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SCOTTISH BORDERS COUNCIL THURSDAY, 17 DECEMBER, 2020

A MEETING of the SCOTTISH BORDERS COUNCIL will be held VIA MICROSOFT TEAMS on
THURSDAY, 17 DECEMBER, 2020 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
10 December 2020

BUSINESS		
1.	Convener's Remarks.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Minute (Pages 5 - 12) Consider Minute of Scottish Borders Council held on 26 November 2020 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) Tweeddale Area Partnership 3 November 2020 (b) Kelso Common Good Fund 10 November 2020 (c) Local Review Body 16 November 2020 (d) Executive 17 November 2020 (e) Chambers Institution Trust 18 November 2020 (f) Peebles Common Good Fund 18 November 2020 (g) Audit & Scrutiny 23 November 2020 (h) Jedburgh Common Good Fund 23 November 2020 (i) Peebles Common Good Fund 26 November 2020 (j) Executive 1 December 2020 (k) Galashiels Common Good Fund 3 December 2020 (Please see separate Supplement containing the public Committee Minutes.)	5 mins
7.	Scottish Borders Public Protection Committee Annual Report 2019-20 (Pages 13 - 60) Consider report by Chief Social Work and Public Protection Officer. (Copy attached.)	15 mins
8.	Budget Planning Assumptions 2021-2022 (Pages 61 - 66)	15 mins

	Consider report by Executive Director, Finance & Regulatory. (Copy attached.)	
9.	Mid-Term Treasury Management Report 2020/21 (Pages 67 - 86) Consider report by Executive Director, Finance & Regulatory. (Copy attached.)	10 mins
10.	Revision to Procurement & Contract Standing Orders (Pages 87 - 112) Consider report by Executive Director, Finance & Regulatory. (Copy attached.)	15 mins
11.	Review of Non-Residential Charging Policy (Pages 113 - 154) Consider report by Chief Operating Officer Adult Social Work and Social Care. (Copy attached.)	15 mins
12.	Fit for 2024: Outline Proposals for Community Engagement over Future Service Delivery (Pages 155 - 164) Consider report by Service Director HR & Communications. (Copy attached.)	15 mins
13.	Education Estate Consider reports by Service Director Assets & Infrastructure on:-	
	(a) Eyemouth Primary School Update (Pages 165 - 170) Joint report with Service Director Young People Engagement & Inclusion. (Copy attached.)	15 mins
	(b) Galashiels Campus Update. (Copy attached.) (Pages 171 - 256)	15 mins
	(c) Peebles High School Update. (Copy attached.) (Pages 257 - 266)	15 mins
14.	EU Exit Update: Preparing for the End of the Transition Period (Pages 267 - 278) Consider report by Executive Director, Corporate Improvement & Economy. (Copy to follow.)	15 mins
15.	Climate Change Action Plan Timeline (Pages 279 - 282) Consider report by Executive Director, Finance & Regulatory. (Copy attached.)	20 mins
16.	Motion by Councillor Thornton-Nicol Consider Motion by Councillor Thornton-Nicol in the following terms:- “That Scottish Borders Council requests Officers bring a report to Council to amend the current Scheme of Administration as it applies to the functions referred to the Major Contracts Governance Group. This amendment would provide detail as to the particular matters the Group would monitor in respect of the performance of the Live Borders contract and the CGI contract, and would give clarity to Elected Members as to their monitoring role in the Group.”	5 mins

17.	Open Questions	15 mins
18.	Any Other Items Previously Circulated	
19.	Any Other Items Which the Convener Decides Are Urgent	
20.	Private Business Before proceeding with the private business, the following motion should be approved:- “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”	
21.	Minute (Pages 283 - 284) Consider private Section of Minute of Scottish Borders Council held on 26 November 2020. (Copy attached.)	1 mins
22.	Committee Minutes Consider private Sections of the Minutes of the following Committees:- (a) Executive 17 November 2020 (b) Chambers Institution Trust 18 November 2020 (c) Peebles Common Good Fund 18 November 2020 (d) Peebles Common Good Fund 26 November 2020 (e) Executive 1 December 2020 (f) Galashiels Common Good Fund 3 December 2020 (Please see separate Supplement containing private Committee Minutes.)	2 mins
23.	Hawick Flood Protection Scheme (Pages 285 - 292) Consider report by Service Director Assets & Infrastructure. (Copy attached.)	15 mins

NOTES

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

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

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH
BORDERS COUNCIL held in Council
Headquarters, Newtown St. Boswells on 26
November 2020 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton, S. Hamilton, S. Haslam, E. Jardine, H. Laing, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston
In Attendance:- Executive Director (Corporate Improvement & Economy), Executive Director (Finance and Regulatory), Chief Legal Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated the following:-

- (a) A72 Dirtpot Corner Scheme winning a GE (Ground Engineering) Award. The scheme was designed and managed by Scottish Borders Council, alongside SBc Contracts, Albion Drilling Group, MHB Consultants and Maccaferri; and
- (b) the SBC and Supplier Development Programme winning in the Government Opportunities (GO) Excellence in Public Procurement Awards Scotland 2020. SBC were 1 of 3 finalists in 'Best Procurement Delivery' category won on Friday, 6 November 2020. SBC worked with 117 local businesses in the framework from a total of 141 companies.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 5 November 2020 was considered.

DECISION

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

3. **COMMITTEE MINUTES**

The Minutes of the following Committees had been circulated:-

- | | |
|-----------------------------------|-----------------|
| (a) Peebles Common Good Fund | 7 October 2020 |
| (b) Local Review Body | 19 October 2020 |
| (c) Audit & Scrutiny | 22 October 2020 |
| (d) Civic Government Licensing | 23 October 2020 |
| (e) Planning & Building Standards | 2 November 2020 |

DECISION

APPROVED the Minutes listed above.

4. **SCOTTISH BORDERS COUNCIL ECONOMIC DEVELOPMENT PRIORITIES**

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, recommending refreshed Economic Development priorities for the Council. The report explained that identifying the Council's Economic Development priorities was essential to the Council being able to allocate resources effectively to deliver

on its priorities, and in identifying also the responsibilities of partners throughout the South of Scotland in a shared 'Team South of Scotland' approach, which optimised collective efforts. The report acknowledged both the challenging economic environment and the alignment of a number of new opportunities, which provided the Council and its partners with opportunities not only to seek to respond to those challenges, but to respond also to longstanding structural challenges in the economy of the Scottish Borders and to make good on ambitions for the region. To ensure that the Council's efforts were as effective as possible, it was appropriate to clearly identify and pursue a number of specific economic development priorities, and these priorities must now sit within a "Team South of Scotland" approach in which the Council sought to optimise outcomes by working collaboratively with partners. Five priorities were proposed and these were each supported by a rationale. Members welcomed the report and the priorities it contained which were needed at a time of major challenges and opportunities for the Borders. .

DECISION

AGREED the following Economic Development Priorities for Scottish Borders Council:-

- (a) Development and delivery of the Regional Economic Strategy for the South of Scotland through close working within the Regional Economic Partnership and partners more widely, particularly SoSE and Dumfries and Galloway Council;**
- (b) Securing and delivering The Borderlands Inclusive Growth Deal;**
- (c) Delivering The Edinburgh and South-East Scotland City Region Deal;**
- (d) Addressing Employability, Skills, Training and Transitions;**
- (e) PLACE, including support for our communities, increasing the adaptability and resilience of our town centres, building community capacity and promoting culture and creativity through events and tourism.**

5. PROPOSED STRATEGIC PARTNERSHIP PROTOCOL BETWEEN SCOTTISH BORDERS COUNCIL AND SOUTH OF SCOTLAND ENTERPRISE

There had been circulated copies of a report by the Executive Director, Corporate Improvement and Economy, proposing that Scottish Borders Council entered into a Strategic Partnership Protocol with South of Scotland Enterprise (SOSE) to assist both bodies to work collaboratively together to achieve their joint aims and for the benefit of the economy in the area. South of Scotland Enterprise formally commenced its operations on 1 April 2020. Its creation represented a major change in the economic development landscape across the South of Scotland and offered opportunities to take different and innovative approaches to the delivery of economic development across the South of Scotland. Scottish Borders Council retained economic development amongst its functions and it was considered vital that both bodies work together in a collaborative way to achieve their joint aims. In recent years, the Council had entered into partnership protocols with its strategic partners - such as Live Borders and CGI. As this had proved to be an effective tool, it was considered that it would be helpful and consistent with that approach to enter into such a protocol with the new Agency. The Convener welcomed Professor Russell Griggs, Chairman of the SoSE Board, and Karen Jackson, SoSE Director of Strategy, Partnership and Engagement, to the meeting. Professor Griggs explained the work that SoSE had been involved in with the start of the Agency being somewhat different to what had been anticipated due to the Coronavirus Pandemic. The Agency started with 10 members of staff and this had now increased to 70 with further growth over the next 3 years expected to bring this number up to between 120 and 130. The budget would also grow over this period until it reached the same per capital level as Highlands and Islands Enterprise. He advised that a permanent Chief Executive, Jane Morrison-Ross, had just been appointed and she would take up post in February 2021. He highlighted the importance of partnership working which was vital to delivering growth for

the South of Scotland and emphasised the need to ensure that the South of Scotland's voice was heard in a positive way. Councillor Bell welcomed the protocol but proposed an amendment to add a further recommendation in the following terms to ensure elected Member oversight:-

"Council asks officers to come to an agreement with South of Scotland Enterprise, and communicate back to this Council

- about how Elected Members will be kept informed and given the opportunity to discuss on at least an annual basis the progress of this partnership; and
- about all other relevant and governance aspects of an effective and continuing working relationship."

This amendment was unanimously accepted. Councillor Rowley welcomed the news regarding the new Chief Executive of SSOE and thanked Nick Halfhide for his work as Interim Chief Executive. The Convener thanked Professor Griggs and Ms Jackson for their attendance and looked forward to welcoming them back to future meetings.

DECISION

AGREED:-

- (a) to enter into a Strategic Partnership Protocol with South of Scotland Enterprise in the terms detailed in the Appendix to the report; and
- (b) that officers come to an agreement with South of Scotland Enterprise, and communicate back to this Council:-
 - (i) about how Elected Members would be kept informed and given the opportunity to discuss on at least an annual basis the progress of this partnership; and
 - (ii) about all other relevant and governance aspects of an effective and continuing working relationship.

6. OPEN QUESTIONS

The questions submitted by Councillors H. Anderson and Bell were answered.

DECISION

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

7. PRIVATE BUSINESS

DECISION

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

SUMMARY OF PRIVATE BUSINESS

8. MINUTE

The private section of the Council Minute of 5 November 2020 was approved.

9. COMMITTEE MINUTES

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

10. **BORDERLANDS INCLUSIVE GROWTH DEAL – BUSINESS CASE SUBMISSIONS**

Members approved a report by the Executive Director, Corporate Improvement and Economy, detailing three business cases and two strategic business propositions to be included in the Borderlands Inclusive Growth Deal.

The meeting concluded at 11.10 a.m.

SCOTTISH BORDERS COUNCIL
26 NOVEMBER 2020
APPENDIX I

Questions from Councillor H. Anderson

1. To Executive Member for Adult Wellbeing

Can you advise us of the number of adults with learning difficulties living within Scottish Borders, the percentage tested for Covid-19, the percentage of those have tested positive and what the mortality rate is? An analysis across different types of care provision would be helpful, if possible.

Reply from Councillor Weatherston

In the Scottish Borders, during COVID, the learning disability service has had contact with 638 people with learning disabilities. The predicted population prevalence is 2.2% but the specialist service is not involved with everyone with a learning disability and there is likely to be people in our communities with a learning disability who do not have a diagnosis of learning disability (LD) and live independently. We do not collect data on this cohort of people.

- There are 3 small Care Homes for adults with learning disabilities (46 beds in total) and there is a testing available in place for those who will consent/assent to this should they become symptomatic. Testing is available for the staff teams also.
Any incidences of suspected or actual COVID within this population are reported through a national portal in the care home sector.
Our local data indicates that there have been 0 Covid +ve tests in these LD care homes and 0 Covid deaths.
- Adults with learning disabilities living in their own homes or within supported accommodation are only tested, along with the rest of the Scottish population, if they present with COVID symptoms.
There is currently no proactive screening process in place for this client group in Scotland.
Our local data from LD providers indicates that there has been 1 Covid +ve test in this population this individual has recovered.
We do not collect data for this client group on Covid deaths.
- Incidences of COVID and all deaths in registered support services are reportable to the Care Inspectorate so it may be that a request could be made to them.

We ask learning disability service providers to report on a weekly basis any suspected or actual incidences of COVID within their staff or service user groups. We do not ask for this data from GPs who may be aware of other people not known to the learning disability service.

Supplementary

Councillor Anderson commented on a recent news report that the mortality rate for this group was 6 times higher than for others in the same age group and asked if there was anything more the Council could do to support them and their carers with regular testing. Councillor Weatherston advised that he would take this back to officers but he was confident that this support was already being provided.

2. To Executive Member for Sustainable Development

In November 2021 the eyes of the world will be on Scotland as we host CoP26 in Glasgow. What actions are Scottish Borders Council planning to take to mark this globally important event?

Reply from Councillor Aitchison

Councillor Anderson's question is welcome. The Council is very conscious that 'the eyes of the world will be on Scotland' during COP26.

Between 1 and 12 November 2021, the UK Government, with assistance from the Scottish Government, will host the 26th UN Climate Change Conference of the Parties (hence COP26) at

the Scottish Event Campus (SEC) in Glasgow. COP26 will be biggest summit the UK has ever hosted, and is being described as the most significant climate event since the 2015 Paris Agreement. The climate talks will bring together heads of state, climate experts and campaigners to report on progress since the Paris Agreement and to agree further coordinated action to tackle climate change.

The Council's 'Responding to the Climate Emergency Report' agreed in September identified the Council as having two fundamental responsibilities in this area:

- a) The first responsibility is to deliver a comprehensive reduction of greenhouse gas emissions and climate adaptation across the Council as an organisation.
- b) The second responsibility is to provide leadership and to influence climate action across the Scottish Borders region.

As the question implies, COP26 presents an opportunity to manifest the Council's commitment to action on Climate Change both in its organisational response and in its leadership role for the Scottish Borders.

Discussions have already taken place to explore these matters. They have involved the Leader, Executive Member for Education and me (as Executive Member for Sustainable Development). As those conversations are at an early stage, it would be premature to go into detail, but discussions relate to how the Council shows its commitment in its actions on greenhouse gas reductions and adaptation, and how it engages with the public, particularly young people, in developing its policy approach and action plan. I would hope to be able to engage members of our Sustainable Development Committee in a discussion around our engagement process as early as our next meeting on 4 December.

The broader picture and our approach action will be developed with Member engagement as we move through the Spring of 2021, and towards COP26.

Supplementary

Councillor Anderson suggested that consideration be given to talking to young people about their aspirations and suggested that every pupil be given the opportunity to plant a tree and asked that these ideas be considered by the Sustainable Development Committee. Councillor Aitchison advised that he had already talked to senior pupils at Peebles High School, was to meet senior pupils at Galashiels Academy that afternoon, and would be attending tree planting by pupils at Stow Primary School the following week. He assured Councillor Anderson that there would be an ideas session at the Sustainable Development Committee on how best to engage with young people.

Question from Councillor Bell

To Executive Member for Adult Wellbeing

During the first wave of the pandemic there was unfortunately an outbreak of Covid-19 in the Saltgreens Care Home in Eyemouth and sadly there were some deaths. This facility is run by SB Cares and since July I have repeatedly asked for Elected Members to be apprised of the outcome of internal investigations into all aspects of this outbreak.

It is important to ensure that any learning from this serious incident is taken on board by the Council and our partners.

When will a report be given to Elected Members?

Reply from Councillor Weatherston

Can I start by offering my condolences to the relatives and close family of anyone who has sadly died during the COVID 19 pandemic. But I wish to pay a particular tribute to those families whose relatives died in Saltgreens Care Home or in any other Care Home during the first wave of the pandemic earlier this year. These were challenging times for us all but they must have been

particularly challenging for anyone who could not regularly see their relatives and whose relatives died in any circumstances at this time.

The Council has applied the most robust response and recovery models available across every aspect of responding to the pandemic. We have worked collaboratively with NHS colleagues through our active participation in Incident Management Team meetings and also through our work with the Care Home Oversight Group.

At the core of this work are reviews of the action taken and in particular a focus on staff on the ground to ensure that they have the best possible guidance and support in providing care for the most vulnerable in our society. There has been a particular focus on ensuring adherence to all Scottish Government, Health Protection Scotland and NHS guidance that continues to be updated on a regular basis.

Learning lessons from the experience of our staff is a critical part of strengthening our response and providing the best care possible. I am clear that lessons have been learnt on an ongoing basis as we have developed our response to this most challenging of situations.

Officers will update members at our forthcoming briefing on 3 December in respect of not just the response at Saltgreens but also at Deanfield in Hawick and to the outbreak in Jedburgh. They will also update on the response in our schools where they have been impacted by COVID 19.

Supplementary

Councillor Bell added his condolences and asked that, while he welcomed the Members briefing, could the learning points which respected client confidentiality be made public. Councillor Weatherston advised that this would be considered after the briefing on 3 December.

**SCOTTISH BORDERS PUBLIC PROTECTION COMMITTEE
ANNUAL REPORT 2019-2020**

**Report by Chief Social Work & Public Protection Officer
SCOTTISH BORDERS COUNCIL**

17 DECEMBER 2020

1 PURPOSE AND SUMMARY

- 1.1 **In January 2020 Scottish Borders moved from a separate Adult Protection Committee and Child Protection Committee to a Public Protection Committee (PPC). In order to bring the Annual Report together the timescales for both previous Committees have been brought into line; as a result this report informs Members of the activities of Child Protection covering 12 months from August 2019 – July 2020 and Adult Protection covering 16 months from April 2019 – July 2020. Justice Services and Violence Against Women and Girls timescales are August 2019-July 2020.**
- 1.2 The Annual Report (in Appendix 1) covers the main activities of the multi-agency Public Protection Committee (CPC) and its Delivery Groups. The report highlights the continuing work being undertaken in the Scottish Borders to meet the Council's statutory duties to protect children and adults at risk of harm. This includes information on the work of the Child Protection Committee, the Adult Protection Committee, the Violence Against Women Partnership, Justice Services and Prevent, the statistical information collated and the significant training and development that has been provided in this area.

2 RECOMMENDATIONS

- 2.1 **It is recommended that the Council note the content of the Public Protection Committee Annual Report.**

3 BACKGROUND

- 3.1 Scottish Borders Public Protection Committee (SBPPC) is an inter-agency group of senior staff which provides leadership in promoting the continual improvement of services in this area of work. This entails ensuring that there is an efficient and effective multi-agency response to reports of abuse through, for instance, reviewing and revising practice guidelines, providing joint training and reviewing of individual cases – all conducted within a culture of continuous learning. In addition, the Committee has a role to promote the safety of children and adults through raising awareness in communities across the Scottish Borders to support the key role which members of the public play.
- 3.2 The Public Protection Committee reports directly to the Critical Services Oversight Group (CSOG) consisting of Chief Executive (SBC), Chief Executive (NHS Borders) and Divisional Commander Police Scotland (Police).
- 3.3 During the reporting period 1st August 2019 to 31st July 2020, CPC was chaired by Independent Chair, Michael Batty. During the reporting period 1st April 2019 to December 2019 APC was chaired by Independent Chair, Jim Wilson. The PPC established from January 2020 is chaired by Independent Chair, Michael Batty.
- 3.4 Members of PPC remain committed to the support and protection of children and adults as the focus of the Committee's work and the group has met regularly during the year. Much has been achieved by CPC, APC and their Sub Groups through their inter-agency agendas and effective partnership work which is detailed in the report. Communication was greatly improved by the implementation of regular joint meetings between the APC, CPC and Offender Management Committee. This work is now being taken forward by the PPC.

4 ANNUAL REPORT

The work of the Committee is detailed in the Annual Report and a summary of the key issues are highlighted below.

- 4.1 The Scottish Borders Public Protection Committee (SBPPC) oversees the development of all multi-agency child and adult protection policies and procedures in the Scottish Borders. During this period a number of new sections and protocols were added or updated to ensure best practice and that they are in line with national guidance and legislation.
- 4.2 The SBPPC continues to self-evaluate, to ensure good practice and reflective review, and also to seek areas for improvement and the latest Business Plan for 2020/21 reflects these aims.
- 4.3 The management of performance and practice is overseen by PPC. Performance information and self-evaluation reports continued to be routinely reviewed and on a single agency basis to identify trends and inform practice as required. The report details that there were 509 child protection inter-agency referral discussions in the 12 months between 1st August 2019 and 31st July 2020. There were 434 adult protection referrals in the 16 month period between 1st April 2019 and 31st July 2020 of which 257 resulted in investigation. We protect the rights of everyone we provide support and protection to by ensuring CP/AP conferences record the views of the child/adult by asking a member of staff who is known to them to speak regularly about how safe they feel. Where the person is not able or does not want to provide views we ask someone to do this for them e.g. a family member, teacher or advocacy service.

- 4.4 Lessons learned from Case Reviews and good practice examples from National and local child protection case reviews were brought to PPC. Where required, updates were made to procedures and learning was shared. There continues to be two-way communication with front line workers via Delivery Group representation.
- 4.5 PPC continued to maintain and develop strong working links with local and national strategic groups and the PPC Chair and CP/AP Lead Officer attended national meetings during the period.
- 4.6 PPC continued its commitment to raising awareness of child and adult protection through the delivery of multi-agency training events, the website and newsletters. Posters and leaflets were developed to raise awareness and display at partner organisations.
- 4.7 Training remains a key responsibility of PPC with a range of multi-agency and single agency child and adult protection events being held throughout the year which 772 people attended. A further 124 people accessed specific gender based violence courses.
- 4.8 PPC continued its commitment to creating a positive and transparent culture of continuous learning based upon feedback from those who use and experience our services.
- 4.9 Work has continued to promote Child Protection in schools. One of the highlights of the year was the Committee's engagement with young people from Galashiels Academy to develop resources for young people around awareness of Child Protection and Child Sexual Exploitation (CSE), using the campaign #AlwaysBeWary.
- 4.10 Below are the priorities of the Business Plan and although timescales have been set, these are subject to change due to Covid-19.

Action
To respond to the new national Child Protection Guidance
To ensure a programme of work to implement the Safe & Together approach to domestic abuse
To ensure identified changes to the Vulnerable Young Persons protocol are fully implemented
To ensure a comprehensive performance monitoring system is agreed and implemented
To develop a Joint Strategic Needs Assessment for Vulnerable Adults
To review the functions of PPC in 12 months
To ensure the Improvement Plan in relation to Borders performance against the national Equally Safe strategy is implemented
To introduce multi-agency audits for adult protection
To demonstrate improvements in AP processes to be timely and show effective decision making and action
To provide updated AP procedures and guidance notes
To demonstrate an improved use and application of the Neglect Toolkit to address childhood neglect
To demonstrate a consistent and assured use of integrated chronologies
To demonstrate an increase of ways to gather views of children, young people and their families
To maintain an oversight of MAPPA

As this is the first Scottish Borders Public Protection Committee annual report it is noted that the data provided are for different periods and therefore some sections are not easily brought together. However, it is hoped this

report provides appropriate information on the work of the CPC and APC and introduces the new Scottish Borders Public Protection Committee and its Delivery Groups. The above business plan highlights the work underway and although some progress has been made, timescales will be affected by Covid-19.

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 Annual Report is an important document for monitoring activity and for identifying areas of improvement. The risk of not collating information in this way would be a reduction in the quality of strategic work relating to Child and Adult Protection.

5.3 Equalities

It is anticipated that there are no adverse impacts due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

5.4 Acting Sustainably

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

5.5 Carbon Management

There are no significant effects on carbon emissions arising from the proposals contained in this report.

5.6 Rural Proofing

This Report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

5.7 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

Stuart Easingwood

Chief Social Work & Public Protection Officer

Signature

Author(s)

Name	Designation and Contact Number
Gillian Nicol	Child Protection Lead Officer – 01835 825080

Background Papers: None

Previous Minute Reference: None

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

Contact Linsey McGillivray, People Department, Scottish Borders Council, Council HQ, Newtown St. Boswells, Melrose, TD6 0SA. Tel: 01835 825080

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Scottish Borders Public Protection Committee

Annual Report 2019-2020



Our Vision

All children and adults at risk in Scottish Borders are supported and protected from harm, and are enabled to live their lives as safely and independently as possible.

Our Commitment

Everyone in Scottish Borders has the right to live free from abuse, harm and neglect.

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1. Message from the Independent Chair of the Public Protection Committee, Michael Batty

1.1 I am pleased to introduce the first Annual Report of the Scottish Borders Public Protection Committee (PPC).

1.2 The work of the Committee and its predecessors, the Adult Support and Protection Committee (APC) and the Child Protection Committee (CPC), has been dominated by two main issues during 2019/20. The first of these was the establishment of the PPC in January 2020, which represented the culmination of planning and preparation over the previous year, in pursuit of an even more 'joined up' approach to working with vulnerable children and adults, recognising that some of them are in the same families.

1.3 The second was the arrival of the Covid-19 pandemic, which has inevitably had a major impact on all of the partners involved in public protection, and has - naturally and quite properly - been the main focus of much of the multi-agency work since March 2020. It has placed additional demands on, and presented extra challenges to, all the partners, so I am more than usually grateful to all those colleagues who have stepped up to meet those challenges and demands. It has been particularly pleasing to see that in Borders the level of weekly contact with children on the Child Protection Register has been maintained consistently at 100% throughout the pandemic.

1.4 My thanks are due to all members of the PPC and to former members of the APC and CPC for their contributions over the periods covered by the Report, and to the members of the Scottish Borders Critical Services Oversight Group (CSOG) - the Chief Executives of Scottish Borders Council and NHS Borders, and the Divisional Commander for Police Scotland - for their support and constructive challenge. My special gratitude is due to Jim Wilson, who served as Convenor for the APC from 2014 until the end of 2019, and worked with me to develop the new arrangements, for all his advice and support both during my time as Independent Chair of the CPC (since August 2017) and latterly while fulfilling the same role for the PPC.

1.5 The bringing together of the Adult Protection and Child Protection functions has highlighted the fact that Child Protection has been historically better resourced than Adult Protection - this has been true across Scotland, as well as in the Borders - and I salute the willingness of the partners to devote additional resources to Adult Protection, at a time when they were all facing major and continuing resource pressures, including the recent (September 2020) agreement to appoint a part-time Audit & Improvement Officer for Adult Protection. I also applaud the achievements made by Scottish Borders Council in 'mainstreaming' important elements of local services for domestic abuse, following the expiry of time limited funding from the Scottish Government and Lottery.

Michael Batty
Independent Chair
Scottish Borders Public Protection Committee

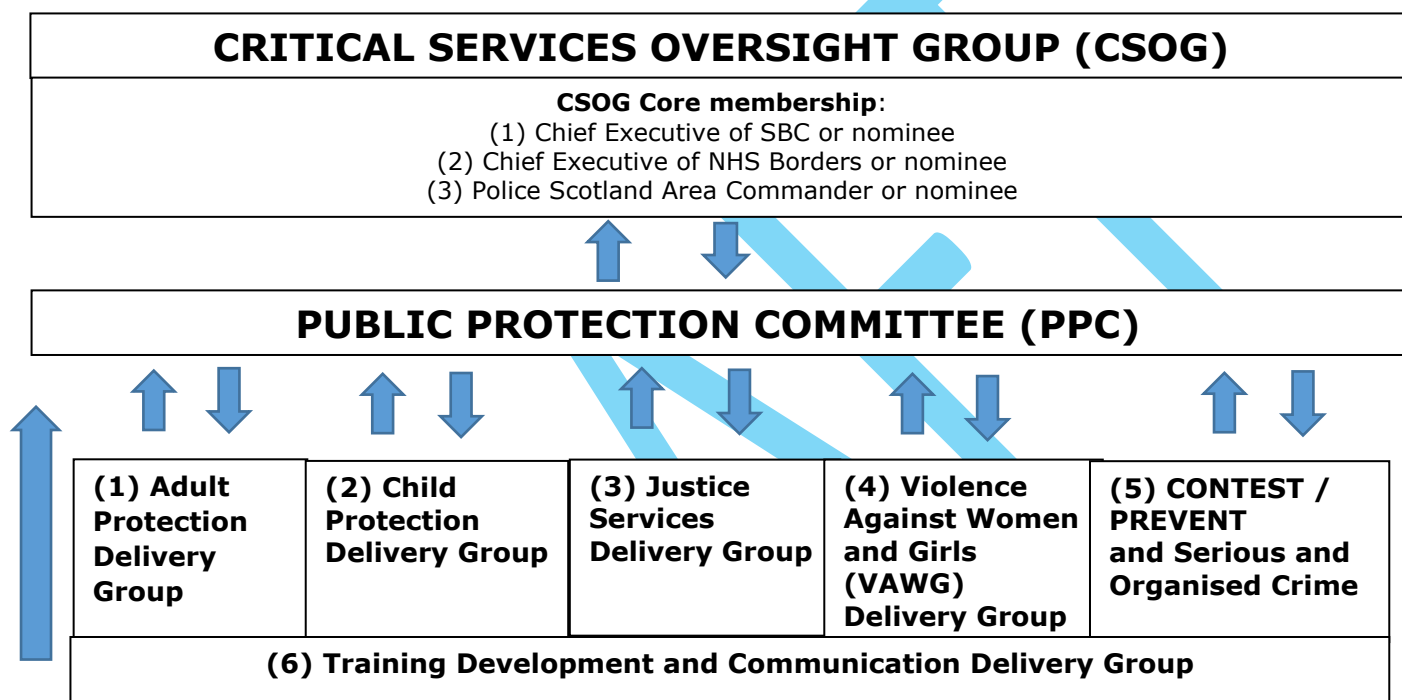


2. Introduction to the Public Protection Committee

2.1 The Critical Services Oversight Group (CSOG) instructed a review and redesign of Public Protection Services within Scottish Borders to improve how Adult Protection and Child Protection Services respond to risk on a multi-agency basis. Adult and Child Service inspections identified the need to improve practice, streamline processes, to improve communication and to work more collaboratively to improve outcomes for the most vulnerable in our communities. A "Think Family" approach will be incorporated into all elements of Public Protection practice.



Governance structure from January 2020



The Public Protection Committee fulfils the statutory roles of both Adult Support and Protection Committee and Child Protection Committee.

Scottish Borders Public Protection Committee Membership

Michael Batty, Independent Chair
 Nicky Berry, Director of Nursing, National Health Service (NHS) Borders
 Dan Blake, Operations Director, Berwickshire Housing Association
 John Butcher, Lead Education Advisor, SBC
 Christina Donald, Managing Solicitor, People & Court, SBC
 Stuart Easingwood, Chief Social Work and Public Protection Officer/Interim Service Director of Children & Young People (Vice Chair of PPC and Chair of Justice DG)
 David Girrity, Group Commander, Scottish Fire & Rescue Service
 Bill Halley, Area Manager, Scottish Ambulance Service
 Graham Jones, Safer Communities & Community Justice Manager, SBC
 David Kemp, Homelessness and Financial Support Manager, SBC
 Peter Lerpiniere, Associate Director of Nursing for Mental Health, Learning Disability & Older People, NHS Borders (Chair of APDG)
 Louise MacLennan, Chair, Violence Against Women Executive Group (VAWDG)
 Fraser Matheson, Procurator Fiscal
 Robert McCulloch Graham, Chief Officer, Health & Social Care Integration, SBC
 Kim McPartland, Group Manager, Justice Services, SBC
 Lesley Munro, Service Director Young People Engagement and Inclusion, SBC (Chair of TD&CDG)
 Gillian Nicol, Child Protection/Adult Protection Lead Officer, PPC
 Anna O'Reilly, Assistant Director, Children 1st

Matthew Paden, Detective Chief Inspector, Police Scotland (Chair of CPDG)
Brian Paris Chief Officer, Adult Social Work, SBC
Tim Patterson, Director of Public Health/Chair of Alcohol & Drugs Partnership (ADP)
Rachel Pulman, Nurse Consultant, Public Protection, NHS Borders
Lesley Siewert, Locality Reporter Manager, Scottish Children's Reporter Administration
Jenny Smith, Chief Officer, Borders Care Voice

The Justice Delivery Group has a different relationship to the PPC from the other Delivery Groups, as it is primarily accountable for the delivery of MAPPA arrangements to the MAPPA Edinburgh, Lothians, & Scottish Borders Strategic Oversight Group and reports to PPC for the purposes of information sharing and co-ordination. The Violence Against Women Delivery Group is based on the pre-existing VAW Partnership Executive, and the Counter Terrorism, Preventing Violent Extremism and Serious & Organised Crime Group meets as necessary.

During the reporting period the following were also members of the APC: Jim Wilson (Independent Chair), David Powell (Adult Protection Co-ordinator), Gwyneth Lennox (Group Manager, SC&H Operations, Gordon Forsyth (Borders Care Voice), Oonagh McGarry (Community Learning & Development Team Leader) and Christine Proudfoot (Service Charge Nurse, NHS). The following were also members of the CPC: Dawn Moss (Nurse Consultant Vulnerable Children, NHS) and Michelle Strong (Chief Officer Education Services).

3. Introduction

3.1 In January 2020 Scottish Borders moved from a separate Adult Protection Committee and Child Protection Committee to a Public Protection Committee (PPC) which the diagram (Item 2, page 4) depicts. In order to bring the Annual Report together the timescales for both previous Committees have been brought into line; as a result Child Protection information covers 12 months from August 2019 – July 2020 and Adult Protection covers 16 months from April 2019 – July 2020. Justice Services and Violence Against Women and Girls timescales are August 2019-July 2020. There is still a statutory requirement to prepare a Biennial Report for the APC functions, covering the period April 2018 to March 2020.

In order to ensure this report is a manageable length it has been necessary to focus on key areas and not to provide the amount of detail in previous year's individual reports. For some sections it is possible to provide the information in an integrated format. For others, the specific nature of the work has necessitated a more individual approach.

3.2 In addition to this major change in structure the Public Protection Committee has also been affected by the COVID-19 pandemic which has resulted in some meetings taking place using remote working technologies and the Critical Services Oversight Group (CSOG) significantly increasing the frequency of its meetings from the usual quarterly, with a focus on the challenges of continuing to provide these services during this crisis.

3.3 National AP and CP meetings have continued to be attended by the Independent Chair and Lead Officer. Some meetings have been held virtually as a result of Covid-19. In addition the Public Protection Committee has supported national public information initiatives. There has been considerable sharing of strategies and plans within all of the national groups during this time and both the Independent Chair and Lead Officer have filtered and shared relevant information. The VAW Partnership Coordinator is a member of a number of national groups, chairs the national CEDAR Advisory Partnership and represents the Scottish Borders at national events in relation to violence against women and girls. The Public Protection Committee continues to look outwards for learning and to contribute to the national agenda to the best of our ability.

4. The work of the Adult Protection Committee (APC)

4.1 The Scottish Borders APC (in place until December 2019) had a good interface between the Adult Protection Unit (APU), Justice Services, Multi-Agency Public Protection Arrangements (MAPPA), Domestic Abuse and Children's Services. The APC reported to the Critical Services Oversight Group (CSOG) where there was senior corporate oversight and scrutiny of a range of public protection issues including multi-agency public protection arrangements and Child/Adult Protection.

4.2 Following the 2017 inspection of Adult Services improvement work continued; risk assessment, chronologies, risk management plans and quality assurance tools have all been reviewed. A follow-up inspection took place in November 2019 and the Care Inspectorate were pleased to see revised AP risk assessment tools, improved oversight of cases by APU alongside Team Leaders, increased use of AP Risk Assessment and chronologies, quality assurance tools in place for AP and non AP cases and closer work with the Scottish Fire & Rescue Service in appropriate hoarding or fire safety cases. Areas noted for the need to further improve were timescales, the monitoring and improvement of performance, the need to evidence views of service users and their families, and the quality recording and evidencing of all agencies and this is part of the improvement agenda being led by Adult Protection Delivery Group (APDG) within the new arrangements.

4.3 The APC had three standing sub committees although the sub committees were wound up as of January 2020. In the new Public Protection model these are replaced by the Adult Protection Delivery Group.

The Adult Protection Audit Group (APAG)

4.4 The APAG met twice between March and December in 2019. Over this period their key areas of work included focus on specific audits and quality assurance. This group also monitored Large Scale Investigations, Initial Case Reviews and Significant Case Reviews which are commented upon in Item 7. This Group also ensured that learning from reviews was disseminated.

The Adult Protection Inter-agency Operational Group (APIOG)

4.5 The APIOG was a multi-agency group with good representation across service delivery areas, the key partners, SBC contracting and the third sector. This Group met twice over the period and the focus was to monitor Key Performance Indicators (KPIs) as part of quality assurance and audit. Many of the findings of the Adult Inspection were overseen and taken forward by this Group to provide oversight and input to improvement plans which included further chronology training, and the linking of the training and development plan to chronologies, risk assessments and case recording. A review was undertaken of the Vulnerable Young Persons (VYP) Protocol and work was identified to be done to improve those transitioning at 18 years of age from Children's Services to Adult Services. It was noted that the Learning Disability Service had used "Talking Mats", which is an enhanced tool to improve communications with service users. Work on a risk management process for people who do not meet the criteria for AP intervention was begun and passed to the APDG for sign off and dissemination.

