to work with the school regarding its sustainability.
<i>We live in Yarrowford, at present the catchment is Philiphaugh but for a few reasons would like to use Yarrow.</i>	Noted.
<i>Yarrowford and Broadmeadows are in a largely rural area and so it makes sense for pupils to go to a rural school.</i>	Noted.
<i>Changing the catchment area this close to Selkirk means the pupils that would've had a short commute to Selkirk will have a substantial commute to Yarrow. The increased risk of this commute every morning surely can't be worth an extra few pupils for Yarrow.</i>	Noted. The safety of the children is the most important factor to the Council. Council officers have considered the route and the distance and it is considered to be similar time (9 minutes) and distance (c4.8 miles) between Yarrowford and both the primary schools. Safe Routes to Schools has been a material consideration. There have been several discussions with the Council's School Transport team and officers are satisfied that the children can be transported safely to Yarrow Primary School.
<i>If the proposed catchment change gives the chance of increased roll at Yarrow Primary School then this has to be positive. We all want our children to do well in life both academically and sociably. Yarrow School is an amazing place to learn and can only benefit everyone if children from a wider catchment area are able to attend with transport provided by the Council.</i>	Noted.
<i>Yes it would be beneficial to all if the catchment change were to go ahead. It is important to secure the future of a crucial school in the Yarrow valley to prevent young pupils from further down the valley having to travel up to Selkirk. It would benefit the pupils at Philiphaugh as the reduced pupil numbers will mean more teacher time per pupil and those effected that will move catchment to Yarrow would benefit from a great education at a small rural school.</i>	Noted.
<i>Yarrow needs some additional children so it makes sense to extend out towards Selkirk.</i>	Noted.
<i>Bring some more children to the school.</i>	Noted.

<i>There are not enough children in the valleys alone (on either side Yarrow and Ettrickbridge) therefore we need to move towards Selkirk where there are lot more children and see if we can bring them into Yarrow Primary to sustain the school. It is not good socially for the children to have such a small group in the school. Whilst the teaching is excellent, the social engagement side is almost as important and I do feel that this is lacking in such small schools.</i>	Noted. Council officers agree that socialisation is an important part of education and the Curriculum for Excellence places a significant emphasis on group, peer and collaborative working. As part of its School Estates Review Council officers will continue to work with the school to improve its sustainability. The smaller schools across the region also work closely and in collaboration with each other to provide more opportunities and experiences for the children.
<i>To ensure the long term sustainability of Yarrow Primary School.</i>	Noted.
<i>Increase the number of pupils attending the village schools, ensuring Yarrow and Kirkhope PS remain in operation.</i>	Noted.
<i>I strongly agree with the proposal to amend the catchment areas to maintain the sustainability of Yarrow Primary School and to offer all the children in the area the opportunity to attend a small rural school and gain from all associated benefits, in line with SBC's GIRFEC policy. As well as the wider benefits to the community and sustainability of the Yarrow valley as detailed in the Proposal Paper.</i>	Noted.
<i>Benefits for Yarrow School and no obvious disadvantages.</i>	Noted.
<i>I think that it's a shame that people living in Yarrowford and Broadmeadows are currently forced due to transport issues to send their children to a school that quite frankly I perceive to be lacking. I have personal experience of both schools and consider the education and support at Yarrow is superior.</i>	Noted.
<i>I think that this location should have always been part of Yarrow catchment.</i>	Noted.
<i>I reside in Yarrowford and cannot understand why children from my community have to attend Philiphaugh.</i>	Noted.
<i>This makes so much sense.</i>	Noted.
<i>To increase the Yarrow School roll.</i>	Noted.
<i>I think that people in Broadmeadows should have the choice of Philiphaugh and Yarrow.</i>	Noted. If the decision is made to amend the catchment, pupils currently attending Philiphaugh Community School (as well as younger siblings), if they choose, will still be transported free of charge to Philiphaugh. All other children in the Yarrowford and Broadmeadows area will be in the catchment area for Yarrow Primary School

<i>Need to keep the valleys alive and without children it won't happen.</i>	Noted.
<i>We are very happy with the school and it's the best thing for my granddaughter. I think the catchment should have changed when the Eildon houses were built in Yarrowford as a few children would have liked the opportunity to go to Yarrow. I hope the school gets more pupils – it would be a big loss if there are not enough pupils.</i>	Noted.
<i>I think that the proposed areas are good a people in Yarrowford regard themselves from Yarrow and not Selkirk so this makes much sense.</i>	Noted.
<i>This will help the roll of Yarrow Primary School and keep valley children in their local school.</i>	Noted.
<i>I believe that Yarrowford should NEVER have been in the Philiphaugh catchment area. It makes sense that the children in and around Yarrowford should attend Yarrow Primary School.</i>	Noted.
<i>This seems like a sensible means for increasing the pupil count at Yarrow PS without adversely affecting Philiphaugh Community School.</i>	Noted.
<i>It will give parents in the valley more scope to let their children attend a good small school.</i>	Noted.

Please tell us if you have any further comments or alternative suggestions regarding the Proposal

Response Comments	Council Response
<i>We fully support this proposal and feel it's the best option to keep a good rural school open. It makes sense and seems the most suitable option.</i>	Noted.
<i>If unable to change the catchment then maybe the Council could be more open and supportive on ways to increase the school roll at Yarrow. Perhaps if a parent from Selkirk shows interest and would like their child to attend Yarrow then assistance with transport could be looked at, rather than just saying it is outwith catchment therefore no transport funded. Perhaps shared funding? Changing the catchment however is the most sensible/ realistic option.</i>	Noted. The budget for schools transport is always under pressure and the Council would be unable to provide transport or funding in such instances as this could then lead to similar demands across the area. Support could be provided by Council officers, if the community wished to fund such a transport provision.

<i>Combine with Kirkhope Primary School.</i>	Noted.
<i>I agree with the proposal to extend the catchment of Yarrow PS to include Yarrowford and Broadmeadows.</i>	Noted.
<i>As well as the proposed changes, it would be beneficial to increase Kirkhope's catchment towards Selkirk too to make it easier for them to attend either small school.</i>	Noted. Council officers have considered the options to extend Kirkhope's catchment at length and have been unable to identify a proposal to take forward as there are very limited numbers of children residing in the area towards Selkirk.
<i>All children should have the choice to attend a school which is best suited to their personal needs in line with SBC's GIRFEC policy. Some children will be better suited to the smaller school environment and that is why these smaller schools must continue to be supported and kept sustainable.</i>	Noted. The Council policy is currently to support all placement requests as far as possible (grounds for refusal include requirement to employ a further teacher/create a new class). Free transport can only be provided to children attending their catchment school.
<i>Yarrow catchment going all the way to Selkirk boundary to include Bowhill kids.</i>	Noted. Council officers have considered this option but do not consider that it would be reasonable to transport children further up the valley when they reside much closer to Selkirk and some can currently walk to school.
<i>It makes no sense that the children who are part of the Yarrow community should not have the option/availability of transport to Yarrow Primary.</i>	Noted.
<i>I would like our local children to attend Yarrow Primary, my granddaughter goes there and is thriving.</i>	Noted.
<i>If I could go back to Primary we would choose Yarrow.</i>	Noted.
<i>I think if parents in Yarrowford were asked to visit school and the transport was arranged I am sure this would be welcomed.</i>	Noted.
<i>As a last resort can Kirkhope and Yarrow Primary Schools be joined?</i>	Noted. Officers will continue to work with both schools to improve their sustainability.
<i>Having experienced both primaries I chose Yarrow even though I live in Selkirk. I would expect my nearest school to be within the community I lived. I strongly suspect that as there has always been a bus in the direction of Selkirk High families in the proposed catchment were forced to choose Philiphaugh.</i>	Noted.

## 5 EDUCATION SCOTLAND REPORT

- 5.1 In line with the requirements of the Schools (Consultation) (Scotland) Act 2010, a report was

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provided by Education Scotland on the educational aspects of the Proposal. Education Scotland's report is attached as Appendix 3

5.2 Issues raised and comments made in the Education Scotland Report with regards to the proposed closure of Hobkirk Primary School are set out below:

<b>Education Scotland Comments</b>	<b>Council Responses</b>
<i>Parents, children and staff who spoke with HM Inspectors were in agreement with the Council's proposal.</i>	Noted and agreed – this reflects the opinions shared with Council officers before and during the consultation process.
<i>The council has set out a reasonable case for the proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School</i>	Noted and agreed.
<i>The proposal recognises the educational benefits of attending a small rural school and the learning experience offered. The proposal to amend the catchment area will increase the sustainability of Yarrow Primary School through increasing the school roll and provide a viable rural school option for families within the area. The school will remain a key part of the local Yarrow Valley community.</i>	Noted and agreed.
<i>There will be improved opportunities for children currently attending Yarrow Primary to engage with a wider peer group, make new friends and participate in team sports/recreational events. The provision of transport from Yarrowford to Yarrow Primary School will ensure that children in the Yarrow Valley have parity of access to learning and opportunities in their communities.</i>	Noted and agreed.
<i>All parents, staff and children from Yarrow Primary School and Philiphaugh Community School who met with HM Inspectors were supportive of the proposal. Staff and parents at Yarrow Primary School welcomed the longer term sustainability for the school</i>	Noted and agreed.
<i>Any concerns about the potential impact of the loss of the school on the community were allayed. They thought engagement with a wider peer group at age and stage would improve their children's learning. The provision of transport from Yarrowford to Yarrow Primary School was seen as</i>	Noted and agreed.

<p><i>supportive to families. Children at Yarrow Primary School welcomed the potential for improved social interaction and a chance to make new friends. However, they were concerned that the addition of new children might disrupt the harmonious atmosphere they currently experienced. Parents and staff at Philiphaugh Community School did not see the proposal having any detriment to their school as the numbers involved would be minimal.</i></p>	
<p><i>Scottish Borders Council's proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School has clear educational benefits.</i></p>	<p>Noted and agreed.</p>
<p><i>Children will benefit from attending a small rural school and the positive learning experience offered. Increasing the Yarrow Primary School roll has the potential to provide a more viable and sustainable rural school option for families within the area. Children in the Yarrow Valley will have parity of access to learning and opportunities. The school will remain a key part of the local Yarrow Valley community.</i></p>	<p>Noted and agreed.</p>

**INACCURACY IN THE PROPOSAL PAPER**

- 6. There have been no material errors, omissions or inaccuracies identified in the Proposal Paper or any of the other documentation that has been published as part of the Consultation process.

**ACKNOWLEDGEMENT**

- 7.1 Scottish Borders Council thanks all the members of the Community for their time and participation in this consultation process and invites them to make any further comments, observations or suggestions regarding the Proposal prior to the final decision being made by Councillors on 21 January 2020.

7.2 Please take this opportunity to have your say and share your comments by 21 November 2019 at:-

Selkirk Catchment Consultation  
Children and Young People's Services  
Scottish Borders Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA; or

Email Address: [schools@scotborders.gov.uk](mailto:schools@scotborders.gov.uk)

Consultation Site:  
<https://scotborders.citizenspace.com/children-and-young-people/selkirkcatchment>



**Stuart Easingwood**

Interim Service Director, Children & Young People's Services

24 October 2019

## Appendix 1 – Proposal Paper dated 10 May 2019

May 2019



### CHILDREN AND YOUNG PEOPLE'S SERVICES PROPOSAL PAPER

STATUTORY CONSULTATION IN RESPECT OF PROPOSED  
AMENDMENTS TO THE CATCHMENT AREAS OF YARROW  
PRIMARY SCHOOL, YARROW AND PHILIPHAUGH COMMUNITY  
SCHOOL, SELKIRK

#### CONSULTATION PERIOD:

10 MAY 2019 to 28 JUNE 2019

#### PUBLIC MEETINGS :

PHILIPHAUGH COMMUNITY SCHOOL SELKIRK ON 30 MAY AT 5.30PM	YARROW PRIMARY SCHOOL YARROW BY SELKIRK ON 30 MAY AT 7.30 PM
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This Consultation Proposal Document has been prepared by Scottish Borders Council Children and Young People's Services in terms of the Schools (Consultation) (Scotland) Act 2010, as amended

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**1. THE PROPOSALS**

Scottish Borders Council (the Council) is seeking your comments on proposals to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School.

**2. BACKGROUND TO THE PROPOSALS**

2.1 In February 2016 Scottish Borders Council's Executive (Education) Committee agreed to commence a School Estate Review process regarding the current school estate provision and what it should aspire to look like across the Region. The Council undertook to engage with all stakeholders to obtain information and opinions regarding the current school estate and to seek views and ideas in respect of the vision of the future school estate.

2.2 The five strategic principles that were adopted when reviewing the school estate were -

- 2.2.1 Increased educational opportunities for all generations in the community;
- 2.2.2 Improved outcomes for children and young people;
- 2.2.3 Sustainability;
- 2.2.4 Future proofing the school estate; and
- 2.2.5 Affordability.

2.3 The review included engagement with all schools that have roll under 50 pupils, seeking to work with the school and parents on ways to boost the roll and improve sustainability. As part of the School Estate Review engagement, Council officers have met with parents of Yarrow pupils, who indicated that they had some concerns regarding the declining school roll and indicated that they wished to work with the Council with attempts to increase the roll and improve the sustainability of their school. One of the options discussed was whether there was potential to extend the Yarrow catchment zone to increase pupil numbers.

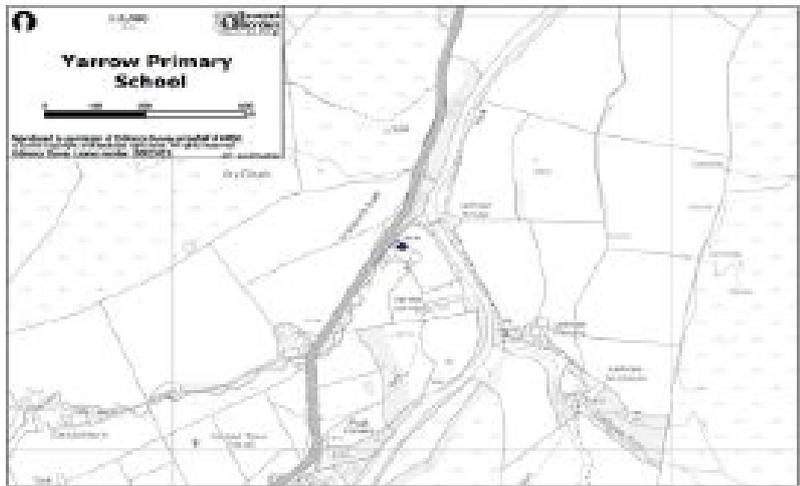
**3. YARROW PRIMARY SCHOOL**

3.1 Yarrow Primary School is a non-denominational primary school in the Yarrow valley in the Scottish Borders and is within Selkirk High School's catchment zone. The current catchment zones for Selkirk High School cluster schools are shown in Appendix 1.

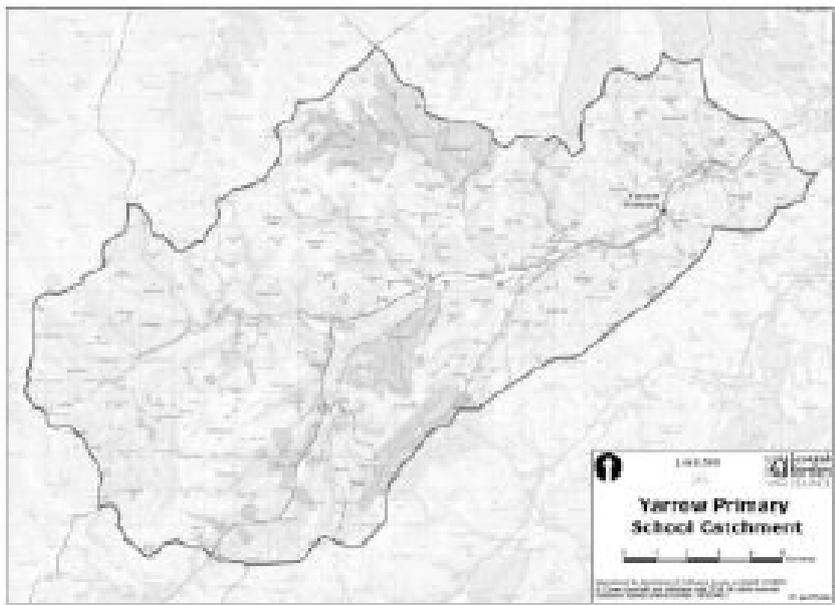
3.2 Yarrow Primary School is classified by the Scottish Government to be a Remote Rural School in accordance with its Rural Schools List<sup>1</sup>. Yarrow Primary School's location is shown below:-

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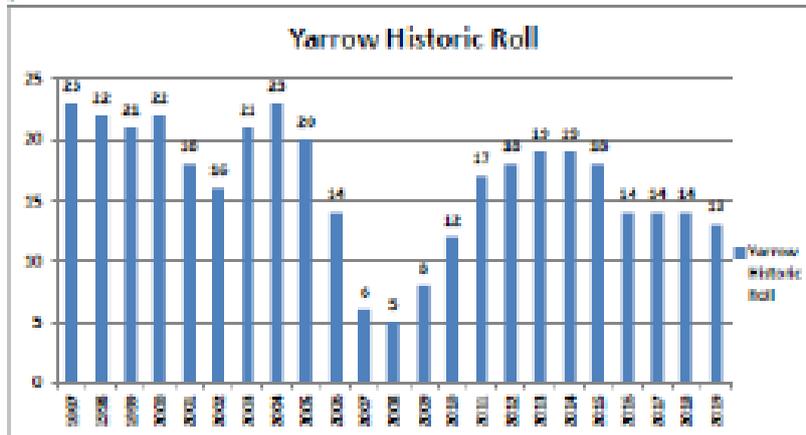
<sup>1</sup> [Scottish Government's Rural Schools List May 2012](#)



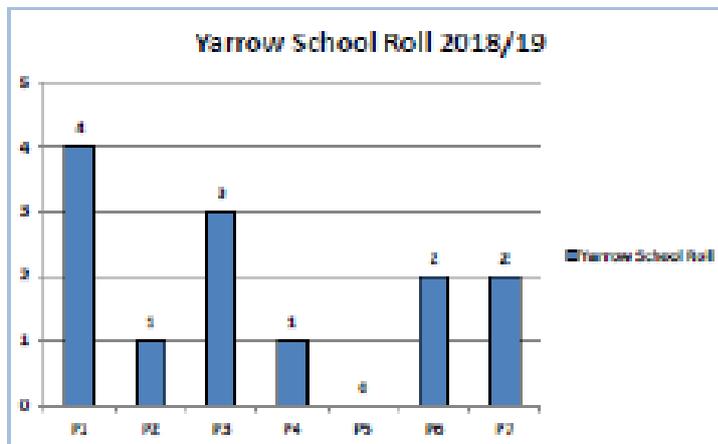
3.3 Yarrow's catchment is shown here:



3.4 The roll has fluctuated over the years, reflecting both changes in demographics and parental choice:-



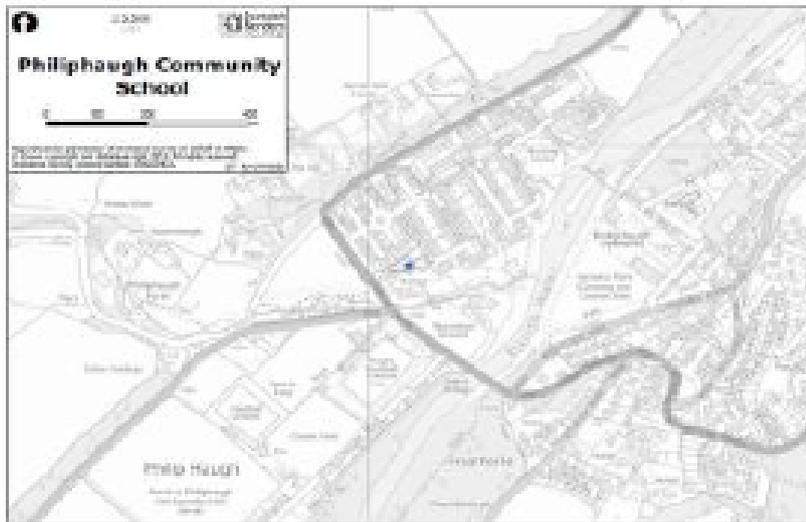
3.5 The school has capacity for 20 pupils. There are currently 13 children attending the school (this includes 2 children attending through placement requests). There are no children currently enrolled to enter into P1 at the school in August 2019. It is currently projected that the school roll will drop to 11 pupils for the 2019/20 session.



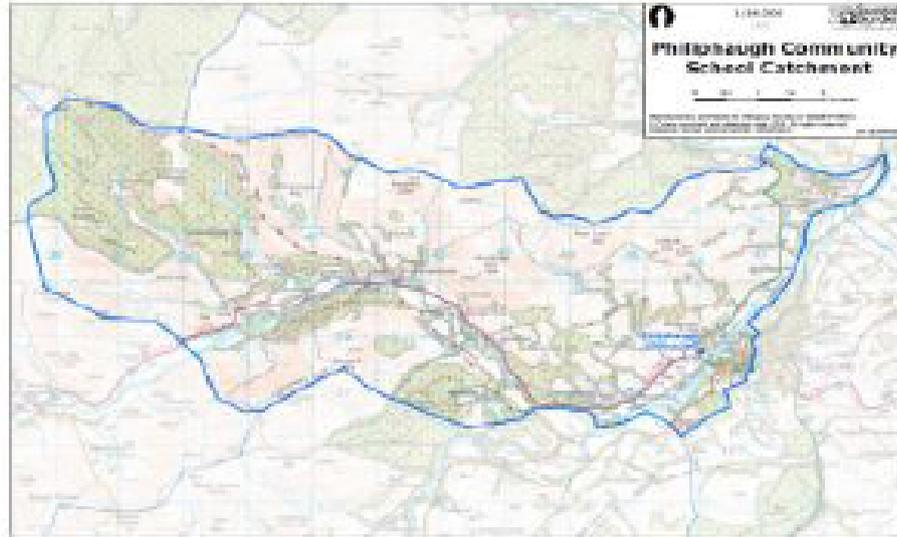
- 3.5 Council figures indicate that there are currently 11 primary aged pupils living within the catchment for Yarrow Primary School. Based on the Council's current records there is currently only one pre-school aged child within the catchment area. Current projections for pupil numbers indicate that the school roll is not projected to grow.

**4 PHILIPAUGH COMMUNITY SCHOOL**

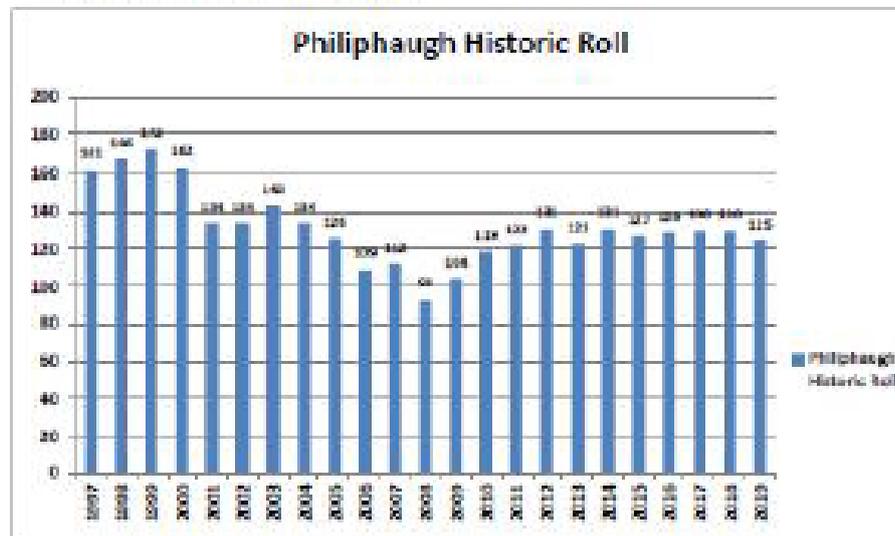
- 4.1 Philipaugh Community School is a non-denominational primary school located in SEK18. The school's location is shown here:



4.3 The school's catchment area is shown here:-



4.4 The school has capacity for 150 pupils. There are currently 125 pupils attending the school which equates to 83% occupancy.



## 6 REASONS FOR THE PROPOSALS

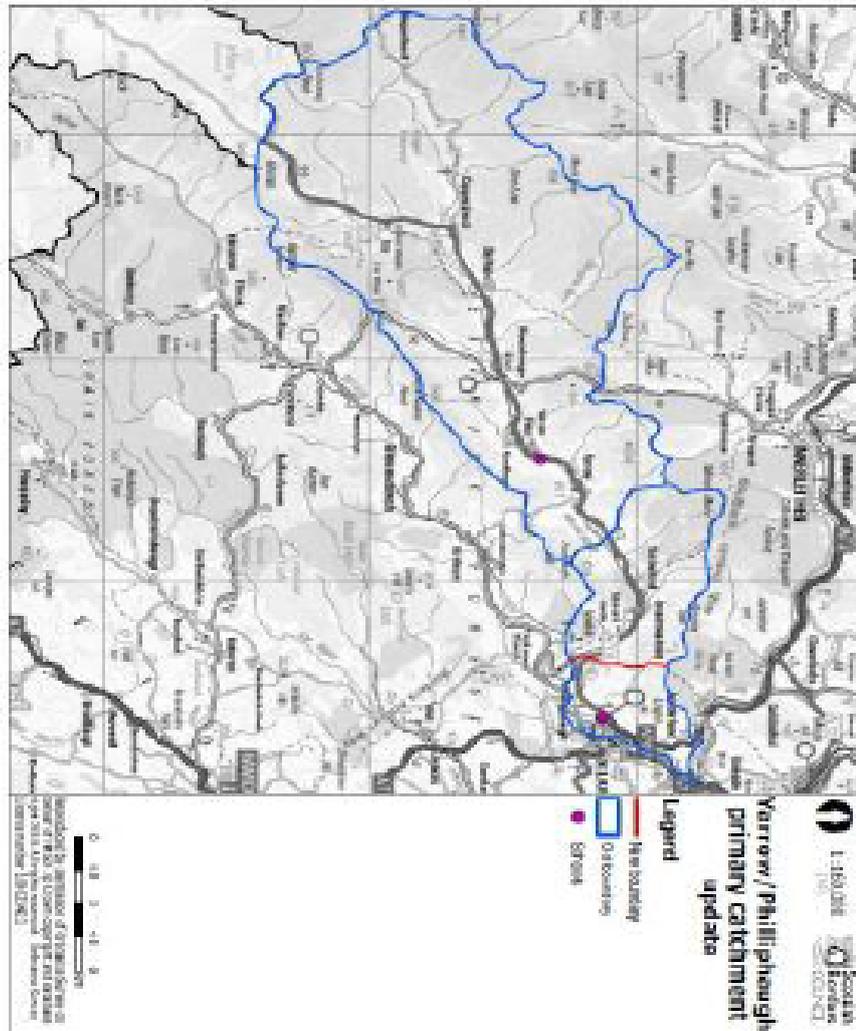
- 5.1. The Council wishes to consult with parents, pupils, staff and the community on the proposal to amend the current catchment areas for Yarrow Primary School and Philphaugh Community School. The proposal seeks to increase the size of the Yarrow catchment zone to include the Yarrowford and Broadmeadows area.
- 5.2. There are a number of reasons why the Council wishes to consult on this proposal:
  - 5.2.1 The Yarrow school roll has diminished significantly over recent years, operating at an average occupancy of 35.4% over the last 5 years, with a fall in the current school year to 20%. Current projections do not indicate growth in pupil numbers.
  - 5.2.2 Yarrow Primary School is included in the Scottish Government's List of Rural Schools of May 2017 as an Remote Rural School <sup>2</sup>. Taking cognisance of the important role that rural schools can play in rural communities, Council officers have worked with the school and the parents to try and boost the school roll and the sustainability of the school.
  - 5.2.3 One of the options that has been considered is a review of the catchment boundaries to establish whether amending the catchment areas would provide an opportunity to increase the school roll and improve the sustainability of the school. Officers reviewed the current catchment boundaries and have identified an area at Yarrowford and Broadmeadows that could be consulted upon to determine whether it should form part of the Yarrow catchment area or the Philphaugh catchment area;
  - 5.2.4 An engagement session was held on 11 December 2016 at Yarrowford Village Hall, regarding catchment areas and boundaries. 12 members of the community attended, all of whom considered that Yarrowford and Broadmeadows area was part of the Yarrow valley community and that their preference would be for the Yarrowford and Broadmeadows area to form part of the Yarrow Primary School catchment area;
  - 5.2.5 Council records indicate that there are currently 8 pupils in the Yarrowford and Broadmeadows area attending Philphaugh Community School and 2 pre-school aged children in the area. Officers are therefore seeking views from the community to establish whether there is support for the proposed re-alignment of the catchment area;
  - 5.2.6 It is not anticipated that the proposal to amend the catchment area will have a material impact on Philphaugh Community School. The numbers in the area under consideration are small and the Philphaugh roll has been at a consistent level for a number of years. If there is support for the proposals and Councillors decide to amend the catchment area, the children that currently attend Philphaugh and their future siblings will have a choice whether to attend Yarrow or Philphaugh. The Council will provide transport to both schools as required in line with the schools transport policy.

<sup>2</sup> [Scottish Government - Rural Schools in Scotland](#)

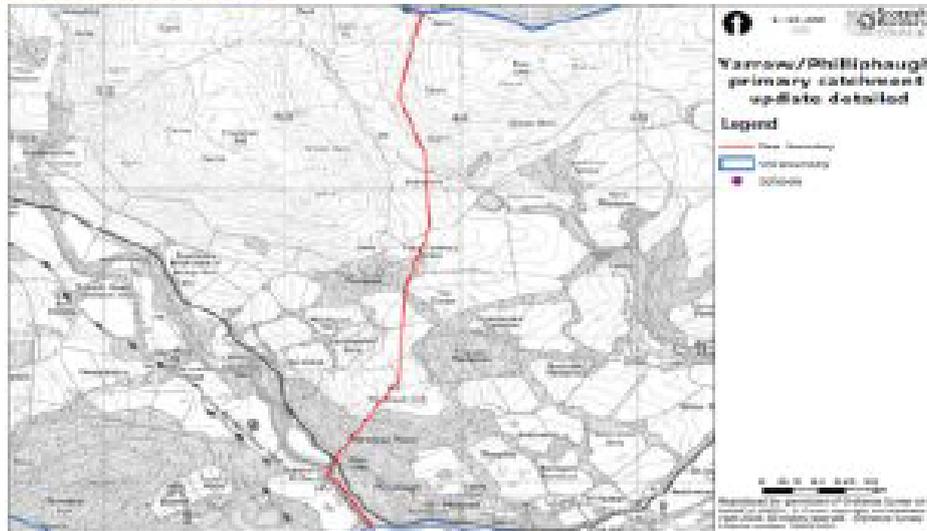
### 6 PROPOSALS

6.1 It is proposed that the catchment area is amended before at or around 3 July 2019 accordance with the plans below:-

#### Proposed New Yarrow Catchment Area



Proposed New Catchment Boundary



- 6.2 It is proposed that following the consultation (if the decision is made to amend the catchment areas) that school transport will be provided to and from school in line the Council's school transport policy.
- 6.3 It is also proposed that the children currently attending Philpough Community School, and future siblings, can continue to attend Philpough if they wish, with transport being provided by the Council.
- 6.4 It is Council policy to, as far as possible, support parental choice regarding school choice and placement requests will continue to be considered on the current basis.

7 EDUCATIONAL BENEFITS FOR THE PUPILS

- 7.1 Council officers have been considering options to increase Yarrow Primary School's roll. The roll has declined significantly in recent years and based on the current catchment area is not projected to grow in the next 5 years.
- 7.2 The importance of rural schools in the community is recognised by the Council and the possible educational benefits of attending a school setting within a community have been identified:
  - 7.2.1 A school can play an important role in the community and provide opportunities for members of the community to become involved in learning. Closer ties to the community can provide specific learning opportunities and experiences which can enhance the sense of community across the generations.
  - 7.2.2 Students at small schools may be engaged in their school community, leading to a sense of personal responsibility for the community. Pupils may have greater

exposure to friends across a wider age range, which can assist with social skills and development

- 7.2.3 Students at smaller schools can develop strong relationships with their peers and their teachers. This can increase confidence and reduce the fear of making mistakes
  - 7.2.4 The nature of composite classes can encourage pupils to work together across the age ranges and abilities which can have a positive impact on all learners.
- 7.3 It is recognised that smaller schools can offer a different learning experience for some children compared to a larger school environment. However there are other points to consider which include :-
- 7.3.1 Pupils attending a school with a small peer group may not be able to experience the variety of learning and teaching experiences and breadth of curriculum that could arise at a larger school with more pupils and staff.
  - 7.3.2 Opportunities for collaborative working with peers can be limited.
  - 7.3.3 A smaller roll and a smaller peer group may result in pupils requiring more support in the transition to secondary school.
  - 7.3.4 A small roll can restrict opportunities for learn sports/recreational activities and the arts
- 7.4 All the points at section 7.3 above must be considered in the context of the active role that the local community plays in the school and the close ties that exist across the Seikint cluster. Some of these factors can be overcome by:-
- 7.4.1 Transporting the pupils to participate in activities in a neighbouring schools; however that in itself involves time out of school travelling there and back; and
  - 7.4.2 Providing the appropriate level of support from experienced staff, with a close understanding of each child.

#### **IMPACT ON STAFF**

- 7.5 The impact of the proposal on staff is not considered likely to be significant, however the proposed catchment area amendment could contribute to Yarrow having a more sustainable pupil roll which should assist with efforts to attract, support and retain effective teacher and staff levels.

#### **IMPACT ON PUPILS AT OTHER SCHOOLS IN THE COUNCIL AREA**

- 7.6 The proposal to amend the catchment area seeks to ensure that a small rural school option is retained for pupils in the Yarrow valley.

#### **IMPACT UPON THE COMMUNITY**

- 7.7 This proposal seeks to assist the rural community in the Yarrow valley in their efforts to make the primary school more sustainable. The area has experienced significant changes in the demographics over the years and these proposals seek to re-align the catchment area to increase the sustainability of the school and provide a viable rural school option for families within the area.

## 8. EQUALITY OF OPPORTUNITY

These proposals will assist in ensuring that children in the Yarrow valley can have parity of access to learning opportunities and facilities in their communities. All children will have access to the same early years' experience, primary and secondary schools as those in their community which should assist with the transition throughout their learning journey.

## 9. FINANCIAL IMPACT

- 9.1 The children being transported from the Yarrowford and Broadmeadows area to Philpfaugh Community School are transported on the bus from the Yarrow valley into Selkirk High School. It is not projected that there will be any savings from this contract. If any pupils from this area decide to attend Yarrow Primary School as the same size of vehicle will continue to be required.
- 9.2 Based on the number of children currently in the area being consulted upon, it is estimated that one vehicle would be required to transport the children to Yarrow Primary School and that this would cost in the region of £15,000 per annum. This costing has been calculated in line with the Council's School Transport team and their detailed knowledge of the transport contract procurement process and market in the area.

## 10. SUMMARY OF THE PROCESS FOR THIS PROPOSAL PAPER

- 10.1 This Proposal Paper has been prepared by the Council's Children and Young People's Services in accordance with the Schools (Consultation) (Scotland) Act 2010, as amended (2010 Act). The 2010 Act sets out a consultation procedure that a Local Authority must follow for certain proposals affecting schools in their area. The 2010 Act and its explanatory notes are available for reference at the following websites, respectively:

[Schools \(Consultation\) \(Scotland\) Act 2010](#)

[Schools \(Consultation\) \(Scotland\) Act 2010 - Explanatory Notes](#)

- 10.2 The proposal to amend the catchment areas of Yarrow Primary School and Philpfaugh Community School is deemed a relevant proposal in terms of the 2010 Act (the Proposals) and is therefore subject to the statutory consultation procedure specified in the 2010 Act.

- 10.3 The Proposal Paper will be available for inspection, free of charge, at:
- Council Headquarters, Newtown St Boswells, Melrose,
  - Yarrow Primary School, Yarrow, Selkirk,
  - Philpfaugh Community School, Selkirk
  - Selkirk Library, Ethick Terrace, Selkirk

and published on the Scottish Borders Council website:

<https://scotborders.cfbzenospace.com/children-and-young-people/selkirkcatchment/>

10.4 Copies of this Proposal Paper are available in English (and other languages upon request) from:

Yarrow and Philiphaugh School Catchment Consultation  
Children and Young People's Services  
Scottish Borders Council  
Council Headquarters  
Newtown St Boewels  
Melrose  
TD6 0QA

Telephone: 01635 625080

E-mail: [schoolcatchments@scotborders.gov.uk](mailto:schoolcatchments@scotborders.gov.uk)

10.5 Formal notice of the Proposal and relevant information will be given and be made available, free of charge, to the consultees listed as follows:

- the parents/carers of the children who attend an affected school;
- the Parent Council of an affected school;
- the parent/carers of any children likely to attend an affected school within two years of the date of the publication of the Proposal Paper;
- the pupils attending an affected school;
- the Staff (teaching and non-teaching) at an affected school;
- any Trade Union which is representative of the staff;
- Etnical & Yarrow Community Council and SEMH Community Council;
- the community planning partnership (as defined in section 4(3) of the Community Empowerment (Scotland) Act 2015) for the area where an affected school is situated or any other community planning partnership that the Education Authority considers relevant;
- the constituency Member of the Scottish Parliament;
- the constituency Member of Parliament;
- the List Members of the Scottish Parliament.

10.6 **Advertisement in Local Media**

Advertisements will be placed in the relevant local media the week beginning 13 May 2019, giving the dates for the consultation period and for the public meeting. Press releases were made on and around 10 May 2019, advertising the consultation in the local press and social media.

10.7 **Consultation Period**

The consultation for these Proposals will run from 10 May 2019 and will end on 25 June 2019. This period allows for the statutory minimum of six weeks, including at least thirty school days.

## 10.8 Public Meetings

Public meetings will be held, the details of which are set out below:

At 5.30pm on 30 May 2019  
Philpfaugh Community School  
2 Lingie Road  
Salkirk  
TD7 5LT

and

At 7.30pm on 30 May 2019  
Yarrow Primary School  
Yarrow  
By Salkirk  
TD7 5NE

## 10.9 Format of Public Meeting

Anyone wishing to attend the public meeting is invited to do so. The meeting, which will be convened by Scottish Borders Council, will be addressed by an officer from Children and Young People's Services and other relevant parties.

The meetings will provide an opportunity to:

- Hear more about the Proposal
- Ask questions about the Proposal
- Have your views recorded so that they can be taken into account as part of the consultation process.

A note will be taken at the meeting of comments, questions and other responses. These notes will be published on the Council website and a copy will be made available on request. These notes will be forwarded to Education Scotland, along with other submissions and comments received by the Council during the consultation process.

## 11 HAVE YOUR SAY – HOW YOU CAN RESPOND TO THE PROPOSALS

11.1 A consultation regarding a proposed change to your child's or your community's school is your chance to share your views. Your responses can really shape and influence future decisions; you can play your part by:

- Submitting a written or electronic response to the Council as outlined below;
- Attending one of the public meetings to ask questions; raise concerns/issues; make suggestions to be held on 30 May 2019:-
  - 5.30 pm at Philpfaugh Community School; and
  - 7.30pm at Yarrow Primary School;
- Speaking to your local Councillors;
- Engaging with your school's Parent Council. The Parent Council can play a key role in engaging with the Council throughout the process;
- Make representations as part of your Community;
- Informing Scottish Borders Council if you think that this Proposal Paper has significant inaccuracies or omissions.

- 11.2. All interested parties are invited to respond to the Proposal by making written or electronic submissions to:

Tanow and Philiphaugh catchment consultation  
Children and Young People's Services  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0GA  
Or

Web Address: <https://scotborders.citizenspace.com/children-and-young-people/selkirk-catchment/>

- 11.3. A response form is available from Children & Young People's Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0GA or online at <https://scotborders.citizenspace.com/children-and-young-people/selkirk-catchment/>. A copy of the response form is attached as Appendix 2.
- 11.4. Use of the response form is not compulsory. If you wish to respond by letter or electronically, you are invited to state your relationship with the school – for example, "pupil", "parent", "sister", "relative", "former pupil", "teacher in school", "member of the community" etc. Responses from Parent Councils, staff and Pupil Councils are particularly welcome.
- 11.5. Those sending in a response, whether by letter or electronically, should note that their response will be open to public scrutiny and may be supplied to anyone making a reasonable request to see it. If they do not wish their response to be made publicly available, they should clearly write on the document: "I wish my response to be considered as confidential with access restricted to Councillors and Council Officers of Scottish Borders Council". Otherwise, it will be assumed that the person making the response agrees to it being made publicly available.
- 11.6. All written responses must be received by the last day of the consultation period, 25 June 2019.
- 11.7. Education Scotland has prepared guidance regarding School Consultations. This can be accessed at [Education Scotland's Guidance on School Consultations](#).

## 12. INVOLVEMENT OF EDUCATION SCOTLAND

A copy of this Proposal document will be sent to Education Scotland by the Council. Education Scotland will also receive a copy of any relevant written representations that are received by the Council from any person during the consultation period or, if Education Scotland agree, a summary of them. Education Scotland will further receive a summary of any oral representations made to the Council at the public meeting that will be held and, as available (and so far as otherwise practicable), a copy of any other relevant documentation. Education Scotland will then prepare a report on the educational aspects of the proposal not later than 3 weeks after the Council has sent them all representations and documents mentioned above. In some cases, it is possible for them to extend the 3 weeks with the agreement of the Authority. However, for the avoidance of doubt, the 3 week period will not start until after the consultation

period has ended. In preparing their report, Education Scotland may enter the affected school(s) and make such reasonable enquires of such people there as they consider appropriate and may make such reasonable enquires of such other people as they consider appropriate.

### 13. PREPARATION OF CONSULTATION REPORT

- 13.1 The Council will review the Proposal having regard to the Education Scotland report, the written representations that it has received and oral representations made to it by any person at the public meeting. It will then prepare a Consultation Report.
- 13.2 This Report will be published in electronic and printed formats and will be advertised in local newspapers. It will be available on the Council website and from Council Headquarters, the public library in Dalkeith, as well as both primary schools, free of charge. Anyone who made written representations during the consultation period will also be informed about the report. The report will include a record of the total number of written representations made during the consultation period, a summary of the written representations, a summary of the oral representations made at the public meeting, the Authority's response to the Education Scotland Report as well as any written or oral representations it has received, together with a copy of the Education Scotland Report and any other relevant information, including details of any alleged inaccuracies and how these have been handled.
- 13.3 The Consultation Report will be published and available for further consideration for a period of three weeks, before it is presented to Full Council at the next scheduled Council meeting.
- 13.4 No decision will be taken in regard to the Proposal or any changes put into effect by either the Council or the Council's Executive (Education) Committee until the statutory consultation process has been properly completed.

### 14. NOTE ON CORRECTIONS

If any inaccuracy or omission is discovered in this Proposal Paper, either by Scottish Borders Council or any person, Scottish Borders Council will determine if relevant information has been omitted or there has been an inaccuracy. It will then take appropriate action which may include the issue of a correction or the re-issuing of the Proposal Paper, or the revision of the timetable for the consultation period, if appropriate. In that event, relevant consultees and Education Scotland will be advised.

**STUART EASINGWOOD**  
**INTERIM SERVICE DIRECTOR CHILDREN & YOUNG PEOPLE'S SERVICES**

10 May 2019

This consultation is being conducted in accordance with the terms of the Schools (Consultation) (Scotland) Act 2010 as amended. The 2010 Act's principal purpose is to provide a more accessible statutory consultation process and procedure that local authorities must work in their handling of all proposals for school closures and other changes to schools. These consultation processes are intended to be robust, open, transparent and fair and need to be so. They are also expected to be consistent across Scotland.

### APPENDIX 1 SELKIRK SCHOOLS CATCHMENT PLAN



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**APPENDIX 2**

**STATUTORY CONSULTATION RESPONSE FORM**

Children and Young People's Services  
Statutory Consultation - Proposal Response Form



**SCHOOL ESTATE CONSULTATION IN RELATION TO PROPOSAL TO  
AMEND THE CATCHMENT AREAS OF YARROW PRIMARY SCHOOL  
AND PHILIPHAUGH COMMUNITY SCHOOL, SELKIRK**

**Detail of the Proposal**

Scottish Borders Council is seeking views on proposals to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School, with the aim of increasing Yarrow's school roll and seeking to improve the school's sustainability as an accessible rural school near Selkirk.