The Adult Protection Learning and Development Group (APL&D)

4.6 The ASP L&D Group had responsibility for providing a framework for multi-agency training at 4 levels, from induction through to specialist and advanced knowledge. Additionally bespoke training was delivered throughout the multi-agency partnership as required. The Scottish Borders ASP L&D Training Matrix also included a 'Train the Trainer' model for Level 1 training. Further details of training sessions delivered can be seen in Item 8.

4.7 An Adult Support and Protection (ASP) e-Learning module continues to be mandatory for all staff employed by Scottish Borders Council and SB Cares to complete with 100% pass rate required in the assessment every two years. NHS also have a Public Protection e-Learning Module which is also mandatory for all staff.

The Scottish Borders Adult Protection Unit (APU)

4.8 The Scottish Borders APU is co-located with other public protection services in Galashiels. Adult Protection Officers (APOs), Child Protection Reviewing Officers (CPROs), Police Scotland and Health colleagues are all on site. This particular model is seen as a major strength as it encourages closer working relationships, partnership and communication between agencies. This has led to new local AP procedures being developed, with the addition of guidance notes to support staff with the improved practice expectations. In late 2019 the APU was strengthened significantly by SBC, increasing from a part-time Team Leader and two Review Officers to a full-time Team Leader and four Review Officers, which is helping to ensure greater consistency in decision-making.

5. Violence Against Women (VAW) Partnership: Work to progress Equally Safe 2019/20

5.1 During 2019/20, the VAW Partnership, which doubles as the VAW Delivery Group of PPC, has committed to the fourth Action Plan extracted from the Equally Safe Delivery Plan (2016-21). Following a restructure of the partnership to Executive and Delivery groups, the direction of travel for Equally Safe lies with the Executive, and the operational aspects with the Delivery Group. The VAW Partnership continues to have a broad membership of statutory and third sector partners, with commitment from partners to Chair each group; there is no administrative support for the groups, and the VAW Coordinator is responsible for the effective function and support of the partnership along with the coordination of activity identified in the Delivery Plan.

In 2019/20, the VAW Partnership has initiated, or supported:

1. Development and introduction of Scottish Borders Forced Marriage Interagency Guidance
2. Establishment of a White Ribbon Working Group and commitment from partners to progress to White Ribbon Status
3. Continuation of support for the Mentors in Violence Prevention Programme locally through provision of a staff resource to deliver the MVP programme in schools
4. Delivery of a range of gender based violence training
5. Scottish Borders Council's role as a Shadow Group in the Close the Gap programme, to address gender equality in local authorities
6. Submitted written responses to ten consultations
7. Development of the Safe and Together model in Scottish Borders with membership of the Oversight Group and support for delivery of training

8. The sustainability of Multi-agency Risk Assessment Conference (MARAC) in Scottish Borders by committing resources to its effective delivery. The DAAS service coordinates the MARAC process by provision of a dedicated MARAC coordinator from the existing staff team. MARAC is a multi-agency forum which discusses, every four weeks, the highest risk cases of domestic abuse in Scottish Borders with the aim to mitigate risk of further harm through information sharing and creative action planning.
9. Strengthened relationships with the wider gender based violence network e.g. engaging with the Convention of Scottish Local Authorities (COSLA) and ensuring representation on COSLA working groups
10. Delivery of the new forensic examination suite in Scottish Borders
11. The 2019 Scottish Borders VAW Award and 16 Days of Action to End Violence Against Women in Scottish Borders; the VAW Award is given to someone in the Scottish Borders in recognition of their efforts to tackle gender based violence.
12. Sustained the future of Independent Domestic Abuse Advocate (IDAA) services in Scottish Borders by 'mainstreaming' its funding.

6. The Work of the Child Protection Committee (CPC)

6.1 The CPC met three times in 2019 during the relevant period from August 2019 to December 2019. As a result the need for an overview of children at risk, reinforced by recommendations from the Care Inspectorate, it was decided to complete a Joint Strategic Needs Assessment for the Scottish Borders multi-agency arrangements and a document has been published.

6.2 Scottish Borders Council's (SBC) data team developed an advance set of household data going beyond the usual Scottish Index of Multiple Deprivation (SIMD). This allowed mapping against smaller areas to identify poverty indicators. CPC requested that this be used to map children subject to Inter-agency Referral Discussion (IRD) and on the Child Protection Register. This provided a better understanding of where our families with most needs are and as a result we have taken action to ensure that staff are considering income maximisation in their work with families. The Quality Assurance & Improvement Group, CPC and CSOG were made aware of this work. Arising from this work is the recommendation from the CPC that economic development work needs to be more firmly linked to problems with alcohol, drugs, and mental health, (as key drivers of both poverty, child abuse and neglect) was taken up by the Council's Chief Executive. Social Work and Health have systems in place to ensure they check whether families are in receipt of benefit and recommend the services of Citizens Advice where appropriate. The understanding of the role of poverty in neglect is also reflected in the Neglect Toolkit.

This is an area which is also reflected within the Joint Strategic Needs Assessment (JSNA) and in which the PPC agreed to prioritise the following issues in its Child Protection work: domestic abuse, alcohol, drugs, poor mental health, neglect, and internet safety (potentially leading to Child Sexual Exploitation - CSE).

6.3 Work was also completed with partner agencies on drafting a guidance document for a Treatment Option Pathway for Child Sexual Exploitation and a draft document has been produced.

6.4 As part of the Scottish Government's Child Protection Improvement Programme to develop robust data sets, a new national minimum dataset has been produced and the Scottish Borders CPC agreed to implement this. At the time of writing three quarterly reports have been produced, since in August 2019.

6.5 An online Practitioner Survey was conducted in November to gain multi-agency practitioners' views and experience relating to Child Protection practice in the Scottish Borders.

Three hundred and sixteen (316) practitioners from a range of services including education, social work, health and others, completed the on-line survey between mid-November 2019 and mid-January 2020. Although the majority of responses came from Educational practitioners, there were similar themes in terms of feedback from the variety of practitioners/services.

Key findings from the survey included:

- Overall, practitioners have confidence in the Child Protection structure and pathways in the Scottish Borders.
- The majority of respondents indicated that they are able to access appropriate information, support and training. There appears to be some difficulty in accessing more specialist and/or high level training for some staff groups. A review of Level 1 multi-agency training has commenced in response to comments received.
- The general perception is that services are under pressure and that there is a lack of early intervention services and capacity in general. Practitioners expressed concern that this could potentially lead to more children and families experiencing Child Protection interventions.
- All respondent groups indicated that communication across agencies generally works well.

6.6 A multi-agency Pre-Birth Seminar was held in November 2019 to ensure the importance of early planning for pregnant women. Group discussions were held in relation to risk factors, challenges and areas for improvement. Feedback has been considered by the Pre-Birth Oversight Group and the learning has highlighted the need to strengthen good partnership relationships along with re-emphasising the importance of active planning and assessment from the point of referral.

Quality Assurance & Improvement Group (QA&I)

6.7 The CPC's QA&I Group met four times in the period from August 2019 to December 2019. Discussions were held on specific areas highlighted for insight into child poverty in the Scottish Borders and members and colleagues were consulted at the former Child Protection Operational Managers Meeting (CPOMM) to decide upon any need for actions.

6.8 It was agreed that a Neglect Audit would take place to view the impact of the use of the Neglect Toolkit on outcomes for our children and young people. A short survey was produced for practitioners who have used the Neglect Toolkit and focus groups of staff were undertaken. Parents were also approached to provide views: while not forthcoming, one parent was willing to provide feedback which was very positive, and staff were able to feed in views of parents which had been expressed to them.

6.9 The QA&I Group also agreed upon a change to the format of the existing survey for parents to complete after having been in the child protection process. The challenge was to try to increase responses to this survey.

6.10 Regular Audits were reported to the QA&I and this ensures monitoring and auditing of specific areas such as timescales for internal child protection processes, the existence, provision and maintenance of essential records by social work staff and partner agencies, the number of child sexual exploitation strategy meetings and the number of child deaths.

6.11 A practice review was undertaken and learning about the sharing of historical records, use of Reflective Meetings around the Child (MACs) and the use of the Escalation Policy was gained and disseminated.

6.12 A Missing Children from Home audit took place to ensure that the protocol is fit for purpose and consistently used. The audit identified some work around needing to better embed the protocol. Consequently a further review will take place to evidence that this protocol is fully integrated into practice. The review may be later than originally planned because of the impact of Covid-19; with schools being closed and potentially less children going missing during lockdown. Discussions with Education, however, are ongoing.

6.13 In the previous year it had come to light that Inter-agency Referral Discussions (IRDs) had been taking longer than expected so this has been monitored and regular reports are sent to the relevant managers. This approach has produced improvement and will be continued.

7. Justice Services - Scottish Borders Multi-agency Public Protection Arrangements (MAPPA) Overview

7.1 Multi-agency Public Protection as implemented by the Management of Offenders (Scotland) Act 2005 provides a management framework for the risk posed by individuals convicted of sexual offences and restricted patients. In 2016, the criteria was expanded to include category 3 individuals, those assessed as presenting a serious and imminent risk of harm, primarily due to conviction for domestic violence. The arrangements maintain a focus on public protection and the reduction of the risk of serious harm, through a multi-agency approach.

7.2 Throughout 2019-20, Scottish Borders MAPPA arrangements have continued to work together with the Scottish Government, Responsible Authorities and governing Strategic Oversight Groups (SOGs) to deliver the ongoing recommendations of the Joint Thematic Review of MAPPA in Scotland (November 2015) and the follow up Progress Review published in June 2017. Both reports are available on the Scottish Government's website.

7.3 The annual Edinburgh, Lothian & Borders MAPPA Report is available on the Scottish Borders Council and Scottish Government's websites.

The management of individuals subject to MAPPA arrangements should sit at the lowest level, proportionate to the assessed level of risk and correlating Risk Management Plan.

Level 1: Routine Risk Management

Level 1 management is applied to the vast majority of cases. At this level the assessed level of risk posed can be managed by a single agency, with the support of ongoing information sharing and collaboration, as required. Level 1 cases are reviewed annually, however should the level of risk change or concerning behaviours be noted, the case may be reviewed at any time and referred to the level 2 panel for discussion.

Level 2: Multi Agency Risk Management

Level 2 is utilised where the active involvement of multi agencies is required to manage and actively reduce the risk of serious harm. MAPPA 2 panel meetings are arranged by the MAPPA Co-ordinator. In the Scottish Borders partnership the Co-ordinator is based with Police Scotland, Edinburgh and ensures transparency and accountability for a MAPPA partnership that comprises of Scottish Borders, East, Mid and West Lothian and Edinburgh City. The MAPPA panel consists of representatives from the "responsible authorities"; Local Authority Social

Work, including the Justice Service, Adult and Child Protection, Police Scotland, NHS Borders, Housing and the Scottish Prison Service. The panel is chaired by either Police Scotland at Detective Inspector level or the Justice Social Work Group Manager. Other agencies relevant to the management of the individual being discussed may be invited to attend the Level 2 meeting, to inform the discussion.

Level 3: the "critical few": Multi Agency Public Protection Panel

Level 3 management is used where the assessed level of risk of serious harm is considered to be imminent and high or very high. Individuals present complexities that require a multi-agency approach with oversight at a senior management level. Level 3 meetings are chaired by either the Chief Social Work Officer or a designated senior ranking police officer.

Risk assessment and Management Plans are based on one of four possible levels of likelihood of risk of serious harm and imminence: Low: Medium: High: Very High.

Category 3

Individuals referred under the criteria for category 3 management, will following assessment, present High or Very High risk of serious harm and be managed at either Level 2 or 3.

PREVENT (preventing violent extremism)

7.3 Scottish Borders Council continues to work with partners with regard to Prevent and specifically Police Scotland and the East of Scotland Prevent Unit based at Police HQ, Fettes, Edinburgh. Regular attendance is maintained at the Lothian & Scottish Borders CONTEST group where Prevent issues are discussed with the multi-agency partners who attend this meeting. Prevent works by identifying individuals who may be at risk of being exploited by violent extremist narratives and drawn into terrorism; assessing the nature and the extent of their vulnerability, and, where necessary, providing an appropriate support package tailored to their needs and is one component part of the wider CONTEST Strategy

8. Public Protection Committee – Adult Protection and Child Protection Delivery Groups

8.1 PPC gave considerable thought to membership and chairing of the AP and CP Delivery Groups. Key agencies are represented at senior management level alongside managers from agencies, stakeholders, advocacy and organisations that represent the views of service users where appropriate. Work is at an early stage and monthly meetings started in February 2020.

8.2 Since February 2020 the APDG has focussed on:

- Updating the AP procedures to reflect the important role of the Adult Protection Officers (APOs);
- Considering the previous AP Business Plan and suggested the most important items for the PPC Business Plan;
- Creating a Dissemination Strategy to ensure all relevant staff are aware of the work of the Group;
- Introducing a survey from the APO to assist the quality assurance role. A survey has been developed which considers both compliance with procedures but also captures the views of the adults involved. Although this is ready to be implemented, it is now on hold

due to the additional workload created by Covid-19 but will be reported to the APDG regularly;

- Considering learning from the 2018 Care Inspectorate report and progressing any actions;
- Monitoring referrals and changes within AP at the Public Protection Unit;
- Sharing and agreeing contingency plans for service delivery during Covid-19;
- Developing effective engagement in IRDs from the Health sector.

The APDG will continue these themes and over the next year develop the data suite to accurately reflect the Adult Protection service.

8.3 Since February 2020 the CPDG has focussed on:

- Providing three key items to the Public Protection Business Plan: to demonstrate an improved use of the Neglect Toolkit, to demonstrate more consistent and assured use of chronologies and to demonstrate an increase in the range of ways to gather the views of young people and parents.
- Creating a Dissemination Strategy to ensure all relevant staff are aware of the work of the Group;
- Finalising the agreement of a new dataset to capture the child protection data contained within the National CP Minimum Dataset;
- Finalising the JSNA document and agreeing how the information in the JSNA can benefit the work of the PPC;
- Seeking sign off for the CSE Pathway document;
- Reviewing reports on the Neglect Audit (feedback on the impact and use of the Neglect Toolkit) and the Parents Survey (feedback from parents who have been in the child protection process);
- Receiving update on the Pre-Birth process – a Pre-Birth Group was set up to identify vulnerable pregnancies before 28 weeks of pregnancy;
- Monitoring referrals and changes within CP at the Public Protection Unit; and
- Sharing and agreeing Contingency plans for Covid-19.

9. Audit & Improvement of key processes

9.1 The Adult Protection Large Scale Investigation (LSI) process is designed to meet larger issues of harm in any care settings. The Community Care Review Team will work in partnership with professionals and the care provider to maintain quality and standards within registered care homes. Here in the Scottish Borders a nominated Social Care and Health Reviewing Officer is attached to each of the care homes. Within the twelve month period (April 2019 to March 2020) there were 2 full LSIs which had 6 Review LSI meetings.

9.2 Adult and Child Initial Case Reviews (ICRs) are undertaken where there has been a death or a near miss of an adult with support needs or vulnerability or a child. The outcome of an ICR determines if a Significant Case Review (SCR) is warranted or whether the case has learning for all agencies. As a result of AP ICRs learning led to a better understanding and communication of case transfers between teams and of clarification of AP Procedures at Inter-agency Referral Discussion. Good practice has also been recognised.

In addition to the formal ICR process SBPPC encourages reviews where particularly good or concerning practice could support wider learning. Learning from a CP Practice Review was gained in relation to the sharing of historical information, the sharing of reports, the need to make better use of Reflective MACs, the improvement of Parent Assessments, and the use of the Escalation Policy and integrated chronologies.

Child Sexual Exploitation (CSE) Strategy meetings take place where a referrer has concerns that sexual abuse is as a result of exploitation. A CSE Strategy Meeting Protocol is in place to ensure information sharing and protection in this complex area.

Whilst there have been a number of Prevent cases that have raised concerns, only two cases have been discussed via the formal Prevent Professional Concerns process.

This table highlights the number of ICRs, SCR, practice reviews, appeals and strategy meetings in the appropriate time frames.

	Child Protection (August 2019 to July 2020)	Adult Protection (April 2019 – July 2020)	VAW (April 2019 to March 2020)	PREVENT (August 2019 to March 2020)
ICRs / SCR	0	3 ICRs/0 SCR		
Practice Reviews	1	0		
Appeals	0	0		
Child Sexual Exploitation (CSE) Strategy meetings	7	-	-	
Prevent Professional Concerns process	-	-		2
MARACs			13	
MARAC Cases			102	

9.3 Child Protection Audits

As of 1 January 2020 all auditing work is reported into the Child Protection Delivery Group (CPDG). The dissemination of auditing learning and actions is important and shared through a variety of channels, including Newsletters, briefing papers and team meetings. Practitioners are encouraged to provide feedback via their CPGD member.

Auditing and Improvement work is divided into two categories:

1. Regular Audits

Regular audits, in respect of critical information about the child protection process including ICR/SCR and CSE meeting appeals, are reported on a three monthly basis to keep abreast of numbers, emerging patterns and trends. More in-depth audits can then take place to clarify whether the reason(s) for the instances are wholly explicable, or if there has been an oversight, or other issues around practice, systems and/or culture need further consideration. When cases are looked at in more detail the practitioner(s) and their team leader will always be contacted by the Audit and Improvement Officer.

2. Specific Audits

A range of audit work has been undertaken.

The following is a sample of these audits along with some examples of the associated learning:

- Missing Children from Home (ensuring protocol is fit for purpose and consistently used)
- Parent and Children's Views from Case Conference (ensuring parent's views are reflected in CPCC minutes)
- Status of children prior to Registration (informing the JSNA)
- Neglect and the use of the Neglect Toolkit (supporting a more consistent use of the Toolkit to promote earlier identification and a more robust response to childhood neglect)

9.4 Other related work

Multi-agency chronologies - a re-draft of the initial referral form to the duty team of any CP referrals has been amended to include a request for the chronology from health and education colleagues at the time of, or as soon after, the initial referral as possible. This will allow the social work team to begin to collate chronologies in initial MACs providing a holistic picture to better inform action at MACs to better coordinate support for children and families.

9.5 Adult Protection Audits

Samples of Adult Protection Referrals and interventions took place during 2019. The audits explored the following domains:

1. The chronology was in place and was to the quality and standard required
2. There was complex risk assessment in place, and the quality was to the required standard
3. There was evidence of Team Leader overview and adherence to timescales
4. There was a clear outcome within the episode and that all actions were addressed

By regularly auditing the above, Adult Protection Officers were able to work alongside Team Leaders to ensure improvements.

There has been no AP Audit activity undertaken since January due to there being no resource within the PPC team and the significant impact of Covid-19 on Adult Services staff. We are currently preparing an inter-agency audit methodology which will be undertaken once capacity is available.

9.6 VAW Partnership Improvement Work – Equally Safe Quality Standards and Performance Management Framework

The Equally Safe Quality Standards were published by the Scottish Government, COSLA and the Improvement Service in May 2018 (and updated in April 2019), in close collaboration with the National VAW Network and other stakeholders.

The Equally Safe Quality Standards respond to the expectations set out in Equally Safe: Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls and in the Violence Against Women Partnership Guidance (VAWPG), in relation to effective performance management.

The Quality Standards aim to:

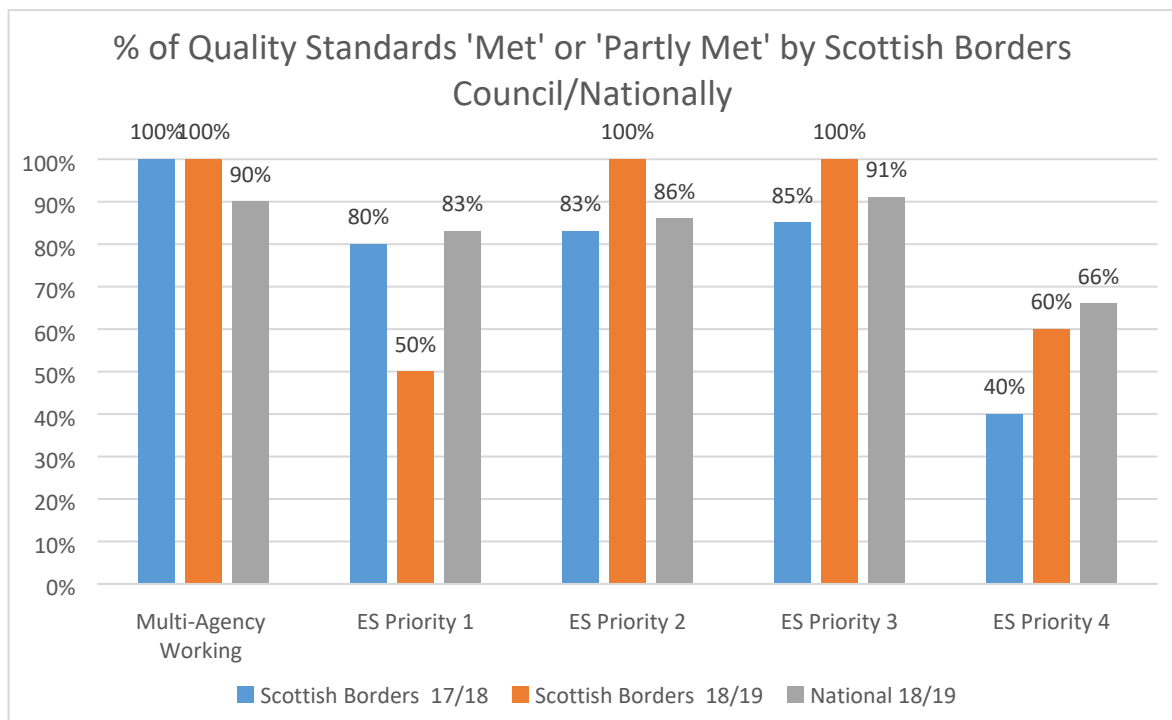
- Highlight the types of services, policies and processes that are most effective in tackling VAWG and capture data on the extent to which they are currently being delivered across Scotland
- Highlight what good practice looks like when supporting women and children affected by VAWG and provide a benchmark of excellence that can be worked towards
- Identify areas for improvement and help to increase capacity and capability to identify and respond to women and children affected by VAWG

The Equally Safe Quality Standards are designed to help local VAW Partnerships work towards the four priorities in Equally Safe, namely:

1. Scottish society embraces equality and mutual respect and rejects all forms of VAWG
2. Women and girls thrive as equal citizens: socially, culturally, economically and politically
3. Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people
4. Men desist from all forms of VAWG and perpetrators of such violence receive a robust and effective response

The Scottish Borders VAW Partnership, with support from the Safer Communities Analyst, have submitted data to the Equally Safe Quality Standards since their introduction. The following summarises the findings from the Improvement Service's Local Equally Safe Quality Standards Report for 2017/18 and 2018/19. The report for 2019/20 is still being developed by the Improvement Service. The Scottish Borders VAW Partnership have considered both local reports and developed an Improvement Plan to address the Partially Met, or Not Met Quality Standards. There was a strong commitment from all partner agencies to submit data and contribute to the submission.

"Overall, Scottish Borders' results are very similar to the national averages and surpass the national average by some margin in terms of Equally Safe Priority 2, and Priority 3, and Multi-Agency Working. Priority 1 has seen a slight decline from Scottish Borders' 2017-18 report however some of this can be attributed to the constraints of Scottish Borders' rural setting and population size, and there is still effective work being undertaken in this priority area" (Improvement Service Scottish Borders Report 2018/19).



9.7 Multi Agency Public Protection Arrangements (MAPPA) Overview: April 2019 – 1st July 2020

	EDIN NORTH	EDIN SOUTH	MID	EAST	WEST	BORDERS	HEALTH/ Restricted Patients	TOTAL
Level 1	355		40	53	161	95	32	736
Level 2	4	6	2	2	5	5	0	24
% managed at level 2:	2.7%		4.8%	3.6%	3%	5%	0%	3.2%
% of level 2s per head of population:	0.002% (popn = 498,810)		0.002% (popn = 87,390)	0.002% (popn = 103,050)	0.003% (popn = 178,550)	0.004% (popn = 114,030)	0.0000% (popn = 981,830)	0.002% (popn = 981,830)
Level 3	0	0	0	0	0	0	0	0
Total RSOs	365		42	55	166	100	32	760
% of RSOs per head of population:	0.07%		0.05%	0.05%	0.09%	0.09%	0.003%	0.08%
CAT 3 Offenders	4		2	1	1	0	0	8

Scottish Borders has a disproportionately higher number of Registered Sex Offenders being managed under MAPPA in comparison to neighbouring partner authorities, 0.09% per head of population. This poses challenges for social work and statutory partners including Police Scotland and housing due to the resource intensive nature of this work. Reasons for this are complex and likely to result from a number of factors, including the geographical location of the authority and rurality that often attracts people to migrate to the area away from urban locations where they fear they may be identified and are restricted in opportunities to move on with their lives.

Performance Indicator	Q1 April - June 19	Q2 July - Sept 19	Q3 Oct - Dec 19	Q4 Jan - March 20	Q1 April - June 20
Total Number of Sex offenders subject to MAPPA	98	104	104	104	100
Number of Sex offenders managed at MAPPA 1	95	102	102	98	95
Number of Sex Offenders managed at MAPPA 2	2	2	2	6	5
Number of Sex Offenders managed at MAPPA 3	1	0	0	0	0
Number of Restricted Patients	1	1	1	1	1
Number of Offenders Managed as Category 3	0	0	0	0	0
Registered sex offenders (RSOs) who reoffended :					
a. sexual crimes	0	0	2	2	1
b. registration	0	3	0	2	2
c. breach of order	0	0	0	1	1
d. crimes of violence	0	1	0	2	2
e. Other crimes	1	5	4	2	1
Number of RSOs subject to statutory supervision	35	32	27	30	23

Assessed level of harm	Q1 April - June 19	Q2 July - Sept 19	Q3 Oct - Dec 19	Q4 Jan - March 20	Q1 April - June 20
High	6	8	8	7	8
Very High	0	0	0	0	0

Meetings:

Type of meeting and number of cases discussed	Q1 April - June 19	Q2 July - Sept 19	Q3 Oct - Dec 19	Q4 Jan - March 20	Q1 April - June 20
Risk Management Case Conference	13	4	6	11	7
Level 2 Panel	4	5	5	7	
Level 3 Panel	0	1	0	0	0

Initial Case Reviews (ICRs)/Serious Incident Reviews (SIRs)

Within the reporting time frame two ICR/SIR notifications were submitted, as required following national guidance to the MAPPA Critical Service Oversight Group and the Care Inspectorate. Neither resulted in further action being required.

10. Engaging with people

10.1 Engaging with Families and Children

Ensuring that the views of children, young people and parents are obtained continues to be key in child protection. Learning from the experiences of children, young people and parents can be incorporated into everyday work so that practice is improved to avoid causing future harm and by providing the best and most helpful support to achieve positive outcomes for children.

10.2 Parents surveys have been adapted so parents now receive a text that includes a link for them to complete the parent survey online. New ways to engage with children and families, along with the feedback and learning from existing surveys, is now included in the remit of the Child Protection Delivery Group.

10.3 Young People and SB CPC Developmental Work

Child Protection training and staff development is undertaken in both single and interagency levels with links made and in line with the Getting it Right approach and United Nations Convention on the Rights of the Child (UNCRC).

The Child Protection training team have:

- reviewed and amended Child Sexual Exploitation (CSE) training with 3rd sector partners;
- regularly reviewed and updated training, including legislation changes;
- continued to provide bespoke training for local groups and voluntary organisations;
- provided a thematic annual update to all Education Staff, this is developed in consultation with the Education CP Lead (this year's theme ACES and neglect);
- planned, reviewed, evaluated and quality assured all interagency training;
- Piloted in one primary school training on the dangers of sexting and grooming working in partnership with the Chairs of the Parent Partners, a local Youth Group and High School pupils; and
- Delivered senior S6 school leaver Child Protection Awareness Raising across the secondary High Schools.



Always Be Wary

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 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.

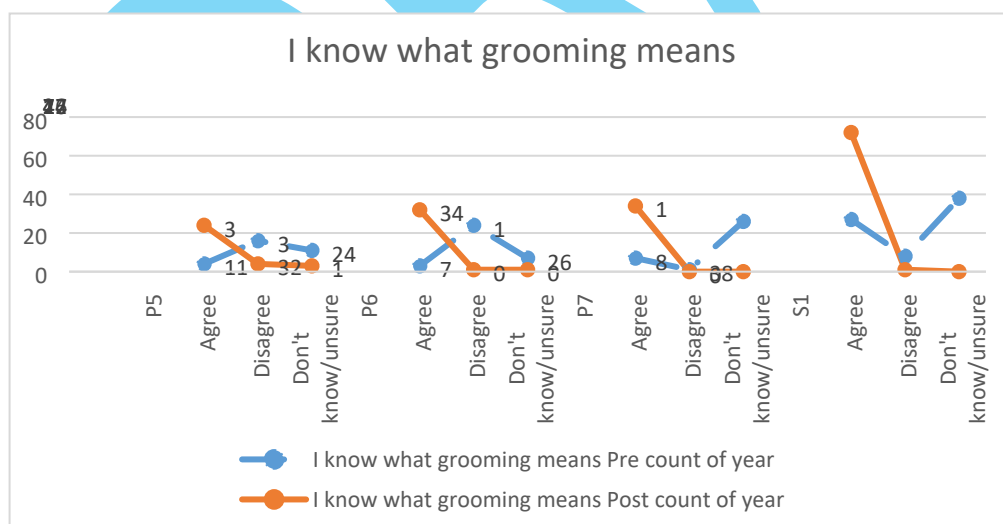
The results of the training highlighted that young people are being contacted online by strangers and by putting privacy settings on their accounts they can reduce the risk of this contact. In this pilot, primary 5 aged pupils (age 9-10 years) were identified as being targeted by strangers more than primary 6.



The table below highlights the responses to 2 questions specifically 'have you been contacted by a stranger online?' and '...sent a violent or sexual picture?'

Primary Age	Contacted by a stranger (by % of group)	Sent a violent or sexual picture (by % of group)	Number of respondents
S1	62%	17%	34
P7	35%	6%	34
P6	14%	3%	34
P5	21%	6%	23

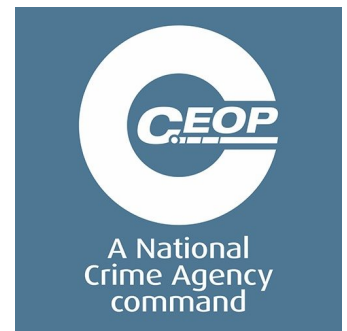
Listening and responding to the views of young people informed the training materials and content of the pilot. Real life examples of ways young people were being groomed online was clearly explained and co-delivered by peer trainers from the local high school. A sharp increase in the understanding of grooming behaviours was measured in the post evaluation.



In the pre training evaluations approximately 33% of children intimated they would report abuse content to the admin of the appropriate site and a further approximately 33% said they 'don't know' what to do if they are sent an abusive image or text.

Peer educators engaged with the young people and challenged their thinking around reporting an abuser to the admin of a site verses the Police as a means to protecting themselves and preventing further abuse of themselves or others.

Post training evaluations highlighted only 12 pupils were unsure who to report issues to, with the rest, approximately 90% clearly responding that sexual themed and violent and abusive content should be reported to CEOP (Child Exploitation and Online Protection Command) Police, ChildLine, parents, a trusted person; many listing several reporting routes.



As a result of the Always be Wary work;

1. The Public Protection Committee is now a registered Saltire Awards provider and several of the young people who volunteered as peer trainers will receive a certificate commending them for their work.
2. As a result of the primary pilot 134 pupils aging from 9-13 years have received training identifying grooming behaviours and how to report to CEOP.
3. The Primary pilot is being reviewed by the Chairs of the Parent Partners and PPC members for next steps.



Child Protection Awareness Raising Sessions were delivered to 298 S6 pupils, who attended as part of a planned delivery in personal and social education classes, supported by trainers from SBC CPC. This session provides guidance to S6 pupils involved as buddies for younger pupils but also acknowledges that these are adults within the Borders who may go on to employment or volunteering opportunities so equips them as members of the public to be aware of how to raise concerns about abuse.

10.4 **Engaging with people subject to MAPPA**

The Community Intervention Service for Sex Offenders (CISSO) delivers a range of programmes across the Edinburgh, Lothians and Borders MAPPA partnership including the Moving Forward: Making Changes (MFMC) sex offender group work programme.

Moving Forward Making Changes Programme (MFMC)

For the period August 2019 to July 2020, four men participated in the Moving Forward Making Changes Programme. A further five men participated in the internet offender's programme. Two men are currently on the waiting list to begin the MFMC programme and one is waiting to start the internet offender's programme. Four men subject to either Court Orders or release from custody supervision requiring them to undertake this work, during the reporting period, have either completed either the MFMC or the internet group prior to August 2019 but remain on supervision.

Six qualified social workers based in the Justice Social Work team are trained as MFMC case managers. Case Managers are responsible for managing and supervising the overall Court Order or Release Licence. The Case Manager delivers preparatory pre-programme work with men before they join the MFMC group. They maintain ongoing contact with group facilitators

and participants throughout their time on MFMC, informing the MAPPA Risk Management and Contingency Plans on progress made.

The Caledonian System Men's programme

The authority works alongside three other councils, Edinburgh City, East and Mid Lothian to deliver the Caledonian System Men's Programme. The focus of this accredited programme is to address domestic abuse. Edinburgh City deliver the programme in group format to those mandated to undertake this work by the Court.

In addition to direct engagement with those who have been convicted of domestic abuse offences, the programme also offers support and safety planning work, from dedicated local social work staff to partners, ex partners and children affected by domestic abuse.

10.5 Surveys

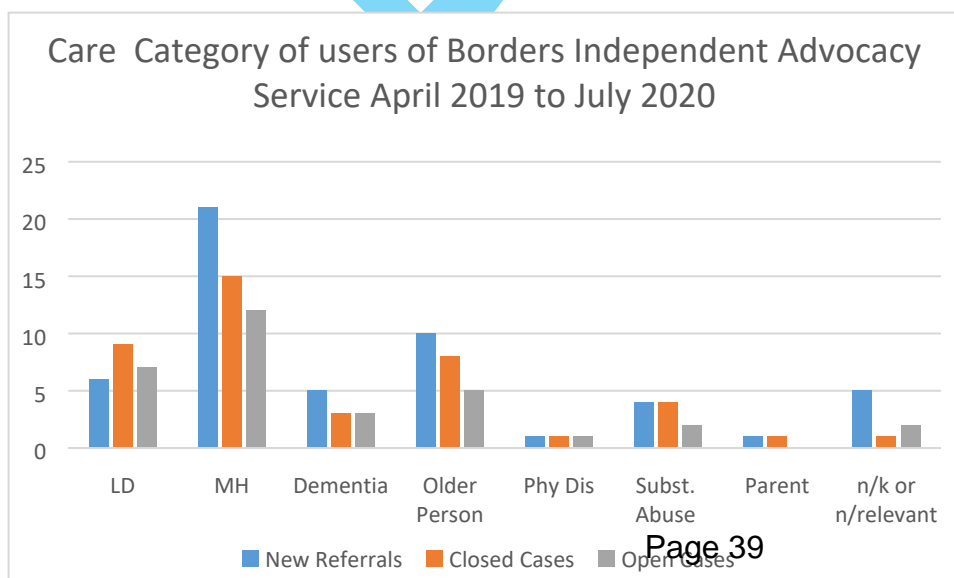
Adult Protection Officer self-evaluation surveys have been developed. The surveys were initially trialled then updated, at which point it became compulsory for Adult Protection officers to complete following Initial and Review Adult Protection Case Conferences. Since 8 June 2020 up until the end of July 2020, 21 surveys have been completed. Findings and analysis of this survey will be regularly reported to the Adult Protection Delivery Group and the survey itself will be reviewed within the next twelve months. A comprehensive critique of the survey findings will be provided in the next annual report.

10.6 Views of people (advocacy figures)

Borders Independent Advocacy Service (BIAS)

BIAS reported to APC on a quarterly basis regarding service users involved in the AP process referred to them for support. During this period BIAS received 53 new adult referrals, and continued to work with an existing client base.

It is hoped that in the near future BIAS will be providing advocacy to children for Children's Hearings but this is in the early stages. BIAS work with parents going through the Child Protection Hearing system where the parent has either a mental health or addictions issue or a learning disability and this will continue. Unfortunately BIAS do not provide advocacy for Child Protection Case Conferences at this time.



SBC Domestic Abuse Advocacy Services

DAAS is an Independent Domestic Abuse Advocacy (IDAA) service which aims to address the safety of victims at high risk of harm from intimate partners or ex-partners to secure their safety and the safety of their children. In some cases, they may also work with clients who are at risk from extended family members. Serving as a victim's primary point of contact, DAAS normally works with their clients from the point of crisis to assess the level of risk, discuss the range of suitable options and develop safety plans. They are proactive in implementing the plans which address immediate safety, including practical steps to protect their clients and their children, as well as longer-term solutions. These plans will include actions from the MARAC, as well as sanctions and remedies available through the criminal and civil courts, housing options and services available through other organisations. DAAS works over the short to medium-term to put clients on a pathway to long-term safety. Staff members have all received specialist training and hold an SQA qualification as Independent Domestic Abuse Advocates (IDAAs). Since they work with the highest risk cases, IDAAs are most effective as part of an IDAA service and within a multi-agency framework. The IDAA's role in all multi-agency settings is to keep the client's perspective and safety at the centre of proceedings.