The proposed changes can be seen on the maps attached to this form:-

**Introduction**

1. What is your name?

2. What is your email address?

3. What is your postcode?

4. Please tick the most relevant box below to indicate which school(s) you are connected with

- Yarrow Primary School
- Philiphaugh Community School
- Kirkhope Primary School
- Knowespark Primary School
- St Joseph's RC Primary School
- Selkirk High School
- Other – please state in box below

--

5. Please tick the most relevant box below to indicate your interest in the in the School(s)

Parent/carer	<input type="checkbox"/>
Staff	<input type="checkbox"/>
Pupil	<input type="checkbox"/>
Relative of Pupil	<input type="checkbox"/>
Parent Council Member	<input type="checkbox"/>
Elected Member/MSR/MP	<input type="checkbox"/>
Community Planning Partner	<input type="checkbox"/>
Community Member	<input type="checkbox"/>
Other	<table border="1" style="width: 100%; height: 20px;"></table>

6. Do you agree with the proposal to amend the catchment areas for Yarrow Primary School and Philiphaugh Community School?

Please select only one item

Agree

Disagree

Don't Know

Please state your reasons:

7. Please provide us with your comments or alternative suggestions regarding the catchment areas for Yarrow Primary School and Philiphaugh Primary School



**CONFIDENTIALITY OF RESPONSE**

Your response, but not your personal information, will form part of a report that is submitted to Education Scotland and will be available to the public. Do you wish your comments to be considered as confidential so they will only be seen by Elected Members and officers of Scottish Borders Council and Education Scotland?

Yes  No

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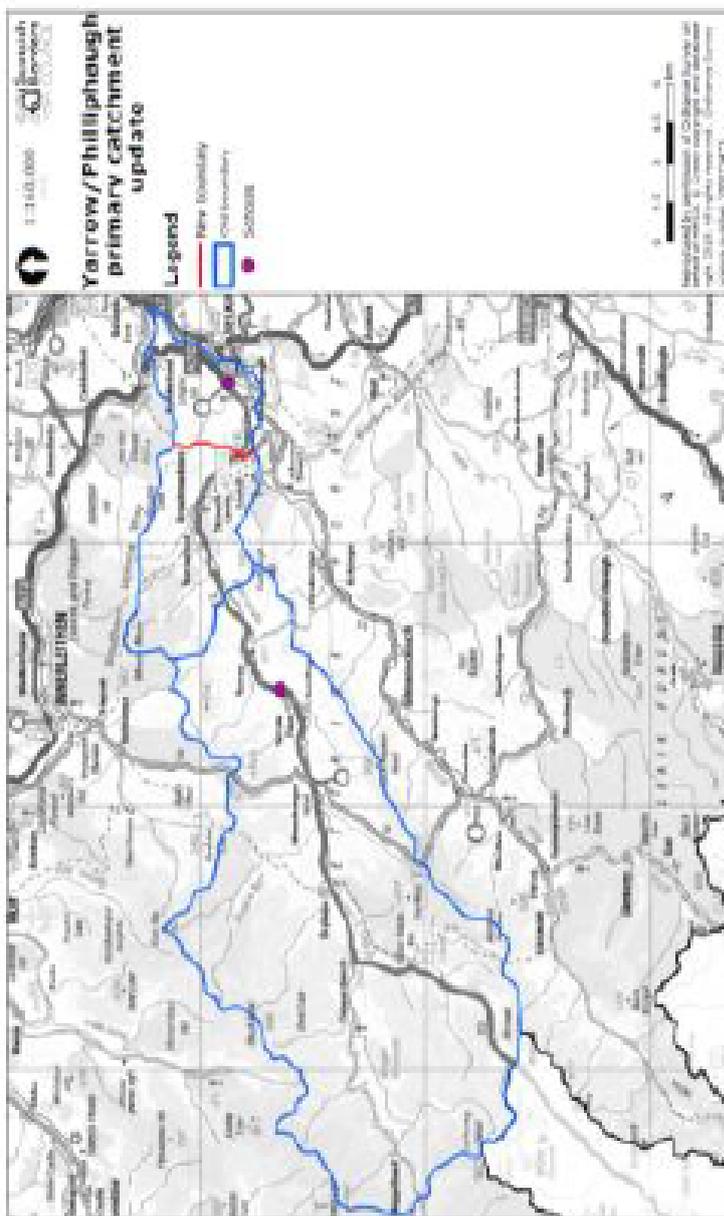
**THANK YOU FOR TAKING THE TIME TO GIVE US YOUR VIEWS**

Your completed form can be handed into your local school or posted to: Yarrow and Philiphaugh School Consultation, Children and Young People's Services, Scottish Borders Council, Newtown St Boswells TD6 0SA. You can also give us your views online at -

<https://scotborders.citizenspace.com/children-and-young-people/selkirkcatchment>

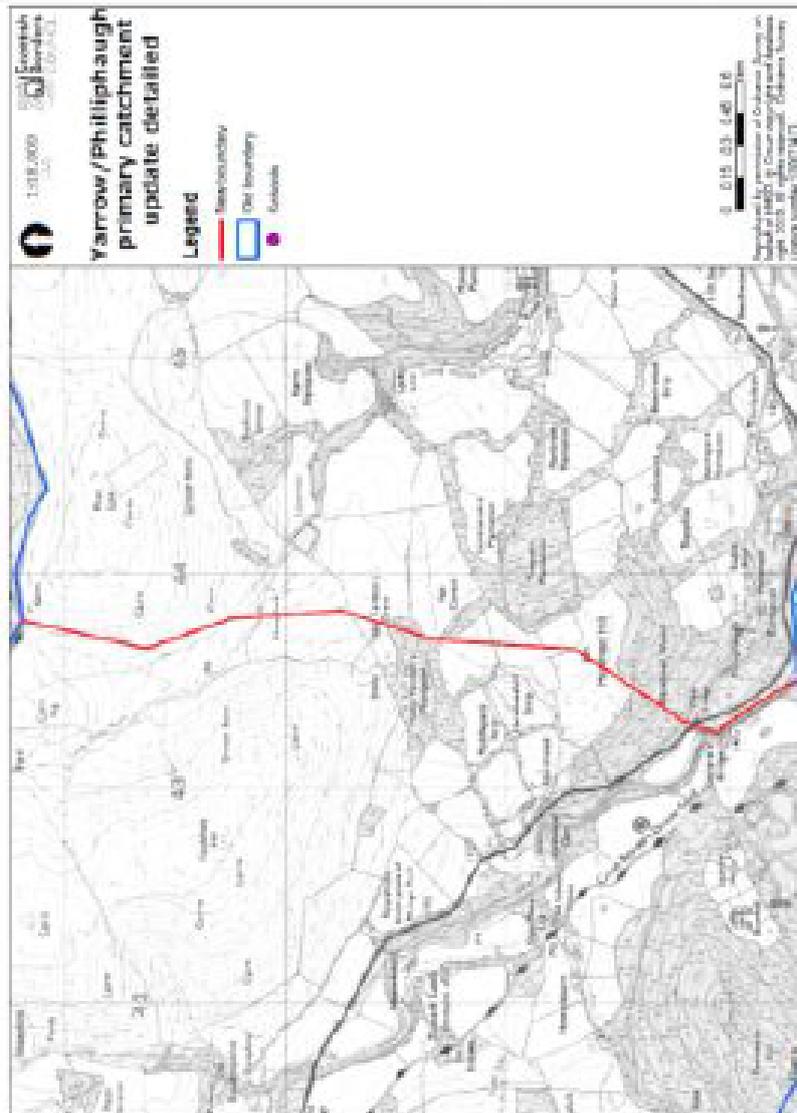
**BY 25 JUNE 2019**

If you have any queries, please email: [schoolstates@scotborders.gov.uk](mailto:schoolstates@scotborders.gov.uk)



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## Appendix 2 – Minutes of Public Meeting

### Minutes of Public Meeting Yarrow Primary School 30 May 2019 at 1900

#### Present from BBC

Lesley Munro - Lead Officer School Estates  
Gillian Setar – Director, School Estates  
Christian Robertson – Senior Lead Officer, Education  
Michelle Hoppé – Acting Headteacher, Yarrow Primary School  
Allison Brown – Classroom Assistant, Yarrow Primary School  
Jenny Keman – Teacher, Yarrow Primary School  
Flora Hewson – School Administrator

#### Electd Members

Elaine Thornton-Nicol

There were 10 members of the public in attendance

#### Introduction

Lesley Munro gave an overview of the background to the consultation and the proposal.

It was explained that under the School Estates Review Council officers were working with all schools with a roll under 60, seeking to improve sustainability. The roll at the school is currently 13 and projected to be 11 in the 2019/20 session. Officers have been keen to work with the school and parents to create a sustainability plan as there is currently only 1 composite class at the school and the roll is currently projected to remain at similar levels.

The parents at the school have been keen to investigate whether the catchment could be expanded. The Yarrowford and Broadmeadows area has been identified as an area for consultation as many people in the valley consider that that area forms part of the Yarrow Valley community and lies more naturally within the Yarrow Primary School catchment area. There have been several opinions expressed that the lack of transport to Yarrow Primary School has been a barrier to several children who may have wished to attend the school.

Gillian Setar explained the consultation process and that the legislation was designed to give a voice to pupils, parents, staff and the community and urged people to share opinions and suggestions and to ask questions. The process being followed is in line with the provisions of the legislation. Gillian explained that Education Scotland would visit the schools after the summer holidays and speak with pupils, parents and staff regarding the proposals. Education Scotland will consider the Educational Benefits of the proposal. Following receipt of Education

Scotland's report, Council officers will prepare a Consultation Report which will consider all the responses received during the consultation process. Responses will then be invited from the community on the Consultation Report for a minimum of 3 weeks after which a decision will be reached by the Councillors regarding the proposal.

Lesley Munro then described the proposal regarding the catchment and advised that if the decision is made to change the catchment area, that transport would then be provided to Yarrow Primary School.

#### Questions

**Will the children currently attending Philiphaugh lose their funded transport to the school?**

Lesley Munro confirmed that the children currently attending Philiphaugh and their younger siblings would still receive transport to Philiphaugh if the decision is taken to amend the catchment.

**What are the cost implications of the additional transport?**

Gillian Sellar advised that while it is uncertain how many children would chose to come to Yarrow from the Yarrowford and Broadmeadows area, it has been assumed that 1 vehicle would be required. Based on the current market prices it is estimated that this would cost c £16k pa.

**Does the proposal mean that children in the Yarrowford and Broadmeadows will have the right to choose either school?**

If the decision is made to amend the catchment area, Lesley Munro advised that the children currently attending Philiphaugh and their younger siblings could chose, to ensure that parents are not being asked to have their children at different primary schools. All children who are not yet at primary school would have Yarrow Primary School as their catchment school, although if any wanted to attend Philiphaugh they may be able to access a place on the school bus going into Selkirk for a small fee.

**How many children are currently being transported to Philiphaugh?**

Gillian Sellar advised that there are currently 8 pupils in Yarrowford and Broadmeadows area attending Philiphaugh Community School.

#### Discussions

One parent stated that the lack of transport has been a barrier to some choosing to attend Yarrow Primary School. It is believed that more parents within Selkirk would chose the valley schools if transport was available. Lesley Munro and Christian Robertson noted this, advising that budgetary constraints are also an issue for the Council.

There was discussion regarding the school strengths and the Yarrow parents seemed keen for the proposal to proceed as the school is an important part of the community, with high levels of community involvement and interest. The decline in the numbers of children in the valley and the change in demographics was discussed, with Christian Robertson advising that a one time there was 4 primary schools in the Yarrow Valley.

Early Learning and Childcare was discussed as some parents used Philiphaugh Community School. The links with Kinnope Primary School was discussed, which also has an Early Learning and Childcare setting.

Lesley Munro thanked everyone for the time and for attending the meeting. She advised how positive the children had been about their school and the learning experiences and opportunities they enjoyed at their school. The children were all very happy with the school and very positive about being in a composite class together. They were positive about the transition to high school and obviously had strong relationships with each other and the staff. Lesley shared with the meeting that the children thought that 13 pupils was the perfect size for their school and they didn't want things to change too much as they were all happy with the status quo.

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## Appendix 3 – HMIE Report dated



### **Schools (Consultation) (Scotland) Act 2010**

Report by Education Scotland addressing educational aspects of the proposal by Scottish Borders Council to amend the catchment areas of Yarrow Primary School, Yarrow and Philiphaugh Community School, Selkirk.

August 2019

## 1. Introduction

1.1 This report from Education Scotland has been prepared by Her Majesty's Inspectors of Education (HM Inspectors) in accordance with the terms of the [Schools \(Consultation\) \(Scotland\) Act 2010](#) (the 2010 Act). The purpose of the report is to provide an independent and impartial consideration of Scottish Borders Council's proposal to amend the catchment areas of Yarrow Primary School and Philiphaugh Community School on or before 31 December 2018. Section 2 of the report sets out brief details of the consultation process. Section 3 of the report sets out HM Inspectors' consideration of the educational aspects of the proposal, including significant views expressed by consultees. Section 4 summarises HM Inspectors' overall view of the proposal. Upon receipt of this report, the Act requires the council to consider it and then prepare its final consultation report. The council's final consultation report should include this report and must contain an explanation of how, in finalising the proposal, it has reviewed the initial proposal, including a summary of points raised during the consultation process and the council's response to them. The council has to publish its final consultation report three weeks before it takes its final decision. Where a council is proposing to close a school, it needs to follow all statutory obligations set out in the 2010 Act, including notifying Ministers within six working days of making its final decision and explaining to consultees the opportunity they have to make representations to Ministers.

### 1.2 HM Inspectors considered:

- the likely effects of the proposal for children of the schools; any other users; children likely to become pupils within two years of the date of publication of the proposal paper, and other children in the council area;
- any other likely effects of the proposal;
- how the council intends to minimise or avoid any adverse effects that may arise from the proposal; and
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs.

### 1.3 In preparing this report, HM Inspectors undertook the following activities:

- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the sites of Yarrow Primary School and Philiphaugh Community School, including discussion with relevant consultees.

## 2. Consultation process

2.1 Scottish Borders Council undertook the consultation on its proposal(s) with reference to the [Schools \(Consultation\) \(Scotland\) Act 2010](#).

2.2 The formal consultation ran from 10 May 2019 to 25 June 2019. Copies of the proposal were made available electronically on the council website. An online response form was set up on the consultation website. The consultation was advertised in the local press. Public meetings were held at Philiphaugh Community School and Yarrow Primary School. Both meetings were held on 30 May 2019. No members of the public attended the public meeting at Philiphaugh Community School. Ten members of the public attended the public meeting at Yarrow Primary School. The majority were supportive of the proposal.

2.3 The council received 32 responses. Of these, 31 were in support of the proposal. The potential benefits were identified as ensuring the long term sustainability of Yarrow Primary School and improving social engagement opportunities for children.

### 3. Educational aspects of proposal

3.1 Yarrow Primary School is a non-denominational primary school in the Yarrow Valley and is within Selkirk High School's catchment zone. It is classified by the Scottish Government as a remote rural school. Council figures indicate that there are currently 11 primary aged pupils living within the catchment for Yarrow Primary School. The current school roll has diminished significantly over time with the school now operating at 20% capacity. Future projections do not indicate a growth in pupil numbers. Philpfaugh Community School is a non-denominational primary school located in Selkirk. It has a capacity for 150 pupils. There are currently 125 pupils in attendance. This equates to 83% occupancy.

3.2 The council has set out a reasonable case for the proposal to amend the catchment areas of Yarrow Primary School and Philpfaugh Community School. The proposal recognises the educational benefits of attending a small rural school and the learning experience offered. The proposal to amend the catchment area will increase the sustainability of Yarrow Primary School through increasing the school roll and provide a viable rural school option for families within the area. The school will remain a key part of the local Yarrow Valley community. There will be improved opportunities for children currently attending Yarrow Primary School to engage with a wider peer group, make new friends and participate in team sports/recreational events. The provision of transport from Yarrowford to Yarrow Primary School will ensure that children in the Yarrow Valley have parity of access to learning and opportunities in their communities.

3.3 All parents, staff and children from Yarrow Primary School and Philpfaugh Community School who met with HM Inspectors were supportive of the proposal. Staff and parents at Yarrow Primary School welcomed the longer term sustainability for the school. Any concerns about the potential impact of the loss of the school on the community were allayed. They thought engagement with a wider peer group at age and stage would improve their children's learning. The provision of transport from Yarrowford to Yarrow Primary School was seen as supportive to families. Children at Yarrow Primary School welcomed the potential for improved social interaction and a chance to make new friends. However, they were concerned that the addition of new children might disrupt the harmonious atmosphere they currently experienced. Parents and staff at Philpfaugh Community School did not see the proposal having any detriment to their school as the numbers involved would be minimal.

### 4. Summary

Scottish Borders Council's proposal to amend the catchment areas of Yarrow Primary School and Philpfaugh Community School has clear educational benefits. Children will benefit from attending a small rural school and the positive learning experience offered. Increasing the Yarrow Primary School roll has the potential to provide a more viable and sustainable rural school option for families within the area. Children in the Yarrow Valley will have parity of access to learning and opportunities. The school will remain a key part of the local Yarrow Valley community.

HM Inspectors  
August 2019



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## **United Nations Convention on the Rights of the Child (UNCRC) Update**

**Report by Service Director Young People, Engagement and Inclusion**

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### **EXECUTIVE COMMITTEE**

**18 May 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 The purpose of this report is to advise on the potential impact of the Scottish Government's proposed Bill on Children's Rights for Scottish Borders Council and Partners.
- 1.2 Scotland is set to become the first part of the United Kingdom (UK) to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill was introduced to the Scottish Parliament on 1 September 2020 and places a duty on public bodies to respect and protect children's rights in all the work that they do. The Bill also says that public authorities must not act in a way that is incompatible with the UNCRC requirements. The Bill was passed unanimously by the Scottish Parliament on 16<sup>th</sup> March 2021.
- 1.3 However, the UK Government has referred the Bill to the Supreme Court under section 33 of the Scotland Act 1998 due to concerns that certain sections of the Bill would affect the UK Parliament's power to make laws for Scotland. The referral to the Supreme Court relates to legislative competence, and not the policy intentions of the Bill. The Supreme Court will decide whether the Scottish Parliament has gone beyond its powers.

## **2 RECOMMENDATIONS**

### **2.1 I recommend that the Committee:**

- (a) Agree that the Council review the potential impact of Incorporation of Children’s Rights into Scots Law in relation to the current Parliamentary Bill**
- (b) Agree that the Council review the implications of Incorporation and amend any Council policies appropriately.**

### **3 BACKGROUND**

- 3.1 In April 2019, the First Minister committed to incorporating the UNCRC into law in Scotland and this is set to be implemented 6 months after Royal Assent. The Bill achieving Royal Assent will be delayed while the matter is considered by the Supreme Court.
- 3.2 Under the proposal, Scotland will become the first part of the United Kingdom (UK) to directly incorporate the United Nations Convention on the Rights of the Child (UNCRC) into domestic law. This means children's rights will be legally protected in Scotland and public authorities must take steps to represent children's rights in their decisions and actions.
- 3.3 The UNCRC (Incorporation) (Scotland) Bill will make it unlawful for public authorities to act in conflict with the incorporated UNCRC requirements. It also means that children, young people, and their representatives will be able to use courts in Scotland to enforce their rights.
- 3.4 The key policy aims of the Bill are to:
1. Ensure that the child's best interests are at the centre of any contact, residence, or Children's Hearing;
  2. Ensure that the views of the child are heard;
  3. Ensure further compliance with the principles of the United Nations Convention on the Rights of the Child (UNCRC);
  4. Further protect victims of domestic abuse and their children
- 3.5 The Scottish Government expects that all aspects of the Bill will affect the way that Local Authorities in Scotland listen to children and young people and take their rights into account. Including UNCRC in Scot's law will enable children and young people to be involved in the decisions that affect their lives, and ensure that children's rights are appreciated, safeguarded and realised by public authorities.
- 3.6 Part 1 of the Children and Young People (Scotland) Act 2014 requires Public Authorities to report, "as soon as practicable" after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the United Nations Convention on the Rights of the Child (UNCRC). A Children's Rights Report has been prepared for Scottish Borders Council and NHS Borders and is reported separately to Executive Committee.

## 4 ACTIONS FOR SCOTTISH BORDERS COUNCIL

- 4.1 The Bill is set to be implemented in the near future, dependent on the Supreme Court decision. To meet the requirements of the Bill, Scottish Borders Council will need to plan an approach. The incorporation of Children's Rights into Scot's Law will affect many services within the Council, therefore a review of the implications of incorporation is required to ensure compatibility with the rights of the Child. It is likely that some Council Policies, Strategies and Procedures will need to be amended to ensure that they include Children's Rights where appropriate. An awareness campaign will also be helpful.

## 5 IMPLICATIONS

- 5.1 **Financial**  
There are no specific costs attached to any of the recommendations contained in this report.
- 5.2 **Risks and Mitigations**  
In accordance with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, Scottish Borders Council must ensure that Children's Rights are upheld in any decision making. Failure to do so would leave the Council at risk of breaching children's rights.
- 5.3 **Integrated Impact Assessment**  
An Integrated Impact Assessment (IIA) has been completed for this report. Any other Policies and strategies relating to Children's Rights will also require an IIA as they are developed.
- 5.4 **Acting Sustainably**  
There are no economic, social or environmental effects associated with this report.
- 5.5 **Carbon Management**  
There are no effects on carbon emissions as a result of this report.
- 5.6 **Changes to Scheme of Administration or Scheme of Delegation**  
There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of this report.

## 6 CONSULTATION

- 6.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into the Final Report.

**Approved by**

**Lesley Munro**  
**Service Director Young People, Engagement & Inclusion**

**Signature .....**

**Author(s)**

Janice Robertson	Strategic Planning & Policy Manager
Sylvia Mendham	Senior Business Services Officer

**Background Papers:** N/A

**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. Janice Robertson can also give information on other language translations as well as providing additional copies.