IDAAs will sit within a spectrum of domestic abuse organisations, and their specific role is to take on the intensive high risk-led work at the beginning of the client's journey. Once that risk is managed to point where the client is no longer high risk, the IDAA will refer on to other domestic abuse services to meet their long-term safety and support needs.

During 2019/20 there were 1129 police domestic abuse incidents reported (12% increase on the previous year).

In total there were 693 referrals to Scottish Borders Council Safer Communities domestic abuse services (DAAS/Court Advocacy/Safe Housing Options and Outreach). The Court Advocacy Service was funded August 2017 to September 2019 and Safe Housing Options and Domestic Abuse Advocacy Support Outreach to June 2020. From July 2020, services were redesigned to incorporate Safe Housing Options and Outreach into the main DAAS team structure.

1 st April to 31 st March	Total referrals to domestic abuse services (Safer Communities)
2017/18	756
2018/19	762
2019/20	693

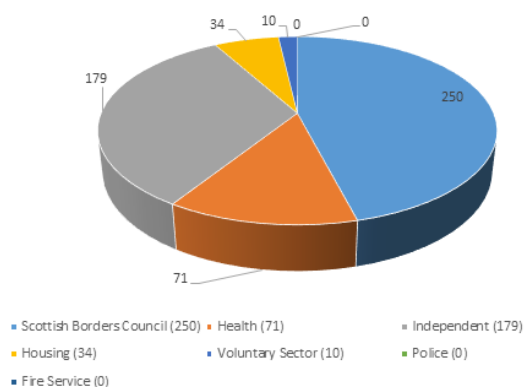
10.7 Training, Learning & Development

Please note that while the subsequent data provided below takes into account the reporting period to end July 2020, all face to face training was suspended as of the end of March 2020 as a result of the Covid-19 restrictions. The CP training team has focussed on encouraging completion of the mandatory e-learning and considering what can be delivered using technology like Microsoft Teams. It is acknowledged this will not replace face to face training but it will provide an introduction to both the CP and AP for new staff in the Scottish Borders. The courses are also being updated so they can recommence when it is possible. In addition some of the CP and all of the AP training capacity has been temporarily redirected to other duties. Given the large range and number of staff from across various sectors in both CP and AP Services, it is not possible to evaluate attendance against actual numbers of staff. There are strategies in place to provide information about suitable levels of training and key agencies have their own pathways for mandatory training which they monitor within their Human Resource (HR) processes. PPC is committed to ensuring all staff have access to appropriate and quality training, and provides matrices for line managers to use with their staff and volunteers to ensure they comply with mandatory and optional training to suit the identified needs of the individual employees, in their roles working with adults and children in Scottish Borders.

The Training and Development Officers appreciate staff taking the time to complete surveys. Comments are reviewed and used to update and improve training on an ongoing basis.

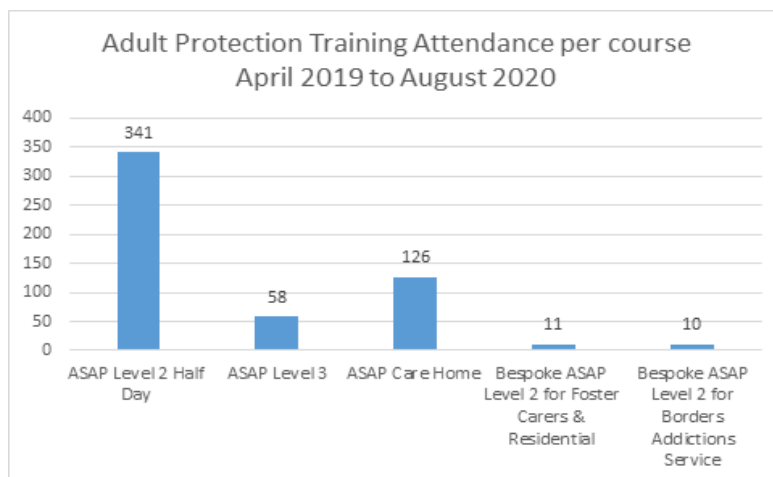
Adult Protection Training

Adult Protection Training Attendance per agency
April 2019 to August 2020



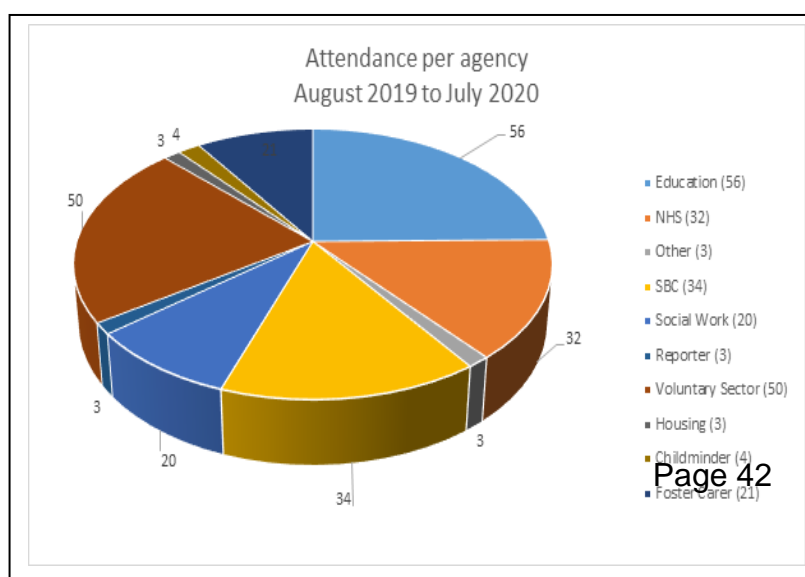
Within the Scottish Borders there is a clear multi-agency Training Programme and Training Strategy. Specialist development sessions and forums are in place to disseminate knowledge, share good practice, and enhance practitioner's skills. In particular it is hoped training sessions with care homes and managers will reduce Large Scale Investigations (LSIs) through

improved communication and early intervention.



Over the period, there have been 19 Adult Support and Protection Level 2 training sessions, four Adult Support and Protection Level 3 training sessions, eight Adult Support and Protection Care Home training sessions, one Bespoke Adult Support and Protection Level 2 for Foster Carers and Residential Staff and one bespoke Adult Support & Protection Level 2 for Borders Addictions Services. Total figures of staff trained in chart amount to 546.

Child Protection Training

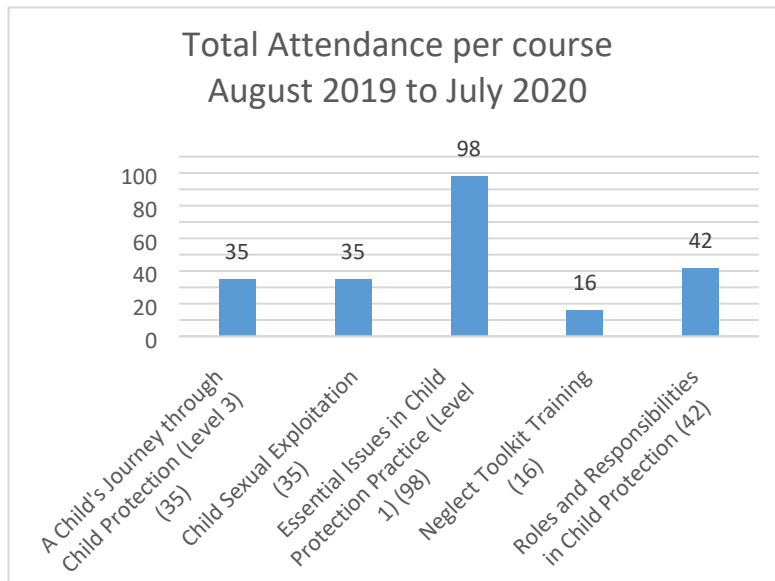


In total, 226 staff from different services and agencies attended the Essential Issues in Child Protection Practice Training (Level 1), Roles and Responsibilities in Child Protection (Level 2), A Child's Journey through Child Protection (Level 3) as well as the Neglect Toolkit and Child Sexual Exploitation training.

Child Protection Training is delivered by Child Protection Training and

Development Officers in conjunction with CP Reviewing Officers, third sector professionals, specialists and the Police.

Unfortunately 52 people did not attend and some reasons for cancelling included 'illness' or 'other competing demands' e.g. meetings/double booked. Records are maintained to monitor reasons for withdrawing from courses and reported to the Training Development and Communications Delivery Group.



A local high school fire, necessitating the use of training venues for temporary school use, and the Covid-19 pandemic account for a reduction in the courses offered this year.

Public Protection Training



The CPC team offer training to a number of local agencies, members of the public, voluntary groups, local committees and places where children and families spend time. In addition to the offers of Public Protection training, Essential Issues in Child Protection Practice (Level 1) training was delivered to some groups and bespoke training to others, e.g. bespoke child protection post- natal

depression group. In total 215 people received bespoke training courses across Scottish Borders, including 74 passenger transport drivers and escorts, 12 new volunteers at Borders General Hospital, and 30 professional drivers/taxis drivers as well as Aberlour staff, Street Pastors, Interest Link, Cheviot Youth and Abbotsford House.



Learning and Staff Development

1. All courses offered are reviewed annually to take account of any new local and national developments, changing legislation, incorporating feedback from participants. In particular the new domestic abuse legislation in April 2019 was highlighted to staff as part of update training as well as reminders on cyber and online legislation. In the period August 2019 to July 2020 2391 staff have now been trained as part of the annual update for Education, Early Years, Community Learning and Development (CLD), janitorial, catering and cleaning staff.
2. The online e-learning module, suitable for new staff, has been redeveloped to remove mention of the named person and reiterate that any information regarding a child protection concern should be reported.
3. The annual Child Protection Update focus for staff in Education, Community Learning and Development (CLD) and Early Years' Service covered Adverse Childhood Experiences (ACE) and neglect as the main themes. Incorporating the ACE aware Scotland video by the Scottish Government has meant 2391 staff are aware of the drive for Scotland to become an ACE aware nation. The change in the Domestic Abuse legislation regarding coercive and controlling behaviour was highlighted to staff as well as a reminder on human trafficking and mobile phone concerns re indecent images of children. In addition to this, mention was made to SBC's policy on whistleblowing and escalation procedures. As requested by participants the previous year, a reminder on the use of open questioning was included as a reminder to staff. This training was co-produced by the Child Protection Training and Development Team and Education partners.
4. Neglect Toolkit Training continued to be delivered until Covid-19 restrictions. Most relevant staff have undertaken this training and the course is offered regularly to pick up new staff.

5. Other main Child Protection Training courses include Essential Issues in Child Protection Practice Training (Level 1) for the general workforce, and Roles and Responsibilities in Child Protection (Level 2) with A Child's Journey through Child Protection (Level 3). (Details are shown in the graphs earlier). The Working with Difficult, Dangerous and Evasive Families course has a waiting list but has been delayed due to the COVID-19 pandemic.
6. The Child Sexual Exploitation (CSE) course has been updated in association with Children 1st and Rape Crisis in Scottish Borders. Third Sector partners are valued and included in the re writing of courses.
7. In evaluating the feedback from the Education Annual Update, the attendees reported that they were 'very informed', 'using real life cases was very relevant', 'made me aware of how important it is to pass on concerns', 'feeling more confident', 'balance of content and participatory activities was excellent', and 'having a Q and A would be helpful', 'much prefer the yearly updates than 3 hour sessions every 3 years', the course 'heightened my awareness of ACEs', with a 'request for more 'bespoke' post level 3 training for CP/ LAC Coordinators on a more regular basis'.
8. Evaluation comments from level 1-3 courses:
 - "Varied backgrounds of other attendees - was good to hear other experiences, etc."
 - "Interesting presentation - helped me understand my own responsibilities when dealing with children and young people in the school and what to look out for."
 - "good real life references brought the reality of the need for child protection to life."
 - "I felt the content was a little rushed in the end."
 - "more variety in the method of teaching, as it was mostly talking"
 - "[I am] more confident in making referrals"
 - "[I have] better understanding of the process and importance of sharing information"

'We have recently alongside Children 1st assisted in redesigning the CSE training with CPC Learning & Development. This is a great example of involving the Third sector specialist organisations in the redesigning of existing training. Recommendations for inclusion such as highlighting key national documents such as Equally Safe and ensuring that the content is up to date, accurate and useful for participants. Co-facilitation with specialist services would be useful as specialist services will have recent examples of supporting young people that can be shared with participants.' Susie Stein, Rape Crisis

Gender Based Violence Training 2019/20

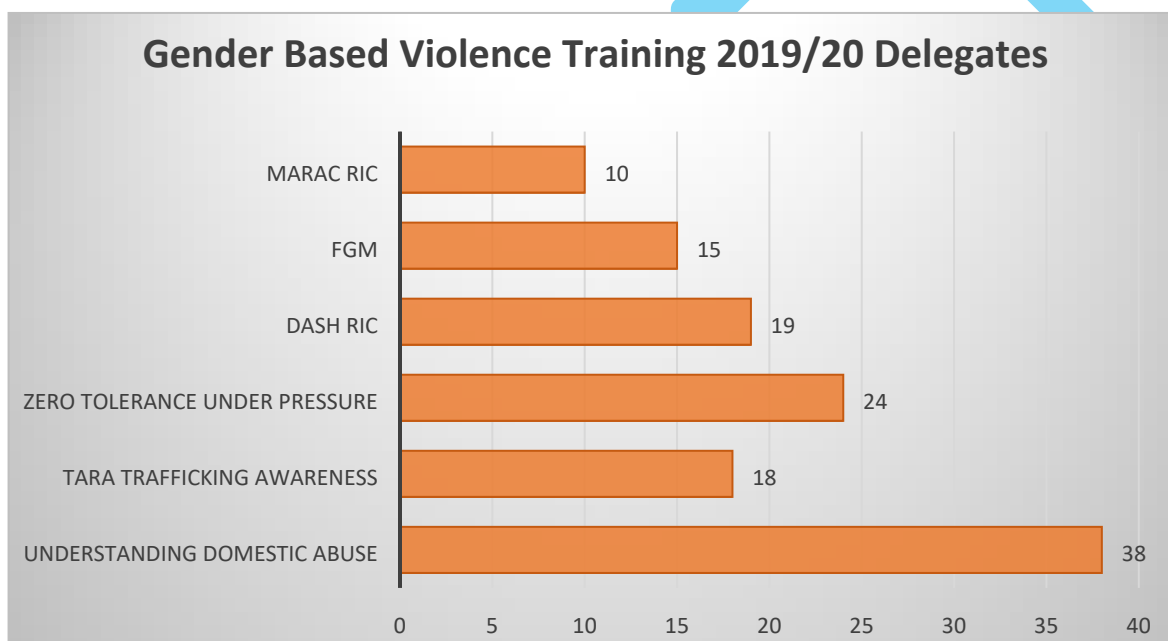
The Violence Against Women Partnership has no dedicated resource to provide workforce development resources in terms of the development and delivery of training or supporting communities to access information on how to respond to gender based violence in Scottish Borders.

During 2019/20 the training was provided by staff from Safer Communities domestic abuse teams, MARAC, Scottish Border Rape Crisis Centre and national providers such as Shakti Women's Aid. Locally none of specialist gender based violence services are resourced to provide training but are committed to supporting all staff to be able to respond safely and effectively to gender based violence.

Administration of training courses was provided by Safer Communities in 2019/20; this will move to the DAAS service in 2020/21.

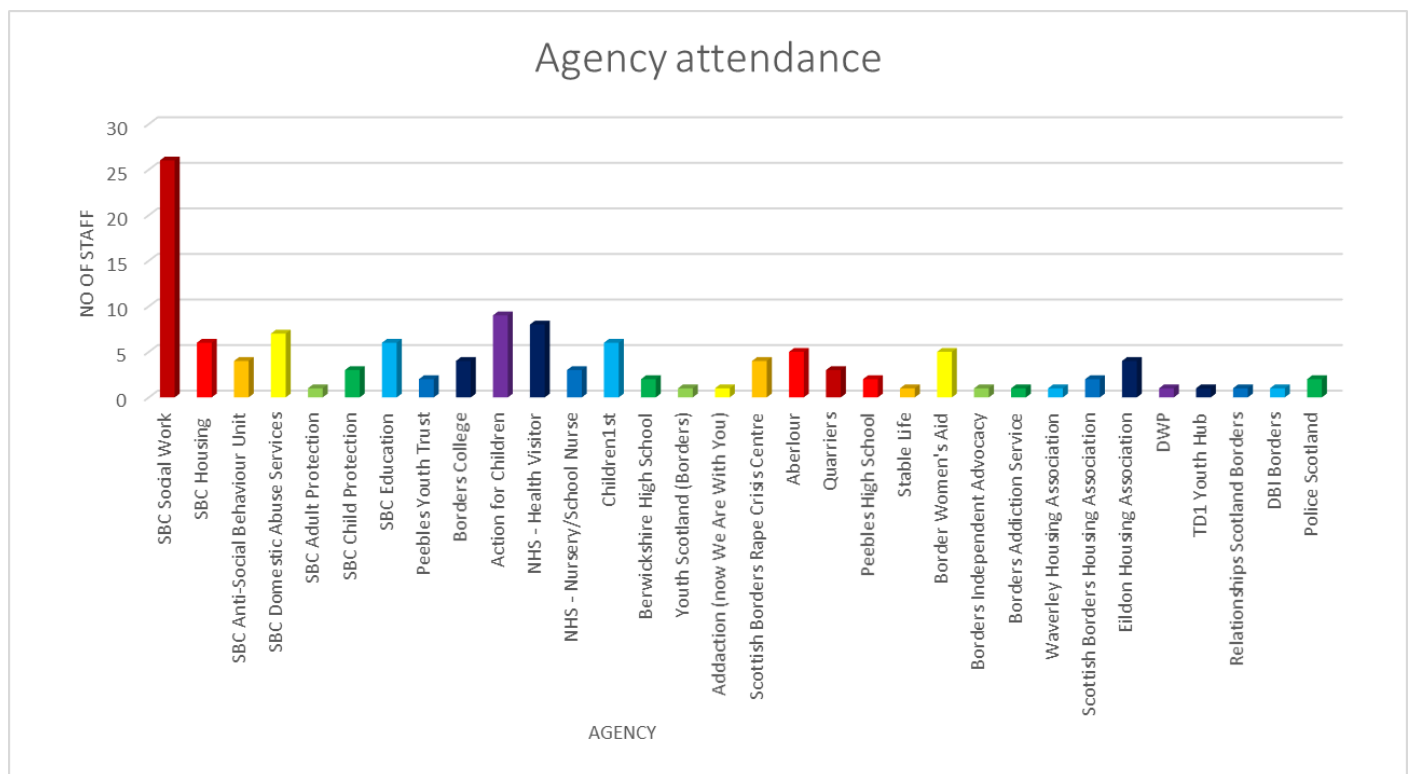
There has been no training needs analysis conducted recently to enable a good understanding of training need locally but there has been a significant increase in online resources e.g. SBC Corporate Induction, to provide a general awareness of gender based violence and awareness of more specific types of gender based violence e.g. Human Trafficking can be covered by national organisations.

The following shows the total number of people who accessed specific gender based violence courses in 2019/20; the number of courses delivered were MARAC Risk Identification (1); Female Genital Mutilation (2); DASH Risk Identification Checklist (2); Under Pressure (1); Trafficking (1) and Understanding Domestic Abuse (3). On average 16 places are offered on each course, thus 160 training spaces were available in this period. There was one session delivered on Awareness of Rape and Sexual Abuse Training with 16 participants and one session on Supporting survivors of sexual violence training with 8 participants.



Shakti Women's Aid delivered a Forced Marriage training day in 2019 and 18 people attended from a range of partner agencies.

The following table shows the agencies who released staff to attend Gender Based Violence Training in the same period.



The gender based violence training attracts a good multi-agency representation, and all courses consistently evaluate as meeting the learner needs. This demonstrates that most partner agencies feel that gender based violence training is relevant for their workforce.

Nationally, there is a gender based violence workforce programme, funded by Scottish Government, underway. Equally Safe in Practice aims to create a national training framework for gender based violence and enable agencies to provide a “pathway” of learning opportunities for staff. Scottish Borders is represented on this working group by the VAW Co-ordinator.

<https://womensaid.scot/project/equally-safe-in-practice>

In September 2019, thirty four front line practitioners attended the four day, core training for Safe and Together – the model which aims to provide a framework for partnering with domestic abuse survivors and intervening with domestic abuse perpetrators in order to enhance the safety and well-being of children – and a group of managers and policy-makers took part in a one day Overview session. In October 2019 a Joint Meeting of the APC, CPC and Offender Management Committee agreed to adopt ‘Safe and Together’ as the basis for multi-agency work on Domestic Abuse in Scottish Borders. In 2020, two practitioners from Justice Service and Children1st were trained as Safe and Together trainers and are working towards accreditation in order to support implementation of the model locally.

MAPPA Training

In December 2019 the MAPPA co-ordinator, facilitated a MAPPA Level 2/3 Chairs workshop. The workshop was designed to share knowledge and experience relative to the role of chair. The event was arranged to capture identified learning in response to the Tayside SCR published in June 2019. November 2019 saw a similar event take place for Level 1 chairs across the Edinburgh City, Lothians and Borders MAPPA partnership.

February 2020 saw the MAPPA co-ordinator participate in a Social Work Scotland event providing a presentation that focused on MAPPA and Cross Border transfer. This UK wide event was hosted in Scotland and attended by Justice Social Work and Probation colleagues

representing Scotland, England, Wales and Northern Ireland, in addition to the Centre for Youth and Criminal Justice, Parole Board and Scottish Government. The event focused on Cross Border Transfer with a view to informing a review of current guidance. Scottish Borders adult and youth justice services were well represented.

The MAPPA Annual Conference took place in March 2020. This event was well attended by practitioners and MAPPA leads from across the Scottish Borders including Justice Social Work, Child Protection, Health Services and Police Scotland. The key topic of this year's event was the assessment and management of young people who present a Serious Risk of Harm, as they transition into Adult Services and management under MAPPA.

Prevent Training

Training on Prevent is done via the ELearning Package and other events, and a number of these have been carried out in the previous year and these included, Mail Room Security and Document Awareness.

11. Information for the public and staff and stakeholders

Communications

11.1 The CPC used a Public Communications Strategy to advertise training using internal channels for staff and SBC social media to reach external audiences.

A Cyber Safety event was coordinated by the CPC in October and specialists from SELMA (Social and Emotional Learning for Mutual Awareness) co-funded by the European Union to tackle online hate speech and abuse, delivered the training. The event catered for multi-agency practitioners including foster carers, police, schools, families, social workers to name a few. The course highlighted the dangers of online abuse and how to access training for individual establishments and parents. Over 70 people attended this event organised by the Scottish Government.



A pupil from Galashiels Academy jointly led a workshop at Newcastle University for Educational Psychologists on the making of the animation **AlwaysBeWary** and explained the positive impact on her being a part of this campaign. <https://www.youtube.com/watch?v=J9dMt3a6hu0>



In addition to this, social media support was given to the National Eyes Wide Open Campaign to alert members of the public to dangers children face over the summer holidays.

The Scottish Government celebrated the 21st Birthday of the Children's Parliament by launching an 'Unfeartie Campaign' in line with leading and reporting concerns for and on behalf of children

and several key leads in the PPC and SBC took part. Pupils in schools working with the CPC also joined in this publicity campaign.

Unfeartie Campaigners!



Stuart Easingwood, Chief Social Work & Public Protection Officer



Susan Hunter, Chief Officer Youth Borders



Peter Macklin, Depute Rector, Berwickshire High School

Information about public protection is shared via SBLearn, SBScene staff e-magazine, SBC's social media channels and press releases to local papers as well the Child Protection e-Newsletter produced twice a year featuring seven minute briefings.

11.2 SBC Public Protection Communication

During the Covid-19 lockdown and ongoing response/recovery operation Public Protection services remain staffed and operational, and all children who are on the Child Protection Register are visited weekly. Looked After Children have a high level of contact with staff, which includes responding to the needs of the wider family where required.

Schools have identified 'vulnerable' children and staff are maintaining contact with those identified and their families too.

In respect of adults, close work is undertaken with our registered social landlord colleagues to identify and support those thought to be vulnerable in the current circumstances but where social work and social care support are not already established.

A range of key public protection messages have been developed covering both children and adults and also domestic abuse and these are promoted through social media channels.

Child protection, adult protection and domestic abuse maintained a high profile in the overall SBC COVID-19 communications plan:

- Information is available wherever relevant on SBC's dedicated coronavirus webpages.
- Individual social media graphics were created to highlight essential key messages and contact information – see examples below. Posts/tweets are issued regularly as part of an ongoing awareness raising campaign, linking to national messages wherever appropriate.



- Members of the Community Planning Partnership, relevant third and voluntary sector organisations and head teachers (early years, primary and secondary) have been asked to share information through their channels.
- Information is provided to all elected members and local MPs/MSPs..
- Information is included in the fortnightly SB Alert newsletter that is sent to over 6,000 Borders residents from our Emergency Planning Team.
- Information is included in SBC staff briefing emails.
- A news release was issued: Joint news release issued.
- An article was produced in SBC staff e-magazine.

11.3 Mailshots providing information and offering training

Mailshots were sent to many establishments in the Scottish Borders offering training, including, riding stables, caravan parks, swimming pools, stately homes and the Borders Union Show. Course providers for professional driver training were also contacted.

11.4 Newsletters

In 2019 SB CPC produced two newsletters which are full of local and national child protection information, new learning and reminders.

The newsletter was shared with all staff and partner organisations of the CPC and is uploaded to the CPC website.



12. Quality & Improvement Data

Adult Protection Activity (1st April 2019 – 31st July 2020)

12.1 The APU continue to monitor AP initial referrals and statistics related to referrals using data from Mosaic which is the Social Work information management system. Unless otherwise stated, the figures below were collected in the period 1st April 2019 – 31st July 2020. Readers are reminded that comparisons with previous year's statistics will be skewed, as this report encompasses a 16 month period compared with the previous year's 12 month period.

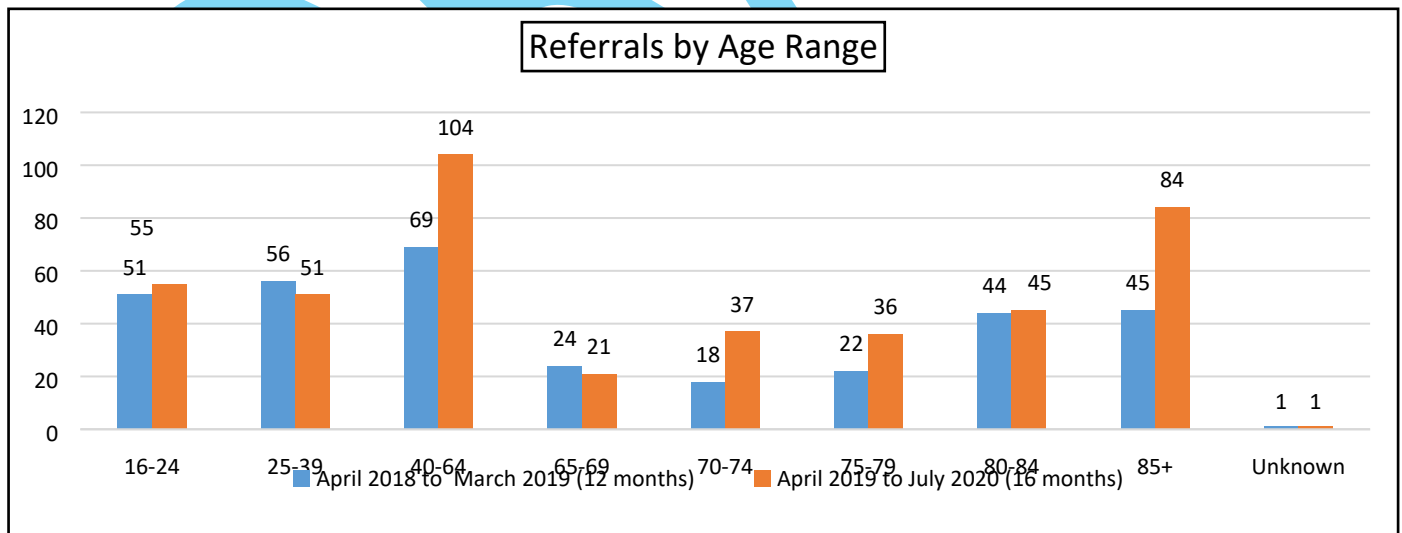
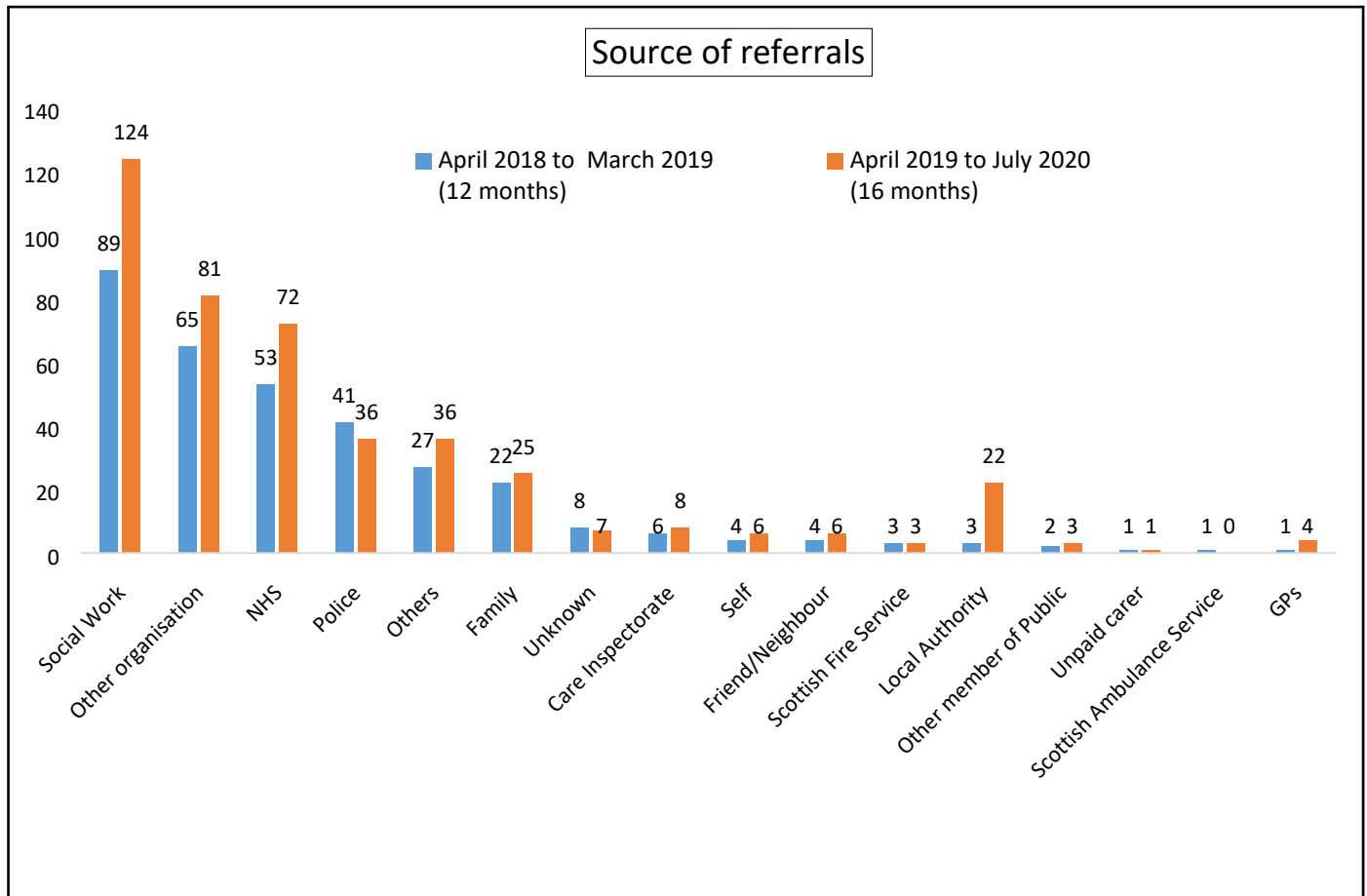
Initial referrals & screening of harm in Scottish Borders Council

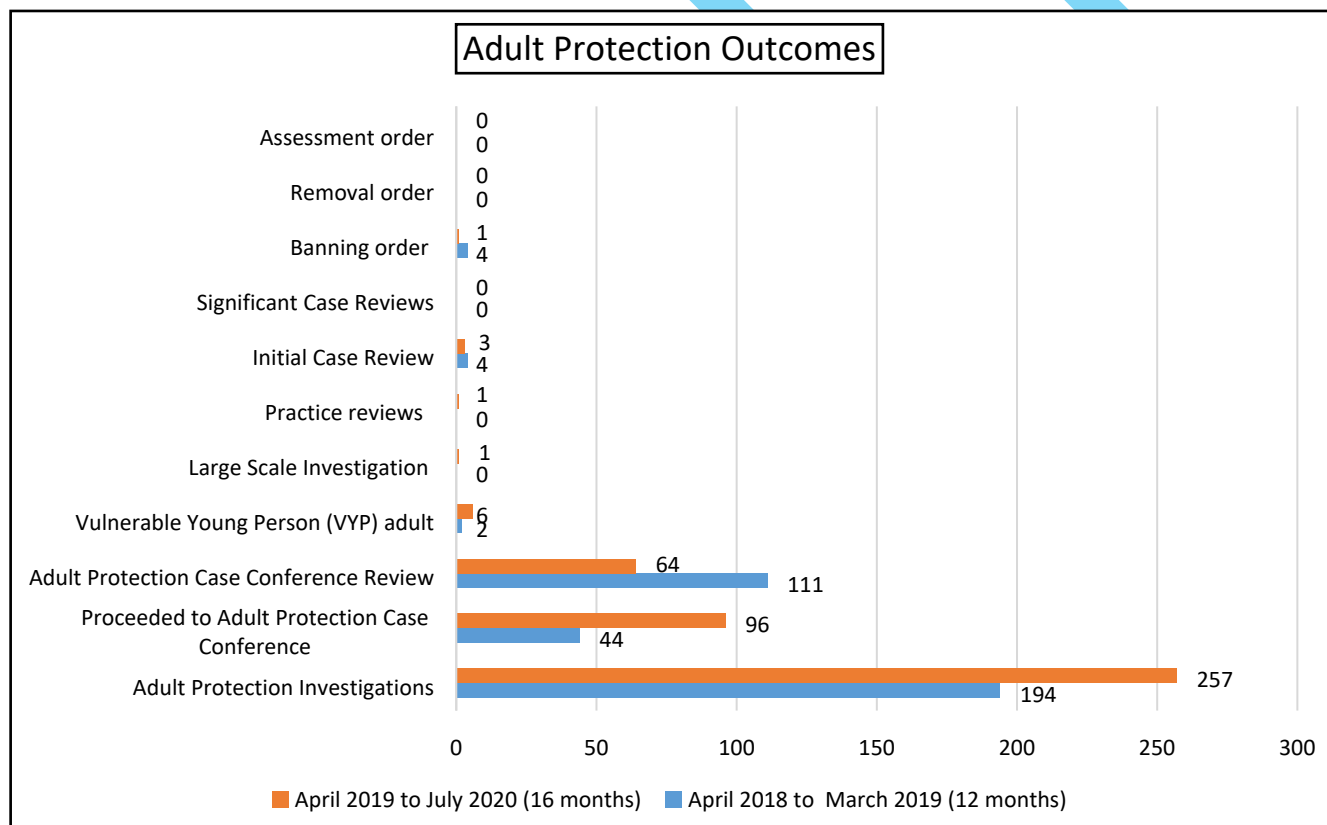
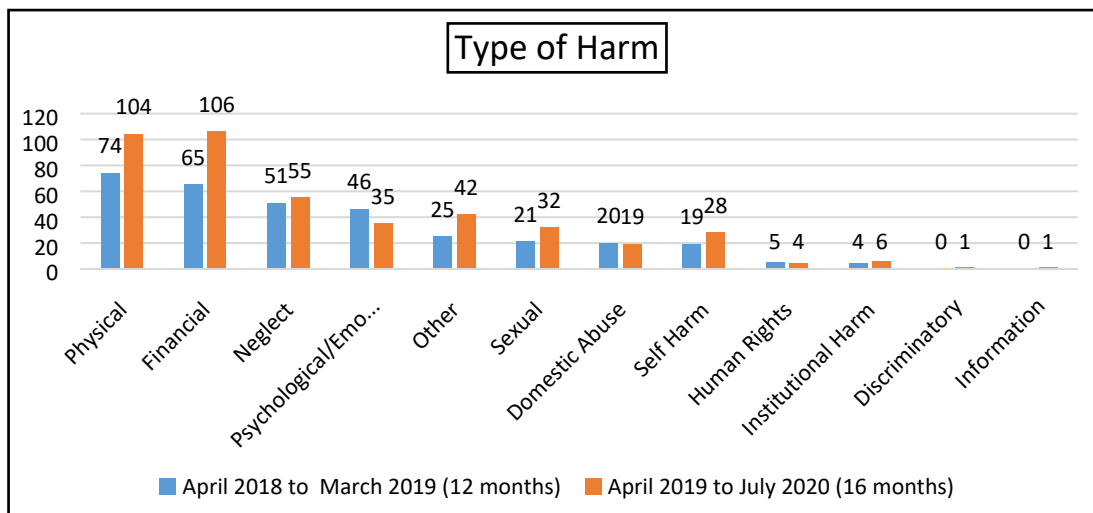
Referrals come from a large variety of sources; including all agencies, providers of care services, the public and adults themselves. The SBC Customer Services Team and the Emergency Duty Team also take AP referrals.

Police Adult Concern Forms and Scottish Fire and Rescue Service Referrals are referred directly through the Adult Protection Unit and passed to the Locality Social Work Teams for response.

Snapshot of Adult Protection

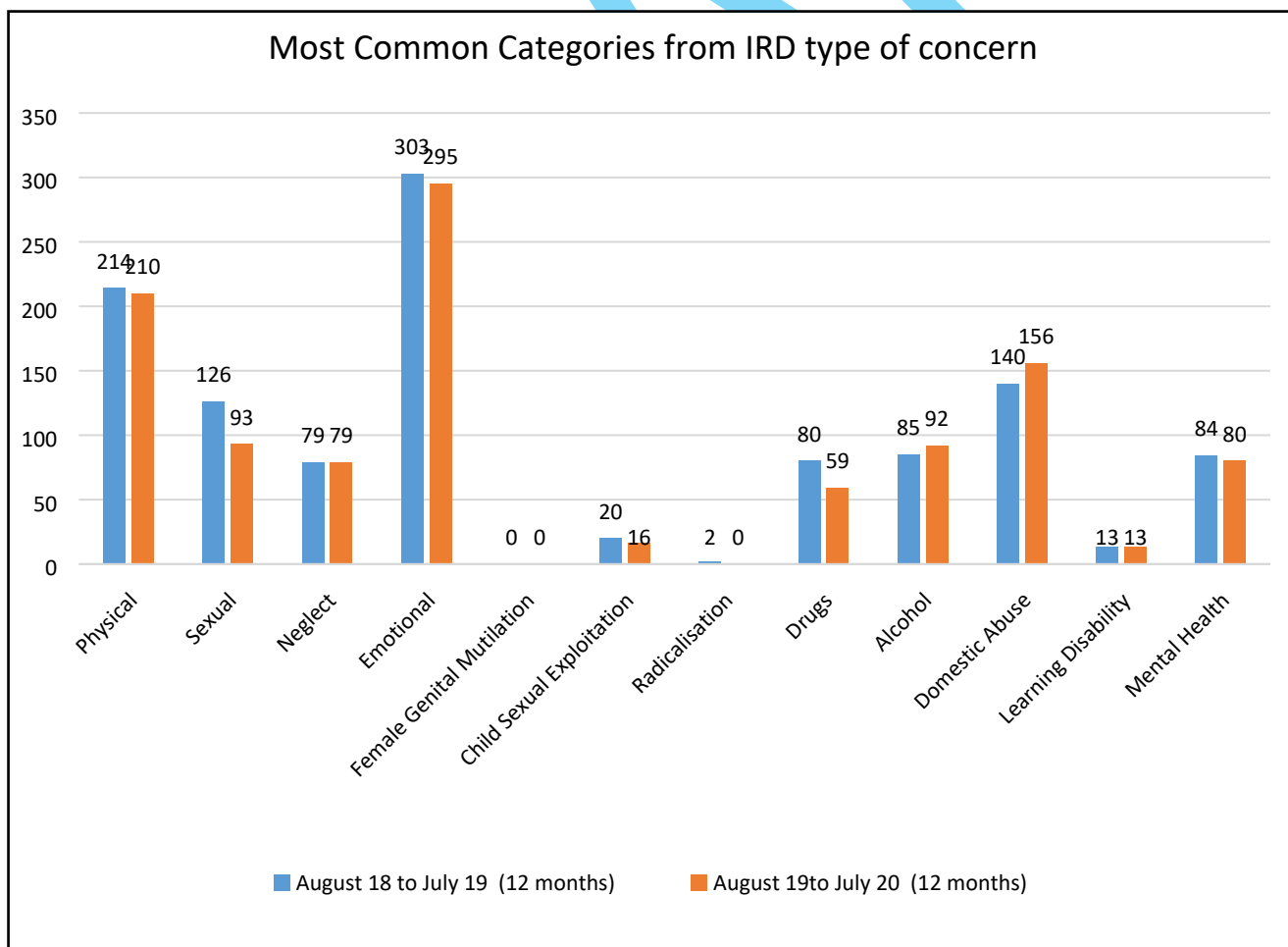
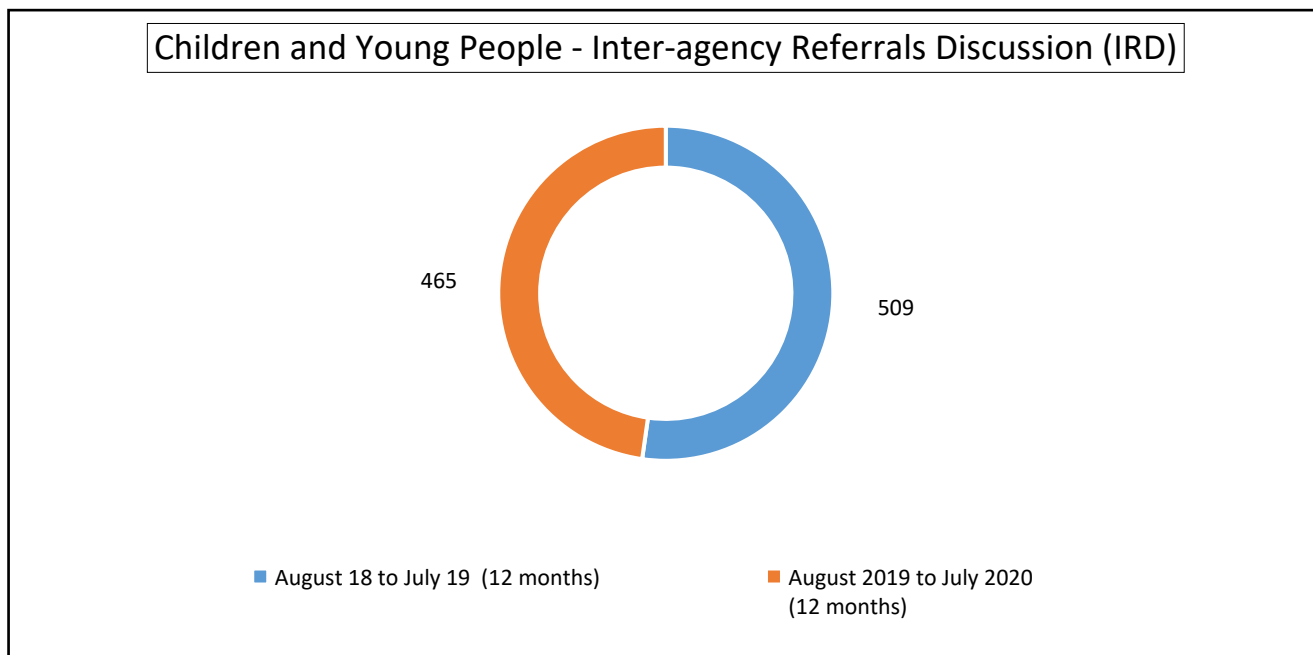
Please note that the two periods of data are 12 months, in line with national AP reporting, and 16 months to accommodate the reporting for this PPC annual report. Therefore while the data is not directly comparable it does provide opportunity to have oversight of year on year changes.





Snapshot of Child Protection

Please note that the two periods of data are 12 months, August to July, in line with national CP reporting.



13. Scottish Borders Public Protection Business Plan

13.1 Below are the priorities of the Business Plan and although timescales have been set, these are subject to change due to Covid-19.

Action	Group responsible
To respond to the new national Child Protection Guidance	PPC
To ensure a programme of work to implement the Safe & Together approach to domestic abuse	PPC
To ensure identified changes to the Vulnerable Young Persons protocol are fully implemented	PPC
To ensure a comprehensive performance monitoring system is agreed and implemented	PPC
To develop a Joint Strategic Needs Assessment for Vulnerable Adults	PPC
To review the functions of PPC in 12 months	PPC
To ensure the Improvement Plan in relation to Borders performance against the national Equally Safe strategy is implemented	VAWGDG
To introduce multi-agency audits for adult protection	APDG
To demonstrate improvements in AP processes to be timely and show effective decision making and action	APDG
To provide updated AP procedures and guidance notes	APDG
To demonstrate an improved use and application of the Neglect Toolkit to address childhood neglect	CPDG
To demonstrate a consistent and assured use of integrated chronologies	CPDG
To demonstrate an increase of ways to gather views of children, young people and their families	CPDG
To maintain an oversight of MAPPA	Justice Services DG

As this is the first Scottish Borders Public Protection Committee annual report it is noted that the data provided are for different periods and therefore some sections are not easily brought together. However, it is hoped this report provides appropriate information on the work of the CPC and APC and introduces the new Scottish Borders Public Protection Committee and its Delivery Groups. The above business plan highlights the work underway and although some progress has been made, timescales will be affected by Covid-19.

In Conclusion - A few words from the Vice Chair and Delivery Group chairs:

The development of the Scottish Borders Public Protection Unit is an indication of our commitment to support our most vulnerable citizens. The Adult Protection Delivery Group is an important part of that picture and will work continuously to improve our guidelines and our oversight.

Peter Lerpiniere, Chair of APDG, Associate Director of Nursing for Mental Health, Learning Disability & Older People, NHS Borders

As part of our collective drive to improve outcomes for those most at risk in Scottish Borders, the development of the co-located Public Protection Services is a significant milestone. This will provide us with a stable platform to consider risk through the lens of a 'Think Family' approach. Working collaboratively across the agencies, we will continue to develop this model to ensure that we can respond to risk and need.

Stuart Easingwood, Vice Chair PPC and Chief Social Work & Public Protection Officer

Information of the Public Protection Committee in the Scottish Borders has committed to a Vision where 'all children and adults at risk in Scottish Borders are supported and protected from harm', there is a determination and strong commitment across the whole partnership to ensure we protect our most vulnerable in society. It is my absolute privilege to be appointed as Chair of the Child Protection Delivery Group and already we are making significant progress to support this vision through delivery of a focus on our key priorities now and into the future.

Matt Paden, DCI, Public Protection Unit Police Scotland, Chair of CPDG

I am delighted to be appointed as Chair of the Training and Communication Delivery Group. Through the development of an overarching training strategy, all agencies will have access to high quality input to support learning and development which will ensure consistency and greater skill levels across all partners.

Lesley Munro, Service Director Young People Engagement and Inclusion, SBC (Chair of TD&CDG)

14. Acronyms

ACEs	Adverse Childhood Experiences
AP	Adult Protection
APC	Adult Protection Committee
APO	Adult Protection Officer
APU	Adult Protection Unit
ASPA	Adult Support & Protection (Scotland) Act
ASP L&D	Adult Support & Protection Learning & Development Group
BIAS	Borders Independent Advocacy Service
C&FSW	Children and Families Social Work Team
C&YP	Children & Young People
CEOP	Child Exploitation and Online Protection
CISSEO	Community Intervention Service for Sex Offenders
CLD	Community Learning Disability
COSLA	Convention of Scottish Local Authorities
CP	Child Protection
CPC	Child Protection Committee
CPOMM	Child Protection Operational Managers Meeting
CSE	Child Sexual Exploitation
CSOG	Critical Services Oversight Group

CYPLG	Children & Young People's Leadership Group
DAAS	Domestic Abuse Advisory Service
DASH	Domestic Abuse Stalking and Honour Based Violence
FGM	Female Genital Mutilation
GDPR	General Data Protection Regulations
HR	Human Resources
IAPCC	Initial Adult Protection Case Conference
ICR	Initial Case Review
IDAA	Independent Domestic Abuse Advocate
IRD	Inter-agency Referral Discussion
JII(T)	Joint Investigative Interview (Training)
KPI	Key Performance Indicator
LAC	Looked After Child
LSI	Large Scale Investigation
MAC	Meeting Around the Child
MAPPA	Multi-Agency Public Protection Arrangements
MARAC	Multi-Agency Risk Assessment Conference
MFMC	Moving Forward Making Changes
NHS	National Health Service
PP	Public Protection
PPC	Public Protection Committee
PPU	Public Protection Unit
PPC	Public Protection Committee
RAAF	Risk Assessment and Analysis Framework
RAPCC	Review Adult Protection Case Conference
SBC	Scottish Borders Council
SBCPC	Scottish Borders Child Protection Committee

SCR	Significant Case Review
SIR	Serious Incident Review
SQA	Scottish Qualifications Authority
TD&CDG	Training, Development & Communication Delivery Group
UNCRC	United Nations Convention on the Rights of the Child
VYP	Vulnerable Young Person
VAW/VAWG	Violence Against Women/Violence Against Women and Girls
VAWPG	Violence Against Women Partnership Guidance

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BUDGET PLANNING ASSUMPTIONS 2021/22

Report by the Executive Director Finance and Regulatory
SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

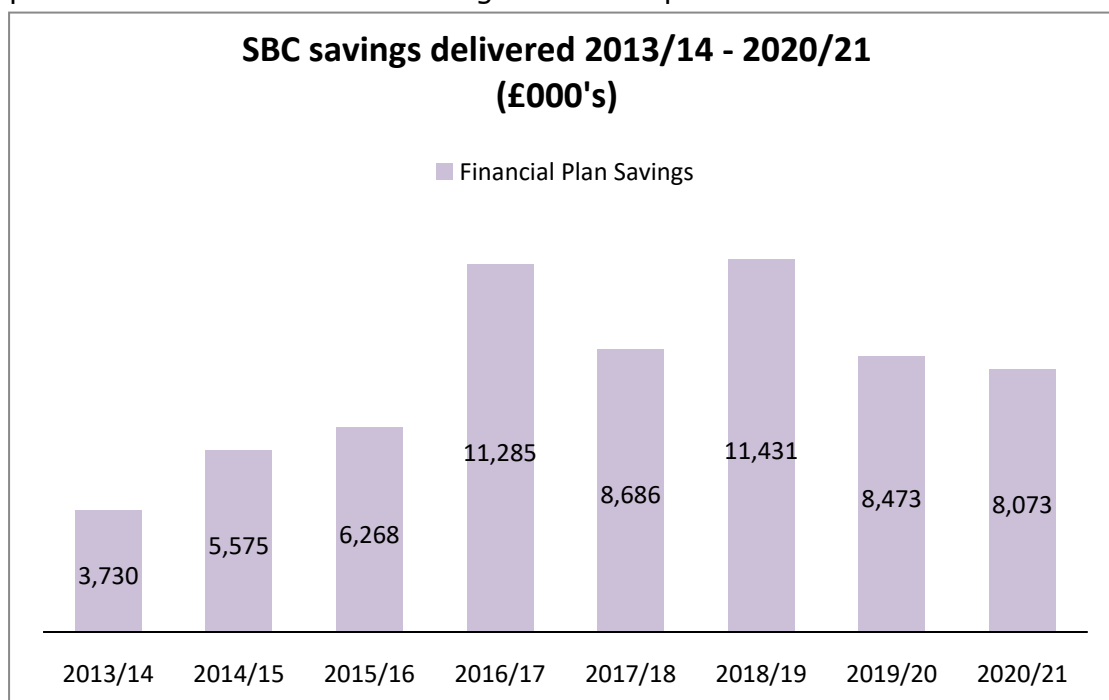
- 1.1 **This report provides Elected Members with an initial high level assessment of the broad planning assumptions being used in developing the Council's revenue and capital plans for 2021/22 and future years.**
- 1.2 A range of assumptions were made as part of the 2020/21 five year revenue plan approved by Council on 26 February 2020. These assumptions have now been reassessed and updated based on the most up to date information available.
- 1.3 Key assumptions regarding the budget fall into the following categories:
 - Local Government Finance Settlement - Revenue Support Grant (RSG) and Non-Domestic Rates (NDR);
 - Council Tax;
 - Pay inflation (agreed nationally) and pension contributions;
 - Non-pay inflation (e.g. PPP contract, care home contracts, utility costs);
 - H&SC funding;
 - Ongoing COVID-19 impacts;
 - Assumptions on pension contributions;
 - Review of the capital plan.
- 1.4 Each of the categories above have been reassessed in line with the latest information available, with any resultant financial implications being included in the first draft of the 2021/22 budget papers.
- 1.5 Further reports will be brought forward to Council as part of the budget development process for 2021/22.

2 RECOMMENDATIONS

- 2.1 **It is recommended that Members note the planning assumptions being made and agree these as the basis of the revenue and capital budget planning process for 2021/22.**

3 BACKGROUND

- 3.1 2021/22 will be the fourth year of the 5 year financial plan first adopted in 2018/19. Members will recall the Council first adopted 5 year revenue planning in 2013/14. The longer term approach taken by the Council is advocated by Audit Scotland as good practice. The budget is updated annually on a corporate basis with indicative financial plans published for the following four years. The longer term approach adopted to the budget process sets the direction of travel and recognises the timeframes required to fully embed effective service change.
- 3.2 The most recently approved Financial Plan covers the 5 year period from 2020/21 with a number of assumptions already in place for 2021/22. The longer term corporate approach to the budget adopted will, by the end of the current financial year 2020/21, have delivered over £64m of permanent cost reduction savings since inception.



- 3.3 The majority of these measures have been delivered on a recurrent basis and the significant savings made have ensured the Council, has not only balanced its budget each year, but it has also delivered a small underspend in each year since 2013/14. This approach to financial planning, has ensured the continuing financial sustainability of the Council during a period of unprecedented challenges for public finances.

4 BUDGET PLANNING

- 4.1 **Local Government Finance Settlement (LGFS)**
The 2020/21 Financial Plan assumed a reduction in the grant settlement in 2021/22 and future years. Based on grant levels provided in previous financial years, officers projected an assumed 1% funding reduction in each of the financial years from 2021/22 to 2024/25.
- 4.2 An updated analysis of the implications of future national budget estimates on figures for Scottish Borders Council indicates that this assumption remains realistic with a funding reduction of 1% in each financial year continuing to be forecast and reflected in the 5 year revenue plan. The Council has recently received confirmation that the Local Government Finance Settlement for 2021/22 is now expected on the 28th January 2021.

As in previous years this settlement will cover one financial year only with the aspiration of receiving multi-year settlements still to be realised.

4.3 **UK Spending Announcement**

The UK Spending Announcement in November which, notwithstanding the current political uncertainty over the UK's withdrawal from the EU and the on-going impacts of COVID-19, gave key announcements around additional funding for UK public services. These will flow through to the Scottish Government's budget as Barnett consequential. Scotland's share of the announcements are estimated to be in the order of £2.4bn in 2021/22. A significant element of this increase relates to COVID-19 funding of £1.3bn. The projected increase in funding covers the whole public sector in Scotland including the NHS. It is considered prudent to remain cautious over the level of potential benefits that may accrue to Local Government from this announcement considering the as yet unknown allocation of resources between Health, Further Education, Protective Services and Local Government.

4.4 **Council Tax**

Council Tax increase assumptions remain unchanged from the 2020/21 approved Financial Plan at an assumed 3% increase in each year from 2021/22.

- 4.5 The table below shows impacts on Council Tax levels at the assumed 3% along with 2%, 1% and 0%. It should be noted that any deviation from the planned increase of 3% will have an impact on the financial plan. For example an increase of 2% would leave a funding shortfall of £0.6m, an increase of 1% would leave a funding shortfall of £1.3m and no increase in Council Tax would leave a gap of £2m in the 2021/22 financial plan.

Council Tax Income Financial Plan 2021/2022	% Increase	2021/22 (Provisional) £000's
Forecast Council Tax Income at Increase	3%	£68,419
Impact of 3% (as assumed in draft budget)		£1,981
Forecast Council Tax Income at Increase	2%	£67,759
Impact of 2%		£1,321
Forecast Council Tax Income at Increase	1%	£67,099
Impact of 1%		£661
Forecast Council Tax Income at Increase	0%	£66,438

4.6 **Pay inflation and pension contributions**

A 3 year pay agreement has been in place, including all Local Government staff, covering the period 2018/19 to 2020/21. New pay negotiations have commenced nationally to consider pay levels for 2021/22, with potentially a further multi-year proposal being agreed. Current planning assumptions for Scottish Borders Council are that a pay award of 2% will be made in each of the 5 years of the Plan. Any national deviation from this level, along with any national funding to support pay, will require to be reflected in the plan as information becomes available. A 1% increase in the pay bill is equivalent to £1.6m.

- 4.7 The Scottish Borders Council Pension Fund is currently finalising the 2020 triennial valuation which reviews the Funds funding level and sets the Employer contribution rates. The Fund is working with the Actuary to enable contribution rates to be kept as nearly constant as possible for employers whilst ensuring the funds required to pay pensions are in

place. This valuation however has additional challenges which will result in increased liabilities for the Fund. These areas include the recent McCloud case, the breach of the Cost Cap, final outcomes of the Guaranteed Minimum Pension and the effect of COVID on longer term markets. The full effect of these are currently unknown but recommendations will be presented to the Pension Fund Committee and Pension Fund Board which will see the rates set at 18% until 31 March 2024 and a recommended increase thereafter of between 0.5% and 1%. The final increase on 1st April 2024 will be closely monitored as the outcome of challenges are more fully known.

4.8 Non-pay inflation

Inflation assumptions are made within the budget through % increases which are primarily based on either assumed % contract inflation or directly linked to RPI or CPI rates. For planning purposes and based on recent trends RPI and CPI projections for 2020/21 have been assumed at 1.5% and 1% respectively. This level is significantly lower than historical levels due to the impact of COVID-19. It is anticipated inflation levels will return broadly to pre-COVID-19 levels from 2022/23 which will be reflected in the plan.

4.9 Health and Social Care Fund

The assumptions included within the 2020/21 Financial Plan around H&SC have been updated where appropriate and are now reflected as follows:

- It is assumed the current Social Care Fund of at least £7.619m will continue to be directed to the Council through the IJB;
- To date no additional funding has been confirmed for 2021/22 specifically for H&SC but given the specific funding received in the last 3 financial years coupled with the continued impact of COVID-19 on these services it is deemed reasonable to assume that anticipated demographic costs and further increases to the Living Wage will be funded through increased Scottish Government grant in line with previous practice. When known this funding will be reflected in the Financial Plan.

4.10 Ongoing impact of COVID-19

There are currently anticipated impacts of COVID-19 which will extend into 2021/22. As such the Corporate Management Team (CMT) is proposing to provide for additional anticipated revenue costs on a one-off basis in the budget for 2021/22. Any ongoing impact will then be assessed during 2021/22 when further consideration can be given to any permanent budget adjustments required as part of the 2022/23 financial plan.

4.11 In further developing longer term planning, the Council's approach extended to preparing a 10 year outlook from 2020/21 which will continue to be developed as part of the 2021/22 financial planning process. This approach makes best estimates on key aspects of the budget as outlined above and will be presented to Council as part of the budget papers in February/March 2021.

4.12 Scenario planning will be a crucial element of the 2021/22 financial planning process given uncertainties around the Local Government Finance Settlement, pay award levels and ongoing financial impacts of COVID-19. It is therefore essential that the Council is as prepared as possible for any eventuality by assuming high, medium and low outcomes for each variable and continues to plan on a realistic, prudent basis.

4.13 Approach to balancing the revenue budget

A first draft of the 2021/22 budget proposals are currently being developed. Proposals are being worked up to balance the 2021/22 budget including:

- a review of all existing and proposed budget pressures in order to minimise and absorb pressures within existing budgets wherever possible;
- a review of all existing savings proposals to ensure there are firm plans in place for delivery from the 1st April 2021 and to ascertain whether there are opportunities to increase and / or accelerate the savings already in future years' plan;
- the Council's Fit for 2024 transformation programme continues to be the key vehicle for delivery of significant transformational change within the organisation. It is assumed that this approach to transformation will deliver the savings required to balance the plan;
- a review of income streams and an increase in Fees & Charges by at least 3% across all areas to generate additional income.

4.14 Capital Plan

The Capital Plan is being reviewed and updated for 2021/22. The assumed General Capital Grant from Scottish Government for 2021/22 is £14.8m. Assumptions have also been made on specific grants from Scottish Government to support projects such as Hawick Flood Protection scheme, Cycling, Walking & Safer Streets and Early Years expansion. The Capital planning process includes the provision of updated budget estimates through the Project Business Case (PBC) process with updates in the following key priorities requiring update in the 2021/22 Capital Plan:

- Provision of new care homes;
- New schools including the addition of Peebles High School;
- Reflection of £28.3m investment in digital transformation to enable revenue savings and service improvements as part of the CGI contract extension (total £34m investment with £5.7m provided for as part of the 2020/21 Capital Plan).

- 4.15 Borrowing implications will be assessed as part of this review of the Capital Plan to ensure capital affordability and affordability within the revenue plan.

5 IMPLICATIONS

5.1 Financial

There are no further costs associated with the content of this paper its content relating to the preparation of the Council's budget for 2021/22 onwards.

5.2 Risk and Mitigations

The revenue budget expresses the recommended approach the Council should take to ensure that services are delivered within a prudent and sustainable financial plan. This paper highlights the major planning assumptions to be made in constructing the revenue budget and provides information available at this early stage in the 2021/22 financial planning process. Assumptions will continue to change and develop as further information becomes available leading up to the Local Government Finance Settlement in January 2021 and approval of the budget in February/March 2021. There are risks that the planning assumptions are

too optimistic, any impact from this will be mitigated through scenario planning as part of the financial planning process.

5.3 **Equalities**

A full equalities impact assessment will be undertaken and published as part of the budget preparation exercise. There are no adverse impacts due to race, disability, gender, age, sexual orientation or religion/belief arising from the contents of this report.

5.4 **Acting Sustainably**

There are no significant effects on the economy, community or environment.

5.5 **Carbon Management**

No effects on carbon emissions are anticipated.

5.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area.

5.7 **Changes to Scheme of Administration or Scheme of Delegation**

No changes to either the Scheme of Administration or the Scheme of Delegation are required.

6 CONSULTATION

6.1 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 this report.

6.2 CMT is fully engaged in the preparation of the revenue and capital plans for the forthcoming financial year.

Approved by

David Robertson

Executive Director Finance and Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Suzy Douglas	Financial Services Manager 01835 824000 X 5881
David Robertson	Executive Director, 01835 825012

Background Papers:

Previous Minute Reference:

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Contact us at sdouglas@scotborders.gov.uk

TREASURY MANAGEMENT MID-YEAR REPORT 2020/21

Report by Executive Director, Finance & Regulatory
SCOTTISH BORDERS COUNCIL

17 DECEMBER 2020

1 PURPOSE AND SUMMARY

- 1.1 **This report presents the mid-year report of treasury management activities for 2020/21, in line with the requirements of the CIPFA Code of Practice, including Prudential and Treasury Management Indicators, and seeks comments from Audit and Scrutiny Committee prior to consideration of the report by Council.**
- 1.2 The report is required as part of the Council's treasury management control regime. It provides a mid-year report on the Council's treasury activity during the six month period to 30 September 2020 and demonstrates that Treasury activity in the first six months of 2020/21 has been undertaken in full compliance with the approved Treasury Strategy and Policy for the year.
- 1.3 Appendix 1 contains an analysis of the performance against the targets set in relation to Prudential and Treasury Management Indicators, and proposes revised estimates of these indicators in light of the 2019/20 out-turn and experience in 2020/21 to date for Council approval.

2 STATUS

- 2.1 This report was considered by the Audit and Scrutiny Committee on 23 November 2020.

3 RECOMMENDATIONS

- 3.1 **It is recommended that Scottish Borders Council:**
 - (a) **Notes that treasury management activity in the six months to 30 September 2020 was carried out in compliance with the approved Treasury Management Strategy and Policy.**
 - (b) **Notes that the Audit & Scrutiny Committee have scrutinised this report on 23 November.**
 - (c) **Agrees the revised Prudential and Treasury Management indicators as detailed in Appendix 1.**

4 BACKGROUND

- 4.1 The Council approved the Annual Treasury Management Strategy (the Strategy) for 2020/21 at the Council on 27 February 2020. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 4.2 As set out in the annual Treasury Strategy, the Audit and Scrutiny Committee has a role to scrutinise the Mid Year Report before submission to Council for final approval.

5 TREASURY MANAGEMENT MID-YEAR REPORT 2020/21

- 5.1 The Treasury Management Mid-Year Report for 2020/21 (the Mid-Year Report) is contained in Appendix 1. All of the 2020/21 target indicators reported upon are based on the indicators agreed as part of the Strategy approved by Council on 27 February 2020.
- 5.2 The Mid-Year Report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:
 - (a) An economic update for the first six months of 2020/21
 - (b) A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - (c) The Council's capital expenditure (prudential indicators)
 - (d) A review of the Council's investment portfolio for 2020/21
 - (e) A review of the Council's borrowing strategy for 2020/21
 - (f) A review of compliance with Treasury and Prudential Limits for 2020/21
- 5.3 The Mid-Year Report at Annex A contains revised Prudential and Treasury Management Indicators for consideration prior to Council approval.
- 5.4 The Mid-Year Report indicates that the Council's Treasury Management activities are being managed and monitored within the agreed boundaries and indicators approved by the Council.

6 IMPLICATIONS

6.1 Financial

There are no further financial implications relating to this report. The outcomes from the Council's treasury management activities are explained in detail within Appendix 1.

6.2 Risk and Mitigations

This report is an account of the outcomes delivered at the six month stage from the tightly controlled risk management work that the Council's Treasury staff have carried out; Appendix 1 gives further detail on these controls. The report is an important element of the overall risk management environment but has no specific risk implications of its own. An internal audit of Treasury Management carried out in October 2020 provides comprehensive assurance that sound risk, control and governance systems are in place.

6.3 Integrated Impact Assessment

There is no impact or relevance to Equality Duty or the Fairer Scotland Duty for this report. This is a routine financial monitoring report which forms part of the governance of the Treasury function within the Council. Nevertheless, a light touch assessment has been conducted and this will be published on

SBC's Equality and Diversity Pages of the website as in doing so, signifies that equality, diversity and socio-economic factors have duly been considered when preparing this report.

6.4 Acting Sustainably

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

6.5 Carbon Management

There are no direct carbon emissions impacts as a result of this report.

6.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

6.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to the Scheme of Administration or Scheme of Delegation are required as a result of this report.

7 CONSULTATION

- 7.1 The Chief Legal Officer (including as Monitoring Officer), the Chief Officer Audit and Risk, Service Director HR, Communications and the Clerk to the Council have been consulted and their appropriate comments have been incorporated into this report.

Approved by

David Robertson

Signature

Executive Director, Finance & Regulatory

Author(s)

Name	Designation and Contact Number
Kirsty Robb	Pensions & Investment Manager – Tel: 01835 825249
Sara Halliday	Treasury Business Partner – Tel: 01835 824000 extn 5854

Background Papers:

Previous Minute Reference:

Scottish Borders Council, 27 February 2020

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Contact us at: Pensions & Investment Team, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 825016 Fax 01835 825166.
email: t&cteam@scotborders.gov.uk

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SCOTTISH BORDERS COUNCIL

TREASURY MANAGEMENT MID-YEAR REPORT 2020/21

1. BACKGROUND

a) Treasury management is defined as:

“The management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.

b) The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operations is to ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing security and adequate liquidity, before considering optimising investment return.

c) The second main function of the treasury management service is the funding of the Council’s capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion, where favourable conditions exist, any debt previously drawn may be restructured to meet Council risk or cost objectives.

d) **Annex A** contains a summary of the updated Prudential and Treasury Management Indicators for 2020/21 as highlighted throughout this report.

2 ECONOMIC POSITION

2.1 ECONOMIC UPDATE *(from Link Asset Services)*

As expected, the Bank of England’s Monetary Policy Committee kept Bank Rate unchanged on 6th August. It also kept unchanged the level of quantitative easing at £745bn. Its forecasts were optimistic in terms of three areas:

- The fall in **GDP** in the first half of 2020 was revised from 28% to 23% (subsequently revised to -21.8%). This is still one of the largest falls in output of any developed nation. However, it is only to be expected as the UK economy is heavily skewed towards consumer-facing services – an area which was particularly vulnerable to being damaged by lockdown.
- The peak in the **unemployment rate** was revised down from 9% in Q2 to 7½% by Q4 2020.
- It forecast that there would be excess demand in the economy by Q3 2022 causing CPI **inflation** to rise above the 2% target in Q3 2022, (based on market interest rate expectations for a further loosening in policy). Nevertheless, even if the Bank were to leave policy unchanged, inflation was still projected to be above 2% in 2023.

It also squashed any idea of using **negative interest rates**, at least in the next six months or so. It suggested that while negative rates can work in some circumstances, it would be “less effective as a tool to stimulate the economy” at this time when banks are worried about future loan losses. It also has “other instruments available”, including QE and the use of forward guidance.

The MPC expected the £300bn of **quantitative easing** purchases announced between its March and June meetings to continue until the “turn of the year”. This implies that the pace of purchases will slow further to about £4bn a week, down from £14bn a week at the height of the crisis and £7bn more recently.

In conclusion, this would indicate that the Bank could now just sit on its hands as the economy was recovering better than expected. However, the MPC acknowledged that the “medium-term projections were a less informative guide than usual” and the minutes had multiple references to **downside risks**, which were judged to persist both in the short and medium term. One has only to look at the way in which second waves of the virus are now impacting many countries including Britain, to see the dangers. However, rather than a national lockdown, as in March, any spikes in virus infections are now likely to be dealt with by localised measures and this should limit the amount of economic damage caused. In addition, Brexit uncertainties ahead of the year-end deadline are likely to be a drag on recovery. The wind down of the initial generous furlough scheme through to the end of October is another development that could cause the Bank to review the need for more support for the economy later in the year. Admittedly, the Chancellor announced in late September a second six month package from 1st November of government support for jobs whereby it will pay up to 22% of the costs of retaining an employee working a minimum of one third of their normal hours. There was further help for the self-employed, freelancers and the hospitality industry. However, this is a much less generous scheme than the furlough package and will inevitably mean there will be further job losses from the 11% of the workforce still on furlough in mid September.

Overall, **the pace of recovery** is not expected to be in the form of a rapid V shape, but a more elongated and prolonged one after a sharp recovery in June through to August which left the economy 11.7% smaller than in February. The last three months of 2020 are now likely to show no growth as consumers will probably remain cautious in spending and uncertainty over the outcome of the UK/EU trade negotiations concluding at the end of the year will also be a headwind. If the Bank felt it did need to provide further support to recovery, then it is likely that the tool of choice would be more QE.

There will be some **painful longer term adjustments** as e.g. office space and travel by planes, trains and buses may not recover to their previous level of use for several years, or possibly ever. There is also likely to be a reversal of globalisation as this crisis has shown up how vulnerable long-distance supply chains are. On the other hand, digital services is one area that has already seen huge growth.

One key addition to **the Bank’s forward guidance** was a new phrase in the policy statement, namely that “it does not intend to tighten monetary policy until there is clear evidence that significant progress is being made in eliminating spare capacity and achieving the 2% target sustainably”. That seems designed to say, in effect, that even if inflation rises to 2% in a couple of years’ time, do not expect any action from the MPC to raise Bank Rate – until they can clearly see that level of inflation is going to be persistently above target if it takes no action to raise Bank Rate.

The **Financial Policy Committee** (FPC) report on 6th August revised down their expected credit losses for the banking sector to “somewhat less than £80bn”. It stated that in its assessment “banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the MPC’s central projection”. The FPC stated that for real stress in the sector, the economic output would need to be twice as bad as the MPC’s projection, with unemployment rising to above 15%.

US. The incoming sets of data during the first week of August were almost universally stronger than expected. With the number of new daily coronavirus infections beginning to

abate, recovery from its contraction this year of 10.2% should continue over the coming months and employment growth should also pick up again. However, growth will be dampened by continuing outbreaks of the virus in some states leading to fresh localised restrictions. At its end of August meeting, the Fed tweaked **its inflation target** from 2% to maintaining an average of 2% over an unspecified time period i.e. following periods when inflation has been running persistently below 2%, appropriate monetary policy will likely aim to achieve inflation moderately above 2% for some time. This change is aimed to provide more stimulus for economic growth and higher levels of employment and to avoid the danger of getting caught in a deflationary “trap” like Japan. It is to be noted that inflation has actually been under-shooting the 2% target significantly for most of the last decade so financial markets took note that higher levels of inflation are likely to be in the pipeline; long term bond yields duly rose after the meeting. The Fed also called on Congress to end its political disagreement over providing more support for the unemployed as there is a limit to what monetary policy can do compared to more directed central government fiscal policy. The FOMC’s updated economic and rate projections in mid-September showed that officials expect to leave the fed funds rate at near-zero until at least end-2023 and probably for another year or two beyond that. There is now some expectation that where the Fed has led in changing its inflation target, other major central banks will follow. The increase in tension over the last year between the US and China is likely to lead to a lack of momentum in progressing the initial positive moves to agree a phase one trade deal.