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## **Children's Rights**

### **Report by Service Director Young People, Engagement and Inclusion**

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## **EXECUTIVE COMMITTEE**

**18 May 2021**

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### **1 PURPOSE AND SUMMARY**

- 1.1 The purpose of this report is to advise on what initiatives Scottish Borders Council has implemented in the past 3 years (2017-20), and the measures planned over the next 3 years (2020-23) to further the rights of children and young people living in the Scottish Borders.
- 1.2 Part 1 of The Children and Young People (Scotland) Act 2014 requires Public Authorities to report 'as soon as practicable' after the end of each three year period on the steps they have taken to secure better or further effect the requirements of the United Nations Convention on the Rights of the Child (UNCRC).
- 1.3 Scottish Borders Council have prepared a joint report with NHS Borders to comply with the requirement of the Act and it is shown in Appendix 1. The Act requires that the Children's Rights Report is published on the local authority website.
- 1.4 The report is split into 2 parts. Part one sets out actions implemented within the past 3 years, namely, from 2017 (when the duties first commenced) to 2020. Part two comprises of an Action Plan of the measures being taken forward covering the period 2020 until 2023.

### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Committee:**
  - (a) **Approve the Children's Rights Report for 2017-2020**
  - (b) **Approve the Action Plan of measures for 2020-2023**

### **3 BACKGROUND**

- 3.1 Part 1 of the Children and Young People (Scotland) Act 2014 requires Public Authorities to report, "as soon as practicable" after the end of each 3 year period, on the steps they have taken to secure better or further effect of the requirements of the United Nations Convention on the Rights of the Child (UNCRC).
- 3.2 There are four articles in the Convention that are seen as special. They are known as the "General Principles" and they help to interpret all the other articles and play a fundamental role in realising all the rights in the Convention for all children. They are:
  1. Non-discrimination (article 2)
  2. Best interest of the child (article 3)
  3. Right to life survival and development (article 6)
  4. Right to be heard (article 12)
- 3.3 For the purposes of Children's Rights Reports there are 9 clusters, which help facilitate reporting, and these include definitions of the child, civil rights and freedoms, family environment and alternative care.
- 3.4 The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It makes clear how adults and governments must work together to make sure all children can enjoy all their rights.
- 3.5 The Convention must be understood as a whole: all rights are linked and no right is more important than any other. The right to relax and play (article 31) and the right to freedom of expression (article 13) are as important as the right to be safe from violence (article 19) and the right to education (article 28).
- 3.6 Scottish Borders Council committed to embedding the 17 United Nations Sustainable Development Goals (UN SDG) at a full Council meeting in August 2019, which have a strong resonance with the UNCRC, particularly inclusive and equitable education, and promote lifelong learning for all.

#### **4 INITIATIVES IMPLEMENTED BY SCOTTISH BORDERS COUNCIL, NHS BORDERS AND PARTNERS TO IMPROVE CHILDREN'S RIGHTS IN THE PAST 3 YEARS (2017-2020)**

- 4.1 Over the 3-year period, a number of initiatives have been undertaken which have recognised Children's Rights and so have enabled children and young people an opportunity to state their views. These are set out in the full Children's Rights Report (Appendix 1B) Some notable highlights are as follows:
- (a) The development of a Champions' Board as part of the Council's Corporate Parenting Strategy to better represent the voice of looked after and care experienced children and young people in service provision and development.
  - (b) Scottish Borders Council were given a presentation by Members of the Scottish Youth Parliament on their campaign "Right Here Right Now" in April 2018 which seeks to promote the rights of young people in Scotland. They outlined the background to the setting up of the Youth Parliament and advised that the topic for the campaign had been chosen following a survey of 5000 young people across Scotland, including 800 from the Scottish Borders.
  - (c) In partnership with NHS Borders, programmes such as 'Growing in Confidence' and 'Peaches & Aubergines' were rolled out across school and other settings. These were launched in September 2018 and promoted as a healthy relationship resource, comprising of 3 short films made by young people for young people, looking at matters relevant to them around healthy relationships, consent and respect.
  - (d) The Healthy Living Network and Community Learning developed and put in place a summer activity programme in 2019. Activities included good food sessions, physical activity and family learning support. Events took place in Burnfoot, Langlee, Eyemouth and Selkirk and were attended by 305 children.
  - (e) Under the Locality Partnership Model, and as a result of COVID-19, 16 childcare hubs were opened for the families of key workers, identified children and vulnerable young people.

#### **5 ACTIONS PROPOSED BY SCOTTISH BORDERS COUNCIL AND NHS BORDERS IN THE 3 YEARS (2020-2023)**

- 5.1 Over the three year period from 2020/21, a number of measures are proposed which recognise Children's Rights and will enable children and young people to state their views. These are set out in the full Children's Rights Report (Appendix 1C). Highlights are as follows:

- (a) Review the impact of Incorporation of Children’s Rights into Scots Law in relation to the current Parliamentary Bill and review the impact of incorporation and amend our policies appropriately.
- (b) Strengthening networks between the Council, NHS Borders and their partners. The emphasis being on supporting all children and young people to realise their rights through the decisions, priorities and actions of public bodies, local authorities and their partners who must ensure that they act in accordance with UNCRC requirements.
- (c) Review of the Getting it Right For Every Child (GIRFEC) Information Sharing Protocol of confidential information and consent to support children and young people’s wellbeing between NHS Borders, Council, Police and Child Protection.
- (d) Implementation of the findings of the Independent Care Review’s ‘The Promise’ (2020) across corporate parent organisations in the Scottish Borders. Developments will be led through the Scottish Corporate Parenting Strategy 2021-24 and informed by the on-going participation of looked after and care experienced children and young people.

## **6 IMPLICATIONS**

### **6.1 Financial**

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

### **6.2 Risks and Mitigations**

In accordance with the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, Scottish Borders Council and NHS Borders must ensure that Children’s Rights are upheld in any decision making. Failure to do so leaves the Council at risk of breaching children’s rights.

### **6.3 Integrated Impact Assessment**

An Integrated Impact Assessment (IIA) has been completed for this report. Any other Policies and strategies in relation to Children’s Rights will also require an IIA as they are developed.

### **6.4 Acting Sustainably**

There are no economic, social or environmental effects associated with this report.

### **6.5 Carbon Management**

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

### **6.6 Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of this report.

## 7 CONSULTATION

- 7.1 The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments have been incorporated into the Final Report.

### Approved by

**Lesley Munro**  
**Service Director Young People, Engagement & Inclusion**

**Signature .....**

### Author(s)

Janice Robertson	Strategic Planning & Policy Manager
Sylvia Mendham	Senior Business Services Officer

**Background Papers:** N/A

**Previous Minute Reference:** N/A

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**Scottish Borders**

**CHILDREN'S RIGHTS REPORT**

**2017-2020**

**2021-2023**

DRAFT

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## 1. Introduction

Part 1 of the Children and Young People (Scotland) Act 2014 requires Public Authorities to report, “as soon as practicable” after the end of each 3-year period, on the steps they have taken to secure better or further effect of the requirements of the United Nations Convention on the Rights of the Child (UNCRC).

Using the UNCRC as the framework for reporting, Scottish Borders Council and NHS Borders have prepared a joint report which sets out:

1. actions implemented in the past 3 years (2017-20), when the duties first commenced) and:
2. an Action Plan of the proposed measures to be taken forward in the next 3 years (2020-23) to further the rights of children living in the Scottish Borders.

In preparing this report, we have consulted with children and young people to ensure they have a say about matters that are important to them. This has included various consultations on a variety of topics, e.g. school holidays and Jedburgh school provision. We are committed to involving children and young people in preparing Child’s Rights Reports in the future, as well as in the design of our services, policies and plans.

Scottish Borders Council and NHS Borders Services have also been consulted and have provided various examples of their commitment to securing and furthering Children’s Rights.

## 2. What is the United Nations Convention on the Rights of the Child (UNCRC)?

The UNCRC sets out the human rights of every person under the age of 18 and is the most complete statement on children’s rights treaty in history. It was adopted by the UN General Assembly in 1989 and is the most widely adopted international human rights treaty in history. Progress on implementation of the UNCRC is monitored by the UN Committee on the Rights of the Child.

The Convention has 54 articles that cover all aspects of a child’s life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to. It makes clear how adults and governments must work together to make sure all children can enjoy all their rights. (See appendix 1A).

The Convention must be understood as a whole: all rights are linked, and no right is more important than any other. The right to relax and play (article 31) and the right to freedom of expression (article 13) are as important as the right to be safe from violence (article 19) and the right to education (article 28).

There are 4 Guiding Principles of the Convention. These Guiding Principles help to interpret all the other articles of the Convention and play a fundamental role in realising all the rights for all children. As set out in the diagram below:



Article 2: states all children have the rights set out in the UNCRC, and individual children and young people should not be discriminated against when these rights are realised. This covers both direct and indirect discrimination.

Article 3: states that the interests of children and young people should be thought about at all levels of society, and that their rights should be respected by people in power. In other words, it says adults should think about the best interests of children and young people when making choices that affect them.

Article 6: recognises that all children and young people have the right to survive and the right to develop. It says that children and young people should be able to grow up in conditions that do not negatively impact on their physical and mental wellbeing.

Article 12: states that the opinions of children and young people should be considered when people make decisions about things that involve them. Their opinions should not be dismissed on the grounds of age. Children and young people's views should be taken seriously, with their evolving capacities taken into account. Children and young people should be given the information they need to make good decisions.<sup>1</sup>

These lead onto the three P's of Provision, Protection and Participation and represent the underlying requirements for all rights to be realised (see table below).

**Provision**  
(survival needs, food and nutrition, health and shelter, an education)

These are rights to the resources, skills and contributions necessary for the survival and full development of the child. They include rights to adequate food, shelter, clean water, formal

<sup>1</sup> Adapted from CYPCS.org.uk

education, primary health care, leisure and recreation, cultural activities, and information about their rights. These rights require not only the existence of the means to fulfil the rights but also access to them. Specific articles address the needs of child refugees, children with disabilities and children of minority or indigenous groups.

## Protection (from all forms of harm and exploitation)

These rights include protection from all forms of child abuse, neglect, exploitation and cruelty, including the right to special protection in times of war and protection from abuse in the criminal justice system.

## Participation (as an active agent in their own lives and in society)

Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include the right to express opinions and be heard, the right to information and freedom of association. Engaging these rights as they mature helps children bring about the realisation of all their rights and prepares them for an active role in society.

The Convention can be [read in full](#) or accessed in an alternative [simplified formats](#) prepared by the Children and Young People's Commissioner Scotland.

### 3. Background to UNCRC in Scotland

UNCRC is an international human rights treaty, which sets out the rights every child has. Scotland is in the unique position of introducing legislation that provides legal protections of these rights in Scots Law. This has been progressed through the Scottish Parliament as the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill<sup>2</sup>. Importantly, calls for incorporation came from children and young people too.

Children aged 9-13 who took part in the Children's Parliament consultation sessions demonstrated a clear understanding of the key issues, and expressed concerns that "Children's rights might be forgotten about". They also expressed that they felt rights and duties were important for public services including police, schools and social work. There was a clear call from children to "enforce children's rights instead of just letting it be optional to people".

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<sup>2</sup> [United Nations Convention on the Rights of the Child Incorporation Scotland Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

## 4. The Children & Young People (Scotland) Act 2014

However, Ministers have a duty to keep the UNCRC ‘under consideration’, to raise ‘awareness and understanding’ of its principles and provisions, ‘take account’ of views of children and local authorities must submit a report to the Scottish Parliament every three years on the changes that have been made to UNCRC implementation over the period. It also contains a duty on public bodies to report on UNCRC implementation.

The Bill became the newly named ‘Children and Young People (Scotland) Act 2014’ and while it fell short of incorporation, it provided a focal point for children’s rights discourse. The key point of the Scottish Government’s plan was to make Scotland the best place in the world for children to grow up.

## 5. The Children and Young People’s Commissioner Scotland

The Commissioner’s powers are set out in The Commissioner for Children and Young People (Scotland) Act 2003 and amended by The Children and Young People Act 2014. Before the 2014 Act became law the Commissioner could only look into cases that involved human rights of groups of children and young people. As a result of the 2014 Act, the Commissioner can now investigate cases that affect the human rights of individual children and young people.

The role of the Commissioner is as follows:

- Protects the rights for children and young people under 18 or up to 21 if in care or care experienced
- Works to ensure that laws are fair and will challenge people in authority to ensure that they have done what they have promised to do. To ensure that all children and young people grow up in an environment of happiness, love and understanding
- Helps children and young people to understand that importance of children’s rights and that children and young people can demand change if their rights or rights of others are not being respected
- Also ensures adults in Scotland are aware of children’s rights so that they know where they need to make changes

## 6. UNCRC Incorporation (Scotland) Bill

In April 2019, the First Minister committed to incorporating the UNCRC into law in Scotland and they are set to be implemented 6 months after Royal Assent, currently 2021. This means children’s rights will be legally protected in Scotland and public authorities must take steps to represent children’s rights in their decisions and actions. It also means that children, young people, and their representatives will be able to use courts in Scotland to enforce their rights.

<https://www.togetherscotland.org.uk/about-childrens-rights/monitoring-the-uncrc/incorporation-of-the-un-convention-on-the-rights-of-the-child/>

Scottish Borders Council committed to embedding the 17 United Nations Sustainable Development Goals (UN SDG) at a full Council meeting in August 2019, which have a strong resonance with the UNCRC, particularly inclusive and equitable education and promote lifelong learning for all. Also, to end poverty in all its forms everywhere, with children’s rights forming the basis on any decision making.

## 7. Role of Children and Young People

**Article 12** states that children have the right to express their views in all matters affecting them and to encourage adults to listen to the opinions of children and involve them in decision-making. All children and young people have the right to be involved in decisions that involve them and have the right to have their voices heard about issues affecting them, taking into account the child's age and maturity. The UNCRC encourages parents, judges, social workers, childcare workers and other adults responsible for children to consider the child's view and to use that information to make decisions that will be in the child's best interests.

The interest of children in rights issues and the way in which parents handle these issues, will vary according to the age of the child. Helping children understand their rights does not mean pushing them to make choices with consequences they are too young to appreciate or understand. The UNCRC encourages parents to deal with rights issues with their children "... in a manner consistent with the evolving capacities of the child ..." (Article 5). The issues which are discussed, the way parents answer questions or the methods of discipline they use, will differ depending on the age of the child.

## 8. The Cluster Approach

The different Articles of the UNCRC are grouped into clusters. This is the structure that is recommended for reports to the UN Committee on the Rights of the Child. There are nine clusters, which help facilitate reporting for Children's Rights and these are detailed in the table below. In Scottish Borders we will use this cluster approach to report on Child Right's and to inform our future plans and activity.

Cluster	Description	Meaning	Example
1	General measures of implementation;	Any initiatives that raise awareness of Children's Rights	Children and young people having their say on the way Council Services are delivered and planning decisions on play parks/new schools.
2	Definition of the child; articles tabled	Child or young person under 18	For personal learning planning pupils, take responsibility by setting their own learning targets on a regular basis in their learning journeys or through a learning conversation, whatever is appropriate for age and stage.
3	General principles of UNCRC	Any Policy made in the best interests of the child and/or schemes introduced to stop discrimination.	Through Curriculum of Excellence, children and young people develop their spiritual, social, moral and cultural values. Looked after children's right to independent advocacy

4	Civil rights and freedoms	Primary/high school involves pupils in all aspect of their education	Curriculum for Excellence is now being implemented across Scotland for all 3-18 year olds wherever they learn. It aims to raise standards, prepare our children for a future they do not yet know and equip them for jobs of tomorrow in a fast changing world.
5	Violence against children	The Scottish Government's law on making it a criminal offence for a parent/carer to use physical punishment against a child.	The Children (Equal Protection from Assault) (Scotland) Act 2019 which removed common law defence of "reasonable chastisement" from law on 7 <sup>th</sup> November 2020.
6	Family environment and alternative care;	Children and Young People have the right to go into care, and have their rights respected when they are there. There should be independent checks to make sure their rights are respected, especially if disabled or a refugee.	Development of Champions' Board approach in Scottish Borders Corporate Parenting to better represent the voice of looked after and care experienced children and young people in service provision and development.
7	Disability, basic health and welfare;	Any Policy that focuses on the health & welfare of all children and the consideration of children with a disability rights	The Inclusion Policy, which outlines the Scottish Borders Framework for Staged Intervention, that has been designed to enable staged and proportionate intervention to meet the additional support needs of children and young people within educational establishments in the Borders.
8	Education, leisure and cultural activities;	The right of all children to an education that will help them to achieve their potential without discrimination	In teaching mathematics, primary 6 pupils of Priorsford were asked what interested them, the response was horses and the countryside. Therefore, the school adapted their maths syllabus around these 2 topics to make the subject relevant to the children

9	Special protection measures	This focuses on groups of vulnerable and marginalised children who require special protection for example asylum-seeking and refugee children, child victims of trafficking exploitation and children in trouble with the law.	The Scottish Borders refugee resettlement scheme developed in 2015, the aim of which was to resettle 10 Syrian families in the Scottish Borders over 4 years. All eligible looked after children have been actively supported to achieve European Union Settled Status (EUSS)
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## 9. What do children and young people know about their rights?

A short survey was circulated to a group of young people to obtain their views about children's rights and the results show that some young people are aware that they have rights about issues that matter to them. Here are some of their comments:

*Yes, I feel my comments are heard and I have been able to implement a number of things, for example a suggestion box for pupils*

*Yes, I have been able to get additional benches to sit on outside due to COVID*

*Through Scottish Borders Council Youth Voice have been supported to voice my thoughts on climate crisis*

*Felt teachers were open to listening*

*Found most people respect their rights*

*Often found problems brought up are forgotten about, usually because a member of staff has to talk to another member of staff and so on*

*One pupil struggled with maths all through primary school and it was not until studying for National 5 maths that dyslexia was mentioned and told it was too late for support*

*Yes and no, if adult thinks it is important they will be more engaged; otherwise, it will be disregarded for example recycling bins in school*

*We are lucky to be living in a country that's tries to take our rights and views into account when making decisions. For example Young Scot 5Rights Group which is a focus group on technology and digital rights.*

*Mostly teachers listen but when I looked into recycling bins at my school, I was told nothing could happen*

*In most case, but cases involving staff and mental health of students problematic as a lot of children and young people feel they are not taken seriously especially during panic attacks*

## PART ONE

### What have Scottish Borders Council, NHS Borders and partners done to improve Children’s Rights in the past 3 years (2017-2020)?

Over the 3-year period, a number of initiatives have been undertaken which have recognised Children’s Rights and so have enabled children and young people an opportunity to state their views.

Significant highlights are detailed below, and the full list is shown in Appendix 1B attached:

The Integrated Children and Young People’s Plan for 2018/2021 focused on the following 4 priorities. The priorities are written with Children’s Rights in mind.

<p><b>PRIORITY 1</b> Keeping children and young people safe</p>	<p><b>OUTCOME</b> More children and young people will be protected from abuse, harm or neglect and will be living in a supportive environment, feeling secure and cared for.</p>
<p><b>PRIORITY 2</b> Improving health and well-being and reducing inequalities</p>	<p><b>OUTCOME</b> Inequalities in the health and wellbeing of young people are reduced</p>
<p><b>PRIORITY 3</b> Targeting support to maximise life experiences and opportunities and ensuring inclusion</p>	<p><b>OUTCOME</b> Life experiences and opportunities are improved for children and young people who require our targeted support</p>
<p><b>PRIORITY 4</b> Increasing participation and engagement</p>	<p><b>OUTCOME</b> All our children and young people will be encouraged to be involved in the planning, provision and delivery of services and their rights respected</p>

1. Scottish Borders Council were given a presentation by Members of the Scottish Youth Parliament on their campaign “Right Here Right Now” in April 2018 which seeks to promote the rights of young people in Scotland. They outlined the background to the setting up of the Youth Parliament and advised that the topic for the campaign had been chosen following a survey of 5000 young people across Scotland, including 800 from the Scottish Borders.
2. The Councils’ Inclusion Policy 2018 covers the key principle of a child’s right to education with a commitment to the United Nations Convention on the Rights of the Child. The Policy provides guidance to all learning establishments in promoting positive relationships and ensuring that the needs of all children and young people are met, which is important to Getting It Right For Every Child (GIRFEC), the successful delivery of the Curriculum for Excellence and reducing the poverty related attainment gap.

3. Participation model - The Additional Support for Learning Policy sets out the definitions, background and legislative framework of Additional Support Needs and Additional Support for Learning. It specifies the services available, the processes for accessing these services, what service users can expect and the rights of parents and young people who use these services.
4. A resource was developed by S3 from Galashiels Academy on behalf of the Child Protection Committee which was shared with all secondary schools. The short clip provides a stark and meaningful message to all people about internet safety.

## PART TWO

### What would Children and Young People like to see in the Scottish Borders?

In addition to asking children and young people about their rights, we also sought their ideas about what they would like to see improve in the Scottish Borders.

Responses included:

Digital connectivity  
Recycling and climate change  
Free public transport  
Education and children's rights  
Activities for young people  
Mental health

## 10. Next steps proposed by the Council, NHS Borders and Partners

The Council, NHS Borders and their partners will continue to take forward measures to improve the wellbeing of all children living in the Scottish Borders and to ensure that their rights are fully realised and protected. The emphasis being on supporting all children and young people to realise their rights through the decisions, priorities and actions of public bodies. Local authorities and their partners must ensure that they act in accordance with UNCRC requirements.

Significant highlights are detailed below, and the full list is shown in Appendix 1C attached:

1. Incorporation of Children's Rights into Scots Law in relation to the current Parliamentary Bill and what incorporation would mean for public bodies. The Council and NHS Borders will review its policies to ensure compatibility with the rights of the child; and supporting the development of future strategies and services which will work to further the UNCRC for children and young people in the Scottish Borders.
2. Implementation of the findings of the Independent Care Review's 'The Promise' (2020) across corporate parent organisations in the Scottish Borders. Developments will be led through the Scottish Corporate Parenting Strategy 2021-24 and informed by the on-going participation of looked after and care experienced children and young people.