EU. The economy was recovering well towards the end of Q2 after a sharp drop in GDP, (e.g. France 18.9%, Italy 17.6%). However, the second wave of the virus affecting some countries could cause a significant slowdown in the pace of recovery, especially in countries more dependent on tourism. The fiscal support package, eventually agreed by the EU after prolonged disagreement between various countries, is unlikely to provide significant support and quickly enough to make an appreciable difference in weaker countries. The ECB has been struggling to get inflation up to its 2% target and it is therefore expected that it will have to provide more monetary policy support through more quantitative easing purchases of bonds in the absence of sufficient fiscal support.

China. After a concerted effort to get on top of the virus outbreak in Q1, economic recovery was strong in Q2 and has enabled it to recover all of the contraction in Q1. However, this was achieved by major central government funding of yet more infrastructure spending. After years of growth having been focused on this same area, any further spending in this area is likely to lead to increasingly weaker economic returns. This could, therefore, lead to a further misallocation of resources which will weigh on growth in future years.

Japan. There are some concerns that a second wave of the virus is gaining momentum and could dampen economic recovery from its contraction of 8.5% in GDP. It has been struggling to get out of a deflation trap for many years and to stimulate consistent significant GDP growth and to get inflation up to its target of 2%, despite huge monetary and fiscal stimulus. It is also making little progress on fundamental reform of the economy. The resignation of Prime Minister Abe is not expected to result in any significant change in economic policy.

World growth. Latin America and India are currently hotspots for virus infections. World growth will be in recession this year. Inflation is unlikely to be a problem for some years due to the creation of excess production capacity and depressed demand caused by the coronavirus crisis.

2.2 INTEREST RATE FORECAST

The Council's treasury advisor, Link Group, provided the following forecasts on 11th August 2020 (PWLb rates are certainty rates, gilt yields plus 180bps):

Link Group Interest Rate View 11.8.20										
	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23
Bank Rate View	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
3 month average earnings	0.05	0.05	0.05	0.05	0.05	-	-	-	-	-
6 month average earnings	0.10	0.10	0.10	0.10	0.10	-	-	-	-	-
12 month average earnings	0.15	0.15	0.15	0.15	0.15	-	-	-	-	-
5yr PWLB Rate	1.90	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.10	2.10
10yr PWLB Rate	2.10	2.10	2.10	2.10	2.20	2.20	2.20	2.30	2.30	2.30
25yr PWLB Rate	2.50	2.50	2.50	2.60	2.60	2.60	2.70	2.70	2.70	2.70
50yr PWLB Rate	2.30	2.30	2.30	2.40	2.40	2.40	2.50	2.50	2.50	2.50

Additional notes by Link on this forecast table: -

Please note that we have made a slight change to our interest rate forecasts table above for forecasts for 3, 6 and 12 months. Traditionally, we have used LIBID forecasts, with the rate calculated using market convention of 1/8th (0.125%) taken off the LIBOR figure. Given that all LIBOR rates up to 6 months are currently running below 0.1%, using that convention would give negative figures as forecasts for those periods. However, the liquidity premium that is still in evidence at the short end of the curve, means that the rates actually being achieved by local authority investors are still modestly in positive territory. While there are differences between counterparty offer rates, our analysis would suggest that an average rate of around 0.05% is achievable for 3 months, 0.1% for 6 months and 0.15% for 12 months.

- During 2021, Link will be continuing to look at market developments in this area and will monitor these with a view to communicating with clients when full financial market agreement is reached on how to replace LIBOR. This is likely to be an iteration of the overnight SONIA rate and the use of compounded rates and Overnight Index Swap (OIS) rates for forecasting purposes.
- If clients require forecasts for 3 months to 12 months beyond the end of 2021, a temporary fix would be to assume no change in our current forecasts.

We will maintain continuity by providing clients with LIBID investment benchmark rates on the current basis.

The coronavirus outbreak has done huge economic damage to the UK and economies around the world. After the Bank of England took emergency action in March to cut Bank Rate to first 0.25%, and then to 0.10%, it left Bank Rate unchanged at its meeting on 6th August (and the subsequent September meeting), although some forecasters had suggested that a cut into negative territory could happen. However, the Governor of the Bank of England has made it clear that he currently thinks that such a move would do more damage than good and that more quantitative easing is the favoured tool if further action becomes necessary. As shown in the forecast table above, no increase in Bank Rate is expected within the forecast horizon ending on 31st March 2023 as economic recovery is expected to be only gradual and, therefore, prolonged.

GILT YIELDS / PWLB RATES. There was much speculation during the second half of 2019 that bond markets were in a bubble which was driving bond prices up and yields down to historically very low levels. The context for that was heightened expectations that the US could have been heading for a recession in 2020. In addition, there were growing expectations of a downturn in world economic growth, especially due to fears around the impact of the trade war between the US and China, together with inflation generally at low levels in most countries and expected to remain subdued. Combined, these conditions were conducive to very low bond yields. While inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation expectations, the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing

by consumers. This means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. The consequence of this has been the gradual lowering of the overall level of interest rates and bond yields in financial markets over the last 30 years. Over the year prior to the coronavirus crisis, this has seen many bond yields up to 10 years turn negative in the Eurozone. In addition, there has, at times, been an inversion of bond yields in the US whereby 10 year yields have fallen below shorter term yields. In the past, this has been a precursor of a recession. The other side of this coin is that bond prices are elevated as investors would be expected to be moving out of riskier assets i.e. shares, in anticipation of a downturn in corporate earnings and so selling out of equities.

Gilt yields had therefore already been on a generally falling trend up until the coronavirus crisis hit western economies during March. After gilt yields spiked up during the initial phases of the health crisis in March, we have seen these yields fall sharply to unprecedented lows as major western central banks took rapid action to deal with excessive stress in financial markets, and started massive quantitative easing purchases of government bonds: this also acted to put downward pressure on government bond yields at a time when there has been a huge and quick expansion of government expenditure financed by issuing government bonds. Such unprecedented levels of issuance in “normal” times would have caused bond yields to rise sharply. At the close of the day on 30th September, all gilt yields from 1 to 6 years were in negative territory, while even 25-year yields were at only 0.76% and 50 year at 0.60%.

From the local authority borrowing perspective, HM Treasury imposed **two changes of margins over gilt yields for PWLB rates** in 2019-20 without any prior warning. The first took place on 9th October 2019, adding an additional 1% margin over gilts to all PWLB period rates. That increase was then at least partially reversed for some forms of borrowing on 11th March 2020, but not for mainstream General Fund capital schemes, at the same time as the Government announced in the Budget a programme of increased infrastructure expenditure. It also announced that there would be a consultation with local authorities on possibly further amending these margins; this was to end on 4th June, but that date was subsequently put back to 31st July. It is clear HM Treasury will no longer allow local authorities to borrow money from the PWLB to purchase commercial property if the aim is solely to generate an income stream (assets for yield).

Following the changes on 11th March 2020 in margins over gilt yields, the current situation is as follows: -

- **PWLB Standard Rate** is gilt plus 200 basis points (G+200bps)
- **PWLB Certainty Rate** is gilt plus 180 basis points (G+180bps)
- **PWLB HRA Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB HRA Certainty Rate** is gilt plus 80bps (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

It is possible that the non-HRA Certainty Rate will be subject to revision downwards after the conclusion of the PWLB consultation; however, the timing of such a change is currently an unknown, although it would be likely to be within the current financial year.

As the interest forecast table for PWLB certainty rates, (gilts plus 180bps), above shows, there is likely to be little upward movement in PWLB rates over the next two years as it will take economies, including the UK, a prolonged period to recover all the momentum they have lost in the sharp recession caused during the coronavirus shut down period. Inflation is also likely to be very low during this period and could even turn negative in some major western economies during 2020/21.

The balance of risks to the UK

- The overall balance of risks to economic growth in the UK is probably relatively even, but is subject to major uncertainty due to the virus.
- There is relatively little UK domestic risk of increases or decreases in Bank Rate and significant changes in shorter term PWLB rates. The Bank of England has effectively ruled out the use of negative interest rates in the near term and increases in Bank Rate are likely to be some years away given the underlying economic expectations. However, it is always possible that safe haven flows, due to unexpected domestic developments and those in other major economies, could impact gilt yields, (and so PWLB rates), in the UK.

Downside risks to current forecasts for UK gilt yields and PWLB rates currently include:

- **UK** - second nationwide wave of virus infections requiring a national lockdown
- **UK / EU trade negotiations** – if it were to cause significant economic disruption and a fresh major downturn in the rate of growth.
- **UK - Bank of England** takes action too quickly, or too far, over the next three years to raise Bank Rate and causes UK economic growth, and increases in inflation, to be weaker than we currently anticipate.
- A resurgence of the **Eurozone sovereign debt crisis**. The ECB has taken monetary policy action to support the bonds of EU states, with the positive impact most likely for “weaker” countries. In addition, the EU recently agreed a €750bn fiscal support package. These actions will help shield weaker economic regions for the next year or so. However, in the case of Italy, the cost of the virus crisis has added to its already huge debt mountain and its slow economic growth will leave it vulnerable to markets returning to taking the view that its level of debt is unsupportable. There remains a sharp divide between northern EU countries favouring low debt to GDP and annual balanced budgets and southern countries who want to see jointly issued Eurobonds to finance economic recovery. This divide could undermine the unity of the EU in time to come.
- Weak capitalisation of some **European banks**, which could be undermined further depending on extent of credit losses resultant of the pandemic.
- **German minority government & general election in 2021**. In the German general election of September 2017, Angela Merkel’s CDU party was left in a vulnerable minority position dependent on the fractious support of the SPD party, as a result of the rise in popularity of the anti-immigration AfD party. The CDU has done badly in subsequent state elections but the SPD has done particularly badly. Angela Merkel has stepped down from being the CDU party leader but she intends to remain as Chancellor until the general election in 2021. This then leaves a major question mark over who will be the major guiding hand and driver of EU unity when she steps down.
- **Other minority EU governments**. Austria, Sweden, Spain, Portugal, Netherlands, Ireland and Belgium also have vulnerable minority governments dependent on coalitions which could prove fragile.
- **Austria, the Czech Republic, Poland and Hungary** now form a strongly anti-immigration bloc within the EU. There has also been a rise in anti-immigration sentiment in Germany and France.

- **Geopolitical risks**, for example in China, Iran or North Korea, but also in Europe and other Middle Eastern countries, which could lead to increasing safe haven flows.
- **US – the Presidential election in 2020**: this could have repercussions for the US economy and SINO-US trade relations.

Upside risks to current forecasts for UK gilt yields and PWLB rates

- **UK** - stronger than currently expected recovery in UK economy.
- **Post-Brexit** – if an agreement was reached that removed the majority of threats of economic disruption between the EU and the UK.
- The **Bank of England is too slow** in its pace and strength of increases in Bank Rate and, therefore, allows inflationary pressures to build up too strongly within the UK economy, which then necessitates a later rapid series of increases in Bank Rate faster than we currently expect.

3 TREASURY MANAGEMENT POLICY STATEMENT - UPDATE

- The Treasury Management Policy Statement (the Statement) was approved by Council in April 2010. There have been no policy changes to the Statement. The details in this report update the position in light of updated economic position and budgetary changes.
- Treasury Management Strategy Statement (TMSS) for 2020/21 was approved by Council on 27 February 2020. There are no further policy changes to the Statement. The details in this report provides an update on Treasury Management activities, including Prudential and Treasury Management Indicators.

4 COUNCIL'S CAPITAL EXPENDITURE AND FINANCING 2020/21

4.1 This part of the report is structured to update:

- The Council's capital expenditure plans;
- How these plans are being financed;
- The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
- Compliance with the limits in place for borrowing activity.

4.2 CAPITAL EXPENDITURE (Prudential Indicator (PI-1))

- The original capital plan for 2020/21 was approved on 27 February 2020. **Table 2** shows the current budgets for capital expenditure compared to the original estimates used in the Treasury Management Strategy report for 2020/21.

Table 2	2020/21 Original Budget	2020/21 Current Approved Budget ¹	Variance Original to Current Approved

	£m	£m	£m
Assets & Infrastructure	41.0	38.9	(2.1)
Other Corporate Services	1.9	8.8	6.9
Children & Young People	20.5	7.2	(13.3)
Culture & Sport	1.3	1.0	(0.3)
Economic Regeneration	15.9	9.4	(6.5)
Housing Strategy & Services	0.5	0.3	(0.2)
Social Care Infrastructure	5.0	2.0	(3.0)
Emergency & Unplanned Schemes	0.2	0.6	0.4
Total Capital Expenditure (PI-1)	86.3	68.2	(18.1)

¹ **Executive Committee 17 November 2020**

- b) The current approved budget for 2020/21 is less than the original budget mainly due to adverse timing movements as a result of the impact of COVID-19, partly offset by the acceleration of digital transformation. Detailed explanations of the movements within the planned expenditure have been reported in the ongoing monitoring reports, the last of which was to the Executive Committee on 17 November 2020. The key drivers for the 2020/21 changes in Table 2 are:
- Assets & Infrastructure - reduction to budget as a result of timing movements between financial years for the Hawick Flood Protection Scheme.
 - Other Corporate Services budget - increased by £6.9m due to timing movements between financial years in ICT and Digital Learning Transformation.
 - Children & Young People – reduction of £13.3m due to budget movement into 2021/22 (£9.5m) and 2022/23 (£3.0m) for new school builds, as well as a re-direction of resources to ICT transformation.
 - Economic Regeneration – the reduction in budget reflects a timing movement between financial years for the Central Borders Business Park.
 - Social Care Infrastructure – decrease due to the removal of works from the draft financial plan.

4.3 FINANCING OF THE CAPITAL PROGRAMME

- a) **Table 3** on the following page draws together the main funding elements of the capital expenditure plans (see 4.2 above), comparing the original components of the funding strategy to those of the latest approved budget for the 2020/21 capital programme.

Table 3	2020/21 Original Budget	2020/21 Current Approved Budget ¹	Variance Original to Current Approved
----------------	----------------------------------------	-----------------------------------------------------------------	----------------------------------------------------------

	£m	£m	£m
Capital Expenditure (PI-1)	86.3	68.2	(18.1)
Other Relevant Expenditure	-	-	-
Total Expenditure	86.3	68.2	(18.1)
<i>Financed by:</i>			
Capital receipts	(2.4)	(3.5)	(1.1)
Capital from Revenue (CFCR)	-	(0.6)	(0.6)
Developer Contributions	(0.2)	(0.2)	-
Govt. General Capital Grant	(11.1)	(10.7)	0.4
Govt. Specific Capital Grant	(21.1)	(16.2)	4.9
Other Grants & Contributions	(13.0)	(8.1)	4.9
Replacement Funds	(2.4)	(2.5)	(0.1)
Total Financing	(50.2)	(41.8)	8.4
Net Financing Need for the Year	36.1	26.4	(9.7)

¹ Executive Committee 17 November 2020

- b) The decrease in overall financing need is primarily driven by the reduced projected capital expenditure as detailed in table 2, above. The impact on net financing need by this decrease in expenditure of £18.1m in total, has been primarily off-set by a smaller reduction in Scottish Government Specific Grants of £4.9m, principally relating to Hawick Flood Protection Scheme (carried forward to future years); along with a £4.9m decrease in Other Grants & Contributions which mainly relates to the Central Borders Business Park (carried forward to 2021/22).

4.4 CAPITAL FINANCING REQUIREMENT AND EXTERNAL DEBT INDICATORS

CAPITAL FINANCING REQUIREMENT (CFR) (PI-2)

- i) **Table 4** below shows the CFR, which is the underlying need to incur external borrowing for a capital purpose.
- ii) The CFR has been re-calculated in light of the changes to the capital plan and the fixed asset and reserve valuations in the Council's accounts for the year ending 31 March 2020; this has resulted in a variance of £12.2m in the CFR.

Table 4	2020/21 Original estimate £m	2020/21 Revised estimate £m	Variance £m
CFR * (PI-2)	374.6	362.4	12.2

The CFR for this calculation includes current capital expenditure assumptions to 30 September 2020.

ACTUAL EXTERNAL DEBT (PI-5)

- iii) Projected external debt for 2020/21 is shown in **Table 5** below and is estimated to remain within the operational boundary.
- iv) **Table 5** also compares the current projected external borrowing estimate with the estimate in the Annual Strategy. In cash terms, the borrowing figure is lower than originally projected in line with the reduced net financing need as detailed above. A variance in cash levels held at the year-end compared to those projected also impact on the variance below.

- v) Due to the overall financial position and the effect of COVID-19 on the capital programme, there has been no new external borrowing undertaken so far this year. It is anticipated that borrowing of £10m will be undertaken during the remainder of this financial year.

Table 5	2020/21 Original estimate	2020/21 Current Approved Budget	Variance
	£m	£m	£m
Borrowing	224.9	212.0	(12.9)
Other long-term liabilities	97.8	97.6	(0.2)
Total External Debt (PI-5)	322.7	309.6	(13.1)

(UNDER)/OVER BORROWING AGAINST CFR (PI-6)

- vi) A key control over treasury activity is a prudential indicator to ensure that, over the medium term, borrowing will only be for a capital purpose. Net external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2020/21 and next two financial years. This allows some flexibility for limited early borrowing for future years.
- vii) **Table 6** compares the prudential indicator for (under)/over borrowing against CFR versus the updated estimate for the year end and shows that the Council's actual debt levels are well within its capital financing requirement. This is primarily driven by the tactical measures which use the Council's surplus cash-flows to finance capital expenditure minimising the need enter into additional debt financing arrangements.

Table 6	2020/21 Original estimate	2020/21 Current Approved Budget	Variance
	£m	£m	£m
Gross External Debt	322.7	309.6	(13.1)
CFR *	444.8	448.0	(3.2)
(Under)/Over Borrowing against CFR (PI-6)	(122.1)	(138.4)	(16.3)

* The CFR for this calculation includes the current and two future years projected capital expenditure.

- viii) No difficulties are envisaged for the current or future years in complying with this prudential indicator.

AUTHORISED LIMIT AND OPERATIONAL BOUNDARY (PI-7 and PI-8)

- ix) Two further prudential indicators control the overall level of borrowing. These are:
- (i) The **Authorised Limit** which represents the limit beyond which borrowing is prohibited and the expected maximum borrowing need for the Council. It needs to be set and revised by Members. The Authorised Limit is the statutory limit determined under the Local Government in Scotland Act 2003.
 - (ii) The **Operational Boundary** which shows the expected operational debt position for the period.

- x) **Table 7** below shows revised estimates for the debt indicators for the 2020/21 financial year and compares them with the original estimates shown in the 2020/21 Treasury Management Strategy Report.

Table 7	2020/21 Original estimate £m	2020/21 Revised estimate £m	Variance £m
Gross External Debt (PI-5)	322.7	309.6	13.1
Authorised Limit inc. Long Term Liabilities(PI-8a)	498.1	501.1	(3.0)
<i>Variance to External Debt Estimate</i>	<i>175.4</i>	<i>191.5</i>	<i>(16.1)</i>
Operational Boundary inc. Long Term Liabilities (PI-7a)	415.1	417.6	2.5
<i>Variance to External Debt Estimate</i>	<i>92.4</i>	<i>108.0</i>	<i>(15.6)</i>

4.5 DEBT RESCHEDULING

Debt rescheduling opportunities have been very limited in the current economic climate and following the various increases in the margins added to gilt yields which have impacted PWLB new borrowing rates since October 2010. No debt rescheduling has therefore been undertaken to date in the current financial year.

5 INVESTMENT ACTIVITY

5.1 INVESTMENTS

- In accordance with the Code, it is the Council's priority to ensure security of capital and liquidity, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. As shown by the interest rate forecasts in section 2.2, it is now impossible to earn the level of interest rates commonly seen in previous decades as all investment rates are barely above zero now that Bank Rate is at 0.10%, while some entities, including more recently the Debt Management Account Deposit Facility (DMADF), are offering negative rates of return in some shorter time periods. Given this risk environment and the fact that increases in Bank Rate are unlikely to occur before the end of the current forecast horizon of 31st March 2023, investment returns are expected to remain low.
- The Council held £39.4m of balances in interest bearing accounts as at 30 September 2020 (£8.6m at 31 March 2020). As a result of current market uncertainties, the Council has been prioritising the security of deposits by investing surplus balances with money market funds and the UK Government's Debt Management Office (DMO).
- The increase in the level of balances invested from March to September, highlighted above are due to timing differences between the receipt of grant funding and corresponding capital expenditure, detailed in section 4.4 above, along with the advance receipts of COVID-19 related grant funding.
- The Council, due to the cashflow position and the requirement to manage the Pension Fund cash as well as the Council's, continues to explore opportunities to invest surplus balances in the short term.

Negative investment rates

- e) While the Bank of England has said that it is unlikely to introduce a negative Bank Rate, at least in the next 6 -12 months, some deposit accounts are already offering negative rates for shorter periods. As part of the response to the pandemic and lockdown, the Bank and the Government have provided financial markets and businesses with plentiful access to credit, either directly or through commercial banks. In addition, the Government has provided large sums of grants to local authorities to help deal with the Covid crisis; this has caused some local authorities to have sudden large increases in investment balances searching for an investment home, some of which was only very short term until those sums were able to be passed on.
- f) As for money market funds (MMFs), yields have continued to drift lower. Some managers have suggested that they might resort to trimming fee levels to ensure that net yields for investors remain in positive territory where possible and practical. Investor cash flow uncertainty, and the need to maintain liquidity in these unprecedented times, has meant there is a glut of money swilling around at the very short end of the market. This has seen a number of market operators, now including the DMADF, offer nil or negative rates for very short term maturities. This is not universal, and MMFs are still offering a marginally positive return, as are a number of financial institutions.
- g) Inter-local authority lending and borrowing rates have also declined due to the surge in the levels of cash seeking a short-term home at a time when many local authorities are probably having difficulties over accurately forecasting when disbursements of funds received will occur or when further large receipts will be received from the Government.

Creditworthiness.

- h) Although the credit rating agencies changed their outlook on many UK banks from stable to negative outlook during the quarter ended 30th June 2020 due to upcoming risks to banks' earnings and asset quality during the economic downturn caused by the pandemic, the majority of ratings were affirmed due to the continuing strong credit profiles of UK banks. However, during Q1 and Q2 2020, banks made provisions for *expected* credit losses and the rating changes reflected these provisions. As we move into the next quarters ahead, more information will emerge on *actual* levels of credit losses. (Quarterly performance is normally announced in the second half of the month following the end of the quarter.) This has the potential to cause rating agencies to revisit their initial rating adjustments earlier in the current year. These adjustments could be negative or positive, although it should also be borne in mind that UK banks went into this pandemic with strong balance sheets. Indeed, the Financial Policy Committee (FPC) report on 6th August revised down their expected credit losses for the banking sector to "somewhat less than £80bn". They stated that in their assessment, "banks have buffers of capital more than sufficient to absorb the losses that are likely to arise under the MPC's central projection". The FPC stated that for real stress in the sector, the economic output would need to be twice as bad as the MPC's projection, with unemployment rising to above 15%.
- i) All three rating agencies have reviewed banks around the world with similar results in many countries of most banks being placed on negative watch, but with a small number of actual downgrades.
- j) Link have conducted some stress testing on the Link credit methodology based list of counterparties supplied to clients, to test for the results of a 1 notch downgrade to all Long Term Ratings from all agencies. Under such a scenario, only Commerzbank, Norddeutsche Landesbank, NatWest Markets Plc (non-ring-fenced entity), Leeds, Skipton and Yorkshire Building Societies moved from Green to No Colour. While there are a further 17 drops in other entities' suggested durations, in these instances, these entities still remain potentially

available for use. (Note that this scenario excludes any additional impact from relative movement in CDS pricing.)

5.2 INVESTMENT COUNTERPARTY CRITERIA

- a) The current investment counterparty criterion, approved in the Treasury Management Strategy, represents a prudent approach to risk and the Council's concerns about security of investments. These prudent limits mean there are limited investment options when operating the cash-flow on a short term management basis.
- b) Considering security, liquidity and yield of investment, priority is given to security. Daily updates and reports are received from Link Asset Services that allow officers to assess the continued credit worthiness of investment counter parties.
- c) All investments undertaken are on a short term, highly liquid basis, allowing access to invested funds at 1 days notice.
- d) Interest rates are also monitored on a daily basis to ensure the best return is obtained. Target for internal return on cash investment is to be above the 7 Day LIBID rate. The return for six months to 30 September 2020 has averaged 0.17%, compared against an average seven day LIBID rate of $-(0.06)\%$.

LOAN CHARGES

- a) The **Loan Charges** Revenue Budget estimate contained in the Council's Financial Plans approved on 26 February 2020 was £19.111m. It is expected that charges for 2020/21 will be lower than the budgeted figure, in line with the actual and projected borrowing requirements for the year.

ANNEX A

Indicator Reference	Indicator	Page Ref.	2020/21 Original estimate	2020/21 Revised estimate
PRUDENTIAL INDICATORS				
Capital Expenditure Indicator				
PI-1	Capital Expenditure Limits (£m)	8	86.3	68.2
PI-2	Capital Financing Requirement (£m) (CFR)	9	374.6	362.4
Affordability Indicator				
PI-3	Ratio of Financing Costs to Net Revenue (inc PPP repayment costs)	N/A	8.9%	8.7%
PI-4	Incremental (Saving)/ Cost Impact of Capital Investment Decisions on Council Tax	N/A	£(0.03)	£(0.00)
External Debt Indicators				
PI-5	External Debt (£m)	10	322.7	309.6
PI-7a	Operational Boundary (inc. Other Long Term Liabilities) (£m)	11	415.1	417.6
PI-7b	Operational Boundary (exc. Other Long Term Liabilities) (£m)	N/A	317.3	319.9
PI-8a	Authorised Limit (inc. Other Long Term Liabilities) (£m)	11	498.1	501.1
PI-8b	Authorised Limit (exc. Other Long Term Liabilities) (£m)	N/A	400.4	403.5
Indicators of Prudence				
PI-6	(Under)/Over Net Borrowing against the CFR (£m)	10	(122.1)	(138.4)
TREASURY INDICATORS				
TI-1	Upper Limit to Fixed Interest Rates based on Net Debt (£m)		415.1	417.6
TI-2	Upper Limit to Variable Interest Rates based on Net Debt (£m)		145.3	146.2
TI-3	Maturity Structure of Fixed Interest Rate Borrowing		Lower	
	Under 12 months		0%	
	12 months to 2 years		0%	
	2 years to 5 years		0%	
	5 years to 10 years		0%	
	10 years and above		20%	
TI-4	Maximum Principal Sum invested greater than 364 days	12	20%	20%

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Revision to Procurement & Contract Standing Orders

Report by Executive Director, Finance & Regulatory

SCOTTISH BORDERS COUNCIL**17 December 2020**

1 PURPOSE AND SUMMARY**1.1 The existing Standing Orders relating to Procurement and Contract activities have been reviewed and updated. A number of changes are proposed, namely;**

- a)** To amend the existing procurement thresholds considering appropriateness and opportunity
- b)** To include positive direction in connection with the Council's Living Wage Accreditation
- c)** To deliver Internal Audit recommendations relating Contracting & Procurement
- d)** To reflect the revised public procurement legislation following the Brexit transition period
- e)** To enhance officer obligations relating to Contract & Supplier Management

2 RECOMMENDATION**2.1 It is recommended that Council;**

- a) Approves for the proposed changes to Procurement & Contract Standing Orders be implemented from 1st January 2021.**

3 BACKGROUND

- 3.1 Standing Orders Relating to Procurement and Contracts (the Orders) are the means whereby the Council controls and regularises the manner in which the Council contracts with third parties. It is one of the core Corporate Governance documents and reflects both legal and best value requirements.
- 3.2 The current Orders were substantially renewed in June 2017.
- 3.3 The proposed revisions are to take account of a number of strategic and operational requirements.
- 3.4 The draft attached has been revised collaboratively following stakeholder consultation across the organisation and specifically with the Corporate Management Team and the Head of Legal Services.
- 3.5 The draft Orders (attached as Appendix 1) contains revisions to the current Orders. Those most notable are highlighted in Section 4.

4 PROCUREMENT & CONTRACT STANDING ORDERS – KEY CHANGES

- 4.1 It is good practice to review the procurement threshold levels for each type of procurement on a regular basis.
- 4.2 The table provided at 4.3 noted a number of proposed revisions.
- 4.3

Existing Threshold	Proposed Threshold	Reason for Change
Goods & Services Contracts		
£1,000	Increase to £5,000	<p>Business World has provided an opportunity to embed a controlled approach to managing expenditure across the organisation. This approach has created a change in culture and a maturity in user behaviour which has created a positive awareness of public sector purchasing requirements.</p> <p>Accordingly, increasing this threshold to £5,000 allows the majority of low value and risk purchasing activity to be efficiently and effectively administered by officers while retaining the oversight that the combined controls of the Orders and Business World processes provide.</p>
Works Contracts		
Up to £250,000	Increase to £500,000	<p>The Council can, through the procurement process, support supply chains in public contracts. Increasing this threshold allow the use of Quick Quote – a light-touch, accessible process for lower value opportunities, with a particular focus on the</p>
Up to £500,000	Increase to £2,000,000	

		<p>local supply chain.</p> <p>The COVID-19 pandemic has accelerated a number of opportunities for economic development. The Council can further now embed the use of public procurement as an enabler of economic development.</p>
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- 4.4 The Orders have been further revised to encourage fair working practices and payment of the Living Wage across those relevant contracts.
- 4.5 The Orders have been amended to recognise an Internal Audit recommendation to undertake a review of the waiver process including the level of approvals delegated to the Procurement Business Partners, to ensure efficient operation of controls.
- 4.6 The Orders have been adjusted to reflect the updated public procurement legislation following the Brexit transition period.
- 4.7 The final substantive change to the existing Orders is to enhance Officer requirements for Contract and Supplier Management. New processes and procedures for Contract and will be implemented during 2021 to which the revisions will apply.

5 IMPLICATIONS

5.1 Financial

- (a) There are no financial implications contained in the report.

5.2 Risk and Mitigations

- (a) An Internal Audit report made recommendations that are reflected in the revised Orders.

5.3 Integrated Impact Assessment

- (a) This is a routine report for good governance and statutory purposes, not a new or revised strategy or policy for decision and, as a result, completion of an integrated impact assessment is not an applicable consideration.

5.4 Acting Sustainably

- (a) Effective procurement delivers best value as well as local economic, social and environmental benefits supporting a prosperous, fair and sustainable community.

5.5 Carbon Management

- (a) There are no direct carbon emissions impacts as a result of this report.

5.6 Rural Proofing

- (a) Not applicable

5.7 Changes to Scheme of Administration or Scheme of Delegation

- (a) There are no changes to the Schemes of Administration or Delegation as a result of this report.

6 CONSULTATION

- 6.1 The Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted with comments received incorporated into the report.

Approved by**David Robertson****Signature****Executive Director – Finance & Regulatory Services****Author(s)**

Name	Designation and Contact Number
Kathryn Dickson	Commercial & Commission Services Manager x 6646

Background Papers:**Previous Minute Reference:**

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

Contact us at Kathryn Dickson, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, email: Kathryn.dickson@scotborders.gov.uk

Procurement & Contract Standing Orders

**(including additional guidance on the
appointment of consultants)**



January 2021

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Procurement & Contract Standing Orders

These Procurement and Contract Standing Orders of Scottish Borders Council (“the Council”) apply from 1 January 2021 and apply (with certain exceptions) to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services.

1. Preliminary

1.1 Extent and interpretation

- 1.1.1 The Council makes these Standing Orders in terms of section 81 of the Local Government (Scotland) Act 1973.
- 1.1.2 These Standing Orders must be interpreted in accordance with the key principles of transparency, equal treatment, non-discrimination and proportionality.
- 1.1.3 These Standing Orders apply from 1 January 2021 and apply, subject to the provisions of Standing Order 1.1.5, to all contracts made by or on behalf of the Council for the procurement of the execution of works, the supply of goods and materials to the Council, and/or for the provision of services (including consultancy services).
- 1.1.4 The Standing Orders are subject to the provisions of Scottish and/or United Kingdom Legislation (the “Appropriate Legislation”). They are also subject to any UK or Scottish Government guidance on public procurement that may be issued from time to time.
- 1.1.5 The Standing Orders do not apply to any of the following:
 - 1.1.5.1 Contracts of employment;
 - 1.1.5.2 Contracts solely relating to the lease or disposal of heritable property;
 - 1.1.5.3 The allocation of direct payments or personal budgets under options 1, 2 or 4 of the Social Care (Self Directed Support) (Scotland) Act 2013 and
 - 1.1.5.4 Circumstances in which a waiver of the Standing Orders has been granted in accordance with Standing Order 9.
- 1.1.6 The Standing Orders must be read in conjunction with (and all Council staff must comply with) the Scheme of Delegation, the Council’s Financial Regulations and Purchasing Guidelines. Where there is any discrepancy, the Standing Orders shall take precedence.
- 1.1.7 Failure to comply with these Standing Orders when making purchases or seeking offers may result in disciplinary action.

- 1.1.8 Any query regarding the application or interpretation of these Standing Orders should be made in the first instance to the Commercial & Commissioned Services Manager.

1.2. Definitions and interpretation

- 1.2.1 “Act” means the Procurement Reform (Scotland) Act 2014;
- 1.2.2 “Best Value” means the legal duty to secure continuous improvement in the performance of the Council’s functions as set out in section 1 of the Local Government in Scotland Act 2003 as follows:-

“1 Local authorities' duty to secure best value

(1) It is the duty of a local authority to make arrangements which secure best value.

(2) Best value is continuous improvement in the performance of the authority's functions.

(3) In securing best value, the local authority shall maintain an appropriate balance among—

(a) The quality of its performance of its functions;

(b) The cost to the authority of that performance; and

(c) The cost to persons of any service provided by it for them on a wholly or partly rechargeable basis.

(4) In maintaining that balance, the local authority shall have regard to—

(a) Efficiency;

(b) Effectiveness;

(c) Economy; and

(d) The need to meet the equal opportunity requirements.

(5) The local authority shall discharge its duties under this section in a way which contributes to the achievement of sustainable development.

(6) In this section, “equal opportunity requirements” has the same meaning as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46)”;

- 1.2.3 “Contract Owner” means the nominated contract owner or manager for a specific contract. This means the responsibility for dealing with supplier performance and contractual matters on a day to day basis;

- 1.2.4 “Contract Management Manual” means the contract management manual issued by the Commercial & Commissioned Services Manager, setting out the detailed requirements for the conduct of contract and supplier management activity within the Council (as amended from time to time);

- 1.2.5 Co-production – means the real and meaningful involvement of the community of the Scottish Borders in how and what community services and related goods and works are delivered with regard to the National Standards for Community Engagement;
- 1.2.6 “Service Director” means the relevant Service Director of the procuring service area or for the purpose of exercising any powers set out in these Standing Orders the Chief Executive of the Council, or, in the case of cross-directorate purchasing or absence of the relevant Service Director, such Head of Service as that Director has nominated in accordance the Scheme of Delegation, the Chief Financial Officer or such director as the Chief Executive may nominate.
- 1.2.7 “ Prescribed Thresholds” means the prescribed threshold values set by the Appropriate Legislation for supply, services or works contracts as they may be amended from time to time;
- 1.2.8 “Legislative Exemptions” means the exemption from the application of procurement rules under Appropriate Legislation and principles developed through case law and other means
- 1.2.9 “Purchasing Guidelines” means those guidelines issued by the Chief Financial Officer, setting out the detailed requirements for the conduct of purchasing and procurement activity within the Council (as amended from time to time);
- 1.2.10 “2015 Regulations” means the Public Contracts (Scotland) Regulations 2015 or successor legislation (as amended from time to time);
- 1.2.11 “2016 Regulations” means the Procurement (Scotland) Regulations 2016 or successor legislation (as amended from time to time);
- 1.2.12 “Regulated Procurement” means a procedure to award a regulated contract being a public contract which is equal to or greater than £50,000 (other than works or health and social care contracts) or £2million for works contracts;
- 1.2.13 “Social and other Specific Services” means a public contract or framework for social and other specific services as defined by the 2015 regulations including:-
- 1.2.13.1 Health, Social and related Services
- 1.2.13.2 Administrative social, educational, healthcare and cultural services
- 1.2.13.3 Legal Services
- 1.2.13.4 Postal Services
- 1.2.14 “Schedule” means the schedule to these Standing Orders; and
- 1.2.15 “Standing Orders” means these standing orders including the Schedule and “Standing Order” shall be interpreted accordingly.

1.3. General Principles

- 1.3.1 The relevant officer with responsibility for procuring and/or commissioning shall, prior to commencing any procurement process, consult with the relevant Procurement Business Partner to ensure that Best Value is achieved and that the relevant sustainable procurement, fair work practices and equality requirements are considered.
- 1.3.2 Subject to 10.1, throughout the life of a contract the contract should;
- a) Be managed by the Contract Owner or Manager or as appropriate the Project Manager in respect of;
 - performance
 - compliance with the specification and other terms of the contract;
 - cost and benefits;
 - Best Value requirements;
 - equality requirements,
 - delivery and risk management; and
 - continuous improvement and co-production principles
- 1.3.3 All procedures for initiating procurement, developing procurement strategies, inviting and receiving tenders, approval of contracts, and all contractual arrangements entered into shall comply with the Councils equality and sustainability requirements and policies, shall encourage fair working practices and payment of the Living Wage and, where appropriate, contractual or procurement arrangements shall include the use of community benefit clauses.
- 1.3.4 All expenditure must comply with the Council's Financial Regulations.