3. For children and young people identified as young carers, current procedures are being updated to encompass directions about offering plans or statements to young carers of people with terminal illness quickly. This is because the powers to issue these regulations can only set timescales from once an offer is accepted. The guidance from the Scottish Government will therefore help to achieve the original policy intention of timescales running from when the authority was first aware of a young carer of someone who is terminally ill.
4. The Council has purchased the British Sign Language (BSL) teaching pack from Highland Council. Once staff have completed the training all schools within the Scottish Borders will be asked to consider learning BSL.
5. The introduction of Mind of My Own (MOMO) – a web-based communication App - to ensure that children who are receiving a service have the right and ability to express their views independently of a Practitioner and/or parent/Guardian.

## 11. How will the Council and NHS Borders know they have made a difference?

The Council and NHS Borders measure the impact of the work carried out for Children's Rights in a variety of ways such as:

- Listening and working with children and young people as partners in measuring progress made by the Council, NHS Borders and their partners
- Implementing actions from the Integrated Children and Young People's Plan
- The work of the Children and Young People's Leadership Group
- Annual Progress Reports in CLD Services, Social Work and Education Services.
- The Scottish Borders Corporate Parenting Annual Report
- Performance indicators and monitoring reports
- Children and young people Case studies
- Using surveys to gather information
- Forum meetings with children and young people and reports that provide information on Children's Rights
- Feedback from parent forums, namely parent partnerships

## 12. Conclusion

In accordance with Part 1 of the Children and Young People (Scotland) Act 2014 the Council, NHS Borders and their partners have worked together on a number of initiatives to further children's rights over the past three years and continue to do so in their planned actions for the future. The wide range of activity shown demonstrates a clear awareness of the need to embed Children's Rights in our work. As a result of Children's Rights being incorporated into Scots Law, services provided by the Council, NHS Borders and partners will need to ensure that children's rights are embedded into all appropriate policies, plans and strategies and that our decision-making and service delivery is compatible with the rights afforded to children and young people by the Convention. This work has already commenced and demonstrates our ongoing commitment to Children and Young People in the Scottish Borders.

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## Appendix 1A

<h3><u>Summary of the articles</u></h3> <p><u>Full content- <a href="#">Children's rights articles</a></u></p>	
<p><u>Four General principle of United Nation of Children’s Rights Convention</u></p>	<ul style="list-style-type: none"> <li>• Non-Discrimination (2)</li> <li>• Best interests of the child (3)</li> <li>• Life, survival and development (6)</li> <li>• Respect for the views of the child (12)</li> </ul>
<p><u>Civil rights and freedom</u></p>	<ul style="list-style-type: none"> <li>• Birth registration, name, nationality, care (7)</li> <li>• Protection and preservation of identity (8)</li> <li>• Freedom of expression (13)</li> <li>• Freedom of thought, conscience and religion (14)</li> <li>• Freedom of association (15)</li> <li>• Right to privacy (16)</li> <li>• Access to information; mass media (17)</li> </ul>
<p><u>Violence against children</u></p>	<ul style="list-style-type: none"> <li>• Protection from all forms of violence (19)</li> <li>• Right to Education (28 (2))</li> <li>• Sexual exploitation (34)</li> <li>• Inhumane treatment and detention (37(a))</li> <li>• Recovery and rehabilitation of child victims (39)</li> </ul>
<p><u>Family environment and alternative care</u></p>	<ul style="list-style-type: none"> <li>• Parental guidance and a child’s evolving capacities (6)</li> <li>• Separation from parents (9)</li> <li>• Family reunification (10)</li> <li>• Abduction and non-return of children (11)</li> <li>• Parental responsibilities and state assistance (18 (1, 2))</li> <li>• Children deprived of a family (20)</li> <li>• Adoption (21)</li> <li>• Review of treatment in care (25)</li> <li>• Adequate standard of living (27(4))</li> </ul>

<u>Disability, basic health &amp; welfare</u>	<ul style="list-style-type: none"> <li>• Life, survival and development (16)</li> <li>• Parental responsibilities and state assistance (18(3))</li> <li>• Children with disabilities (23)</li> <li>• Health and health services (24)</li> <li>• Social Security (26)</li> <li>• Adequate standard of living (27(1-3))</li> <li>• Drug abuse (33)</li> </ul>
<u>Education, leisure and cultural activities</u>	<ul style="list-style-type: none"> <li>• Right to education (28)</li> <li>• Goals of education (29)</li> <li>• Children of minorities/indigenous groups (30)</li> <li>• Leisure, play and cultural (31)</li> </ul>
<u>Special protection measures</u>	<ul style="list-style-type: none"> <li>• Refugee children (22)</li> <li>• Children of minorities/indigenous group (30)</li> <li>• Child labour (32)</li> <li>• Drug abuse (33)</li> <li>• Abduction, sale and trafficking (35)</li> <li>• Other forms of exploitation (36)</li> <li>• Inhumane treatment and detention (37(b-d))</li> <li>• War and armed conflicts (38)</li> <li>• Recovery and rehabilitation of child victims (39)</li> <li>• Juvenile justice (40)</li> </ul>
<u>Optional protocol to the UNCRC on the involvement of Children in Armed Conflict</u>	Governments to ensure children under 18, who are members of the Armed Forces, do not taken part in armed conflict – any recruitment of a child under 18 must be voluntary and with the consent of the parents/carers
<u>Optional protocol to the UNCRC on the sale of Children, Child Prostitution and Child Pornography</u>	Governments must ban the sale of children, child prostitution and child pornography and recognise the vulnerability of child victims, protect their privacy, provide appropriate support services and ensure their safety.

## Appendix 1B

**What have Scottish Borders Council, NHS Borders and partners done to further Children's Rights in the past 3 years (2017-2020)?**  
**These are some examples of initiatives carried out**

1	Partners have developed a planned programme that covers suicide awareness, intervention skills, mental health awareness, dealing with change, promoting wellbeing and resilience to increase emotional wellbeing and resilience of children and young people, which was started in 2018.
2	Galashiels Academy developed actions to promote universal approaches, take on early intervention ways to support emotional wellbeing for all, and work to tackle drug and alcohol misuse across all communities.
3	In partnership with NHS Borders the roll out of programmes such as 'Growing in Confidence' and 'Peaches & Aubergines' which was launched in September 2018. This was seen as a healthy relationship resource, comprising of 3 short films made by young people for young people, and looks at matters relevant to them around healthy relationships, consent and respect.
4	Piloted in one primary school, training on the dangers of sexting and grooming was provided in partnership with the Chairs of the Parent Partners, a local Youth Group and High School pupils.
5	Delivered senior S6 school leaver Child Protection Awareness Raising across our 9 High Schools.
6	Child Protection Committee (CPC) Training Officers made links with Rowlands Youth Club over summer 2019 and in autumn at Selkirk High School to engage more young people in creating a pilot training programme aimed at upper primary school age pupils in order to prevent, protect and report online abuse. Pupils spoke to the Chairs of Scottish Borders Council Parent Partnership to take on board their views about delivering child protection training to younger aged pupils and in so doing incorporated primary 5 pupils into the pilot. The results of the training highlighted that young people are being contacted online by strangers and by putting privacy settings on their accounts they can reduce the risk of this contact. In this pilot, primary 5 aged pupils (age 9-10 years) were identified as being targeted by strangers more than primary 6.
7	The Healthy Living Network and Community Learning developed and put in place a summer activity programme in 2019. Activities included good food sessions, physical activity and family learning support. Events took place in Burnfoot, Langlee, Eyemouth and Selkirk and were attended by 305 children.
8	Under the Locality Partnership Model and as a result of COVID 19, 16 childcare hubs were opened for the families of key workers, identified children and vulnerable young people.
9	The Children and Young People's Leadership Group commissioned the Quarriers Service to put in place a resilience and wellbeing practitioner in each of our 9 high schools.
10	Implemented procedures in relation to mental health and wellbeing for pupils and staff.
11	Self-harm awareness information available for parents and young people. Guidance and training introduced on self-harm and where to access help when required.
12	The Inspire Team worked with a network of school leavers and digital ambassadors in secondary schools to plan and develop high quality professional learning which supports changing the way learning is delivered in schools
13	The addition of Wellbeing Ambassadors in secondary schools in partnership with the

	third sector created an App for students to assist them in changing the attitudes of peers' independent from initiatives of adults in the school community.
14	The Council has signed up to the LGBT Charter, which enables them to proactively include LGBTI people in every aspect of services the Council provide, protecting staff and providing a high-quality service to children and young people and customers of Scottish Borders Council
15	Earlston High School achieved the LGBT Youth Scotland Gold Charter mark by creating an inclusive learning outcome for all and special thanks to students and teachers for making this happen
16	Childsmile is a national health improvement Programme designed for the health of Children in Scotland and reduces inequalities both in dental health and access to dental services
17	Child poverty - Financial inclusion in early years ensuring children and young people have a right to food and shelter through the provision of advice and support to families who may be entitled to benefits
18	UNICEF Baby Friendly Gold award - Maternity Services - helping mothers to give their children the best start in life by encouraging breastfeeding
19	Development and embedding of the Housing Options Protocol, a joint Scottish Borders Council – Registered Social Landlord initiative to ensure care leavers are not registered as homeless in order to secure independent accommodation
20	Identifying young carers and ensuring they are receiving the support they require to ensure mental wellbeing and offering young carers a statement that outlines the support they need
21	Policy, procedure and guidance review and updating of Scottish Borders Permanence procedures (now concluded) to ensure appropriate, permanent arrangements are made for children in a timeous manner.
22	A 6 monthly Children and Families Quality Assurance Report developed to ensure quality of service, including the rights of children, young people and their families, are delivered at a high standard.
23	Introducing a nurturing approach to the classroom, developing an inclusive practice so staff become practitioners and understand their personal responsibility to develop inclusion and nurturing of children and young people across the Scottish Borders
24	Commissioning of the Aberlour Sustain service – an 'edge of care' service aimed at retaining vulnerable children within their families and communities (where appropriate).

## Appendix 1C

**Next steps proposed by the Council, NHS Borders and partners for 2020-2023**

1	To produce a Children's Rights and Participation Strategy to raise awareness of Children's Rights and encourage children and young people to participate and involved, including the establishment of a Young Borders Action Team
2	Development of Scottish Borders Community Plan – Whereby the Council, NHS Borders and their partners work together with local communities to improve the quality of life for all who live, work or study in the Scottish Borders.
3	The Council's Corporate Plan is being reviewed (with the existing one being 2018-2023). These developments are likely to feature children's rights prominently, especially with developments around incorporation of UNCRRC.
4	Review NHS Borders Clinical Strategy
5	Refresh Scottish Borders Corporate Parenting Strategy 2021-24 incorporating play and parenting
6	A refresh of the Integrated Children and Young People's Plan 2021-23 incorporating play and parenting. The plan will be a Child's Rights Led Plan.
7	Roll out of transforming Trauma Informed Practice
8	Review the Children & Young Peoples Forum so that children and young people can participate in decisions that affect their lives
9	Virtual Headteacher - the Virtual School acts as a local authority champion to promote the educational achievement, attainment and experience of all of our looked after and care experienced children and young people. As a member of the corporate parenting group, the Virtual School works alongside our colleagues in Social Work, Health and other agencies to advocate for learners and provide educational support and direction.
10	Workforce development: multi-agency training and development courses for staff to develop skills and knowledge in supporting young people's emotional health.
11	Building the resilience of children and young people: training for young people and peer support. Providing information and resources for families and young people.
12	Development of pathways so that young people can get the right information, advice and support at the right time.
13	Opportunities for children and young people to get involved in Participatory Budgeting
14	Continuing to raise awareness of the impact of adverse childhood experiences and child poverty on emotional health and Wellbeing.
15	Build on the Childcare Hubs that were implemented as a result of COVID 19 and support engagement and look at ways of improving the services provided in conjunction with children and young people
16	The Inspire Learning Programme will be rolling out iPads to all primary 4 and 5 pupils. Also in partnership with Borders College provide on loan, laptops to students who do not own a laptop.
17	Development of the Locality Model with all agencies coming together for multi-disciplinary meetings to support vulnerable and young people and developing What Matters Hubs. The idea being anyone can access services by contacting the virtual office and be transferred to the agency that can provide the help they require at that time, namely education, social work or welfare benefits etc. Before the service is rolled out across the Scottish Borders a pilot will be run in one of the 5 localities.
18	Family nurse partnership - A home visiting programme for first time mums and their families helping them to achieve the best start for children.
19	Development of initiatives for children and young people to be involved in the way Council services are delivered i) Children and Families Social Work to introduce a strengths-based approach in how we work with families, with a particular focus on the introduction of Family Group Decision Making, ii) Improve Transitions planning and processes across all service areas (using a co-production approach with children, young people and their families).

20	As part of Global Day for Climate Action 2021 on 19 March, the Scottish Borders' Youth Ambassadors for Sustainability launched their #OurPromiseToThePlanet campaign for the coming year.
21	Review the Getting it Right For Every Child (GIRFEC) Information sharing Protocol of confidential and consent to support children and young people's wellbeing between NHS Borders, Council, Police and Child Protection.
22	Scottish Borders Council is among a range of organisations who have participated in the Connecting Scotland digital programme providing devices to those most in need so that they are able to connect online. Participating organisations, including the Council, identified people facing barriers to digital inclusion to benefit from the scheme, including households with pre-school and school age children and young care leavers on low incomes. The total number of devices for Scottish Borders for this phase was 481 – 238 iPads, 235 Chromebooks and 460 MiFis helping to support 382 families, 65 care leavers and 34 other vulnerable people.
23	Scottish Borders CLD Strategic Partnership Plan 2020-22 engagement and implementation.

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**SCOTTISH BORDERS COUNCIL  
EXECUTIVE COMMITTEE**

MINUTES of Meeting of the EXECUTIVE  
COMMITTEE held via Microsoft Teams on  
Tuesday, 20 April 2021 at 10.00 am

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Present:- Councillors S. Haslam (Chair), S. Aitchison, S. Mountford, G. Edgar, C. Hamilton, S. Hamilton, E. Jardine, M Rowley, R. Tatler, T. Weatherston.  
Also Present: Councillors S. Bell, W. McAteer and Ms S Harkins (South of Scotland Enterprise).  
In Attendance:- Chief Executive, Executive Director, Corporate Improvement and Economy, Executive Director, Finance & Regulatory, Service Director - Assets & Infrastructure, Principal Officer, Housing Strategy, Policy & Development, Democratic Services Team Leader, Democratic Services Officer (J Turnbull.)

**ECONOMIC DEVELOPMENT BUSINESS**

Present: Mr G Clark (Federation of Small Businesses) and Ms E McGowan (Scottish Borders Chamber of Trade)

**CHAIRMAN**

Councillor Rowley chaired the meeting for consideration of Economic Development Business).

**1. SCOTTISH BORDERS BUSINESS GATEWAY DELIVERY**

- 1.1 There had been circulated copies of a report by Executive Director Corporate Improvement and Economy, which set out the actions taken by South of Scotland Enterprise (SOSE) in preparation for the transfer of the Business Gateway Service from Scottish Borders Council (SBC), detailing the future SOSE Business Gateway delivery model in Scottish Borders and the Performance Management Framework to be utilised in reporting by SOSE to SBC. The Executive Director summarised the report, highlighting SOSE's approach, resource, roles and responsibilities. He explained that the main purpose of the report was for Members to agree the performance management framework and associated indicators which were detailed in paragraph 8 of the report.
- 1.2 Members considered that in terms of the quarterly reporting, the focus should be on outcomes and not outputs. Ms Harkins from SOSE advised that outcome measurements would be included as the contract progressed. In response to a question about assistance for businesses wanting to export, Ms Harkins explained that this was an important outcome for the region and a programme and process would be established around exporting. In response to a further question the Executive Director clarified that the £250k per annum to SOSE for Business Gateway delivery was an indicative figure and once the pay award settlement had been agreed the amount would be confirmed.

**DECISION**

- (a) **NOTED the work undertaken to transfer the Business Gateway Service to SOSE.**
- (b) **AGREED:-**
- (i) **the Performance Management Framework and associated indicators for 2021/22 proposed within the report; and**

- (ii) to receive the necessary performance management information as part of the scheduled Quarterly Performance Management reports Executive already receives.

## **2. UPDATE ON THE SCOTTISH BORDERS STRATEGIC EVENTS PLAN**

- 2.1 There had been circulated copies of a report by Executive Director, Corporate Improvement and Economy which provided Members with an update on the Council's Events Strategy and the impact of the Covid-19 pandemic on the events sector. The report outlined the significant impact events had in the region and highlighted some future opportunities. The report recommended that a new Events Strategy should be produced this year and reflect the Event Scotland National Strategy, the VisitScotland National Tourism Strategy and take account of the significant challenges associated with the Covid-19 Pandemic. One of the key events in the forthcoming years was the Enduro World series. This event would be held in the Tweed Valley and an allocation of £10,000 from the Scottish Borders Council Events budget was recommended to support the major event during the current financial year.
- 2.2 Members discussed the report and received answers to their questions from the Director. They recognised the Covid-19 Pandemic had had a catastrophic effect on events and that support going forward was critical. In response to a question from Councillor Tatler, Chair of the Scottish Borders Living Wage Group, the Executive Director gave assurance that where funding pertained specifically to employment, the Council's commitment to the living wage would be clear. It was suggested that events relating to sport be identified in the Strategy as 'sporting events'. Regarding 'event' criteria, the Director clarified that events must demonstrate economic activity not already obtained within the Scottish Borders and would tend to involve overnight stays and a significant number of visitors. Funding for local events was already in place through the Customer and Communities team.

### **DECISION**

#### **AGREED:-**

- (a) that a new Scottish Borders Strategic Events Plan 2022 – 32 was presented for approval later this year following discussions with event organisers, Event Scotland and VisitScotland;
- (b) funding of £10,000 for the Enduro World Series during the current financial year; and
- (c) to delegate authority to the Executive Director Corporate Improvement & Economy in consultation with the Executive Member for Economic Regeneration & Finance to provide financial support for Events in 2021 as follows:
  - (i) Up to £2.5k to plan an entirely new event in 2021 or 2022.
  - (ii) Up to £5k in 2021 to prepare to hold an existing event in 2022 where no event was held in 2021.
  - (iii) Up to £10k to hold an existing event in 2021.

### **OTHER BUSINESS**

## **3. MINUTE**

The Minute of the Meeting held on 16 March 2021 had been circulated.

### **DECISION**

**AGREED that the Minute be approved and signed by the Chairman.**

4. **PROPOSED FINANCIAL CONTRIBUTION TO FUND DEDICATED EMPTY HOMES OFFICER**

- 4.1 There had been circulated copies of a report by Executive Director Corporate Improvement and Economy seeking approval to use £40,000 from the second homes council tax affordable housing investment budget to fund a full time, dedicated Empty Homes Officer for a period of 24 months. The Housing (Scotland) Act 2001 placed a statutory requirement on local authorities to develop a Local Housing Strategy, supported by an assessment of housing need and demand. The strategy set out the strategic direction for housing investment and service delivery in the Scottish Borders for 2017-22 and was approved by Scottish Borders Council and submitted to the Scottish Government in September 2017. The LHS identified the need to bring empty properties back in to effective use. Since 2010 the Scottish Empty Homes Partnership, funded by the Scottish Government and co-ordinated by Shelter Scotland, had been working with Councils and their partners to develop services aimed at bringing private sector empty homes back into use. One focus of the partnership was to support local authorities to develop empty homes work and ensure dedicated resources to work with owners. The Empty Homes Partnership would fund 50% of the staffing cost for 24 months as kick-starter funding. 22 Local Authorities across Scotland currently employ a dedicated empty homes officer. The Principal Officer presented the report and answered Members questions. With regard to the process for reporting empty homes, the Principal Officer advised that information was available on the Council's website. For homes empty for over two years the Council had introduced a 200% Council Tax surcharge as an incentive for owners to bring properties back into use. However, there had been no significant difference in the number of empty homes as many could be exempt from Council Tax. The Principal Officer explained that an evaluation of the Empty Home Officer post would take place after 12-18 months to determine the impact and whether a permanent post would be advantageous.

**DECISION**

- (a) **NOTED that a contractual arrangement would be finalised with the Scottish Empty Homes Partnership (SEHP) to utilise lock-starter funding to support the recruitment of an Empty Homes Officer.**
- (b) **APPROVED that the additional funding for the post be provided from the Revenues raised from the second homes council tax affordable housing investment budget.**

5. **CAPITAL PROGRAMME 2021/22 – BLOCK ALLOCATIONS**

There had been circulated copies of a report by Executive Director Finance and Regulatory seeking approval for the proposed individual projects and programmes within the various block allocations in the 2021/22 Capital Financial Plan. Appendices A – R contained proposals for various projects to be allocated resources from the block allocation within the 2021/22 Capital Financial Plan and those budgets approved at the meeting of Scottish Borders Council on 19 March 2021. Not all projects had been fully identified at this point and as and when this information was available this would be brought to the Executive Committee for consideration.

**DECISION**

**APPROVED the block allocation breakdowns contained in Appendices A – R of the report.**

6. **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 4 to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, and 6 of Part I of Schedule 7A to the Act.**

**7. MINUTE**

The private section of Minute of meeting held on 16 March 2021 was approved.

*The meeting concluded at 11.00.*



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## **UPDATE ON SOUTH OF SCOTLAND ECONOMIC PARTNERSHIP FUNDING PROPOSALS**

**Report by Executive Director, Corporate Improvement & Economy**

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### **EXECUTIVE COMMITTEE**

**18 May 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report highlights to Members the progress made in relation to the variety of projects initiated by the South of Scotland Economic Partnership (SOSEP) before the voluntary partnership concluded its activity on 1<sup>st</sup> April 2020 and the South of Scotland Enterprise Agency (SOSE) became operational.**
- 1.2 One of the key contributions that the Council made to the South of Scotland Economic Partnership was to act as project sponsor for a range of SoSEP projects that received approval. It is important that the Council continues to undertake local management of these projects and helps ensure that Scottish Government funding has been allocated effectively.
- 1.3 A list of the key projects supported by SoSEP along with a current update on the progress of these projects has been provided in Table 4.1. A list of the key projects that were allocated funding throughout the South of Scotland has been provided in Appendix A.

#### **2 RECOMMENDATIONS**

##### **2.1 It is recommended that the Executive Committee:**

- a) Notes the progress of the approved projects that have been supported through the South of Scotland Economic Partnership; and**
- b) Agrees that the continuing support for the delivery of the projects listed in Table 4.1 and Appendix A will deliver economic and community led benefits throughout the Scottish Borders.**

### 3 BACKGROUND

- 3.1 As part of the Enterprise and Skills Review, the Scottish Government committed to creating the South of Scotland Enterprise (SOSE), an enterprise agency covering the Scottish Borders and Dumfries and Galloway. The new Agency became operational on 1<sup>st</sup> April 2020 and offers a once in a generation opportunity for economic development investment and action throughout the South of Scotland. It is intended that the new Agency will operate in a similar way to Highlands and Islands Enterprise (HIE) and that it will align its work with Scottish Enterprise, Skills Development Scotland, Scottish Funding Council and VisitScotland.
- 3.2 In view of the time required to complete the statutory processes in relation to establishing the new Agency, the Scottish Government set up the South of Scotland Economic Partnership (SoSEP) as an interim solution to ensure that the South of Scotland benefited from a new approach to economic development. This partnership approach involved representatives from business, the third sector, further and higher education, as well as key public sector partners. The partnership was chaired by Professor Russel Griggs and the Chief Officer of SoSEP was Rob Dickson.
- 3.3 SOSE became operational on 1 April 2020, which meant that SoSEP concluded its activity on 31 March 2020. The new agency is chaired by Professor Russel Griggs, with key priorities being the support of local business through the Covid-19 pandemic and the development of the new South of Scotland Regional Economic Partnership which provides a new, broader partnership to ensure effective inclusive economic growth and partnership working across the South of Scotland. Another key project for new agency will be the development of a Regional Economic Strategy.

### 4 SoSEP PROJECTS

- 4.1 SoSEP successfully sought proposals from across the South of Scotland to help stimulate inclusive economic growth. The proposals that came forward were wide-ranging and varied in their scope and in the scale of funding sought. The Partnership established a process and clear criteria for assessing and assisting in the development of the proposals to ensure a clear recommendation was made to the Scottish Government on whether or not to fund a proposal. A list of the key projects that were supported through SoSEP funding have been provided in **Appendix A**.
- 4.2 One of the key contributions that Scottish Borders Council, and other partners, has made to the South of Scotland Economic Partnership has been to act as the project sponsor for a range of projects that gained approval through the partnership. This role has involved the Council acting in support of the funding applicants and as the delivery partner for the grants that have been provided by Scottish Government, allowing a local management approach to ensure the efficient flow of funding to the approved projects. By utilising SOSEP partners in this way, the Scottish Government reduced risks and minimised audit requirements as all partners had substantial existing organisational arrangements in place.

4.3 The Partnership ceased to operate on 31 March 2020, but a number of the SoSEP funded projects have continued to be delivered into future financial years and through the current Covid-19 pandemic which has been particularly challenging. It is important that Scottish Borders Council continues to undertake the management of these projects to ensure smooth and efficient delivery. **Table 4.1** below sets out the key SoSEP projects that have been managed by Scottish Borders Council along with an update on current progress.

**Table 4.1 – SoSEP Projects**

<b>Applicant</b>	<b>Project Details</b>	<b>SOSEP Grant</b>
Scottish Borders Council	<p><b>Hawick Conservation Area Regeneration</b> - to conserve and enhance key properties within the Hawick Conservation Area to catalyse wider regeneration of town centre.</p> <p><b>Project Completed</b></p>	£60,000
Re-Tweed	<p><b>Re-Tweed</b> –to extend and consolidate its work helping women gain the skills and experience for the creative industry sector, by piloting a business incubator to help a minimum of 10 women start and grow their businesses.</p> <p><b>Project Completed</b></p>	£19,200
Scottish Borders Council	<p><b>Community Enterprise Support</b> - To pilot a place-based approach to community enterprise support to help support financially sustainable projects.</p> <p><b>Working with SOSE to Continue Delivery of the Project</b></p>	£510,000
Energise Galashiels	<p><b>Building a Better Galashiels</b> - to deliver a number of high impact town centre improvement and marketing projects in Galashiels. The project will deliver year one of the 'Building a Better Galashiels' Action Plan.</p> <p><b>Project Ongoing</b></p>	£72,500
Scottish Borders Council	<p><b>Centre of Excellence in Textiles</b> - seeks to address a business critical skills issue in the Textiles Sector by the provision of a training centre to deliver skills training to local companies.</p> <p><b>Project Ongoing</b></p>	£610,000

Philiphaugh Estate Trust	<p><b>Philiphaugh</b> – to assist with the development and diversification of Philiphaugh’s existing visitor facilities to create new jobs and attract more visitors to the estate and the local area.</p> <p><b>Project Completed</b></p>	£154,484
Trimontium Trust	<p><b>Trimontium</b> – to promote the unique Roman and Iron Age heritage by expanding the museum and launching HALO (Historical and Archaeological Landscape Observatory), a hub for the museum’s learning programme.</p> <p><b>Project Nearing Completion</b></p>	£394,902
Abbotsford Trust	<p><b>Sir Walter Scott 250<sup>th</sup> Anniversary</b> - Support Year 1 costs to develop the 250th anniversary programme to celebrate the birth of Sir Walter Scott in 2021 and deliver Abbotsford’s community engagement programme.</p> <p><b>Project Ongoing</b></p>	£220,000
Scottish Borders Council	<p><b>Energy Service Supply Chain Development</b> - The pilot will provide support to the construction sector in the Tweeddale area of the Scottish Borders, focusing on the supply chain for energy services (energy efficiency measures and renewable generation technologies).</p> <p><b>Project Ongoing</b></p>	£65,000
Tweedsmuir Development Trust	<p><b>Crook Inn Café Development</b> - To restore and develop a café and community hub in an existing listed outbuilding on the Crook Inn site, complete external works to enhance the landscape and support a management post required for two years to assist the establishment of the business.</p> <p><b>Funding Decision Delayed due to Covid. Funding Recently Approved Allowing Delivery of the Project</b></p>	£380,000
Various	<p><b>Feasibility Studies</b> – support for 12 feasibility studies across the Scottish Borders covering a wide range of topics.</p>	£198,500

<b>TOTAL</b>		<b>£2,684,586</b>

- 4.5 From Table 4.1 it can be noted that there has been a wide range of projects supported through the SoSEP process within the Scottish Borders, culminating in a total investment of £2.68 million. In terms of the feasibility work undertaken, Scottish Borders Council is working collaboratively with the agency on the next stage of development in relation to a number of the initial studies.
- 4.6 It should be noted that SoSEP also supported a number of additional projects within the Dumfries and Galloway Council area, presenting a substantial investment throughout the whole of the South of Scotland. **Appendix A** provides an indication of the type of projects that were supported through the SoSEP process.

## 5 IMPLICATIONS

### 5.1 Financial

There are no additional financial implications associated with this report, noting that the contents refer specifically to the distribution of funding from the Scottish Government.

### 5.2 Risk and Mitigations

Partnership working will always present challenges, however, the Council and partners involved in SOSEP were committed to working together to ensure its success and mitigate any risk encountered. Mitigations included regular engagement with key stakeholders, a well-led Board arrangement and regular meetings between key partners to ensure that activities were aligned.

### 5.3 Integrated Impact Assessment

There is no impact associated with an Integrated Impact Assessment. Importantly, SOSEP includes both inclusive economic growth and 'Fair Work' as underpinning themes.

### 5.4 Sustainable Development Goals

The South of Scotland Economic Partnership had the aims of sustainable and inclusive economic growth at its core.

### 5.5 Climate Change

There is no specific impact in relation to Climate Change.

### 5.6 Rural Proofing

There is no impact in relation to rural proofing.

### 5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

### 5.8 Changes to Scheme of Administration or Scheme of Delegation

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

## 6 CONSULTATION

6.1 The Executive Director of Finance and Regulatory Services, Monitoring Officer, The Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

### Approved by

**Rob Dickson**  
**Executive Director,**

**Signature .....**

### Author(s)

Name	Designation and Contact Number
Graeme Johnstone	Lead Officer

**Background Papers:** Executive Committee – 19 January 2021

**Previous Minute Reference:**

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

Contact us at [gjohnstone@scotborders.gov.uk](mailto:gjohnstone@scotborders.gov.uk) 01835 825138

## Projects Approved in 2019/20

Appendix A		
	SoSEP Projects – South of Scotland	Funding
1	<b>Johnston School, Kirkcudbright</b> - support construction costs to develop a dark skies visitor centre and planetarium, a wrap-around child care facility, start-up units, youth drop in space, a work shop and store for a major festivities group, a casual space for groups to meet, plus a small office and shared facilities	£300,000
2	<b>Hawick Conservation Area Regeneration</b> - to conserve and enhance key properties within the Hawick Conservation Area to catalyse wider regeneration of town centre.	£60,000
3	<b>Community Tourism Development Pilot</b> – develop a programme for community leaders to help them understand the tourism market and develop the capacity and confidence to drive projects in their areas that will generate income for local people.	£30,000
4	<b>Re-Tweed</b> –to extend and consolidate its work helping women gain the skills and experience for the creative industry sector, by piloting a business incubator to help a minimum of 10 women start and grow their businesses.	£19,200
5	<b>Crawick Multiverse</b> – to assist with the development and marketing of multi-functional visitor facilities to make Crawick more accessible to local schools, community groups, visitors and provide the opportunity to host events all year round.	£67,000
6	<b>Growing Rural Talent</b> – to give young people the skills and practical experience needed to support their introduction to the agricultural and forestry industries.	£289,000
7	<b>Community Enterprise Support</b> - To pilot a place-based approach to community enterprise support to help support financially sustainable projects.	£510,000
8	<b>Building a Better Galashiels</b> - to deliver a number of high impact town centre improvement and marketing projects in Galashiels. The project will deliver year one of the 'Building a Better Galashiels' Action Plan.	£72,500
9	<b>Philiphaugh</b> – to assist with the development and diversification of Philiphaugh's existing visitor facilities to create new jobs and attract more visitors to the estate and the local area.	£154,484
10	<b>Trimontium</b> – to promote the unique Roman and Iron Age heritage by expanding the museum and launching HALO (Historical and Archaeological Landscape Observatory), a hub for the museum's learning programme.	£394,902
11	<b>Midsteeple Quarter</b> - to fund a project officer to co-ordinate and drive forward regeneration activity in the Midsteeple Quarter area of Dumfries.	£39,500
12	<b>Moffat Distillery</b> - to support the development of a new distillery, Dark Sky Spirits Ltd.	£320,000
13	<b>Seeding Social Enterprise</b> – to fund 4 social enterprise animators to build capacity and share best practice to grow successful community enterprises in D&G.	£143,600
14	<b>Gunsgreen House Trust</b> – Feasibility study to look at opportunities to grow the visitor economy at Gunsgreen House in Eyemouth.	£20,000

<b>15</b>	<b>Paxton House</b> – Feasibility study looking at the potential research opportunities associated with the medium and longer term stability of Paxton House.	£18,000
<b>16</b>	<b>Innerleithen Tourism</b> – Feasibility study looking primarily at visitor services in Innerleithen with particular reference to activity tourism	£10,000
<b>17</b>	<b>The Regional Food Chain</b> – Feasibility study designed to investigate opportunities associated with the creation of a centralised hub and food chain located in Castle Douglas.	£20,000
<b>18</b>	<b>Alternative Land Use Research</b> – Feasibility work to help determine whether it would be possible to grow alternative crops in the South of Scotland.	£20,000
<b>19</b>	<b>Border Union Agricultural Society</b> – Feasibility work designed to explore the potential opportunities for the society and develop a draft business plan.	£20,000
<b>20</b>	<b>Southern Upland Partnership Equestrian Tourism</b> – Feasibility work to explore the potential of equestrian tourism within the Scottish Borders.	£10,000
<b>21</b>	<b>Haining Trust Improvement Work</b> – Feasibility work to investigate tourism opportunities in relation to the Haining Estate and links to Selkirk town centre.	£20,000
<b>22</b>	<b>Littleton Farm Anaerobic Digestion Plant</b> – Feasibility work to investigate the creation of an on-farm industrial estate, powered by an anaerobic digestion plant.	£20,000
<b>23</b>	<b>Sanquhar Post Office</b> – Feasibility work to explore the development and preservation of the property (Oldest Post Office in the world) as a community enterprise project.	£20,000
<b>24</b>	<b>Thirlestane Stables Project</b> – Feasibility work to investigate the potential regeneration of a dilapidated stable building into a viable business.	£20,000
<b>25</b>	<b>Ruberslaw Community Path Network</b> – Feasibility work associated with the development of a community path network located to the East of Hawick.	£11,500
<b>26</b>	<b>Dormont Estate Business and Social Hub</b> – Feasibility work to help understand the demand for small industrial units and community space at the Dormont Estate near Lockerbie.	£4,000
<b>27</b>	<b>Abbotsford 250<sup>th</sup> Anniversary</b> – Development of the anniversary programme to celebrate the birth of Sir Walter Scott.	£220,000
<b>28</b>	<b>Town of a 1000 Trails</b> – Development of a digital tourism project in Hawick.	£28,916
<b>29</b>	<b>Energy Services Supply Chain Development</b> – Pilot project to try and increase the skills base and the development of a business approach to energy services opportunities within Tweeddale.	£65,000

## PROJECTS APPROVED IN 2018/19

	<b>Project Overview</b>	<b>Funding</b>
<b>1</b>	<b>Social Enterprise Programme</b> - funding towards delivery of a programme of activities that will build the capacity of communities in the South of Scotland to be more enterprising self-sufficient, and entrepreneurial and to encourage and support social enterprise formation	£69,804
<b>2</b>	<b>Newcastleton Bunkhouse</b> – funding was provided towards a feasibility study to enable the community development trust to consider whether their plans for a bunkhouse were feasible. Useful exercise that has resulted in the proposals being re-visited.	£9,000
<b>3</b>	<b>Strengthening Communities Programme</b> – to build capacity within communities through support for the recruitment of project officers to help develop sustainable economic projects. The application will provide support for an initial 6 communities (and extends the reach of the SG SCP provision in South, adopting approach taken by HIE).	£228,000
<b>4</b>	<b>Annan Regeneration</b> - to support the cost of a team to drive forward the Annan Action Plan developing projects to mitigate the impact of job losses in the town following Young's closure of its Pinney's seafood processing plants	£250,000
<b>5</b>	<b>South of Scotland Skills and Learning Network</b> – major capital project, delivered by the South of Scotland's two regional colleges to create a digital and physical network across the South project, providing better access to training to a wider range of students.	£6,680,747
<b>6</b>	<b>Articulation Project</b> – funding to support a project mapping and establishing articulation routes through college and university partnerships seeking to retain young people in the South of Scotland area.	£79,000
<b>7</b>	<b>Centre of Excellence in Textiles</b> - project seeks to address a business critical skills issue in the Textiles Sector by the provision of a training centre to deliver skills training to local companies.	£610,000
<b>8</b>	<b>Strathclyde University Research on Business Barriers</b> – research undertaken by Strathclyde university Hunter Centre looking at business growth barriers in the south, to inform SOSE's approach to business development. Expected to report in the latter part of this year to SOSEP.	£49,875
<b>9</b>	<b>Feasibility Study</b> – Dumfries Ice Bowl Curling Association. Capital investment to improve the curling hall to increase the footfall in the facility and enable its wider use.	£20,000
<b>10</b>	<b>South of Scotland Rural Skills &amp; Entrepreneurship Project</b> - to address gaps in accessibility and availability of rural (land based) training across the south of Scotland. Delivered by SRUC, the project will deliver: 1) two mobile learning centres equipped to deliver rural skills courses across the south of Scotland. 2) a package of online learning materials to support the delivery of rural skills, tailored for the south of Scotland.	£156,600
<b>11</b>	<b>Feasibility Study</b> – Duns Development Trust - To support carbon reduction / energy efficiency project at the Volunteer Hall, Duns (recently purchased). 2 phases – phase 1 is heating. Phase 2 not stated.	£20,000
<b>12</b>	<b>Feasibility Study</b> – MidSteeple Quarter. Strategic visioning	£20,000

	document to turn workspace on ground floor and upper floor made into flats.	
<b>13</b>	<b>Feasibility Study</b> - Rock UK Adventure Centre - Planning the strategic redevelopment of our centre Whithaugh Park in Newcastleton.	£20,000
<b>14</b>	<b>Feasibility Study</b> – Scottish Sustainability Centre (Eden) - a tourist attraction with sustainable living focus to educate, inspire and encourage people and organisations to make real changes towards a low carbon lifestyle.	£20,000
<b>15</b>	<b>Feasibility Study</b> – Year of Scotland’s Stories Project - To look at drawing together Peter Pan Moat Brae Project, Borders Book Festival, Wigtown Book Festival and Abbotsford Trust proposals for Walter Scott 250th anniversary and 2022 Year of Scotland’ Stories.	£20,000



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## **PAY & DISPLAY PARKING**

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### **Report by Service Director Assets & Infrastructure**

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### **Executive Committee**

**18 May 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report examines the current scope of Pay & Display operations in the Scottish Borders and proposes a number of changes to standardise these.
- 1.2 The report also provides feedback on the recent suspension of Pay & Display in the run up to Christmas 2020.

#### **2 RECOMMENDATIONS**

2.1 **I recommend that the Executive Committee agrees to:**

- (a) **Standardise the daily operational period across Pay & Display car parks at 08.30 to 17.00.**
- (b) **Retain the flexibility for certain Pay & Display car parks to operate out with the predominant operating days of Monday to Saturday.**
- (c) **Standardise tariff bands across all Pay & Display car parks as:**
  - **Up to 2 hours**
  - **Between 2 to 4 hours**
  - **Between 4 to 6 hours**
  - **Over 6 hours (in any one day)**

**And that a separate daily charge for buses and coaches can still apply in those car parks that provide that facility.**

- (d) **Set indicative costs for the proposed tariff bands but allows scope for individual towns to amend these to suit their particular needs. The indicative charges would be set as follows:**
  - **50p**                    **for up to 2 hours**
  - **£1.50**                **for between 2 to 4 hours**
  - **£3.00**                **for between 4 to 6 hours**
  - **£5.00**                **for over 6 hours (in any one day)**

- (e) Set a standardised charge of £40 (with a reduced charge of £20 if payment is received within 10 days) across all towns for any surcharges / Excess Charges / Irregular Parking Charges that may be incurred.**
- (f) Improved signage in existing Pay & Display car parks including emphasising the ability to pay by smart phone.**

### **3 BACKGROUND**

- 3.1 Councils are responsible for the management and regulation of both on and off-street parking in their settlements, other than in areas that are privately owned and maintained.
- 3.2 Pay and Display parking has operated in the Scottish Borders since the early 1990's in certain off-street car parks. The number of car parks operating under Pay and Display has fluctuated over the years. At the moment the scheme operates in five towns:
- Galashiels (High Street, Ladhope Vale, Hall Street, Stirling Street and Stirling Place car parks)
  - Hawick (O'Connell Street, Walter's Wynd, Health Centre, Cross Wynd and Allars Crescent car parks)
  - Melrose (Buccleuch Street car park)
  - Peebles Edinburgh Road (Eastgate) (Sat only), Greenside and Swimming Pool car parks
  - St Abbs (Harbour car park)\*

\* The car park at St Abbs is operated by the Harbour Trust on behalf of the Council.

In addition, the car park at the Heart of Hawick operates exclusively for disabled badge holders only.

- 3.3 The rationale for introducing Pay & Display operations was and remains, to encourage the turn-over of vehicles, particularly in busy town centre car parks, thereby helping to stimulate the local economy.
- 3.4 The main revenue from Pay & Display is generated from the purchase of parking tickets that allow users to park for an allocated period of time, but additional revenue comes from surcharges/excess charges/irregular parking charges when applicable.
- 3.5 The ticket price; penalty charge payment level and operational period for Pay & Display parking can be set locally by Members. There is currently a variation in some or all of these aspects from town to town and in certain locations from car park to car park.
- 3.6 At its meeting of 17 November 2020 the Executive Committee authorised the Director of Assets and Infrastructure to undertake a review of the scope of pay parking; the current charging regimes and charging times for Pay & Display parking and asked that a further report is brought forward within a 6 month period.

### **4 FEEDBACK FROM SUSPENSION OF PAY & DISPLAY DECEMBER 2020**

- 4.1 The Executive Committee of 17 November 2020 agreed to temporarily suspend Pay & Display parking operations between the 1 December 2020 and 4 January 2021, with the intention of providing a boost to the ability of towns to attract local shoppers in the lead up to Christmas. The measure

appeared to be generally well received by both car park users and local traders.

- 4.2 Parking Attendants continued to undertake periodic checking of the car parks during the suspension period in order to monitor and report back on the impact of the temporary suspension on parking behaviours. Details of the findings is provided in Appendix B.
- 4.3 The main change identified was that car parks were significantly busier than in previous months as well as in comparison to the previous December when Pay & Display operations were in place. This was most evident in Galashiels and Melrose with some carparks under half-full in December 2019 but approaching full capacity at times during the suspension period. Significant increases were also found in Hawick car parks but 2 of the 3 Peebles car parks showed the opposite trend.
- 4.4 Parking Attendants, however, also reported that a very high percentage of those parking in car parks during the suspension period were spending the whole working day there. This was evidenced across all four towns with incidences of up to three quarters of individual car parks being occupied by all day parkers.
- 4.5 Infringements such as parking over two bays; and parking in bus bays were noted to be considerably higher during the suspension period. There were also a number of complaints from residents permit holders who found it much more difficult to find a space over the suspension period.

## **5 CHARGING REGIMES AND TIMINGS**

- 5.1 The ticket price; penalty charge payment level and operational period for Pay & Display parking can be set locally by Members. There is currently a variation in some or all of these aspects from town to town and in certain locations from car park to car park. A summary of the current regimes is provided in Appendix A.
- 5.2 The majority of car parks that operate pay and display do so on a Monday to Saturday inclusive basis. There are, however, two exceptions to this. Firstly Edinburgh Road (Eastgate) Car Park in Peebles which operates only on a Saturday and secondly Abbey Car Park in Melrose which operates seven days a week.
- 5.3 There are fairly specific reasons for the two car parks that operate out with the standard Monday to Saturday operations.
  - The Abbey Car Park in Melrose operates seven days a week to reflect the fact that the car park remains very busy and in need of turn-over on a Sunday.
  - Edinburgh Road, Peebles is Saturday only as it is felt that weekday parking would put additional pressure on on-street parking such as the High Street and may discourage visitors to the town.