2. Procedures

- 2.1 In addition to the obligations in Standing Order 1.3.3, before commencing a tendering procedure or making a purchase where no contract exists, the relevant Officer must consult with the Commercial & Commissioned Services Manager to establish whether:
- 2.1.1 Any existing contracts or framework contracts accessible to the Council may fulfil their requirements; or
 - 2.1.2 There is any existing internal provision (including the Council's significant trading operations) or any other SBC Family resource which could be used such as Live Borders.
- 2.2 The procedure for the award of any contract shall depend upon the estimated aggregated value of that contract. The Appropriate Legislation on the aggregation of contracts shall apply and the artificial splitting of purchase orders or requirements to avoid the application of these Standing Orders is not permitted.

- 2.3 Subject to Standing Order 9, or where otherwise legally permitted in respect of proposed contracts which exceed the Prescribed Thresholds, the minimum associated tendering procedures that must be applied are detailed in the Schedule. For supported persons services the Procurement of Care and Support Services Guidance issued by the Scottish Government and COSLA and any guidance published under the Act or subsequent Regulations should be followed.
- 2.4 Health, social care and community services shall be procured in accordance with the Act, the 2015 Regulations, the 2016 Regulations, the Procurement of Care and Support Services 2016 (Best Practice) any statutory guidance issued under the Act and the principles of Co-production. For all purchases in excess of €750,000 the procedure shall be sufficient to comply with the principles of transparency and equal treatment of economic operators.
- 2.5 For all purchases in excess of £50,000 for goods and services and £2million for works, the sustainable procurement duty introduced by the Act requires that before buying anything the Council must think about how it can improve the social, environmental and economic wellbeing of the area in which it operates with a particular focus on inequality and then act in a way that secures these improvements.
- 2.6 In accordance with its sustainable procurement duty the Council must consider how its procurement processes can facilitate the involvement of SMEs, third sector bodies and supported businesses and how innovation can be promoted. For contracts over the Prescribed Thresholds a contract may be awarded in the form of separate lots and where the decision is not to award in the form of separate lots this should be explained in the procurement documents.
- 2.7 The Council may reserve the right to participate in a tendering procedure to providers operating supported businesses, supported employment programmes or supported factories where more than 30% of the workers are disabled or disadvantaged persons in accordance with the 2015 Regulations. Where this right is exercised by the Council the contract award procedures provided by the Regulations and Act shall be followed.
- 2.8 Where legally permissible the Council shall seek to ensure that for purchases or contracts of an estimated value of £50,000 or less that at least one Small or Medium Enterprise (SME) from the Scottish Borders or an SME who is a significant employer within the Scottish Borders is invited to tender in any process. For future repeat procurements for similar goods, services or works the Council shall seek to ensure that at least one new SME from the Scottish Borders or a new significant employer within the Scottish Borders is invited to tender in any process.
- 2.9 Direct purchasing below £5,000 where the purchase cannot be secured from an existing contracted supplier, or no contract exists, is permissible subject to the Council's duty to secure Best Value. If the requirement cannot be sourced from a contracted supplier then the head of service is responsible for ensuring best value.

This will normally be evidenced by obtaining more than one quote and/or evidence of firm fixed prices. The Council's interest shall be further protected by ensuring the selected supplier or contractor is reputable and competent and holds the minimum insurance requirements along with any other specific Health and Safety policy requirements.

- 2.10 The Commercial & Commissioned Services Team shall be consulted as appropriate in respect of tendering arrangements for any proposed goods or services contract with estimated value between £5,000 and £50,000. Details of the minimum procedural requirements are provided in the attached schedule. For those arrangements where the value is estimated to be less than £25,000 then less formal written quotations can be used. These documents must be attached to the Purchase Order when raising the requisition in Business World.
- 2.11 The Commercial & Commissioned Services Manager shall advise on and make all tendering arrangements for any proposed contracts with an estimated value in excess of £50,000 (for goods and services) or £2,000,000 for works.
- 2.12 Direct purchasing above £5,000 without seeking a competitive procedure is permissible only in those circumstances that would be permitted by the Regulations or in accordance with Standing Order 9.
- 2.13 If an unsuccessful tenderer brings a written or formal challenge against the Council in relation to a tender exercise or questions the integrity of the tender process, the recipient of the notice of challenge or query must inform the Commercial & Commissioned Services Manager. The Commercial & Commissioned Services Manager must inform the Chief Financial Officer as to potential legal challenges.
- 2.14 Any type of purchase transaction for any value where personal data is involved (or might be involved) must be brought to the attention of Commercial & Commissioned Services before seeking contact with any possible external provider.

3. The Role and Responsibilities of Service Directors

- 3.1 Each Service Director has responsibility for all contracts tendered and let by their Directorate and is accountable to the Council for the performance of their duties in relation to contract award and management, which are as follows:
 - 3.1.1 To ensure compliance with these Standing Orders and the Purchasing Guidelines (as appropriate);
 - 3.1.2 To ensure that staff with responsibility for procuring and purchasing goods, works and services access the guidance materials/on line training available on the intranet regarding Procurement & Purchasing to ensure they are aware of the processes and procedures when procuring goods, works and services.

- 3.1.2 To ensure no contract is entered into by the Council without seeking advice where appropriate from the Commercial & Commissioned Services Manager and Head of Legal Services and having proper regard to such advice;
- 3.1.3 To ensure that appropriate contract security (for example guarantees or performance bonds) is obtained where required or considered prudent;
- 3.1.4 To approve where required by these Standing Orders an appropriate Procurement Strategy for each proposed purchase or contract;
- 3.1.5 To check whether there is any existing Council or other collaborative framework that can appropriately be used to achieve Best Value for the Council before undergoing a further competitive tender process;
- 3.1.6 To prepare, in consultation with the Commercial & Commissioned Services Manager, appropriate contract and tender documents which clearly specify the scope, quality and quantity of the works, goods or services;
- 3.1.7 To keep all procurement materials/bids confidential subject to any legal requirements;
- 3.1.8 To take appropriate measures to prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid distortion of competition and to ensure equal treatment of tenderers;
- 3.1.9 To ensure that any technical evaluation panel is suitably qualified and trained to assess tenders;
- 3.1.10 To ensure no supplier is requested by the Council to provide goods, services or works without first having a valid purchase order in place;
- 3.1.11 To ensure that all necessary contract information for contracts of a value in excess of £50,000 for goods and services and £2million for works or more is provided within one month of entering into a contract to the Commercial & Commissioned Services Manager for the purposes of maintaining an up-to-date contract register;
- 3.1.12 To ensure all relevant staff are familiar with these Standing Orders and Purchasing Guidelines or other guidance issued in respect of these Standing Orders;
- 3.1.13 To ensure contracts are awarded, any necessary checks such as IR35 or Disclosure Scotland checks are carried out and any appropriate contract security documents are signed before work, services or supply provision commences;
- 3.1.14 To put in place arrangements for efficient contract and supplier management including the identification of a Contract Manager or Project

Manager and the management of benefits and performance, for the entire duration of the contract, framework or dynamic purchasing system

- 3.1.15 To retain a copy of the contract and keep proper records of all contracts and tenders, including minutes of contract management and other meetings;
- 3.1.16 To take immediate action in the event of a breach of these Standing Orders or Purchasing Guidelines within his/her directorate;
- 3.1.17 To consult with Elected Members on matters reasonably considered politically, reputationally or financially sensitive in relation to proposed procurement activity; and
- 3.1.18 To make appropriate arrangements for the opening of tenders and their secure retention so as to protect the integrity of the procurement process and where tenders are received in paper form to ensure they are opened in the presence of an officer nominated by the Commercial & Commissioned Services Manager together with a witness.

4. Tender Documents

- 4.1 The tender documents shall clearly set out the proposed method of evaluation as well as the scope, timing, quality and quantity of the works, services and supplies required by the Council.
- 4.2 The Head of Legal Services will be consulted on conditions of contract for particularly significant or complex projects or contracts. The definition of significant being one or more of the following criteria;
 - An estimated value in excess of the Prescribed Thresholds ;
 - Any contract where data will be shared;
 - Any contract/procurement activity requiring approval by the Executive Committee/Full Council.

5. Evaluation of Tenders and Quotes

- 5.1 Tenders and quotes for contracts in excess of £50,000 shall be evaluated on the basis of the most economically advantageous tender. It is not legally possible to use price or cost as the sole award criteria.

Lowest cost can only be the basis of evaluation for simple procurements of short-term, low-level services or goods of a standard specification where the cost is less than £50,000.

- 5.2 Tenders and quotes received after the closing date and time stipulated for return of tenders, or tenders which are incomplete or in an incorrect format will not be opened or considered unless the Council, acting proportionately, decides that there are circumstances which allow it to exercise discretion in allowing consideration of the tender. The Commercial & Commissioned Services Manager must be consulted if tenders are submitted late, incomplete or in an incorrect format.

- 5.3 Tenders shall be evaluated by a tender evaluation panel which should comprise officers having sufficient knowledge and technical ability to enable them to evaluate detailed tenders appropriately. The evaluation process shall follow any guidance issued by the Commercial & Commissioned Services Manager and be fully and appropriately documented. Where a tender involves the use, adoption or purchase of an Information Communication Technology (ICT) or digital service, software or hardware this must be undertaken in collaboration with the Council's ICT Service.

- 5.4 Where a proposed purchase or tender involves the use, addition or purchase of any form of Information and Communications Technology (ICT) device or digital service, software or hardware then the approval of the IT Team must be sought at the earliest opportunity and any purchase undertaken in collaboration and with the approval of the IT Team.

6. Acceptance and Award of Contracts

- 6.1 Following the conclusion of the procedure for awarding contracts set out in these Standing Orders and, where applicable, the expiry of the mandatory standstill period, the resulting contract between the Council and successful tenderer shall be entered into following the approval process detailed in the Schedule. The Chief Executive or Directors or heads of service will sign all goods and services and works contracts, provided the procurement was carried out solely by the Council for the Council. Awards of national and regional public contracts and framework agreements are made by the governing boards of the respective central buying bodies and in such cases, the Council will simply utilise those public contracts and frameworks (Standing Order 2.1.1).

7. Eligibility to tender and termination, variation or suspension of a contract

7.1 Having due regard to the appropriate legislation and supporting advice from the Head of Legal Services, Commercial & Commissioned Services may treat a potential tenderer as ineligible to tender where there are reasonable grounds to conclude that the contractor or potential tenderer:

7.1.1 Has committed an act of grave misconduct in the course of their business or profession; or

7.1.2 Has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract which led to early termination of that prior contract, damages or other comparable sanctions, subject to consideration by the Council of any measures taken to demonstrate reliability; or

7.1.3 Falls within one or more of the other grounds set out in the 2015 Regulations or

7.1.4 Has compiled, used, sold or supplied a prohibited list which:

- i. contained details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and
- ii. was compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers, within the meaning of the Employment Relations Act of 1999 (Blacklists) Regulations 2010.

7.2 The relevant Officer of the Council may terminate, suspend or vary a contract, in accordance with the express or implied terms of the contract and may also take such further action with regard to any contract as the Council is legally entitled to take.

8. Online/Electronic Procurement

8.1 Requests for quotations and invitations to tender should (where practicable) be issued and/or received by online/electronic means using Public Contracts Scotland advertising portal/Public Contracts Scotland – Tender.

9. Waiver of Contract Standing Orders

9.1 The requirement to comply with any provision of these Standing Orders may be waived in accordance with the table in 9.2 below if on considering a written report by an appropriate officer it is considered that the waiver is justified because:-

9.1.1 The circumstances of the proposed contract are covered by legislative exemptions including the nature of the market for the works to be carried

out or the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirement of Standing Orders is justifiable in accordance with the Appropriate Legislation and principles (for example when for artistic or technical reasons, or for reasons connected with the protection of exclusive rights, the contract may only be awarded to a particular provider) or the contract is for works, goods or services that are required in circumstances of extreme urgency that could not have been foreseen; or

- 9.1.2 It is in the Council's best interests considering factors such as best value, the risk of a successful legal challenge, any impact on service users along with the principles of transparency, equal treatment, non-discrimination and proportionality.

- 9.2 The table below sets out the relevant values and waiver approval requirements:

Value	Approval Procedure
£5,000 - £50,000	The relevant Head of Service and the Procurement Business Partner
£50,000 - £250,000	The relevant Director and the Commercial & Commissioned Services Manager
Over £250,000	The relevant Director and the Chief Financial Officer

- 9.3 A record of the decision approving a waiver of standing orders must be kept by the Commercial & Commissioned Services Manager who shall where appropriate make an entry in the appropriate register. A local copy must be kept by the relevant Service Director. The waiver procedure note and form is provided on the intranet.

- 9.4 Where prior approval for a waiver of these Standing Orders has not been obtained in advance the reason for this must be contained in the waiver report.

- 9.5 Where a waiver permitted by this Standing Order 9 allows the direct award of a contract which exceeds £50,000 then a contract award notice must be recorded on the Public Contracts Scotland portal and the relevant Director must notify the Commercial & Commissioned Services Manager of the details to allow entry on the contract register.

- 9.6 Where these Standing Orders have been waived in accordance with this Standing Order 9 the relevant Director shall put in place a written contract for that requirement without delay, inform the Commercial & Commissioned Service Manager and ensure appropriate plans are made for tendering the requirement where appropriate.

- 9.7 The requirement to waive these Standing Orders is not required where:-

- 9.7.1 A procedure or specific situation other than the open or restricted procedure is permitted by the 2015 Regulations, 2016 Regulations, the Act,

or the Appropriate Legislation. In deciding whether the use of another procedure or specific situation is permitted the relevant Head of Service or Director shall seek advice from the Commercial & Commissioned Services Manager and/or Chief Legal Officer.

- 9.7.2 The circumstances of the proposed contract are covered by legislative exemptions, for example certain research and development services
- 9.7.3 Contracts with another public body for the purposes of ensuring co-operation with the aim of providing public services.

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10. Post Contract Management, Monitoring & Evaluation

- 10.1 During the life of the contract, the Contract Owner must follow the policy and procedures contained in the Contract Management Manual to manage the contract via the Proactis Contract Management module.

11 Contract extensions or variations

- 11.1 Subject to 11.2, the Commercial & Commissioned Services Manager may authorise an extension to a contract, or any other variation including a consequent change in price, provided such extension or variation is not contrary to the Regulations or the Council's legislative obligations.
- 11.2 A Service Director or Head of Service shall not extend or vary a contract if such extension or variation is not expressly permitted by the contract without seeking advice from the Commercial & Commissioned Services Manager.
- 11.3 The Appropriate Legislation on aggregation of contracts shall apply

12. Review of Standing Orders

- 12.1 These Procurement and Contract Standing Orders will be reviewed annually by officers, with any material change or additions being presented to the appropriate committee for approval.

12. Guidance on the Appointment of Consultants

This section has been produced to supplement these Procurement and Contract Standing Orders with principles that relate specifically to the appointment of consultants. This guidance is intended to ensure consultants are used only where necessary and in a way which achieves best value for the Council.

12.1 Preliminary

When appointing a consultant, all budget holders shall comply with the terms of the Council's Procurement and Contract Standing Orders.

12.2 Definition of "consultant"

For the purposes of this guidance, a consultant is a specialist who charges a fee for providing advice or services in a particular area of expertise. Examples include project and/or business management, human resources, environment, communication, information technology, property and estates and financial services. Agency and temporary workers and professional services provided by solicitors, counsel and actuaries are excluded.

12.3 Principles to be applied when appointing consultants

1. No alternative resource - budget holders shall only appoint a consultant where the service in question cannot be provided internally due to a lack of expertise or capacity.
2. Within approved budget - the cost of appointing a consultant shall be contained within the budget of the service or project for which the consultant is to be appointed.
3. Definition of outcomes - budget holders shall prepare a clear task definition and identify the required outcomes of the service prior to appointing a consultant.
4. Monitoring of outcomes - budget holders shall ensure that appropriate monitoring arrangements, are in place prior to a consultant's appointment in order that payments to the consultant are only made in accordance with the satisfactory achievement of measurable outcomes.
5. Knowledge transfer - where consultants are appointed Budget holders shall ensure that, where appropriate, Council staff fill key project roles and work closely with consultants to maximise the potential for transfer of skills and knowledge to Council staff.

12.4 Approval of engagement

The appointment of a consultant for a service (or series of related services) for any value must be approved by the Corporate Management Team (CMT) before any engagement process is commenced. The template form (provided at Appendix 1) should be used to make the request.

CMT approval shall not be required for services that are essential to the completion of a pre-approved Council Project. For the purposes of this guidance a Pre-Approved Council Project is a project for which there is a Council or appropriate committee report seeking consent to commence the project which includes an explicit reference to the requirement for consultants in the delivery of

that project.

12.5 Re-engagement of former employees as consultants

Without the express consent of CMT, a Budget holder shall not appoint a former employee who has been granted early retirement or been given a voluntary redundancy or severance package (“former employee”).

If the proposed consultant is a former employee then that must be disclosed as part of the information provided to CMT.

12.6 IR35/Employment Status Assessment

Any proposed engagement of a consultant must include the appropriate assessment as per HRMC requirements. Further information relating to this assessment is available via the Council intranet.

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SCHEDULE

RELEVANT VALUES AND ASSOCIATED TENDERING PROCEDURES

Goods & Services		
Value Bands	Procurement Route	Estimated Timescale
Up to £5,000 Officers should proceed in a manner they consider most efficient to the Council	Use existing local, national, Council framework, DPS or call- off contracts or Appropriate choice of supplier documenting reasoning and quote - Best Value must be delivered and this will usually be demonstrated by more than one quote.	N/A
£5,000 to £25,000	Use existing local, national, Council framework, DPS or call- off contracts Or Written/formal quotations – written description of requirements followed by written / electronic submission of quotes Or Public Contracts Quick Quote facility.	Recommend 2 weeks
£25,000 to £50,000	Use existing local, national, Council framework, DPS or call- off contracts Or A minimum of 3 formal quotations using Quick Quote via Public Contracts Scotland portal and/or equivalent should be used	Recommend 2 weeks minimum
£50,000 to Prescribed Threshold	Use existing local, national, Council framework, DPS or call- off contracts Or Invitation to tender following public advertisement using Public Contracts Scotland portal/PCS-T	3 – 8 weeks
Above Prescribed Threshold	Use existing local, national, Council framework, DPS or call- off contracts	6 – 24 weeks depending on complexity

	Or Invitation to tender following advertisement using Public Contracts Scotland portal/PCS-T	
Works Contracts		
Value Bands	Procurement Route	Estimated Timescale
Up to £500,000	Use existing local, national, Council framework, DPS or call- off contracts or Minimum of 3 hard copy quotations Or PCS Quick Quote Facility	N/A
£500,000 - £2,000,000	Use existing local, national, Council framework, DPS or call- off contracts or Minimum of 5 quotes via PCS Quick Quote Facility	Minimum of 2 weeks up to 8 weeks
£2,00,000 to Prescribed Threshold	Use existing local, national, Council framework, DPS or call- off contracts Or Invitation to tender following public advertisement using Public Contracts Scotland portal/PCS-T	2 – 4 months
Above Prescribed Threshold	Use existing local, national, Council framework, DPS or call- off contracts Or Invitation to tender following advertisement using Public Contracts Scotland portal/PCS-T	4 – 6 months

Appendix 1 - Consultant Approval Request & Waiver Form

Submitted by (Officer Name):	
Service Department:	
Date:	
Authorised by (Budget Holder):	
It is a requirement for approval requests to have completed all relevant IR35/Employment Status assessment requirements	Outcome of assessment documents attached <input type="checkbox"/>

Value/Budget Code/Project Details	
Estimated Value	
Cost Centre	
Sub Centre	
Account Code	
Analysis Code	
Project Code	

<p>Please provide details relating to the requirement for the consultancy services</p> <p>DRAFT</p>

Proposed Consultant Details	
Name/Organisation	
Postal Address	
Town	
Postcode	

CMT Approval confirmed	
Meeting Date	
If required - Waiver approval	
Request Submitted by	
Approved by Head of Service	

Please email this completed form to procurement@scotborders.gov.uk noting **Consultant Approval Request** in the Subject Field and attaching any appropriate documents. The request will be presented at the next available CMT meeting.

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Review of Charging Policy 2021/22

Report by Chief Operating Officer, Adult Social Work & Social Care

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 This report provides an analysis of responses to the consultation on the review of the Non-Residential Charging Policy 2021/22 (Charging Policy) and seeks approval for changes to the charges for social care support at home.**
- 1.2 This review of the Charging Policy is an annual activity of Scottish Local Authorities with guidance of The Convention of Scottish Local Authorities (COSLA). This year the publication of COSLA guidance was delayed until May 2020 due to the impact of COVID 19.**
- 1.3 The paper provides further information on the impact of proposals as requested at Administration Policy Working Group on the 17 November 2020.**
- 1.4 From the outset it is acknowledged this review and consultation is taking place in midst of the COVID 19 Global pandemic. The pandemic is having a major impact on how public services are delivered and on how individuals, families and communities are living in uncertain social and economic circumstances that is seeing unemployment and benefits dependency increase.
- 1.5 It is in this context that Scottish Borders Council and Corporate Management Team initiated a limited review of the Charging Policy for Social Care Services. A Consultation on specific charging matters has been undertaken in papers presented from February to August 2020 and seeks to balance the increasing demand on services, mitigating against hardship and providing good quality services within budget.
- 1.6 The review of the Charging Policy and the consultation follows COSLA Guidance intended to assist Local Authorities and Integration Authorities to determine whether to charge a person for social care support at home and in calculating how much through a financial assessment process and by promoting income maximisation through the financial assessment process.

1.7 Five proposals were consulted upon:

1. The implementation of an equivalency model for care and support.
2. Charging for extended short-stays in residential care settings (longer than 4 weeks).
3. Clients with capital above an upper capital threshold of £16,000 will be deemed to be self-funding and asked to pay the full cost of their services (excluding free personal care).
4. Replacing the flat rate charge with financially assessed charge in Extra Care Housing and Housing with care chargeable services.
5. The increase of the Taper Rate from 65% to 100%.

1.8 See Appendices A to E for sample case scenarios illustrative of the impact of the charging policy recommendations in individual circumstances. These examples are believed to be representative of the impact but, due to every individuals circumstances being different, it is not possible to show every scenario. People will be informed of individual changes in line with Council policy.

1.9 See Appendix F to see sample of comparison Taper rate and Capital thresholds in other Local Authorities from the Local Government Benchmark Framework.

1.10 See Appendix L for same case scenario to illustrate the impact of applying different upper capital thresholds of £16,000, £28,500 and £32,000.

2 RECOMMENDATIONS

2.1 **It is recommended that Council:-**

- a) **Notes the feedback and analysis from the charging policy consultation.**
- b) **Approve reference to the equivalency model in the Charging Policy being applied to care & support resources.**
- c) **Agrees to approve the following changes to the charges for social care support for people at home, to take effect from 1st April 2021.**
 - I. **The level of the Upper Capital threshold to be £28,500 and to be reviewed annually, bringing this into line with the Upper Capital threshold also used for Residential Care charging assessment. COSLA guidance uses £16,000 upper capital threshold;**
 - II. **Implement a charge for extended short stays in a residential care setting (in line with national Charging for Residential Accommodation Guidance) where the length of stay is longer than 4 weeks;**

- III. Replace the flat rate charge in Extra Care Housing with a financially assessed charge within Extra Care Housing and Housing with Care;**
- IV. Increase the Taper rate from 65% to 70%.**

3 Consultation on the Review of the Charging Policy

- 3.1 The review of the charging policy enables decisions to be made as part of budget setting processes. During this process the Council must take account of the broader range of pressures, strategic improvement and efficiency programmes and ensure that income from charging for social care is spent on social care services. COSLA guidance emphasises the need to take a human rights approach to review and at the heart of this is the involvement of people and promoting equality to better inform Council planning and decision making.
- 3.2 The context of this review and the level of co-production that has been possible is substantially shaped by the public health guidance being followed in response to the COVID 19 pandemic. In this context the level of engagement with people who use services and carers is informed by in-house and external stakeholder working groups, online feedback and letters provided to adult social work service users and/or their POA's.
- 3.3 The stakeholder working groups identified that future reviews of the charging policy required a stronger governance, structure and process to maximise co-production. Therefore, one output from this review and consultation has been to identify the future review process which will be proposed in a separate paper.
- 3.4 The co-production of a charging policy is by its very nature problematic. It is understood that people have a natural disposition against increased charges - either out of principle or self-interest – both are legitimate. It is equally important to recognise that people are more naturally supportive of fair and transparent charges. These points are apparent in our consultation results.
- 3.5 The results from the consultation are summarised below under each change issue and the more comprehensive findings are embedded within this report. The consultation took place from 7 August – 27 September 2020. Information on the consultation was: Published online via the Council and other stakeholder groups; subject to Press Release with Chief Executive support; Letters were sent to service users and Powers of Attorney known to the Council, third and independent sector partners, the External Charging Forum group and was widely promoted online via social media.
- 3.6 The Introduction of an Equivalency Model for Care Hours
- 3.6.1 In the context of a charging policy the equivalency model means that where a service user or their representative chooses services which cost more than those the Local Authority would and could arrange, the level of funding the Council would provide would not exceed the cost of the council arranged option based on the assessed needs of the person.
- 3.6.2 The consultation shows 30% of people against the equivalence approach. The Council has a duty in relation to best value, is accountable for public expenditure and equivalence enables Councils to be fair and equitable when making care and support decisions.

3.6.3 The charging policy review must consider that flat rate charging takes no account of ability to pay and in some circumstances, such as housing support, can lead to some people experiencing financial hardship. This policy aims to mitigate hardship through a financial assessed charge and promoting income maximisation for people.

3.6.4 26% of responses to the consultation were not supportive of introducing a tiered approach based upon a financial assessment. However, COSLA guidance is clear that local authorities must ensure the personal, social and economic circumstances of individuals are given due regard in determining whether charges should apply, and the level of charges to prevent financial hardship. One mechanism assisting this is a financially assessed charge.

3.7 Charging for Extended Short-Stays

3.7.1 The purpose of a short stay in a care home is generally for a period of up to 12 weeks (but usually shorter). People who might use our short stay rooms are:

- People who might be able to return home after a period of rehabilitation or reablement, following discharge from hospital and prior to returning home.
- People whose needs are to be assessed within the short-stay setting.
- People who have already had an assessment of their care needs and it is recommended that their care needs could only be met within a care home setting.
- People who have had their needs assessed and are awaiting availability of an interim or permanent care setting or for community based supports to be put in place. People who require specialist or continuing care.
- People who require home adaptations or equipment in order for their care and support needs to be met.
- Community care response/emergency.
- Short stays in a care home in the above circumstances are not currently charged. However, there are instances when a short stay extends beyond the planned duration of the short-stay. In instances when people choose to stay beyond the planned short-stay when they are ready to return home or move-on then it is proposed that the extended stay period is chargeable. This would only apply after 4 weeks and is in line with National Charging for Residential Accommodation Guidance (CRAG) and aligns the charging policy to the Council's "Moving-on from a short-stay in a care home" Policy.

- There was an equal proportion of people opposed/ supportive of this change (29%) in each category.

3.8 The Introduction of an Upper Capital Threshold

3.8.1 COSLA publishes a capital threshold within their Financial Assessment Template when assessing charges for non-residential care. The introduction of an Upper Capital Threshold of £16,000 was proposed in the charging consultation as this would bring the Council in line with published COSLA guidance.

3.8.2 The Upper Capital threshold is used to determine if individuals should pay fully for their care and is based on DWP Benefit rates 2020/21 (See Appendix G for scenario)

3.8.3 This would mean any individual with capital above the £16,000 threshold must pay the full costs of their social care support without help from the Council, until their savings are reduced to this level.

3.8.4 Base on a random sample of 100 cases from existing individuals:

- 4 people had £10 - £16k capital
- 5 people had £16 - £28.5k capital
- 0 people had £28.5 - £30k capital
- 4 people had £32 - £50k capital
- 7 people had £50k +

3.8.5 Graph below illustrates Scottish Borders position versus those local authorities in our Local Government Benchmark Group



3.8.6 There was significant opposition to this proposal (64%) with an overall view that £16,000 is too low a ceiling and may disadvantage those who have social care support needs but also have a level of independence. For example, setting the upper threshold too low could prevent people from affording their own holidays, car purchase or respite – things that help maintain independence at home.

3.8.7 The introduction of this change would bring SBC policy into line with national guidance and the practice applied in other Local Authorities some of which use the Upper Capital Threshold as set out in the

Charging for Residential Accommodation Guidance (CRAG) of £28,500.

3.8.8 Individuals who do not wish to divulge financial information for the financial assessment will be expected to contribute the full economic cost of the service and be charged the current unit cost for any weekly or sessional service within their care package.

3.8.9 The Council's proposal following the consultation is that an upper capital threshold of £28,500 is introduced which is significantly above the COSLA published threshold, thereby assisting greater numbers of people with the costs of their care.

3.9 Replacing the flat rate charge with a financially assessed charge within Extra Care Housing (ECH) and Housing with Care (HWC) settings

3.9.1 For people living in ECH and 24 hour accommodation with support for people with a learning disability the existing Flat rate charge is based on the premise that people have easy access to 24 hour support to meet unpredictable need.

3.9.2 For people living in HWC the charge is based on support being available daily from 7.00am to 10.00pm to meet unpredictable need. The current flat rate of charge is not financially assessed which can result in people experiencing financial hardship as everyone pays the same charge irrespective of their financial position.

3.9.3 The charging basis for all ECH must reflect fairness, equity and transparency and currently there is a significant difference in flat rate charge across our Extra Care Housing developments and this must be addressed to ensure that all tenants and all current and planned future ECH developments use the same principles and basis for charging for services.

3.9.4 The charges applied must also seek to cover the cost of the costs in relation to the chargeable services whilst minimising the impact of financial hardship.

3.9.5 The review of the charging policy will introduce a consistent basis of charging across current and future developments and minimise the impact of financial hardship by ensuring the charge is based on a financial assessment.

3.9.6 The External Charging Forum proposed a tiered approach to charging which would see a financially assessed charge that was proportionate to the level of needs an individual has (low, medium, high). Whilst this seems fair in principle, that people with higher levels of support may have higher incidence of unpredictable events, there is no evidence to support this.

3.9.7 Furthermore, people's needs change over time. Where the level of needs change the charge would change if a tiered approach was taken. This approach brings some risk when assessments are

taking place that people's expressed needs are understated or impacted by having a direct financial impact. This would bring additional bureaucracy and administration that could be minimised by having a standard, financially assessed charge.

3.9.8 The feedback from the consultation was generally supportive with 26% of feedback being opposed.

3.10 The increasing of the Taper Rate from 65% to 100%

3.10.1 The increase in the taper rate to 100% was approved by Council in February 2020 in order to protect the quality of services and in consideration of the budget setting for 2020/2021.

- i. It was recognised by Corporate Management Team and Council that this change in taper rate required consultation to understand the impact on individuals and in context of the unpredictable socio-economic impact of the pandemic COVID19. Therefore, it was agreed this change would be included within the charging policy review consultation.
- ii. COSLA guidance is followed by the Council in setting a level of income below which a person is not required to pay toward the cost of the support they receive. This determines whether or not a contribution is needed.
- iii. A percentage taper is then applied to the available income over the threshold to determine a maximum contribution. A person's contribution should not exceed the cost of providing the support.
- iv. Feedback from the consultation shows 59% not in support of this increase. With 46% of respondents stating they would be directly impacted by this change and 41% of respondents reporting they would experience a significant increase in costs and 44% stating this would have a negative impact for them.
- v. COSLA report that Local Government's revenue funding has decreased by 7% in real terms between the years 2013-14 and 2019-20. Local Authorities decide whether to use their legal powers to charge for social care support at home within an overall context of financial and demographic pressures. The Income from charging will be used to invest in social care support so people with an assessed need have access to the high quality services they require.
- vi. The impact on income to the council based on different levels of Taper rate is illustrated below based on 2019/20 actual data:

Based on actual data based on 449 clients assessed care charges. Income generated is based on 2019/20 data

Taper rate	Income generated
65%	£361,000
80%	£444,000
100%	£555,000

4 IMPLICATIONS

4.1 Financial

The table below provides an overview of the proposed change, consultation feedback and financial impact

Proposed Change	Consultation results	Internal Charging Group Proposal	Financial Impact	External Charging Forum: Proposal recommendation
Equivalency model for care hours	27% Supportive 46% Opposed	Implement	Equivalency is currently applicable within the legal framework to resource decision making. This inclusion will enable more consistent consideration on the use of resources in our policy according to individual circumstances	Undecided.
Upper Capital Threshold	18% Supportive 64% Opposed	Introduce a higher Upper Capital Threshold of £28.5k in line with the Upper Capital Threshold used by Residential Care	A sample of 25% of clients shows an additional income of circa £35k per annum if the £16k option is implemented. Additional income of circa £7.5k per annum for the £28.5k upper capital threshold.	Agree with upper limit of £28,500 to make it consistent with Residential Care and review annually.
Extended Short Stays	29% Supportive 29% Opposed	Implement	The saving of one 4 week extension would be approx. £2-3k	Agree
Extra Care Housing/ Housing with care tiered model	29% Supportive 34% Opposed	Implement	The current income from the flat rate charge, paid by all tenants, will cease. A new charge will be set at the actual cost of the additional support and people will be financially assessed to ensure contributions have equity, transparency and fairness.	Agree

Taper rate increase	12% Supportive 72% Opposed	Increase the Taper Rate in a phases, increasing to 80% in 21/22 and assess the impact. Increase up to 100% in future years.	70% Taper- Approx. £28k additional income versus £194k additional income at 100% taper rate 80% taper - Approx £83k additional income. Leaving the taper rate unchanged reduces income by £194k versus increase to 100%.	Agree with introducing taper in phases.
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4.2 Risk and Mitigations

- a) The proposed changes in the review of the charging policy only focused on the key issues that were crucial to the introduction of the financial assessment to mitigate risk of hardship and would support wider Scottish Borders Council Policy and ensure greater equity to enable the success of the current and planned Extra Care Housing developments.
- b) The consultation engaged with a wide range of Scottish Borders Council Officers and leadership (in-house working group). Also, face-to-face and virtual workshops were set up with external stakeholders representing significant groups across our communities including the third sector and unpaid carers.
- c) The consultation was accessible in easy-read format, online and in writing. The questionnaire and background information was provided to service users, carers, powers of attorney and widely distributed to third and independent sector service providers for their distribution.
- d) It is accepted that the public health guidance in response to the pandemic COVID 19 has reduced the possibility of face to face or collaborative events across the localities to explore the issues deeper. To mitigate these risks we have engaged using multiple formats of consultation and promoting the consultation using press releases, online social networks and print form.
- e) There are financial impact risks on individuals and for the council. The implementation of increasing individual contributions is mitigated through financial assessment, income maximisation and a human rights approach.
- f) There is the financial risk to the council that reduced income from charging would create budget pressures on social care support at home at a time when there is predicted increased demand for home based social and community care support. Mitigation of this would be through risk assessment of efficiency options across service areas.
- g) There is a risk of adverse impact of undertaking a review during the pandemic. The review and feedback from the consultation provides evidence of these concerns. To mitigate these risks we have limited the scope of this review and informed a plan for future charging reviews.

4.3 Integrated Impact Assessment

(a) An Integrated Impact Assessment has been completed for this charging review.

4.4 Acting Sustainably

COSLA guidance for the review of charging policies have been followed. The annual review of Local Authority charging policies is to ensure that Local Authorities can provide good quality social care.

This review has balanced the financial pressures of providing care with the current uncertain social, economic and wellbeing impact from a prolonged national response to the global pandemic COVID 19.

4.5 Carbon Management

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

4.6 Rural Proofing

There are no effects of this policy which impact according to rural living.

5 CONSULTATION

5.1 *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 are being consulted and any comments received will be incorporated into the final report.*

Approved by

Name - Jen Holland

Signature

Title – Chief Operating Officer, Adult Social Work & Social Care

Author(s)

Name	Designation and Contact Number
Brian Paris	Chief Officer, Adult Social Work

Background Papers:

Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Brian Paris 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.

Appendix A – Case Scenario

Example 1

A 70-year-old man lives with his family so has no housing or Council Tax/Water charges.

He receives 20 hours personal care.

His income consists of State Pension, Occupational Pension and higher rate Attendance Allowance of £89.15.

There was no charge as all services are classed as personal care. This does not change

Calculation	Current (£ Per Week)	Proposed (£ Per Week)
<i>Income</i>		
Retirement Pension	£150.00	£150.00
Occupational pension	£90.25	£90.25
Attendance Allowance *	£59.70	£59.70
Total income	£299.95	£299.95
<i>Allowable Expenditure</i>		
Disability Related Expenditure (20% of AA)	£11.94	£11.94
<i>Income Allowance</i>		
Single persons income allowance (pension age)	£218.00	£218.00
Total allowances	£229.94	£229.94
Excess income	£70.01	£70.01
Taper Current 60% - Proposed 100% of excess	£45.50	£70.01
Ability to Pay	£45.50	£70.01
<i>Cost of Care Provided</i>		
Cost of free personal care 20 hours @ £15.91 per week (not chargeable)	0.00	0.00
Total cost of chargeable services	£0.00	£0.00
Charge	Nil	Nil

Appendix B – Case Scenario

Example 2

A 90-year-old woman lives with family so has no housing or Council Tax/Water charges. She receives 9.25 hours personal care and 7.5 hours home care services.

Her income consists of State Pension, Pension Credit with Severe Disability Premium and higher rate Attendance Allowance of £89.15.

The increase in taper rate would result in a small increase in charge.

Calculation	Current (£ Per Week)	Proposed (£ Per Week)
<i>Income</i>		
Retirement Pension	£100.00	£100.00
Pension Credit	£73.75	£73.75
Attendance Allowance *	£59.70	£59.70
Total income	£233.45	£233.45
<i>Allowable Expenditure</i>		
Disability Related Expenditure (20% of AA)	£11.94	£11.94
<i>Income Allowance</i>		
Single persons income allowance (pension age)	£218.00	£218.00
Total allowances	£229.94	£229.94
Excess income	£3.51	£3.51
Taper Current 65% - Proposed 100% of excess	£2.28	£3.51
Ability to Pay	£2.28	£3.51
<i>Cost of Care Provided</i>		
Cost of home care services 7.5 hours @ £15.91 per week	£119.32	£119.32
Cost of free personal care 9.25 hours @ £15.91 per week (not chargeable)	0.00	0.00
Total cost of chargeable services	£119.32	£119.32
Charge	£2.28	£3.51

Appendix C – Case Scenario

Example 3

A 30-year-old man with learning disabilities lives in supported living. He receives 5 hours personal care and 8 hours home care services (domestic assistance). He is in receipt of ESA of £74.35 plus DLA Care Component of £59.70 per week. He has part time work from which he earns £100 net per week.

He does not pay rent but pays £4.31 in Council Tax/Water charges.

The increase in taper rate would result in an increase in charge.

Calculation	Current (£ Per Week)	Proposed (£ Per Week)
<i>Income</i>		
ESA	£74.35	£74.35
DLA Care – Middle Rate	£59.70	£59.70
Earned income	£100.00	£100.00
Total income	£234.05	£234.05
<i>Allowable Expenditure -</i>		
Disability Related Expenditure (20% of DLA)	£11.94	£11.94
Earnings disregard	£25.00	£25.00
Housing cost – Council Tax	£4.31	£4.31
<i>Income Allowance</i>		
Single persons income allowance (working age)	£137.00	£137.00
Total allowances	£178.25	£178.25
Excess income	£55.80	£55.80
Taper		
Current 65% - Proposed 100% of excess	£36.27	£55.80
Ability to Pay	£36.27	£55.80
<i>Cost of Care Provided</i>		
Cost of free personal care 5 hours @ £15.91 per week (not chargeable)	£ 0.00	£ 0.00
Cost of home care services 8 hours @ £15.91 per week	£127.28	£127.28
Total cost of chargeable services	£127.28	£127.28
Charge	£36.27	£55.80
TOTAL AMOUNT PAYABLE	£36.27	£55.80

Appendix D – Case Scenario

Example 4

Mrs A (aged 77) lives in sheltered accommodation with her husband. She receives 5 hours home care services. She has a State Pension of £185.00 per week, Attendance Allowance of £59.70 and an occupational pension of £200.00 per week. They pay £80.00 per week in rent and £30.00 per week in Council Tax.

The increase in taper rate would result in an increase in charge but as we have assessed her as having the ability to pay more than the full cost of her services, she will pay the actual cost of the service.

Calculation	Current (£ Per Week)	Proposed (£ Per Week)
Income		
Retirement Pension – Mrs	£185.00	£185.00
Attendance Allowance - Lower Rate – Mrs	£59.70	£59.70
Occupational Pension (50% only taken into account)	£100.00	£100.00
Total income	£344.70	£344.70
Allowable Expenditure		
Housing cost - Council Tax (50%)	£15.00	£15.00
Housing cost rent (50%)	£40.00	£40.00
Income Allowance		
Single persons income allowance (pension age)	£218.00	£218.00
Total allowances	£273.00	£273.00
Excess income	£71.70	£71.70
Taper Current 65% - Proposed 100% of excess	£46.60	£71.70
Ability to Pay	£46.60	£71.70
Cost of Care Provided		
Cost of home care services 4 hours @ £15.91 per hour		£63.64
Total cost of chargeable services	£63.64	£63.64
Charge	£46.60	£63.64

Appendix E – Case Scenario

Example 5

A 30-year-old man with learning disabilities lives in sheltered housing. He receives 7 hours personal care and 10 hours home care services (domestic assistance).

He is in receipt of ESA of £74.35 plus DLA Care Component of £59.70 per week. He has £35,200 in capital.

He does not pay rent but pays £4.31 in Council Tax/Water charges.

As his capital is above the new threshold, he will be liable to pay the full cost of his services.

Calculation	Current (£ Per Week)	Proposed (£ Per Week)
<i>Income</i>		
ESA	£74.35	£74.35
DLA Care – Middle Rate	£59.70	£59.70
Tariff income	£51.00	Exceeds capital limit so liable to pay full cost of care
Total income	£295.05	
<i>Allowable Expenditure -</i>		
Disability Related Expenditure (20% of DLA)	£11.94	
Housing cost – Council Tax	£4.31	
<i>Income Allowance</i>		
Single persons income allowance (working age)	£137.00	
Total allowances	£153.25	
Excess income	£141.80	
Taper Current 65% - Proposed 100% of excess	£92.17	
Ability to Pay	£92.17	
<i>Cost of Care Provided</i>		
Cost of free personal care 7 hours @ £15.91 per week (not chargeable)	£ 0.00	£ 0.00
Cost of home care services 10 hours @ £15.91 per week	£159.10	£159.10
Total cost of chargeable services	£159.10	£159.10
Charge	£92.17	£141.80

Appendix E – Local Authority Comparison Table

Table 1

Local Authority	Taper rate %	Upper Capital Threshold
Scottish Borders	Increase to 70%* (No Taper)	£28,500*
Angus	75%	N/A
Argyll & Bute	80%	£26,500
East Lothian	75%	£16,000
Dumfries & Galloway	65%	£24,750
Midlothian	70%	£16,000
Moray	70%	£16,000
Highland	75%	£26,000
Perth & Kinross	No Taper	£28,000

*proposed changes

Please note that this information is the latest information as published on each Local Authority website. Some of the thresholds may have changed but not been updated.

The table only displays the 2 items under review in this policy. It is important to understand there are many individual differences within each charging policy that would have an impact on individual circumstances.

Appendix F – Consultation Analysis of Feedback

A full consultation on the proposed changes to the Non-Residential Charging Policy took place from 7 August to 27 September as agreed by CMT on 22 July.

108 full consultation forms were completed. 24.07% by service users, 24.07% by Carers, 38.89% by Family/friends of service users, 10.19% by other individuals and 2.78% by organisations. As only 108 forms were submitted the results are informative rather than statistically significant.

In addition, five Easy Read consultation documents were returned.

The results of the consultation, by proposal, can be seen below -

The introduction of a equivalency model for care hours

This means that Where a service user chooses services which cost more than those the local authority would arrange to meet any assessed needs, the level of funding the service user will receive will not exceed the cost of the equivalent local authority arranged services.

Any care and support which exceeds the local authority level of funding will be the responsibility of the service user to arrange and fund.

Q1. How do you feel about this proposed change?

	Service User	Carer	Famil / Friend	Other individual	Org	Grand Total	% of Total
1. I support this	2	2	10	4		18	17%
2. Slightly supportive	2	3	4	1		10	9%
3. Neither support nor oppose	1	5	6	2		14	13%
4. Slightly opposed	6	2	6	1	1	16	15%
5. I do not support this	9	8	10	3	2	32	30%
6. Unsure	6	5	4			15	14%
7. Not Answered		1	2			3	3%
Grand Total	26	26	42	11	3	108	100%

Q2. Would you be directly impacted by this change?

	Service User	Carer	Family/ Friend	Other individual	Org	Grand Total	% of Total
1. Yes	13	13	11		2	39	36%
2. No	3	3	10	10		26	24%
3. Unsure	10	10	19	1	1	41	38%
4. Not Answered			2			2	2%
Grand Total	26	26	42	11	3	108	100%

Q3. What do you think the financial impact would be for you?

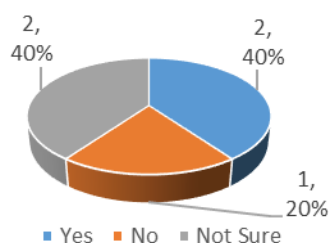
	Service User	Carer	Family/Friend	Other	Org	Grand Total	% of Total
1. Not applicable	1	4	6	9	1	21	19%
2. Significant increase in cost	6	8	6	1		21	19%
3. Some increase in cost	6	3	9	1		19	18%
4. No difference in cost	1	1	3			5	5%
5. Some reduction in cost							0%
6. Significant reduction in cost		1				1	1%
7. Unsure	12	9	16		2	39	36%
8. Not Answered			2			2	2%
Grand Total	26	26	42	11	3	108	100%

Q4. How do you think that this change would impact on you generally?

	Service User	Carer	Family/Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	1	3	7	7	1	19	18%
2. Positive	1			1		2	2%
3. Slightly positive			1			1	1%
4. Neither positive nor negative	2	3	5	1		11	10%
5. Slightly negative	3		10			13	12%
6. Negative	10	11	7	2	2	32	30%
7. Unsure	9	9	10			28	26%
8. Not Answered			2			2	2%
Grand Total	26	26	42	11	3	108	100%

Of those who are directly impacted by this change 7.7 % (1/13) were supportive.

Easy Read – Equivalency model – Do you think this is a good idea?



Appendix G:

A tiered approach to extra care housing and housing with care charges

The consultation asked people to consider the impact of the introduction of a tiered approach based on level of need.

- Lower level of support = Up to 12 hours per week
- Medium level of support = Between 13 hours and 21 hours per week
- High level of support = Greater than 21 hours per week

Q1. How do you feel about this proposed change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. I support this	2	1	5	4		12	11%
2. Slightly supportive	5	5	5	3		18	17%
3. Neither support nor oppose	3	6	10	1	2	22	20%
4. Slightly opposed	2	3	2			7	6%
5. I do not support this	5	6	14	3		28	26%
6. Unsure	6	4	4		1	15	14%
7. Not Answered	3	1	2			6	6%
Grand Total	26	26	42	11	3	108	100%

Q2. Would you be directly impacted by this change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Yes	5	3	11		1	20	19%
2. No	11	19	20	11	1	62	57%
3. Unsure	7	4	9		1	21	19%
4. Not Answered	3		2			5	5%
Grand Total	26	26	42	11	3	108	100%

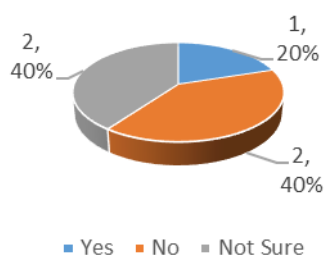
Q3. What do you think the financial impact would be for you?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	7	13	19	10	2	51	47%
2. Significant increase in cost	4	3	7	1	1	16	15%
3. Some increase in cost	3	2	4			9	8%
4. No difference in cost	1	2	2			5	5%
5. Some reduction in cost							0%
6. Significant reduction in cost							0%
7. Unsure	8	6	9			23	21%
8. Not Answered	3		1			4	4%
Grand Total	26	26	42	11	3	108	100%

Q4. How do you think that this change would impact on you generally?

	Service User	Carer	Family /Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	7	12	17	8	2	46	43%
2. Positive	1			1		2	2%
3. Slightly positive							0%
4. Neither positive nor negative	2	4	6	1		13	12%
5. Slightly negative	2	1	3			6	6%
6. Negative	3	2	6	1	1	13	12%
7. Unsure	9	7	8			24	22%
8. Not Answered	2		2			4	4%
Grand Total	26	26	42	11	3	108	100%

Of those who are directly impacted by this change 20% (1/5) were supportive.
Easy Read – Tiered model – Do you think this is a good idea?



Appendix H:

The charging for extended short stays

The recommendation is to charge for extended short stays, beyond the 4 week period, the way we do for residential services in line with the CRAG regulations.

Q1. How do you feel about this proposed change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. I support this		4	7	5		16	15%
2. Slightly supportive	3	4	5	1	1	14	13%
3. Neither support nor oppose	8	5	12			25	23%
4. Slightly opposed	4		2	1	1	8	7%
5. I do not support this	3	8	8	3		22	20%
6. Unsure	5	5	7	1	1	19	18%
7. Not Answered	3		1			4	4%
Grand Total	26	26	42	11	3	108	100%

Q2. Would you be directly impacted by this change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Yes	6	7	2		1	16	15%
2. No	10	12	29	9		60	56%
3. Unsure	7	7	10	2	1	27	25%
4. Not Answered	3		1		1	5	5%
Grand Total	26	26	42	11	3	108	100%

Q3. What do you think the financial impact would be for you?

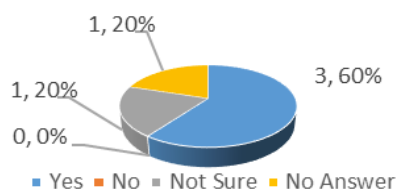
	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	10	11	22	9	1	53	49%
2. Significant increase in cost	3	7	2	2		14	13%
3. Some increase in cost	3		3			6	6%
4. No difference in cost	1	2	7			10	9%
5. Some reduction in cost							0%
6. Significant reduction in cost							0%
7. Unsure	6	6	7		2	21	19%
8. Not Answered	3		1			4	4%
Grand Total	26	26	42	11	3	108	100%

Q4. How do you think that this change would impact on you generally?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	10	10	24	8	1	53	49%
2. Positive	1			1		2	2%
3. Slightly positive		1				1	1%
4. Neither positive nor negative	2	3	6	1		12	11%
5. Slightly negative	1		3			4	4%
6. Negative	6	8	1	1	1	17	16%
7. Unsure	4	4	7		1	16	15%
8. Not Answered	2		1			3	3%
Grand Total	26	26	42	11	3	108	100%

Of those who are directly impacted by this change 16.6 % (1/6) were supportive.

Easy Read – Extended Short breaks charging – Do you think this is a good idea?



APPENDIX I:

The introduction of an Upper Capital Threshold

Consideration was requested as to the impact of the introduction of a Upper Capital Threshold of £16k

Q1. How do you feel about this proposed change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. I support this	5		2	4		11	10%
2. Slightly supportive	2		6			8	7%
3. Neither support nor oppose	4	4	3	1	2	14	13%
4. Slightly opposed	2	1	3			6	6%
5. I do not support this	9	21	26	6	1	63	58%
6. Unsure	3		2			5	5%
7. Not Answered	1					1	1%
Grand Total	26	26	42	11	3	108	100%

Q2. Would you be directly impacted by this change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Yes	7	11	22		1	41	38%
2. No	11	10	12	9	2	44	41%
3. Unsure	7	5	8	2		22	20%
4. Not Answered	1					1	1%
Grand Total	26	26	42	11	3	108	100%

Q3. What do you think the financial impact would be for you?

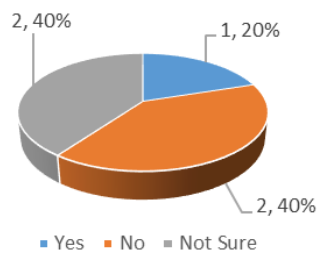
	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	8	8	5	9	2	32	30%
2. Significant increase in cost	5	11	20	2		38	35%
3. Some increase in cost	4	1	2			7	6%
4. No difference in cost	3	2	7			12	11%
5. Some reduction in cost		1				1	1%
6. Significant reduction in cost							0%
7. Unsure	5	3	7		1	16	15%
8. Not Answered	1		1			2	2%
Grand Total	26	26	42	11	3	108	100%

Q4. How do you think that this change would impact on you generally?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable	8	9	6	8	2	33	31%
2. Positive	1			1		2	2%
3. Slightly positive		1				1	1%
4. Neither positive nor negative	2	1	7			10	9%
5. Slightly negative	3		4			7	6%
6. Negative	5	12	19	2		38	35%
7. Unsure	6	3	5		1	15	14%
8. Not Answered	1		1			2	2%
Grand Total	26	26	42	11	3	108	100%

Of those who are directly impacted by this change 14.2% (1/7) were supportive.

Easy Read – Upper Capital Threshold – Do you think this is a good idea?



APPENDIX J:

The increasing of the Taper Rate to 100%

Finally, consideration was to be given to the increase of the Taper Rate (as agreed by Council in February) from 65% to 100%.

Q1. How do you feel about this proposed change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. I support this	2		3	3		8	7%
2. Slightly supportive	2	2				4	4%
3. Neither support nor oppose			4			4	4%
4. Slightly opposed	2	5	3	1		11	10%
5. I do not support this	14	17	24	7	2	64	59%
6. Unsure	4	2	7		1	14	13%
7. Not Answered	2		1			3	3%
Grand Total	26	26	42	11	3	108	100%

Q2. Would you be directly impacted by this change?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Yes	13	16	19	1	1	50	46%
2. No		7	5	9	2	23	21%
3. Unsure	11	3	17	1		32	30%
4. Not Answered	2		1			3	3%
Grand Total	26	26	42	11	3	108	100%

Q3. What do you think the financial impact would be for you?

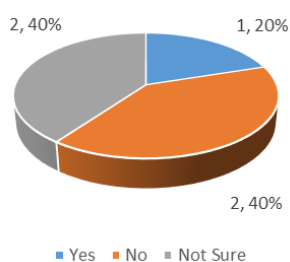
	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable		5	4	9	2	20	19%
2. Significant increase in cost	11	15	16	2		44	41%
3. Some increase in cost	6	1	9			16	15%
4. No difference in cost		1	2			3	3%
5. Some reduction in cost							0%
6. Significant reduction in cost							0%
7. Unsure	7	4	10		1	22	20%
8. Not Answered	2		1			3	3%
Grand Total	26	26	42	11	3	108	100%

Q4. How do you think that this change would impact on you generally?

	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable		5	5	7	2	19	18%
2. Positive	1			1		2	2%
3. Slightly positive	2					2	2%
4. Neither positive nor negative	2	1	2	1		6	6%
5. Slightly negative	3		7			10	9%
6. Negative	12	16	16	2	1	47	44%
7. Unsure	4	4	11			19	18%
8. Not Answered	2		1			3	3%
Grand Total	26	26	42	11	3	108	100%

Of those who are directly impacted by this change 23.1% (3/13) were supportive.

Easy Read – Taper Rate increase – Do you think this is a good idea?



Appendix K:

The overall views on the Charging Policy Changes

Q1. How do you feel about the proposed changes to the charging policy in the Scottish Borders?

Overall: How do you feel about the proposed change?	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. I support this	2		3	3		8	7%
2. Slightly supportive	4	2	9	2		17	16%
3. Neither support nor oppose	2	2	3			7	6%
4. Slightly opposed	1	6	4	2	2	15	14%
5. I do not support this	13	15	20	4	1	53	49%
6. Unsure	4	1	2			7	6%
7. Not Answered			1			1	1%
Grand Total	26	26	42	11	3	108	100%

Q2. What do you think the overall financial impact would be for you?

Overall: What do you think the financial impact would be for you?	Service User	Carer	Family / Friend	Other individual	Org	Grand Total	% of Total
1. Not applicable		3	4	9	2	18	17%
2. Significant increase in cost	12	14	17	2		45	42%
3. Some increase in cost	7	3	11			21	19%
4. No difference in cost	1	1	1			3	3%
5. Some reduction in cost		1	1			2	2%
6. Significant reduction in cost							0%
7. Unsure	6	4	7		1	18	17%
8. Not Answered			1			1	1%
Grand Total	26	26	42	11	3	108	100%

Q3. What do you think the overall impact of the policy is?

A summary of the advantages and disadvantages of the proposed changes are shown in the document attached (Appendix N).

Feedback from the SDS Forum and the Borders Carers Centre is shown in the document attached (Appendix O).

Appendix L:

Proposals from internal and external charging groups

Proposed Change	Consultation results	Internal Charging Group Proposal	Financial Impact	External Charging group Proposal
Equivalency model for care hours	27% Supportive 46% Opposed	Implement	TBC	Undecided.
Upper Capital Threshold	18% Supportive 64% Opposed	Introduce a higher Upper Capital Threshold of £28.5k in line with the Upper Capital Threshold used by Residential Care	A sample of 25% of clients shows an additional income of approx. £35k per annum if the £16k option is implemented compared to an approx. £7.5k per annum for the £28.5k upper capital threshold.	Agree with £28.5 to make it consistent with Residential Care
Extended Short Stays	29% Supportive 29% Opposed	Implement	The saving of one 4 week extension would be approx. £2-3k	Agree
Extra Care Housing/Housing with care tiered model	29% Supportive 34% Opposed	Implement	Unable to say at the current time, although that change at Dovecot could result in a loss, rather than a gain	Agree, as it fairer
Taper rate increase	12% Supportive 72% Opposed	Increase the Taper Rate in a phases, increasing to 70% in 21/22 and assess the impact. Increase up to 100% in future years.	70% taper - Approx £28k income instead of £194k income	Agree with increasing taper rate to 70% with annual review.

Appendix M

Scenario of impact of various upper capital threshold levels

A 30-year-old man with learning disabilities lives in sheltered housing. He receives 7 hours personal care and 10 hours home care services (domestic assistance).

He is in receipt of ESA of £74.35 plus DLA Care Component of £59.70 per week. He has £35,200 in capital. He does not pay rent but pays £4.31 in Council Tax/Water charges.

	£16,001	£28,501	£32,001	
Calculation	Current (£ Per Week)			Proposed (£ Per Week)
<i>Income</i>				
ESA	£74.35	£74.35	£74.35	
DLA Care – Middle Rate	£59.70	£59.70	£59.70	
Tariff income	£13.00	£38.00	£45.00	Exceeds capital limit so liable to pay full cost of care
		134.05		
Total income	£147.05	£172.05	£179.05	
<i>Allowable Expenditure -</i>				
Disability Related Expenditure (20% of DLA)	£11.94	£11.94	£11.94	
Housing cost – Council Tax	£4.31	£4.31	£4.31	
<i>Income Allowance</i>				
Single persons income allowance (working age)	£137.00	£137.00	£137.00	
Total allowances	£153.25	£153.25	£153.25	
Excess income	£0.00	£18.80	£25.80	
Taper Current 65%	£0.00	£12.22	£16.77	
Ability to Pay (current 20/21 policy)	£0.00	£12.22	£16.77	
<i>Cost of Care Provided</i>				
Cost of free personal care 7 hours @ £15.91 per week (not chargeable)	£ 0.00	£ 0.00	£ 0.00	£ 0.00
Cost of home care services 10 hours @ £15.91 per week	£159.10	£159.10	£159.10	£159.10
Total cost of chargeable services	£159.10	£159.10	£159.10	£159.10
Proposed 21/22 Charge (with 100% taper)	£0.00	£18.80	£25.80	£159.10

External Charging group: Concerns expressed

Although the External Charging Forum agreed with 4 or the 5 recommendations made by the Internal Charging Group they raised the following concerns –

- There were a lot of questions with a high number of unsure responses – was this because people didn't understand what the changes meant? If so, are the results informative?
- People that they represented were unsure of the financial impact and the cumulative financial impact if a number of the changes were to go ahead
- The impact of COVID is going to mean more financial pressure on individuals – should we be doing this at this time?

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Appendix N

Summary feedback from consultation on review of charging policy 2020.

Advantages –

Financial benefit for the Council

- To make the very small budget go further to help more individuals
- It would ease the cost on the council
- Reality is that people are living longer and assessments for services should be fair and based on what people can afford to pay - people should not expect the Council to pay more for a service that could be provided cheaper and at the same standard elsewhere - although I do not require services at the moment I may do so in the future and support the changes proposed
- Council will have more funds to use
- keeps costs within defined limits
- If making a contribution to costs helps sustain the service that is the priority. We cannot risk the collapse of the service for financial reasons
- Changes might allow the SBC to maintain the current level of services to all clients rather than struggling to maintain or possibly cutting services. It might also reduce the impact on the SBC budget
- Council saves money. I would like to think that means more funding is available for those underfunded, but I don't think this will happen
- To generate/increase income to address the shortfall
- Financial input from central government continues to fail to support a proper social support service without charge at time of need. Your proposals are in part a consequence of this. As such they are one way of trying to maintain service levels to all
- Help in care - profit should not enter into it
- Obviously it means the Council will have more money to spend on other elements of Council responsibility
- It seems that this will increase council revenues
- Changes in policy of this nature would be intended to reduce the liability of SBC and any advantage would be to SBC and not the individuals affected

Help all who need support

- Care that is less required may be withdrawn to allow care to be focused on those who require it more
- The help will go to the people that really need it. If everyone is reassessed, this will make it fair and target the money available where it needs to go. People will not be disadvantaged by the cost of double up care by a higher charge. The charge will not be more than the cost of the service
- To be able to provide a quality, affordable service, available to all those assessed as needing care support

Fair charging

- There may be more equity in extra care housing
- Will be paying for services I actually use
- The charging could be proportional to the amount of use clients are making of SBC services
- I personally think it is appealing that you trying to recover costs from those who are most vulnerable and dis-advantaged

- It is right that service users contribute towards their care if they are able to do so. It is fair that those who can afford to pay a little more, do so
- Since so many more people now need care at home, it is understandable that those who have sufficient means should make a contribution to the service
- The money has to come from somewhere. The people who can pay, it would be hoped would help those who cannot receive the help they need. This makes such a difference to people on their own
- Charge fair rate for all
- People that can afford it should be contributing towards any level of care required whether that means at home, residential or nursing home care
- Needs driven. Fairer system
- Charging people for certain services
- If folk can pay something towards their care they should but many people on the £16000 threshold will spend to get their capital down below the threshold

Improve quality of care

- Improves the quality of care
- I would hope that it will provide improved services and put the money where it is needed
- Perhaps lead to better care with more money being able to be used by the council but I highly doubt it and no extra money will be being used

Miscellaneous

- I agree paying something towards care provided you get a good service but that rarely happens
- As we only receive cover for medical care this would not financially impact us. Assume this would enable the council to employ more staff to assist the elderly. The short break part doesn't affect us as it has never been offered and mother-in-law would decline anyway in case she didn't get home again
- Only those clients which currently pay fees should be consulted as they alone will be affected by the proposed change
- I would be happy to pay towards respite and a day care centre
- I appreciate the increasing cost of care needs met in a fair and consistent way
- Some people might pay less - but we have no idea how many, so it is hard to comment on the impact. Some modelling on numbers facing decrease/increase would have been helpful

No Advantage

- None x15
- I see no benefit in these proposals to service users. It is unlikely to maintain status quo and in fact is more likely to increase funding required through moves towards more centralised support
- Will be an advantage to SBC only
- No advantage to anyone. People should be able to choose the support best for their needs and wellbeing regardless of who supplies the support and what the cost is. Within reason obviously

Disadvantages -

Those that need help won't get it

- Those that could really benefit from help not being able to get it due to finances
- those who require access to services to improve their mental health may decline if there is a cost associated therefore may continue in the same cycle or worse still mentally deteriorate
- Potential rise in charges which cannot be met
- This is hugely unfair, and there are a great many people whose quality of care and respite will be reduced, as they will not be able to afford adequate support
- It would affect your clients on the borderline for charging as they would maybe not ask for what they require
- Older people are proud and don't always want to disclose their savings in a financial assessment so may lose out
- Many pensioners may not be able to contribute
- Paying for care leaves partners unable to pay for the help that they need as they get older and need to pay for the basic help at home
- Could have a detrimental outcome for those currently in need, and highly depend on, their support

Increase in costs for people, reduction in savings and financial hardship

- The older generation want to provide for their children (who see their parent's house/capital as theirs) and expect the taxpayer to fund the care costs - which local councils are unable to do so people will have less money to pay for everything else they need
- Significant rise in costs for people already disadvantaged by circumstances largely outside their control. There is little enough support for carers of adults and to strip more from people either on Carers allowance (joke amount of money) or people working outside the home then doing another full time job when that finishes is very unfair. People pay into the system all their life and when they need help they have to pay again. If they had pissed it against the wall and contributed little they get everything free. The system penalises those who have worked and lived within their means and saved to provide for themselves only to have it snatched by eye watering key expensive levels of care
- Exploiting those who have saved all their working lives to pay for those who did not
- Reduced availability of personal funds
- Those who already dis-advantaged and +65 you are taking more off a pension fund away, that is already below a minimum average
- My father is over 65 and a full-time wheelchair user (tetraplegic, paralysed from the neck down). He needs ~10hrs care per day, 7 days per week. The council do not have enough care staff to meet his daily care needs. Therefore he has to employ a carer privately through the direct payments scheme. The changes will mean he has to pay more for his private care at home. This seems unfair as he only went down the private at-home care route due to a lack of available council carers
- Huge increase in cost of care for those who are most vulnerable and who need the most care.
- It leaves service user's with little or nothing for other pursuits
- This policy will cause further hardship to those in the community who are already disadvantaged through no fault of their own e.g. disabled, elderly etc. This is particularly galling when SBC is so obviously inefficient and profligate in so many other areas
- Punishing people who have spent their lives saving, even though their income is low
- Significant impact on the users of these services and their families. Already those who care for these people pay so much towards their care that is not taken into account. If these extra payments are to be made this will have a negative impact on families who are already struggling to care for their loved ones. These service users already do not have anywhere near

the amount needed spent on their services to allow them to reach their potential to then take away more money from them to only still be receiving the same care and provision is a great disadvantage

- Increased costs for those clients currently paying fees
- The proposed taper rate increase from 65% to 100% is very harsh on those with a very low amount of money left over already from income after rent, charges etc are paid. I oppose this change strongly unless it is means tested, as a person needs some money for a sense of independence, for example to buy birthday and Christmas cards. For some this "luxury" would be wiped away if the taper rate was 100%
- Once again hitting those with the least ability to pay and the most to lose. Surely better to keep people in their own homes than risk them being forced into a nursing home or other formal situation through their inability to pay these increases. This is not merely financial, it is also about supporting our most vulnerable, those who are most reliant on these services and least able to complain. SBC must also recognise that most of those impacted will be on incomes which are not changing and therefore cannot take account of the inflationary rises proposed in this document
- This would have significant impact on me and I wouldn't be able to afford this increase. 😊
- This will leave people with even less money to pay for everyday things. Some disabled people cannot get out and about often. Others are sometimes bedded due to their illness. They need to be able to afford some type of media entertainment also access to a telephone and landline if needed. Broad band is also expensive. These things are never taken in to account when working out these assessments. Others have hobbies to keep them self-occupied. This helps the mental well-being of people. All these things cost money and what you are proposing will put a lot of people with even less income
- More money taken from older people who need help
- The service users will be affected financially which not only has an impact to the user but also to their family and any financial dependants. Using the income of the user does not take into consideration affordability and penalises those who have worked for an income. The impact is that some users will be reluctant to continue home care and will opt for residential care instead which will have a significant impact on council revenues
- The change in policy would affect vulnerable people who have already undergone significant hardship as a result of cutbacks and the pandemic. If savings require to be made they should be made against policies which do not directly impact this group of people
- More costs to each user
- An average increase of £24 PER WEEK is a huge increase for many service users on low incomes which would have a significant impact on their health and well-being
- Increasing the Taper rate to 100% will negatively impact those with lowest income leaving them little or no money to call their own. This reduces independence, leisure and recreational opportunities and in my view is inhumane
- There are a number of changes proposed which cumulatively would significantly increase costs to an individual where they are affected by more than one of these changes
- Some increases are too steep, e.g. taper rate
- Affordability. Some of the service users with the highest care needs maybe on the lowest income and maybe unable to meet the additional cost of care. This could lead them to have to sacrifice something e.g. food, heating to budget for additional cost of care, which would affect their wellbeing and lead to poorer outcomes
- Obviously increased in costs from family will impact the people needing improved care and support
- This could have a significant impact on those on benefits and low incomes and in particular those with physical disabilities or chronic illness. They have additional costs, particularly for

aides and equipment, heating and dietary and there is no indication of these been taken account of in calculations

- I do not agree at all with the charging policy increasing from 65% to 100%, this is outrageous as it makes it financially difficult to pay for the service user. I think it needs to stay at 65% for those on state benefits
- We are concerned that the increase in the Taper Rate to 100% will: reduce the household income and the financial resilience of families already on low incomes, and/or facing financial insecurity. In the case of most working age families, if one of the adults requires this kind of chargeable support, they have already lost 50% of their household income from loss of wages. These issues are heightened by job insecurity and redundancy during the current recession and pandemic. It is not an empathetic approach at this time to introduce (potentially) increased costs for vulnerable people. Particularly reduce 'disposable' income - which is the money families need to survive difficult situations such as the pandemic and cover unexpected costs (such as job loss) via building up savings or covering large one-off costs. This in turn could increase debt
- Increases will cause hardship for vulnerable people on low fixed incomes. These people have little or no choice over their circumstances. People with lower fixed incomes have no choice when it comes to going into a care home and they have no choice as to which care home they can go into. People who want to stay in their localities often have to be sent to care homes in other towns against their wishes. Therefore if your proposal goes ahead people would be using all of their pension income and small amount of savings to buy care which is severely limited in personal choice. Additionally when people are placed out with their home areas costs will be incurred by their loved ones who have to make long journeys to visit them regularly. Some care homes are in rural localities and can be some distance away from partners and family members. This cost for visiting loved ones is not subsidised by SBC and my opinion is that it should be, especially in an area which is not well served by public transport and in circumstances that have been the result of very limited choice of care provision. With regards to respite care, four weeks is not nearly enough and more short breaks need to be offered, at no additional cost to the vulnerable people and their main carers. Carers need much more support than 4 weeks of respite. Carers can be under a lot of strain, impacting on their own health so better and more frequent respite provision is needed at no further cost to those needing these vital breaks. Carers save services a lot of money and when they become unwell, due to the strain of continuous caring more residential care provision is required. People with learning disabilities are offered far better respite venues and staff ratios than people with dementia and this inequality also needs to be addressed before any changes are mooted. There are some low quality care homes in SBC region and their service users are charged the same proportion of their incomes to use them as those people fortunate enough to have been allocated a better quality home. This inequality must be addressed before any increase to charging is even thought of. Services require improvement to ensure that all those paying for them receive good person centred care. The purchasers of other goods and services have rights as consumers. The frail and the very elderly seem to have very little choice or rights and any proposal to increase charges is astounding and ill conceived. Personal care is free in Scotland, so what will people be paying for and what evidence will there be of what your customers are purchasing for the extra money SBC proposes to charge?
- The policy adversely affects those requiring residential care who, through lack of capital assets and a reliance on social funding, are unable to access the residential care they need and are entitled to. It discriminates against an already vulnerable group
The current system, which prioritises need, does so within the parameters of the limited amount of care available and this leaves those who require care unable to access it. Because of this limitation, care is provided on the basis of those who need it most and placement is based upon the need of others not the need of the individuals themselves. In addition, when

this group is finally offered a socially funded placement it frequently is very distant from their existing homes and may need to be refused. This causes further financial pressure for the care receiver in order to access the care they actually need. To substantially erode the income of this group through increased homecare costs, when the opportunity to create capital assets is lost to them, and given the knowledge that their income will ultimately be taken away when they do finally access care, adds to this discrimination. Lowering the savings limit - the upper capital threshold - further exacerbates this and further disadvantages this already disadvantaged group. Their 'life savings' are taken from them

Unfair

- I think this policy is very unfair £16000 is not a huge amount of savings and the state retirement pension is too small to live off - so these two together would make us financially disadvantaged and would impact on my physical health and wellbeing as I would not be able to afford to have respite breaks or sufficient respite breaks. The services provided by the council do not meet my husband's needs so we need to use a more expensive provider
- Discrimination between those who have and those who have not. Someone works hard pays taxes and saves for retirement is expected to pay for care yet someone who hasn't saved gets the same care for free
- It is unfortunate that the sharing of the financial burden of providing access to universal care is foisted on the few care recipients who are above the arbitrary thresholds you set to determine they should pay for their own care. This is manifestly unfair. The shortfall in funding must fall on a small proportion of the care recipients. In no way does this equate in fairness to an income tax sourced resource stream. It allows central government to avoid the need to share burdens in a more equitable manner
- People who have paid their share of Council Tax, National Insurance and Income Tax their whole lives should be allowed to reap the benefits in turn when they need it
- Increasing the taper rate from 65% currently levied to 100% of residual income is a huge increase in one go, which will negatively impact on the quality of life for those who have already been disproportionately affected by Covid this year. A smaller incremental increase would be much fairer
- We are concerned that the first proposed change to 'cap' care costs would: Remove choice and control for the individual where they could not afford to pay more (a key principle of SDS) Unfairly disadvantage people on lower incomes. If there is no financial assessment on ability to pay beyond the cap, it would mean they either must use cheaper services or reduce the amount of support they get - creating a two-tier system. Mean this proposal is not 'future proof' - what happens if there is a wider variety of care providers and resulting costs available in a few years' time? It may be that this policy significantly reduces the options available for support in that environment
- My main concern is that when there is pressure on budgets, residents in the SBC region who are challenged by disabilities, illness or age can often be a target area for reducing SBC costs. While these services must put considerable demands on the SBC budget, individuals requiring these services are the most vulnerable people on our community and the situations they are faced with are often lifelong. With this being the case, while a proportional charge would seem fair, my concern would be that if the individual has capital of less than £16,000 if there is still the possibility of a contribution needing to be made by the client, will there be any consideration of the financial effect on that client. If as with our son, he is completely dependent on the state to cover the other things he has to pay, a charge for SBC services might affect considerably how he lives. We shouldn't allow ourselves as a community to move into a "lord of the flies" situation where the most vulnerable people in our community are not supported to the level that they need but are open to the charges applied by more able people

Unsure what these changes mean for me

- I have nothing like £16/000 until I know how much the increase will be I do not know how badly it will affect me
- The consultation document is not very friendly, it's confusing and unclear. We have answered as best we can, but the circumstances are 'muddy'
- It is difficult to know impact as there is no way of calculating your circumstances so could be agreeing to a policy when you don't know it's financial impact
- Unsure of impact to community support package I currently receive
- Very unsure of impact this will have on my life and quality of my life

Miscellaneous

- It's not an answer to the long term demographic challenges and costs of the future Ideally LTC costs need to be pre funded rather than the pay as you go system currently in place but this is easier said than done
- Whilst I understand the need for charges I feel it is the most vulnerable who will be affected by these changes for what at times is already a limited service and limited options available for a service which at times is of a questionable standard e.g provision of day care services for adults with learning disabilities
- Thin edge of the wedge. You are paying too much to 3rd party providers for a poor service
- Growing old is the disadvantage - I never thought I would end up like this! Being a burden. I looked after my parents and husbands parents myself and coped with all situations - no cost to Councils and cared for 6 years on my own for my husband - growing old is the biggest disadvantage
- As a client with complex needs I feel I have no choice and will have to go along with the outcome whether I am happy with the decision or not
- This seems to be all about cutting costs. It is a huge battle to get funding in the first place, over the 12 years we have lived in the borders we have contributed hugely financially to our son's care/respite costs
- Unsure what happens to partners that are having to place spouses into care due to deteriorating physical/mental health issues and then selling property and buying new property. What happens to any monies left over and what impact does this have on their lives moving forwards
- I think the overall impact of the policy will be detrimental to the most vulnerable people in society. A 35% increase in costs for people in need of care and support. I understand your need to manage the budget but in any what other area are you doing this to the same extent Why not increase Council tax by 35%. You would benefit more from this. Why attack the people most in need of care and support in society?
- People with fluctuating conditions could have fluctuating care needs therefore it would be difficult to assess and manage
- It's not a one size fits all
- Don't see any
- Allowable costs which can be deducted should be made clearer and be more reflective of the everyday reality of the lives of service users. In many cases disability related expenditure will be far higher than the flat rate allowed
- More stress and worry!
- Impact for specific groups should be reflected in the IIA
- Your proposals are disadvantageous to vulnerable people

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1. The following feedback was received from the SDS forum and the Borders Carers Centre

The Survey

- The Scottish Borders SDS Forum and The Borders Carers Centre are concerned because we consider the Consultation document to be confusing and difficult for people to understand and respond to. It is therefore very difficult for people to meaningfully express their views. The survey document gives poor and limited explanation or information. The accompanying 27 page document which gives information about the assessment process is not referred to in the paper document or the online document but is at the bottom of the first page on line under “Related”. There is no indication that this document might help people understand the process and how it might apply to them
- It asks questions which people do not have the information to enable them to answer for example in relation to “Care” “What do you think the financial impact would be for you”. We wonder how anyone would know. There is no explanation of what the cost of the equivalent SBC arranged services would be
- There is no explanation as to what an “Extended Short Break” is. Does this mean respite? Again it is hard for anyone to understand and make an informed choice of reply
- The taper rate is not explained in a way that would help an individual understand the implications for them
- Although the survey asks if you are completing it as an organisation the questions are all aimed at an individual so again organisations cannot make meaningful comment
- The survey document when asking what services the individual currently receive equates Direct Payments with Self Directed Support when it is in fact an Option in SDS legislation under which social care is now arranged
- Overall we consider it is difficult to see how SBC will obtain a meaningful result from this survey

Other comments

- The increase of the taper from 65% is a 40% increase which seems an unreasonable increase. It will inevitably have an impact on people who because of their disability, age or need have additional disability related expenditure. It will have an impact on people’s residual income. We consider it to be discriminatory. We also understand the change in the taper rate was not discussed at the Charging Policy Group but was added afterwards
- Currently individuals receiving a budget through the Learning Disability Service do not pay for any of their care. It is not clear whether this proposed new policy will apply to them. As they are not charged at the moment they are not likely to consider the proposed policy applies to them so are not likely to complete the survey
- Members who have used the Easy Read version have found it patronising
- Assumed income from savings is unrealistic given current interest rates

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FIT FOR 2024 – OUTLINE PROPOSALS FOR COMMUNITY ENGAGEMENT OVER FUTURE SERVICE DELIVERY

Report by Service Director Human Resources

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE OF THE REPORT

- 1.1 The Council recognises the need to reshape the model of public service delivery in the Borders to improve the quality of life for its citizens, stimulate economic growth and minimise our environmental impact. The Council is investing heavily in new facilities and new ways of working which will have an impact on the Council's existing extensive property footprint over the next few years. The opportunities provided by new technology, the experience of service delivery during Covid-19 and the need to ensure the Council's extensive estate is sustainable, provides a compelling justification of the need to modernise public service delivery and ensure our property estate is fit for purpose.