In order to continue to allow this flexibility it is not proposed to standardise this aspect of the current Pay & Display.

- 5.4 There are currently two distinct charging time periods across the region. In Galashiels and Melrose car parks the time period is 09.30 to 17.00, while in Hawick and Peebles the operating times are 08.30 to 17.30.
- 5.5 It is recommended that the operating period is standardised to 08.30 to 17.00 across all Pay & Display car parks.
- 5.6 Pay & Display operations also differ in terms of the level set for Surcharges/ExcessCharges/Irregular Parking Charges. In Galashiels, Hawick and Melrose this is set at £20 (with a reduced charge of £10 if payment is received within 10 days). In Peebles, however, Members increased this a number of years ago to £40 (with a reduced charge of £20 if payment is received within 10 days).
- 5.7 Noting that the £20 charge has not changed since the introduction of Pay & Display in the Scottish Borders over 25 years ago and may no longer be seen as a deterrent by some it is recommended that a standardised charge of £40 (with a reduced charge of £20 if payment is received within 10 days) is adopted across all towns.
- 5.8 The greatest variant across the towns is the number of tariff bands and the level of those tariffs. The lowest number of tariff bands is two in some Galashiels car parks and the highest is nine in the Hawick car parks. Cars are able to park for up to 4 hours for 20 pence in Greenside and the Swimming Pool car parks in Peebles, while in the more central car parks in Galashiels staying over 3 hours incurs a charge of £5. The full range of tariff bands and charges is outlined in Appendix A.
- 5.9 It is considered beneficial to standardise and reduce the number of tariff bands. It is suggested that there should be four bands going forward and that these would be set at:
- Up to 2 hours
  - Between 2 to 4 hours
  - Between 4 to 6 hours
  - Over 6 hours (in any one day)

A separate daily charge for buses and coaches would still apply in those car parks that have that facility.

- 5.10 Standardising the cost for each band across towns is less straightforward for a number of reasons:
- There is a wide range of costs from town to town
  - There can be a deliberate differential between car parks in the same town to encourage drivers to use outlying car parks for longer stays and provide greater turn-over in busier town centre ones.
- 5.11 For the reasons outlined in 5.10 above, it is proposed that indicative costs are set for the proposed tariff bands but scope is given to allow individual towns to amend these to suit their particular needs. The minimum indicative charge would be set at 50 pence rising to £1.50 for 2 to 4 hours, then £3 for 4 to 6 hours and £5 for in excess of 6 hours in any one day.

The intention being that this set of charges would encourage shorter stays, stimulate turn-over and aid local businesses.

5.12 Obviously any changes that affect car parks where the operation is in conjunction with a third party will need to be agreed in advance with those parties.

## **6 SPECIFIC ISSUES**

- 6.1 The Council works with a partner "RingGo" in providing customers with the facility to pay their parking charge via smart phone. The use of RingGo has increased over the years since it was introduced in 2013 and this is a trend that is likely to be continued with fewer people using cash in their everyday transactions. Currently the RingGo service is provided at a small additional cost to the vehicle owner who pays 20p per transaction, but can also opt in to receive two text reminders at 10p per time. The only charge relayed to the Council as part of the RingGo service is a banking fee percentage. This is currently 5.8% of the fee paid by the user. Please note, however, that the contract provided by RingGo is currently up for renewal.
- 6.2 It was observed that many customers do not read the details on the car park signs and that the signs could be simplified and made clearer making good use of visual aids where possible.
- 6.3 The current charging regime in the central Galashiels car parks of up to 3 hours for £1 and £5 for over 3 hours was introduced to discourage all day parking and stimulate turn-over. In practice it leads to widespread illegal meter feeding by users (i.e. users go back towards the end of the first 3 hour period remove their ticket and purchase another 3 hours at £1 thus saving up to £3).
- 6.4 The disparity in charges between car parks in Peebles causes confusion for some users. In Galashiels this seems to be less of an issue with customers appearing to grasp the rationale that parking close to the centre of town is at a more premium rate.
- 6.5 An issue exists with car park users who have not used their full time allocation leaving their tickets on the machine so it might be used by someone else. As well as being illegal under the scheme this results in the machines becoming sticky with adhesives from the tickets and requires the machines to be cleaned on most visits.
- 6.6 Other issues that officers will be considering going forward are:
- Increased bay size (spaces are tight in many car parks as cars are typically becoming larger)
  - Increased number of disabled bays
  - Electric vehicle charging provision
  - Providing dedicated spaces for camper vans

## **7 IMPLICATIONS**

### **7.1 Financial**

There are costs implications associated with the report but it is not possible to quantify all aspects of these.

- (a) Any changes to the tariff bands; parking charges and excess charge payments will impact on the profitability of the scheme. With a number of unknowns it is very difficult to quantify this to any level of accuracy but it is anticipated that it will have a positive impact on surpluses.
- (b) There is a direct one-off cost associated with changing tariffs and/or bands as this will require a recalibration of the payment machines. The current charge for doing this is £109.50 + VAT which with 17 machines would equate to £1,861.50.
- (c) In addition to (b) there is also, under the current contract with RingGo, a charge of £106 for a new zone and £52 for a tariff charge. The changes proposed would amount to £884. It should be noted that the current operator has indicated that they would be willing to waive these charges should they be successful in retaining the contract.

### **7.2 Risk and Mitigations**

It is believed that the changes being proposed will bring positive benefits to Pay & Display operations by introducing clearer and more consistent parameters for users and assisting operatives in undertaking their duties. Any potential for negative impacts can be mitigated through careful monitoring of the service following the changes.

### **7.3 Integrated Impact Assessment**

An Integrated Impact Assessment has been undertaken in regards to the content of this report and no adverse findings have been observed requiring a fuller IIA to be undertaken.

### **7.4 Sustainable Development Goals**

It is not felt that the recommendations in this report will have a material impact on any of the UN Sustainable Development Goals

### **7.5 Climate Change**

The recommendations in this report do not make significant changes to the current Pay & Display regime. As such they do not provide opportunities to mitigate and/or enhance the activity in terms of climate change impacts.

### **7.6 Rural Proofing**

There are no rural proofing impacts resulting from this report.

### **7.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **7.8 Changes to Scheme of Administration or Scheme of Delegation**

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



**CAR PARKING CHARGES****GALASHIELS**

**HIGH STREET, STIRLING PLACE and STIRLING STREET CAR PARKS**  
**Charges applicable Monday to Saturday inclusive - 9.30am – 5.00pm as of May 16**

0 – 2 HOURS	£0.50
2 - 3 HOURS	£1.00
OVER 3 HOURS	£5.00

**LADHOPE VALE AND HALL PLACE CAR PARKS**

**Charges applicable Monday to Saturday inclusive – 9.30am – 5.00pm**

0 – 3 HOURS	£0.50
OVER 3 HOURS	£2.00

**HAWICK**

**O'CONNELL STREET, TEVIOT ROAD (HEALTH CENTRE), ALLARS CRESCENT, CROSS WYND AND WALTERS WYND CAR PARKS**

**Charges applicable Monday to Saturday inclusive – 8.30am – 5.30pm**

UP TO 1 HOUR	£0.40
UP TO 2 HOURS	£0.60
UP TO 3 HOURS	£0.90
UP TO 4 HOURS	£1.20
UP TO 5 HOURS	£1.60
UP TO 6 HOURS	£1.80
UP TO 7 HOURS	£2.20
UP TO 8 HOURS	£2.40
OVER 8 HOURS	£2.80

**PEEBLES****EDINBURGH ROAD**

**\*Charges only applicable on Saturdays – 8.30am – 5.30pm**

UP TO 2 HOURS	£0.20
UP TO 3 HOURS	£0.90
UP TO 4 HOURS	£1.20
UP TO 5 HOURS	£1.60
UP TO 6 HOURS	£1.80
UP TO 7 HOURS	£2.20
UP TO 8 HOURS	£2.40
OVER 8 HOURS	£2.80
Buses and coaches – Any length of stay	£2.00

**PEEBLES (Contd)****GREENSIDE AND SWIMMING POOL CAR PARKS**

\*Charges only applicable on **Monday to Saturdays** – 8.30am – 5.30pm

UP TO 4 HOURS	£0.20
UP TO 5 HOURS	£1.60
UP TO 6 HOURS	£1.80
UP TO 7 HOURS	£2.20
UP TO 8 HOURS	£2.40
OVER 8 HOURS	£2.80

**MELROSE****MELROSE ABBEY CAR PARK**

\*Charges applicable **Monday to Sunday** (*this changed in Oct 2015 from seasonal ie Apr to Oct to all year round*) – 9.30am - 5.00pm

0 – 1 HOUR	£0.50
1 – 4 HOURS	£1.00
4 – 6 HOURS	£1.50
OVER 6 HOURS	£2.00
Buses and Coaches	£5.00

**Gala, Hawick and Melrose** have Surcharges/Excess Charges/Irregular Parking Charges of £20.00 with the reduced charge of £10 if paid within 10 days

**Peebles** have Surcharges/Excess Charges/Irregular Parking Charges of £40.00 with the reduced charge of £20 if paid within 10 days

**Peebles** has the voucher system with the Swimming Pool where the customer of that car park are refunded £0.20 ie the initial car parking fee

**Melrose** – Historic Scotland own part of the car park and share in any surplus. They therefore need to be consulted on any proposed changes

**Hawick** – **Health Centre and Common Good** also need to be taken into consideration

**Permits**

A number of the car parks have permit systems available.

**There are currently 177 permits in operation.**

- 160 Residents permits at £26.00 per year,
- 5 High Street only permits at £60 per year
- 3 Visitors permits at £41.50 per year.

Name	Charging Days	Charging Hours	Charges	Car park spaces	Disabled bays	Paypoint Machines	Coach Spaces	M/C Spaces	Electric bays	Taken from Parking Attendant's Dec 2020 survey			surveys	
										No. of occupied spaces	No. of spaces	occupancy rate	All day occupancy/ permit etc	Occupancy rate (survey Dec 2019)
<b>GALASHIELS</b>														
High Street car park machine 1 & 2	Mon-Sat	9.30 am - 5.00 pm	Up to 2 hours 50p, up to 3 hours £1, over 3 hours £5	107	6	2	0	1		91	107	85%	75%	47%
Stirling Place car park	Mon-Sat	9.30 am - 5.00 pm	Up to 2 hours 50p, up to 3 hours £1, over 3 hours £5	13	1	1	0	0		12	13	92%	76%	49%
Stirling Street car park	Mon-Sat	9.30 am - 5.00 pm	Up to 2 hours 50p, up to 3 hours £1, over 3 hours £5	41	2	1	0	0	2	40	41	98%	50%	44%
Ladhope Vale	Mon-Sat	9.30 am - 5.00 pm	Up to 3 hours 50p, over 3 hours £2	33	2	1	0	1		23	33	70%	45% 10 of these are permits	76%
Hall Place car park	Mon-Sat	9.30 am - 5.00 pm	Up to 3 hours 50p, over 3 hours £2	27	0	1	0	0		25	27	93%	82% 13 of these are permits	58%
<b>HAWICK</b>														
O'Connell Street car park	Mon-Sat	8.30 am - 5.30 pm	Up to 1 hour £0.40, up to 2 hours £0.60, up to 3 hours £0.90, up to 4 hours £1.20, up to 5 hours £1.60, up to 6 hours £1.80, up to 7 hours £2.20, up to 8 hours £2.40, over 8 hours £2.80	28	1	1	0	0		23	28	82%	53% 10 of these are permits	63%
Walters Wynd	Mon-Sat	8.30 am - 5.30 pm	As above	14	0	1	0	0		14	14	100%	57% 5 of these are permits	72%
Health Centre car park (Teviot Road)	Mon-Sat	8.30 am - 5.30 pm	As above	12	0	1	0	0		9	12	75%	25% 1 is a permit holder	50%
Cross Wynd car park	Mon-Sat	8.30 am - 5.30 pm	As above	12	0	1	0	0		9	12	75%	50% 8 of these are permits	40%
Allars Crescent car park	Mon-Sat	8.30 am - 5.30 pm	As above	9	0	1	0	1		8	9	89%	78%	76%
Heart of Hawick	All Days	N/A	Blue Badge holders only	0	7	0	0	0	1	5	7	71%	71% plus 3 cars parked illegally	64%
<b>MELROSE</b>														
Abbey car park	Mon-Sun	9.30 am - 5.00 pm	Up to 0-1 hours £0.50, 1-4 hours £1, 4-6 hours £1.50, over 6 hours £2, Coaches 0-7.5 hours	24	2	1	4	1	2	23	24	96%	60%	50%
<b>PEEBLES</b>														
Edinburgh Road car park Machine 1,	Sat only	8.30 am - 5.30 pm	Up to 2 hours £0.20, up to 3 hours £0.90, up to 4 hours £1.20, up to 5 hours £1.60, up to 6 hours £1.80, up to 7 hours £2.20, up to 8 hours £2.40, over 8 hours £2.80	186	10	3	4	1		149	186	80%	34%	92%
Swimming Pool car park	Mon-Sat	8.30 am - 5.30 pm	Up to 4 hours £0.20, up to 5 hours £1.60, up to 6 hours £1.80, up to 7 hours £2.20, up to 8 hours £2.40, over 6 hours £2.80	36	2	1	0	0		10	36	28%	5%	45%
Greenside car park	Mon-Sat	8.30 am - 5.30 pm	Up to 4 hours £0.20, up to 5 hours £1.60, up to 6 hours £1.80, up to 7 hours £2.20, up to 8 hours £2.40, over 6 hours £2.80	47	2	1	0	1		44	47	94%	51%	68%

Permits	
Permits for January 2020-December 2020 =	174
Permits for January 2019-December 2019 =	188
Permits for January 2018-December 2018 =	160

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## **STRATEGIC HOUSING INVESTMENT PLAN PROGRESS FOR 2020-2021**

**Report by Executive Director Corporate Improvement and Economy**

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### **EXECUTIVE COMMITTEE**

**18 MAY 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 The purpose of this report is to advise Members of the annual completions of affordable homes and progress made in the delivery of the Strategic Housing Investment Plan (SHIP) projects for the period 2020-2021.**
- 1.2 The Strategic Housing Investment Plan (SHIP) is the sole document for targeting investment in affordable homes in Scottish Borders. This provides a rolling 5 year planning horizon of identified and prioritised development intentions for affordable homes. Current Scottish Government Guidance requires that each Council submit a SHIP on an annual basis. In common with previous submissions, Scottish Borders Council's SHIP 2021-26 has also received very positive feedback from Scottish Government Officials.
- 1.3 This report advises Members that for the financial period 2020-2021, 106 affordable homes were delivered against envisaged projects set out in the current SHIP 2021-2026. This falls short of the Council's Local Housing Strategy 2017-2022 (LHS) annual target of 128 new affordable homes. Of the 107 homes delivered, 94 were through new building and conversion by Registered Social Landlords [RSLs], plus 4 individual home purchases. The balance of 9 homes were individual home purchases assisted by Scottish Government's Open Market Shared Ownership scheme. This represents a 5 year average annual delivery 142 homes. On a positive note, as at 31 March 2021, 449 affordable homes were under construction, 176 were at Planning Pre-Application and Application stages and 33 were at pre-site start stage.

#### **2 RECOMMENDATIONS**

- 2.1 It is recommended that Members endorse the progress made in the delivery of affordable homes in 2020-2021.**

### 3 STRATEGIC HOUSING INVESTMENT PLAN PROGRESS UPDATE

- 3.1 The SHIP 2021-26 sets out how affordable homes projects are prioritised to meet affordable housing needs identified in the Local Housing Strategy 2017-2022 and how new planned projects will be delivered in practice. The SHIP 2021-26 complies with the most recently published Scottish Government Guidance issued in August 2019. The current SHIP was formally agreed by the Executive Committee on 17 November 2020 and subsequently submitted to Scottish Ministers prior to the required December 2020 deadline. Scottish Government Officials have confirmed that due to the current size of SHIP programmes and the national focus on increasing the supply of affordable homes, SHIP submissions will continue to be required on an annual basis. Work has already begun in anticipation of the next SHIP submission 2022-2027 which is anticipated being required by 30 October 2021. It is anticipated that a report will be brought to Committee in due course prior to submission to Scottish Government.
- 3.2 The SHIP 2021-2026 estimates the completion of 122 affordable homes for the period April 2020 – March 2021. Set against this estimate, a total of 107 homes were delivered during 2020-21 as set out in Table 1 below. Of the 107 homes delivered, Registered Social Landlords have delivered 94 homes through new build, and remodelling, plus 4 individual home purchases. Finally, 9 individual home purchases have been assisted via the Scottish Government’s Open Market Shared Ownership mechanism. Trust Housing Association completed 2 flats built to Wheelchair Housing Standard as part of the new build Extra Care Housing Development at Todlaw Duns. Set in context, this represents a 5 year annual average affordable homes delivery of 142 homes. However, largely due to Covid related reasons, new build projects at South Park Peebles (18 homes), Oakwood Park Galashiels (4 homes) and Springfield Ph1B Duns (2 homes) did not complete by 31 March 2021 as envisaged. In addition, Covid has also adversely impacted on other projects under construction and delayed site starts, affecting a number of projects which were originally due to complete in 2021/22, and which have been re-programmed to complete several months later than planned, but still in 2021/22.

**Table 1: Project Completions 2020-21**

RSL	Project Name	Supplier	Units GN	Units PN	Units Total	Status Update as at 31/03/21
BHA	Springfield Ph1 Duns	HA Rent	27	2	29	Completed
EHA	St. John’s Court Galashiels	HA Rent	0	3	3	Completed
EHA	Thirlestane Lauder	HA Rent	9	0	9	Completed
SBHA	Heriot Field Oxtou	HA Rent	4	0	4	Completed
Trust	Todlaw Duns - ECH	HA Rent	0	30	30	Completed
Trust	Todlaw Duns - Amenity	HA Rent	0	19	19	Completed
WH	Individual Home Purchase	HA Rent	4	0	4	Completed
OMSE	Open Market Shared Equity purchase	HA Rent	9	0	9	Completed
<b>Total</b>			<b>53</b>	<b>54</b>	<b>107</b>	

3.3 Figure 1 below illustrates the developments which completed during 2020-2021.

Figure 1: Completed Developments in 2020-2021



3.4 The SHIP does not address unsubsidised private sector market housing, or include opportunistic unplanned provision of affordable homes by other means. However, it is recognised that new private home building makes a significant contribution to the sustainability of communities and by providing opportunities to deliver affordable homes by providing sites through the operation of the Planning system and the Council's Affordable Housing Policy, and collaboration with Registered Social Landlords [RSLs].

3.5 The SHIP also provides wider opportunities to deliver affordable homes by providing sites through the operation of the Planning system, the Council's Affordable Housing Policy and working with Registered Social Landlords. In addition, the private house building industry has also previously created opportunities to deliver affordable homes via the National Housing Trust initiatives and Discounted Sales.

3.6 At 31 March 2021, 449 affordable homes were under construction (18 sites), 176 homes were at Planning Pre-Application or Application stage (4 sites), and 33 homes were at Pre-site start (3 sites). Current information estimates that as a result of postponing site starts for a number of projects due to unprecedented Coronavirus related site closures, plus original planned site starts, it is currently estimated that up to 332 affordable homes could be potentially delivered by RSLs and other grant recipients during 2021/22. This figure does not take account of any Open Market Shared Equity assisted purchases, or other additional opportunistic acquisitions which could potentially complete during 2021/22.

3.7 Council Officers continually engage with its RSL housing partners in order to and remain able to bring forward projects that have been identified through the routine SHIP project prioritisation assessment and review process in the event of any additional funding and resources being made available. Quarterly Programme meetings with Berwickshire Housing Association, Eildon Housing Association, Scottish Borders Housing

Association, Trust Housing Association, Scottish Government (More Homes Division) and the Council are central to this project prioritisation and review process. Officers and partners also continue to proactively seek out and explore potential additional site and project opportunities that can be secured to deliver affordable homes.

## **4 IMPLICATIONS**

### **4.1. Financial**

- (a) Ensuring the effective development and delivery of SHIP projects continues to be dependent on SBC's provision of core services, financial resource allocations from the Scottish Government, partner agencies and private developers and individuals.
- (b) There are a number of funding resources that the Council and its development partners have drawn upon including Affordable Housing Supply Programme Funding, Second Homes Council Tax, Developer Contributions Registered Social Landlord Private Finance Borrowing, Charitable Bond funding, Scottish Water Grant Funding and Rural Housing Fund.
- (c) During 2020-2021, the Council used £6044 Affordable Housing Policy Developer Contributions to assist Scottish Borders Housing Association progress its proposed development at Tarth Crescent Blyth Bridge. In addition, the Council also used £376,194 Developer Contributions to assist Eildon Housing Association progress projects at Jedward Terrace Denholm, Peebles Road Innerleithen and Tweedbridge Court Peebles.
- (d) During 2020-2021, the Council used £1.8m Second Homes / Council Tax funding to assist Eildon Housing Association to provide new build Extra Care Housing at Langhaugh Galashiels, and £0.300m to assist Waverley Housing to acquire a number of privately owned flats as a precursor to housing-led area regeneration at Upper Langlee Galashiels.
- (e) Scottish Government made a record funding allocation of £16.972m to the Scottish Borders area for 2020-2021, however, despite best efforts, for reasons largely attributed to Covid, this has not been fully spent, with around £2.855m being re-allocated by Scottish Government to assist delivery of projects out with Scottish Borders. To set this in context, it is understood that the 3 Lothian Councils and City of Edinburgh Council also had varying amounts of underspend, in addition 2020/21 was only the 2<sup>nd</sup> year since 1996 when there was an underspend in the Scottish Government's Affordable Housing Supply Programme allocation to Scottish Borders Council area.

In addition, Scottish Government has also contributed an estimated additional £0.333m which has facilitated the individual home purchase of 9 homes through use of its Open Market Shared Equity scheme in 2020/21.

Scottish Government More Homes Division Officials have indicated that the Council and Registered Social Landlord partners should plan on the basis of an Affordable Housing Supply Programme allocation of £18.562m to Scottish Borders for 2021-2022. This is subject to decisions by the new Scottish Government after the outcome of Parliamentary Election in May 2021.

- (f) The delivery of new supply affordable homes will generate additional Council Tax income for the Council, estimated to be in the region of £0.118m in 2021/22 as a result of the completions in 2020/21. This income has been reflected in the Councils revenue budget. In addition the positive economic impact of the delivery of the affordable homes programme has an important role in reducing income inequality for people in the Borders, and has led to the creation of numerous direct construction jobs, apprenticeships, and indirect jobs within the construction supply chain.

#### 4.2 **Risk and Mitigations**

Delivery of the SHIP is largely dependent upon a number of variables, not least of which relate to resource and other political and organisation decision making processes beyond the control of the Council. However, governance and control measures are in place to ensure delivery of the SHIP including monitoring contractor performance and quarterly programme meetings involving Council Officers, RSL partners and Scottish Government Officials. Unfortunately, from near the end of March 2020, the Coronavirus outbreak adversely impacted on the delivery of 12 projects [312 homes] where construction was halted. In addition, 9 projects [199 homes] had site starts postponed. These factors adversely impacted on the number of home completions achieved when compared to anticipated completions. In order to minimise the threat of potential underspend of the Affordable Housing Supply Programme allocation in 2021/22, it is intended that the annual budget over-commitment tolerance be increased and RSLs are further encouraged to progress pipeline projects and site acquisition opportunities.

#### 4.3 **Equalities**

- (a) In line with both Council policy and legislative requirement, all Strategic Housing Investment Plans are subjected to an Equalities Impact Assessment during the development phase. To date none of the SHIP submissions have identified any concerns regarding adverse impact on equalities groups through delivery of the SHIP.
- (b) These plans are predicated on the endorsement of the principle of equalities as articulated in the SHIP Guidance. SHIPs are subjected to an Integrated Impact Assessment, Strategic Environmental Assessment screening and Rural Proofing Assessment.
- (c) Homes produced by Registered Social Landlords will be allocated according to their individual allocations policy and procedures. As a consequence, the RSLs are subject to the weight of Statutory Scrutiny via the Scottish Housing Regulator's Regulation and Inspection processes.

#### 4.4 **Acting Sustainably**

- (a) All SHIP documents are subject to a pre-screening assessment in accordance with Section 7 of the Environmental Assessment (Scotland) Act 2005 using the criteria specified in Schedule 2 of the Act. The pre-screening assessments identified no, or minimal, negative effects in relation to the environment, hence SHIPs have been exempt from Strategic Environmental Assessment (SEA) requirements under Section 7(1) of the Act.
- (b) By seeking to deliver more new affordable homes, the SHIP 2021-26 promotes sustainable communities and helps to overcome many of the housing supply challenges faced locally.

- (c) There are no adverse economic or social effects resulting from the recommendations of this report. In addition, delivery of SHIP 2021-26 and potential environmental effects from new build homes will be addressed through the Development Management and Planning processes and application of national policies and standards.
- (d) The objectives of SHIP are consistent with the United Nations Sustainable Development Goals [SDG], 11 Sustainable Cities and 13 Climate Action. Specifically, the SHIP responds to the ambition of SDG 11 by promoting access to adequate, safe, and affordable housing, by ensuring integrated, inclusive and sustainable settlement, and by strengthening regional development planning. With respect to SDG 13, development will be at least consistent with Scottish Building Standards and the national objective of net zero greenhouse gases by 2045.

#### 4.5 **Carbon Management**

- (a) It is considered that there are no direct effects on the Council's carbon emissions arising from the report recommendations.
- (b) New additional affordable homes will have a general effect on the region's carbon footprint, however these are addressed within the planning process, and in meeting the housing requirements and standards as set out by the Scottish Government. RSLs aim that their new homes will be built to "Silver Standard" which exceeds current Scottish Building Standards.
- (c) It should be noted that at its meeting of 25 September 2020, the Council committed to setting a target "as soon as possible" for achieving a reduction in the Council's carbon emissions, which is at least consistent with the Scottish Government's target of net zero by 2045 and the intermediate targets set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council's Planning and Building Standards will reflect the developing public policy position nationally and locally within Scottish Borders.

#### 4.6 **Rural Proofing**

- (a) Rural proofing applies to all areas of Scottish Borders classified by Scottish Government as 'remote rural' or 'accessible rural'. This applies to all areas of Scottish Borders outwith the towns of Galashiels/Tweedbank, Hawick, Peebles, Kelso, Selkirk, Jedburgh, Eyemouth, and Innerleithen.
- (b) The SHIP Project Working Group carries out a rural proofing exercise as part of the preparation of each SHIP. It is determined that the delivery of SHIPs will not have an unforeseen adverse impact on the rural areas and that the needs of rural areas have been properly taken into account.

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

There are no changes to be made.

### 5 **CONSULTATION**

- 5.1 The SHIP Working Group has been consulted and contributed to this report.
- 5.2 The Executive Director Finance and Regulatory Services, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, Service Director Human Resources and Communications, Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated in the final report.

**Approved by**

**Rob Dickson**

**Signature.....**

**Executive Director Corporate Improvement and Economy**

**Author**

Name	Designation and Contact Number
Gerry Begg	Lead Officer - Housing Strategy, Policy and Development (01896-662770)

**Background Papers: Strategic Housing Investment Plan 2021-26.  
Previous Minute Reference: Report by Executive Director Corporate  
Improvement and Economy to Executive Committee 17 November 2020.**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies. Contact us at Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 824000 ext 5431, email [jwhitelaw@scotborders.gov.uk](mailto:jwhitelaw@scotborders.gov.uk).

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## **WHEELCHAIR ACCESSIBLE HOMES DELIVERY 2020-2021.**

**Report by the Executive Director – Corporate Improvement and Economy.**

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### **EXECUTIVE COMMITTEE**

**18 May 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report provides an annual update of the delivery of wheelchair accessible homes delivered against the Council target for the period 2020/2021.**
- 1.2 Revised Scottish Government Guidance required Councils to set all tenure wheelchair accessible homes targets. On 17 November 2020, the Executive Committee agreed an annual target of 20 homes. During 2020-2021, Registered Social Landlords delivered 2 wheelchair accessible homes, and the private sector delivered none.

#### **2 RECOMMENDATIONS**

- 2.1 It is recommended that the Executive Committee:**
  - (a) Notes the contents of this report.**
  - (b) Agrees that the Chief Planning & Housing Officer convene a meeting with RSLs and private builders to explore what the barriers are to building more wheelchair accessible homes and what measures could be employed to encourage their provision, and**
  - (c) Agrees that the Chief Planning & Housing Officer consider what additional technical guidance would be helpful to the encouragement and delivery of more wheelchair accessible homes.**

### **3 THE STRATEGIC CONTEXT.**

- 3.1 Over the last 5 years there has been increasing policy interest in the provision of affordable and adaptable homes for household which contain a wheelchair user. In 2016 the Scottish Government launched "A Fairer Scotland for Disabled People: Delivery Plan 2016-21". In 2018 the Equalities and Human Rights Commission's 18-month enquiry in homes for disabled people, concluded that that the chronic shortage of accessible homes was a breach of disabled people's rights and was a hidden housing crisis. Most recently Scottish Government has issued Guidance in March and August 2019 which requires Councils to set targets for the delivery of wheelchair accessible homes across all tenures. Councils have a close working relationship with Registered Social Landlord sector through the Strategic Housing Investment Plan [SHIP] processes. The Executive Committee agreed the current SHIP 2021-2026 on 17<sup>th</sup> November 2020, which contains proposals for delivery of a number of wheelchair accessible homes. However, on the other hand, Scottish Councils have expressed their concerns regarding their ability to set and enforce such targets for the private sector.
- 3.2 At its meeting of 17 November 2020, the Council's Executive Committee agreed 20 wheelchair homes as annual target, with Registered Social Landlords [RSLs] to deliver 15 of these. The Executive also agreed that an annual update report be brought to this Committee to report on progress delivery. The same Executive Committee meeting also approved the Strategic Housing Investment Plan 2020- 2026 which set out proposed prioritised affordable homes projects which will almost exclusively be delivered by Registered Social Landlords [RSLs].

### **4 WHEELCHAIR ACCESSIBLE HOUSING DELIVERY 2020-2021**

- 4.1 During the period 2020-2021, Trust Housing Association delivered 2 wheelchair standard homes included within the Extra Care Housing development at Todlaw Duns. No wheelchair standard homes were delivered by the private sector. Delivery of new homes typically has a 3 to 4 year lead in time from design to completion. Therefore it is anticipated that it will take a corresponding time from when the Council set the above target, for new supply wheelchair accessible homes to be produced in addition to those currently being developed. Covid related factors have delayed construction work and delayed previously planned site starts dates during 2020-2021. RSLs have demonstrated their support and willingness to increase the supply of wheelchair accessible homes through the Affordable Housing programme , and it is envisaged that RSL funding bids to the Community Renewal Fund may potentially also contribute to boosting delivery of new homes. Therefore it is envisaged that increased numbers of wheelchair accessible homes will be delivered by RSLs in future years. However effort will have to be made to encourage delivery of wheelchair accessible homes from the private house builders. Officers will consider the Council arranging a potential seminar event in order to seek to engage this sector.

### **5 IMPLICATIONS**

#### **5.1 Financial**

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

#### **5.2 Risk and Mitigations**

This report is for noting, and no specific concerns have been identified which require to be addressed.

### 5.3 **Integrated Impact Assessments**

- (a) In line with both Council policy and legislative requirement, the SHIP 2021-2026 has been subjected to an Integrated Impact Assessment. This Assessment identified any no concerns about the way the delivery of the SHIP is likely to adversely impact on any of the equalities groupings. It is considered that the setting of an annual Wheelchair Accessible Homes target will provide further stimulus toward increasing the supply of such homes throughout Scottish Borders.
- (b) Homes produced by RSLs will be allocated according to their individual allocations policy and procedures. As a consequence of being an RSL, they are subject to the weight of Statutory scrutiny via external Regulation and Inspection by the Scottish Housing Regulator.

### 5.4 **Sustainable Development Goals**

- (a) In accordance with Section 7 of the Environmental Assessment (Scotland) Act 2005 pre-screening assessment of the SHIP 2021-2026 was undertaken using the criteria specified in Schedule 2 of the Act. The pre-screening assessments identified no or minimal effects in relation to the environment hence the SHIP is exempt from SEA requirements under Section 7 (1) of the Act.
- (b) By seeking to provide more new affordable homes including wheelchair accessible homes, the SHIP will promote sustainable communities and help to address many of the housing supply challenges identified in the Local Housing Strategy 2017-2022.
- (c) There are no adverse economic or social effects resulting from SHIP delivery, and potential environmental effects from provision of wheelchair accessible and other new build homes will be addressed through the Planning Process and National policies and standards, and will be consistent with meeting the housing requirements and standards as set out by Scottish Government.
- (d) The objectives of the SHIP are consistent with United Nations Sustainable Development Goals (SDG) 11, Sustainable Cities and Communities, and 13 Climate Action. Specifically the SHIP responds to the ambition of SDG 11 by promoting access to adequate, safe and affordable homes by ensuring integrated inclusive and sustainable settlements and by strengthening regional development planning. With respect to SDG 13, development will be at least consistent with Scottish Building Standards and the national objective of net zero greenhouse gases by 2045.

### 5.5 **Climate Change**

- (a) It is considered that there are no direct effects on the Council's carbon emissions arising from the delivery of wheelchair accessible homes.
- (b) New Build homes will have a general effect on the region's carbon footprint however these are addressed within the Council's Planning and Building Standards processes, and will be consistent with meeting the housing requirements and current applicable standards as set out by the Scottish Government.
- (c) It is anticipated that RSL affordable homes proposed in the SHIP 2021-2026 will be built to meet Scottish Government's "Silver Standard". In the event that this cannot be reached, new homes will be built to comply with current Scottish Building Standards, thereby seeking to

maximise the opportunity for energy efficiency and reduction of fuel poverty.

- (d) It should be noted that at its meeting of 25 September 2020, the Council committed to setting a target as soon as possible for achieving a reduction in the Council's carbon emissions which is at least consistent with the Scottish Government target of net zero by 2045, and the intermediate targets set out in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The Council's Planning and Building Standards will reflect and implement the developing national and local public policy positions and requirements.

#### 5.6 Rural Proofing

- (a) Rural proofing applies to all areas of Scottish Borders classified by Scottish Government as 'remote rural' or 'accessible rural'. This applies to all areas of Scottish Borders outwith the towns of Galashiels/Tweedbank, Hawick, Peebles, Innerleithen, Selkirk, Eyemouth, Jedburgh and Kelso.
- (b) The SHIP project working group carried out a Rural Proofing exercise in August 2020 as part of the preparation of the SHIP 2021/26. It was considered that the delivery of wheelchair accessible homes will have a positive effect by increasing the supply of affordable homes across Scottish Borders.

#### 5.7 Data Protection Impact Statement

There are no personal data implications arising from the recommendation set out in this report.

#### 5.8 Changes to Scheme of Administration or Scheme of Delegation

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

### 6 CONSULTATION

- 6.1 The Executive Director Finance and Regulatory Services, Monitoring Officer, Chief Legal Officer, Chief Officer Audit and Risk, Service Director Human Resources and Communications, Clerk to the Council, and Corporate Communications have been consulted and their comments have been incorporated in the final report.

#### Approved by

**Rob Dickson**

**Executive Director Corporate Improvement and Economy**

**Signature .....**

#### Author(s)

Name	Designation and Contact Number
Gerry Begg	Lead Officer - Housing Strategy, Policy and Development 01896-662770

**Background Papers: SHIP 2021-26 Document Executive Committee 17<sup>th</sup> November 2020.**

**Previous Minute Reference: Wheelchair accessible housing target report by the Executive Director Corporate Improvement and Economy to the Executive Committee 17<sup>th</sup> November 2020.**

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

Contact us at Jacqueline Whitelaw, PLACE, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, Email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk)

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## **UPDATE ON THE COVID-19 FINANCIAL SUPPORT FOR BUSINESS**

**Report by Executive Director, Corporate Improvement & Economy**

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### **EXECUTIVE COMMITTEE**

**18 May 2021**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This paper provides information on the various financial support funds distributed to businesses by Scottish Borders Council as part of Scottish Government's Coronavirus Support Schemes since April 2020.**
- 1.2 The current value of funding distributed to local businesses by Scottish Borders Council is in excess of £70 million, with over 5770 businesses currently supported through the grant process.
- 1.3 The Scottish Borders Discretionary Fund has currently allocated over £2.8 million to approximately 420 businesses throughout the Scottish Borders from a total allocation of £3.1 million from Scottish Government. It is recommended that the residual funds be allocated to self-employed businesses as a top up payment.

#### **2 RECOMMENDATIONS**

##### **2.1 It is recommended that the Executive Committee:**

- **Recognises the Council's achievement in successfully distributing the Scottish Government's COVID-19 Grant Support Funding to businesses throughout the Scottish Borders;**
- **Agrees to allocate the residual funds from the Scottish Borders Discretionary Fund to the eligible self-employed businesses that made an application to the fund as a top-up payment.**

#### **3 BACKGROUND**

- 3.1 Scottish Borders Council along with other local authorities across Scotland was involved in distributing funding to local businesses as part of the Scottish Government's coronavirus support response. The focus of this support was on the immediate impact of the crisis, helping businesses to

address the immediate pressures. However, during the course of the past 12 months a range of additional support grants have been issued by Scottish Government and Local Authorities have been required to manage a number of these funding schemes.

- 3.2 The administration, management and delivery of the business support grant process has been primarily undertaken by the Council's Customer Services Section, along with Business Gateway and Economic Development, with a large number of staff from a range of other Council Departments such as Finance and Procurement involved in the process of awarding the grants. At the height of the grant delivery process there were a team of approximately 60 officers involved in the administration and payment of the grant funding.
- 3.3 The majority of the business grants are now closed, although Council officers are still processing applications for a small number of the allocated funding schemes. The total allocation of funding to businesses throughout the Scottish Borders is currently in excess of £70 million, with over 5770 businesses supported financially through the grant process.
- 3.4 An appeals panel consisting of a small number of senior officers and chaired by The Executive Director of Finance and Regulatory Services was set up to reconsider a number of declined applications in the spring of last year and has continued to meet regularly throughout the grant process to discuss and determine specific requests from applicants.
- 3.5 In addition to the grant support funds administered by Scottish Borders Council, a number of additional funding schemes have been managed by a wide range of partner authorities such as South of Scotland Enterprise (SOSE) and Visit Scotland. A detailed account of the funds available to businesses is available on the Find Business Support Website: ([www.findbusinesssupport.gov.scot](http://www.findbusinesssupport.gov.scot)).
- 3.6 The Scottish Government recently provided funding for restart grants. This funding was administered by Local Authorities and allocated to eligible businesses during the month of April. The total amount of funding allocated to businesses throughout the Scottish Borders in relation restart grants is in excess of £12.5 million.
- 3.7 A list of the funds that have been administered by Scottish Borders Council along with a brief description, an indication of the funding allocated and an estimate of the number of businesses supported throughout the Scottish Borders from each fund has been provided in **Appendix A**.

## 4 PROPOSAL

- 4.1 The Council was provided with a grant of £3.1 million to administer a Local Authority Discretionary Fund. The key aim of the fund, agreed by Executive on 19 January 2020 was to help mitigate the short-term financial challenges

experienced by local businesses that were not able to access support from Scottish Government since October 2020.

- 4.2 The Council has currently been able to deliver approximately £2.8 million of support to approximately 420 businesses throughout the Scottish Borders through discretionary fund payments. It is proposed to utilise the residual funding contained within the fund by providing a top-up payment to the eligible self-employed businesses that made a successful application to the fund. The proposal would provide approximately 240 eligible self-employed businesses with an additional payment of between £1,000 and £1,500 per business if approved.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no costs attached to any of the recommendations contained in this report as this work has been fully funded by the Scottish Government.

### **5.2 Risk and Mitigations**

This report mainly concerns historical financial support from Scottish Government and therefore there are no specific risks identified.

### **5.3 Integrated Impact Assessment**

There is no impact associated with an Integrated Impact Assessment.

### **5.4 Sustainable Development Goals**

There are no sustainability implications associated with this report.

### **5.5 Climate Change**

There are no climate change issues associated with this report.

### **5.6 Rural Proofing**

There is no impact in relation to rural proofing.

### **5.7 Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

### **5.8 Changes to Scheme of Administration or Scheme of Delegation**

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

## **6 CONSULTATION**

- 6.1 The Executive Director of Finance and Regulatory Services, Monitoring Officer, The Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and comments received have been incorporated into the final report.

**Approved by**

**Rob Dickson**  
**Executive Director,**

**Signature .....**

**Author(s)**

Name	Designation and Contact Number
Graeme Johnstone	Lead Officer

**Background Papers:** Executive Committee – 19 January 2021

**Previous Minute Reference:**

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

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## Appendix A

<b>Name of Fund</b>	<b>Announced</b>	<b>Description</b>	<b>Status</b>	<b>Funding Allocated by Scottish Borders Council</b>	<b>Number of Businesses Supported Within the Scottish Borders</b>
Small Business Grant (Including Retail Hospitality and Leisure)	18 March 2020	A £10,000 or £25,000 grant for eligible businesses that operated from Non-Domestic Rates paying premises.	Closed for Applications	£33,640,000	3168
Newly Self-Employed Hardship Fund (Phase 1)	29 April 2020	Hardship payments of £2,000 to those unable to access the UK Government's Self-Employed Income Support Scheme by virtue of being newly self-employed.	Closed for Applications	£288,000	144
B&B Hardship Fund	16 June 2020	A fund specifically for B&Bs operating from a personal bank account.	Closed for Applications	£33,000	11
Contingency Fund	27 October 2020	Payments to soft play centres and nightclubs that had been closed by regulation between March and November 2020.	Closed for Applications	£165,000	8
Strategic Framework	2 November 2020	Grants of up to £3,000 (depending on rateable value) every four weeks for businesses required to close by law and	Closed for Applications	£12,558,900	1667

Business Fund		up to £2,100 (depending on rateable value) every four weeks for businesses specifically required to modify their operations by law.			
Strategic Framework Business Fund - Additional Top-up Payment for Hospitality Businesses	15 January 2021	One-off payments of £2/£3k depending on rateable value to hospitality businesses (pubs, licensed clubs, restaurants and cafes to help them deal with the traditional post-Christmas dip in demand.	Closed for Applications	£6,661,000	N/A – Top-up Payment
Scottish Borders Council Discretionary Fund	19 January 2021	The Council was provided with a £3.1m fund from Scottish Government to allocate primarily to businesses that had not received any financial support since October 2020.	Closed for Applications	£2,800,000	419
Taxi and Private Hire Driver Fund	24 January 2021	A national scheme which provided a one-off £1,500 payment to taxi and private hire drivers.	Closed for Applications	£315,000	213
Contingency Fund Plus	27 January 2021	A funding scheme providing specific support for travel agencies, breweries and indoor football centres.	Closed for Applications	£165,000	11
Large Self Catering and exclusive use Properties	11 February 2021	A one off payment of £2,000 to owners of self-catering properties that cater for seven or more people and a payment of £10,000 to owners of	Closed for Applications	£196,000	96

		properties that are used as exclusive use venues.			
Small Accommodation Providers Paying Council Tax (Three Sections)	2 March 2021	A £2,000 payment for B&B, guest houses and self-catering businesses that pay council tax and not rates.	Closed for Applications	£492,000	36
Licensed Bingo Clubs and Casinos	17 March 2021	A one-off support payment of £50,000 for licensed Bingo Clubs.	Closed for Applications	£50,000	1
Strategic Framework Business Fund – Restart Grants	12 April 2021	Combination of a one-off transition payment and a business restart grant:  A one-off payment of £7,000 for retail businesses with a rateable value below £51,000 and £7,500 for businesses with a rateable value above £51,000.  A one-off payment of £9,000 for all other eligible businesses with a rateable value below £15,000, a payment of £13,000 for businesses with a rateable value between £15,000 and £51,000 and a payment of £19,500 for businesses with a rateable value above £51,000.	Currently being processed	£12,714,000	N/A – Top-up Payment
<b>Total</b>				<b>£70,078,000</b> *	<b>5774*</b>

\* Current Estimated Totals

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