This report outlines:

- The continuing significant investment that the Council is making in the modernisation of its services and its estate.
- The need for engagement with communities to look at how these investments can be sustained through alternative models of service delivery.
- The pressing need to look at how limited financial resources can be prioritised to continue to support these developments.

It is proposed that a further report is brought to Council in February 2021 setting out detailed proposals for a programme of community engagement over the next year to review priorities for service provision and associated investment, ongoing funding and support. It is proposed that the review would take a locality "Place-Making" approach which will fully engage with communities drawing on the principles of Community Empowerment legislation and seeking the participation of communities in the redesign of future public services in the Borders. It would involve key partner organisations including Area Partnerships, Community Councils, Live Borders, Police Scotland, local Registered Social Landlords, NHS Borders and communities themselves to ensure the most effective and sustainable models of service delivery are developed.

2 RECOMMENDATIONS

It is recommended that Council:-

- a) Note the continuing investment in services and the Council's extensive estate;**
- b) Agree the need to review the prioritisation of associated investment and resources to ensure future models of public service delivery in the Borders continue to meet the needs of local people in the most effective and sustainable way;**
- c) Reaffirm the need to examine new service delivery models as set out in the Fit for 2024 strategy, which improve the Council's carbon footprint, make better use of technology and deliver savings.**
- d) Agree the need to involve Community Planning Partners, Area Partnerships, Community Councils and communities in the future design of public services; and**
- e) Request that, a further report be brought to Council in February 2021 setting out the details of an estate-wide, community engagement-led review of services which will be undertaken in phases; and**
- f) Agree, that in anticipation of the report to Council in February, a report on the Learning Estate be brought to January Council.**

Fit for 2024 – The Council’s Transformation Programme

3.1 In February 2019 the Council agreed its *Fit for 2024* Transformation programme which made commitments in terms of:

- Service by service reviews
- Investment in well planned and designed digital solutions
- Making best use of our physical assets
- Enhanced community engagement and participation

The February 2019 Council report recognised that delivering both the improvements and the savings identified in the report will be a challenging and exacting exercise. *Fit for 2024* aims to ensure that the Council is capable of meeting the challenges it faces and optimise outcomes for citizens and communities. It is probably a fair assessment to suggest that, since February 2019, the outlook is now even more challenging given the increased scale of savings which the Council needs to achieve (as set out in the current Financial Plan) and the continuing impact of the pandemic.

Service Reviews and Investment in Digital Services

3.2 The February 2019 *Fit for 2024* report recognised that digital investment is an enabler for change but will require a shift from traditional ways of doing things so that benefits around customer choice and convenience, service improvements and financial benefits can be fully realised.

3.3 The 2020/21-24/25 Financial Plan identifies recurring savings of £1.2m relating to process improvements and changes to service models, particularly in the areas of Business Support and Customer Services, as a result of the investment in digital services and an associated move away from traditional models.

3.4 Over the last 4 years the Council has invested over £14.3m in the development and implementation of digital services. A further £34m of expenditure has been agreed with CGI over the next 4 years. This investment is aligned with the Council’s Customer Services Strategy 2018 – 2023 and the *Digital by Design* approach. The investment both anticipates and reflects the progressive and accelerating shift in demand toward online digital and telephone-based services and the corresponding decline in the demand for traditional face-to-face service delivery. It also recognises the opportunities that digital technologies provide in improving access to information and services – including equality of access for people who live out-with our main towns and/or who have less access to traditional buildings-based services.

3.5 Investment in digital services is across the whole spectrum of Council activity from the provision of iPads for school pupils (see 3.9 below) to improving connectivity in care homes to enable video communications between residents and their families and from online and telephone services such as making payments, ordering services and reporting faults to supporting mobile and remote working and improving integrated working with partner organisations.

- 3.6 Changes in technology provide increasing opportunities to provide front-line customer services in a more mobile and flexible way which is not dependent on existing face-to-face formats in fixed locations.
- 3.7 The experience of the pandemic and lock-down has shown that with many traditional forms of building-based services unable to open, that digital and telephone-based services have enabled the Council to continue to provide essential services and improve collaborative working with partner organisations and community-based groups. This clearly shows the continued improvement in digital connectivity and continued increase in use of digital and telephone services across all sectors of society. It is recognised, however, that not all services can be delivered in a digital way. Continuing to provide face-to-face services particularly for the more vulnerable in society and those who, for whatever reason, cannot access online services will remain necessary.
- 3.8 Recent initiatives including Inspire Learning and Connecting Scotland have seen an increasing proportion of the population able to access services digitally. It is recognised that this trend is growing over time. The Council has had no requests from the public to access Customer Services on a face-to-face basis. All such transactions have been undertaken on line, by mail or by telephone since March 2020. This move away from personal face-to-face contact will be required to be fully reflected in future models of public service delivery.

Investment in the Learning Estate

- 3.9 The Inspire Learning Programme has already seen and £3.5m investment as part of an overall £16m investment in the provision of iPads to pupils. This ground-breaking programme is transforming teaching and learning across the Borders for the benefit of all teachers and pupils. The programme is aimed at raising attainment and will ensure that pupils develop a level of general and specialist digital skills that are vital for learning, life and work in an increasingly digital world.
- 3.10 Since 2015/16, and including current year projected spend, the Council has invested just under £60m in the Learning Estate including replacing end of life buildings with new, state-of the-art flexible and fit-for-purpose buildings. Over the next 25 years, the Council will contribute £12.7m towards a joint £31.1m investment in the Jedburgh Grammar Campus. Over the next 9 years, the Council plans to invest a further £171m in the Learning Estate including the replacement of Earlston Primary School, Gala Academy, Peebles High School and Hawick High School. A consultation with regard to the future provision of primary education in Eyemouth is currently underway.
- 3.11 Increasingly these investments are about more than simply replacing old with new. Instead, these buildings are intended to be flexible, multi-purpose community assets which provide unique opportunities to rethink how our services are provided in each town and locality.

Investments in the Social Care

3.12 With an ageing population there is an increasing demand for suitable buildings-based support including extra care housing and residential care. This increased demand is coming at a time where our five residential care homes – built in the 60s, 70s and 80s – are nearing the end of their useful lives. There is a need for the Council and its partners to make a significant investment in this area of the estate. £25.2m is already included in the capital programme including the creation of 120 new residential care beds at Stirches in Hawick and in the Central Borders as well as Extra Care Housing (ECH). ECH developments in Galashiels and Duns are well advanced with a further development in Kelso on the site of the former High School also progressing. Further plans for investment are being developed for Council in the new year. Expansion in care services will require a corresponding increase in the operational budgets to support this.

Environmental Sustainability

3.13 The Council has recently made challenging commitments to reduce greenhouse gases to net zero by 2045 at the latest in line with national targets. Our current estate, in terms of both its size and its condition (see 3.16 below) mitigates against the achievement of these targets. As one of the most significant sources of emissions, reducing the size and improving the quality of the estate is a key area where action can be taken to reduce our carbon footprint.

Financial Sustainability

3.14 The significant investment in modernising our services and estate need to be viewed in the context of continuing financial constraints which require the Council to reduce its operating costs by £30m/year by 2024/25 as set out in the 2020/21–2024/25 Financial Plan. The Financial Plan also identifies potential estate savings of just under £700k/year by 24/25 and a further £1.2m in the same period in service savings where there is a reduced dependency on traditional buildings-based models of service. In large part, these savings were anticipated as part of an expected return on investment in both digital technologies (with the move to more efficient digital provision of services) and the investment in the estate (through better, more flexible use of buildings).

Impact on the Estate

3.15 The February 2019 *Fit for 2024* report, under the theme *Making Best Use of our Physical Assets* recognised the need to work with partners and communities to rethink and reshape our collective property portfolio to ensure that it:

- meets current and future needs of service users, communities and service providers;
- maximises and make best use of investment opportunities of both existing revenue and capital resources as well as external funding opportunities; and
- is sustainable and affordable in terms of both ongoing funding and energy efficiency

- 3.16 The Council has over 260 buildings – many are legacy buildings inherited from local government reorganisation in 1996. These buildings cover 9million m2 of internal floor space (equivalent to 1,203 rugby pitches). Of these buildings, only 77% are classed as good or satisfactory with most or the remaining 23% classed as poor (Showing major defect and/or not operating adequately).
- 3.17 On average, the Council spends £14m/year on maintaining and running the estate (£16.3m in 2019/20). However, the sheer size, complexity, age and condition of the estate mean that these resources are spread too thinly and the backlog of maintenance works (currently standing at over £23m) continues to grow.
- 3.18 The continuing investment in new and modern buildings adds to our extensive estate and, in turn, increases operational costs. Without changes to the way we use the estate we will be unable to achieve the associated programmed savings as set out in the Financial Plan. As a result there is a compelling case for reviewing our estate and priorities for funding over the next 5 years and beyond to support both our investment in the estate and in new digital models of service.

4. PROPOSED NEXT STEPS

- 4.1 This report proposes a programme of engagement with communities to review priorities for service provision and associated investment, ongoing funding and support. It is proposed that the review would take a locality “Place-Making” approach which will fully engage with communities drawing on the principles of Community Empowerment legislation and seeking the participation of communities in the redesign of future public services in the Borders. It would involve key partner organisations including Area Partnerships, Community Councils, Live Borders, Police Scotland, local Registered Social Landlords, NHS Borders and communities themselves to ensure the most effective and sustainable models of service delivery are developed.
- 4.2 The purpose of the review would be to consider the models of future service delivery in each town across a range of Council-funded services and taking a whole-town approach which matches needs and demand for services to current and planned provision. The outcome would be a set of options and recommendations for Council.
- 4.3 It is proposed that, to inform the review, service profiles would be developed through a series of reports each focusing on a key service area. These profiles would include national and local policies and strategies as well as available metrics around demand, satisfaction, performance (including trends) investment and operational costs. Similarly, profiles for related properties will be produced for the review based on available information on size, condition, title, listed building status, operational costs and usage.
- 4.4 It is further proposed that the following criteria are applied in the review to each property:
- Fitness For Purpose (suitability including fit with operational requirements)

- Performance/Demand (current and trend and potential for improvement)
 - Access to Reasonable Alternatives (including duplication/competition)
 - Equality of Access (both physical accessibility and also ensuring services are available across all localities)
 - Economic Impact (actual and potential value to the local economy)
 - Environmental/Carbon Impact (including energy efficiency)
 - Condition (including backlog and foreseeable maintenance)
 - Scope/suitability for alternative use (potential CAT, marketability, constraints and community views for alternative use)
 - Town Scoping - to get a complete picture of what services are available in each of our communities
- 4.5 Further details of this proposed Place-Making approach will be developed and brought to February Council recognising that related activity is already taking place in a number of communities (e.g. community consultation around Eyemouth Primary School and proposals for the replacement of Galashiels Academy). This work will continue as Place-Making engagement proposals are developed in detail.
- 4.6 It is anticipated the Borderlands Inclusive Growth Deal will be finalised in early 2021. The Deal includes a "Place Programme". This programme is designed to provide investment to stimulate the repurposing and reinvention of towns and town centres across the Borderlands area. The review outlined in this report is a prerequisite to developing the necessary business cases on which to make investment decisions in the use of the funds available.
- 4.7 To help inform the review it is proposed that a series of reports on the main categories are brought forward to Council early in the new year beginning with a report on the Learning Estate to January Council.

5. IMPLICATIONS

5.1 Financial

There are no direct financial implications arising from this report. However, the report proposes a forward strategy for future service redesign. The consequences of this strategy will be far-reaching and will need to be addressed as part of the revenue and capital financial planning process.

The 2020/21 Financial Plan identified anticipated estate savings of just under £700k/year by 2024/25 and a further £1.2m in the same period in service savings where there is a reduced dependency on traditional buildings-based models of service. In large part, these savings were anticipated as a result of both investment in digital technologies (with the move to more efficient digital provision of services) and the investment in the estate (through better, more flexible use of buildings). Any deviation from this strategy will require alternative savings proposals to be identified.

5.2 Risk and Mitigations

- 5.2.1 The Council makes significant investments in properties across all localities in the Borders, either through the creation of new assets such as the Learning Estate or through the Property Maintenance Fund which ensure that our assets are maintained in a safe and functioning

condition. However, the sheer size of our estate means that this investment is spread too thinly and is not currently enough to sustain the estate and ensure that it remains fit for purpose. There is a risk that with the financial constraints and a growing maintenance backlog that, if we do not address this issue, we will be unable to continue to maintain our properties and that buildings will close by default.

5.2.2 Without a corporate and partnership-wide approach that engages effectively with communities we may miss opportunities to think creatively and identify alternative options for buildings.

5.2.3 There is a risk that any vacated buildings are left empty, unused and undeveloped. Plans for investment and disinvestment must recognise the value of properties in terms of the heritage and built environment in communities. Where, through engagement, a property is identified as surplus the Council will look at the following options:

- Community Asset Transfer – with appropriate timescales and support to establish/prove/disprove a viable business case.
- Strategic sales (with planning restrictions where appropriate) in partnership with SoSE as part of Economic Development/Town Centre Regeneration.
- Quick sales for non-strategic assets and where no interest exists in terms of Community Asset Transfer

5.3 Integrated Impact Assessment

As per the Community Empowerment legislation, the proposed Place-Making engagement approach anticipated above aims to take a co-productive approach to developing and agreeing proposals and the participation by, and the views of, communities of place and interest will be a central component. The opportunity to rethink our estate includes associated opportunities for improving access to services. Integrated Impact Assessments will be completed as part of the process of developing new service delivery models.

5.4 Acting Sustainably

The framework seeks to ensure that services and property provision, in future, is on a more sustainable footing.

5.5 Carbon Management

The Council has recently made challenging commitments to reduce greenhouse gases to net zero by 2045 at the latest. This relates to national targets which apply to Live Borders as well as the Council. Our current joint estate, in terms of both its size and its condition mitigates against these targets and is one of the key areas where action can be taken to reduce our collective carbon footprint.

5.6 Rural Proofing

The approach set out in this report seeks to ensure that services are maintained or improved across existing communities through investment in a reduced number of properties and that, through digital provision, services are accessible to all regardless of where people live.

5.7 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

Name **Clair Hepburn** **Signature**

Title **Service Director Human Resources**

Author(s)

Name	Designation and Contact Number
James Lamb	Portfolio Manager

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Contact us at James Lamb, Portfolio Manager, jlamb@scotborders.gov.uk

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EYEMOUTH PRIMARY SCHOOL – UPDATE REPORT

**Report by Service Director Assets & Infrastructure and Service
Director Young People, Engagement and Inclusion**

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the progress with the Eyemouth Primary School project.**
- 1.2 The report to Council on 27 August 2020 provided approval to undertake a feasibility study on alternative education delivery models in the town.
- 1.3 The feasibility study has been concluded and Officers have validated the options considered.
- 1.4 Initial consultation has taken place on the options with the high school and primary school senior leadership teams and respective parent councils.
- 1.5 Progress will now be made with wider community based consultation prior to a statutory consultation in accordance with Schools (Consultation) (Scotland) Act 2010 legislation.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council:-**
 - (a) Notes the contents of this report.**
 - (b) Approves that community engagement and consultation should take place on the feasibility study options prior to a statutory consultation in accordance with the Schools (Consultation) (Scotland) Act 2010.**
 - (c) Requests a follow on report as the project progresses.**

3 BACKGROUND

- 3.1 The report to Council on 27 August 2020 identified issues that were affecting the delivery of the proposed replacement of the primary school in Eyemouth. The report also identified cost pressure issues. The report approved that a feasibility study should be undertaken to review three education delivery models within Eyemouth.
- 3.2 The feasibility study has now been concluded and Officers have validated the findings of the study.

4 FEASIBILITY STUDY

- 4.1 The technical feasibility study considered three options for the delivery of early years and primary school education in Eyemouth.

OPTION 1

- 4.2 The first option was that of the extant project that has been in development for several years in terms of a replacement early years and primary school facility on the land adjacent to existing primary school on Coldingham Road in the town.
- 4.3 The issues remain with this project in terms of a local opposition to the loss of greenspace in the town and that of an adjacent development of social housing that is intended to be promoted by Berwickshire Housing Association. The cost pressures also remain on this option in terms of being able to deliver within the current budget of £15.4M.

OPTION 2

- 4.4 The second option was to create a 3-18 campus within the existing High School. Following an analysis of the existing secondary school and of its capacity versus current / future forecast of pupil roll, it would be technically possible to consolidate the existing secondary school. This would free up enough space within one of the teaching wings to allow it to be re-purposed as a primary school. While this appears to be technically possible, the campus school would be operating at a high level of capacity with little room for expansion.
- 4.5 In addition, there would be no room within the existing secondary school and a stand alone early years building would be required.
- 4.6 A preliminary cost evaluation of this option was undertaken with a range of costs developed from between £3-6M. The range is dependant on what type of invasive work is undertaken within the existing secondary school in terms of opening up cellular rooms to create a more open plan style of teaching and learning. It would be advantageous to create open plan teaching clusters as recently seen created at Jedburgh Grammar Campus, Broomlands and Langlee PS.

OPTION 3

- 4.7 The third option investigated still involved consolidating up the secondary school but this time to only create enough space for the upper primary P5-7 year groups. The early years and P1-4 classes would be provided in a new build adjacent to the secondary school building but within the overall land boundary.

- 4.8 This would allow the secondary school to operate at a more sustainable level of capacity. The option would provide campus style benefits for P5-7 learners where they would have access to a range of specialist activities within the secondary school.
- 4.9 The option would cost approximately £11M.

5 COMMUNITY CONSULTATION & ENGAGEMENT

- 5.1 It is intended to undertake community based consultation during January and February 2021 on the three options so as to obtain the view of the community.
- 5.2 There has been some initial stakeholder discussions with the management teams of both the primary and secondary schools and also with both parent councils.

6 STATUTORY CONSULTATION

- 6.1 The changes identified within report to the primary school education provision with Eyemouth will involve the need for a statutory consultation in accordance with the Schools (Consolidation) (Scotland) Act 2010. It would be normal for Members to be asked to approve a proposal within this statutory consultation. It is intended that a report will be brought back to Members in February 2021 following on from the community consultation and engagement.
- 6.2 The report will identify what local opinions and views are expressed following the community consultation and engagement exercise identified within section 5 of this report. The report will identify which of the options should be taken forward as a 'proposal' in accordance with the Schools (Consolidation) (Scotland) Act 2010.

7 IMPLICATIONS

7.1 Financial

- (a) The Capital project budget for the construction of the Eyemouth Primary School as contained within the 2020/21 Capital Investment Plan is as below.

2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
7,600	7,400	400	0	15,400

- (b) Progress with the primary school has been affected by COVID-19. A significant timing movement of £7.102M was approved by Executive Committee in June 2020.
- (c) Further revisions to the overall project budget and timing movements will be reported to Members following the statutory consultation exercise.

7.2 Risk and Mitigations

- (a) The report to Council on 27 August 2020 identified risks associated with the extant project to provide a primary school adjacent to the existing primary school. This risk has been mitigated by the completion of the feasibility study of alternative education options.
- (b) There could be timing risks associated with undertaking a statutory consultation in accordance with the Schools (Consultation) (Scotland) Act 2010 should there be significant opposition to the proposal taken forward. This risk is intended to be mitigated by the early engagement with the local community consultation prior to a proposal report to Council in February 2021.
- (c) There is a contractual and commercial risk associated with opening up negotiations with the Council's PPP provider Scottish Borders Education Partnership to alter the existing contract to allow for the alterations to create either option 2 or 3 remains. Initial discussions have taken place with SBEP who have shown a willingness to discuss a possible project at the High School. This risk will be further mitigated through ongoing discussions with SBEP. It is likely that specialist advisers will be required to represent the Council.

7.3 Equalities

- (a) An Integrated Impact Assessment has not been carried out on this report.
- (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.
- (c) A campus solution will provide improved outcomes.

7.4 Acting Sustainably

It is noted that overall the project will have a positive impact on energy consumption when compared to the existing buildings.

7.5 Carbon Management

It would be planned that the project will seek to minimise the use of fossil fuels.

7.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

7.7 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.

8 CONSULTATION

- 8.1 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

Lesly Munro

Service Director Young People, Engagement and Inclusion.....

John Curry

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Steven Renwick	Projects Manager – 01835 826687

Background Papers: Report to Executive – 27 August 2020

Previous Minute Reference: Nil

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Contact us at PlaceProjects@scotborders.gov.uk

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GALASHIELS COMMUNITY CAMPUS – UPDATE REPORT

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the progress with the new Galashiels Community Campus.**
- 1.2 The report to Council on 28 November 2018 recommended that individualised delivery plans should continue to be prepared for Galashiels, Hawick, Selkirk and Peebles HS. The report identified that the new secondary school for Galashiels should remain the Council's priority.
- 1.3 During 2019 and 2020, design progress has continued to be made within the capital budget allowance. The project delivery team have now examined all of the details of the possible locations for the new building and conclude that Option 3 provides the greatest benefits overall. This, however, has an impact on the adjacent Scott Park.
- 1.4 As a consequence, a statutory consultation in accordance with Schools (Consultation) (Scotland) Act 2010 legislation will be required.
- 1.5 In the continued presence of COVID-19, community consultation will have to rely on digital forms of communication. To assist with the next stages of the project, a stakeholder engagement organisation will join the delivery team.

2 RECOMMENDATIONS

- 2.1 I recommend that the Council:-**
 - (a) Notes the contents of this report.**
 - (b) Agrees that Option 3 should be taken forward as the preferred option for public consultation for the new Galashiels Community Campus.**
 - (b) Approves that a statutory consultation in accordance with Schools (Consultation) (Scotland) Act 2010 is commenced.**
 - (c) Approves the appointment of engagement consultants to assist with a digital themed community consultation process.**
 - (d) Requests a follow on report as the project progresses.**

3 BACKGROUND

- 3.1 The report to Council on 28 November 2018 identified that the preferred location for the replacement Galashiels Academy should be focused on the existing school site. It was agreed at that time noted that the secondary school in Galashiels should form the Council's priority education project. The report also included very early concept work for a school design at the existing Academy. It must be stressed that the images prepared at that time should be seen as at a concept level of detail only.
- 3.2 While the fire at Peebles HS has affected the priority sequence of the four remaining secondary schools to be replaced, Galashiels remains the priority. The Capital Investment Plan in 2019 and 2020 has included budget to allow for early design development work to take place.
- 3.3 During 2019 and 2020, a design team have been appointed to develop a building design to accommodate the forecast roll of 1000 pupils.
- 3.4 It is noted in this section of the report that the School Premises (General Requirements and Standards) (Scotland) Regulations 1967 identifies that a 1000 pupil school should not be less than approximately 6 hectares including associated roads and paths. The existing Galashiels Academy site is approximately 7.14 hectares of which 5.46 hectares is what would be referred to as usable. It can be seen from this that there is little free space within the existing site.

4 OPTION APPRAISAL OF BUILDING LOCATION

- 4.1 Following site survey work in terms of a topographic survey completed in October 2019 and more recently ground survey works in October 2020 an initial period of design work undertaken on the project has been drawn to a close during the Autumn period of 2020.
- 4.2 The project delivery team have analysed a range of different locations for the main replacement building and that of the associated external sports facilities and parking. The analysis has concentrated on the positive and negative elements of each option.
- 4.3 Overall, 5 locations were considered for the new campus building. Four of these were able to be constructed with minimal impact on the existing Academy building, with the fifth involving a significant temporary decant. A feasibility level report has been prepared for the options and this is contained within Appendix A to this report.

Option 1

- 4.4 It is possible to construct a new campus building on the site of the existing playing fields to the rear (or west) of the existing school. The project team consider that the building can be located and constructed while the existing school remains operational. The external sports pitches would be located in front of, or to the east of the new building. There would be a need to locate a grass pitch on Scott Park but generally all of the new facilities can be located within the existing Academy grounds with minimal impact on the existing and surrounding trees. The building would also maintain a good distance between surrounding residential properties.

- 4.5 On the negative side, the campus building would be set back to the most western part of the existing school site. This would present a building that would appear detached, separated and isolated from the town and local community and that the approach to the campus would be obscured by the fenced sports facilities diluting its civic presence. This option would also mean the loss of the existing playing fields during the construction process with an impact on the school curriculum.

Option 2

- 4.6 The second option considered would involve building to the north of the existing school building. The building, with all of the external sports pitches, could be built with only a marginal encroachment into Scott Park. The location of the campus building would allow strong links with the town and local community and provide for a strong civic presence. The new building would also present a good south facing aspect to one side.
- 4.7 The negative points would be that the building would be located on a part of the site that is constrained between the existing building and the trees to the north. A partial demolition of the existing school would be required and the new build construction works would have a detrimental impact on sensitive parts of the existing school, such as the additional and supported needs provisions within the school.

Option 3

- 4.8 The third option considered located the new building within the western edge of Scott Park. The benefits of this option are that the new building can be constructed while the existing Academy, including external sports facilities, remains fully operational. The building in this location presents a strong civic presence to the community and town setting and has a good aspect and orientation with respect to daylight. The place making agenda is strongest with this option in terms of the linkages with the building and the wider civic buildings in Galashiels such as the Great Tapestry of Scotland Visitor Centre. The external sports facilities built on the old school building location would be shielded from the town and neighbouring properties in terms of noise and light pollution.
- 4.9 For the negatives though, this option has an impact on Scott Park and its Local Development Plan designation as Greenspace (Policy EP11). This issues is discussed in more detail in section 5 of this report. This option will also require a statutory consultation under Schools consultation legislation and again, this is noted in section 6 of this report. It is also likely that the existing tennis courts will be partially affected.

Option 4

- 4.10 A new building located to the southeast of the existing building was considered. This option was closest to the initial concept image prepared for the report to Council on 28 November 2018. The positive aspects of this option are that the campus building and external sports facilities can be located entirely within the existing Academy boundary and with no impact on Scott Park. All existing access arrangements can also be retained.
- 4.11 However, there are several negative points associated with this option. Similar to option 2, the location of the building itself is constrained by the narrowness of the site and of the existing trees to the south. The access to the building would be remote from the main pedestrian links to the town centre and the building would appear to be tucked away and hidden from

view which would be contrary to the aims to provide an easily accessible community school. The ground in this area is less even and would give moderate challenges and the presence of a large number of trees with Tree Preservation Order designation would be affected leaving a significant impact on habit. The building itself would suffer from a reduced level of natural daylight when compared to the other options. This may have an impact on wellbeing and attainment. Finally, the location of the building in this part of the site provides for very limited opportunities for future consideration of co-located primary school facilities should this be seen as advantageous as part of any future learning estate review.

Option 5

- 4.12 A final option was considered where the new campus building would be located on the existing footprint of the school. Clearly this option would not encroach in to Scott Park as far as the building itself. The option would provide for a good level of daylight and aspect as Option 3.
- 4.13 However, there would need to be effectively an entire decant of the existing school to allow for the demolition and then construction phases of the new works. It would also be necessary to split the external sports provision for which a levelling of the ground on Scott Park would be necessary.

Outcome of Option Appraisal

- 4.15 Overall, and following a review of all viable options, Officers consider that Option 3 provides for the most advantageous range of benefits and should be taken forward as the preferred way forward to the subsequent consultation stage.

5 LAND AND PLANNING ISSUES

- 5.1 It can be seen that Option 3 involves constructing the new building on part of Scott Park. This land was acquired in 1939 by the former Burgh under the Public Parks (Scotland) Act 1878. The land was acquired by Feu contract at that time. The title, on the face it, restricts the use of the land but it is noted and stressed that all real burdens were removed from the title as part of the Abolition of Feudal Tenure (Scotland) Act 2000.
- 5.2 Scott Park is also covered by Greenspace designation under policy EP11 within the previous and current Local Development Plan 2020 approved by Council on 5 November 2020. Independent Planning advice has been obtained in relation to the impact of any development that extends in to Scott Park. Without prejudice to the role of the Council as Planning Authority for the following planning process, the independent planning advice notes that Policy EP11 can be seen to permit development on Greenspace subject to mitigation in the form of replacement greenspace to a similar level of provision. The independent planning advice is contained within the feasibility study report at Appendix A to this report.
- 5.3 It is noted that the overall development will exceed 2 hectares and as such will require a Proposal of Application Notice (PAN) process under planning legislation. This will be prior to a full planning application and is expected to take 4 months to complete.

6 STATUTORY CONSULTATION

- 6.1 Following a review of the guidance associated with the Schools (Consultation) (Scotland) Act 2010 it is noted that parts of the new campus extend beyond the existing school boundary. While there is a degree of interpretation of the guidance, regarding school relocations, given that the new Campus is predominantly making use of the existing site, Officers consider that it would be prudent to undertake a Statutory Consultation on the overall proposals in accordance with the provisions of the consultation legislation. This is expected to take in the order of 4 months to complete and will commence in January 2021. This consultation will require virtual public meetings and input from Education Scotland, who will review the proposal and prepare a report. This report along with all the comments, representations and officer responses to the comments made during the consultation will be incorporated into a Consultation Report, which will then be published for a further three week consultation period. A further report will be made to Council regarding the outcome of this process.
- 6.2 The Statutory Consultation is intended to run concurrently with the PAN process.

7 COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 7.1 As a consequence of the site survey works, local interest has been expressed in relation to any development on Scott Park. It would be normal to undertake the next public consultation stages of the project, both the education and planning elements through direct engagement at meetings and presentations. Given the continued COVID-19 difficulties, this approach will be a significant challenge.
- 7.2 In response to this, it is proposed to supplement the existing technical Architect team with a specialist Architect with a particular focus and experience in digital engagement. The role of this specialist will be to devise and implement a digitally themed consultation process to ensure that full community and stakeholder engagement can take place to connect people to the decision making process.
- 7.3 It is planned that both the PAN and Statutory Consultation will commence in January 2021 and take 4-6 months to complete. The specialist digital engagement consultant will support both. The scope of the engagement consultant will focus on creating a project specific website, prepare and facilitate a series of digital workshops with local stakeholders, clubs and groups – including the secondary school pupils. Consideration will also be given to a real presentation in a local town setting, subject to current restrictions.

8 IMPLICATIONS

8.1 Financial

- (a) The Capital project budget for the construction of the Galashiels Community Campus as contained within the 2020/21 Capital Investment Plan is as below.

2020/21	2021/22	2022/23	2023/24	Total
£'000	£'000	£'000	£'000	£'000
1,500	2,500	23,400	23,400	£50,800

- (b) It is noted that a bid to the Scottish Government's Learning Estate Investment Programme has been made in relation to the Galashiels Community Campus. At the time of writing this report, Officers are not aware of the outcome of this bid. Subject to approval of this bid, the project will qualify for revenue based financial support based on a range of criteria.
- (c) It is also noted that updated cost projections for the project to allow for the inclusion of the public swimming pool and additional games hall facilities will be considered as part of the 2021/22 capital planning process.

8.2 Risk and Mitigations

- (a) It is noted that it would be expected that there will be opposition to the planning process based on the impact on the existing Scott Park. The project delivery team have mitigated this through the independent planning advice and the way that implementation of a re-provision of Scott Park can be undertaken. The proposals seek to reimagine Scott Park as an extension/amenity linked to the community campus, providing a variety of different outdoor spaces, through soft and hard landscaping, that seek to increase the use of the park and enhance its character.
- (b) The current Capital Investment Plan identifies the project being completed in 2023/24 financial year. While it is still early in the delivery stages of the project, the overall programme will be reviewed periodically allowing for monitoring and reporting of the delivery dates to Members.

8.3 Equalities

- (a) An Integrated Impact Assessment has not been carried out on this report.
- (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.

8.4 Acting Sustainably

The preferred option will have a positive impact on energy consumption when compared to the existing building.

8.5 Carbon Management

It would be planned that the new building will seek to minimise the use of fossil fuels.

8.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

8.7 **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.

9 CONSULTATION

- 9.1 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

John Curry

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Steven Renwick	Projects Manager – 01835 826687

Background Papers: Report to Executive – 27 August 2019

Previous Minute Reference: Nil

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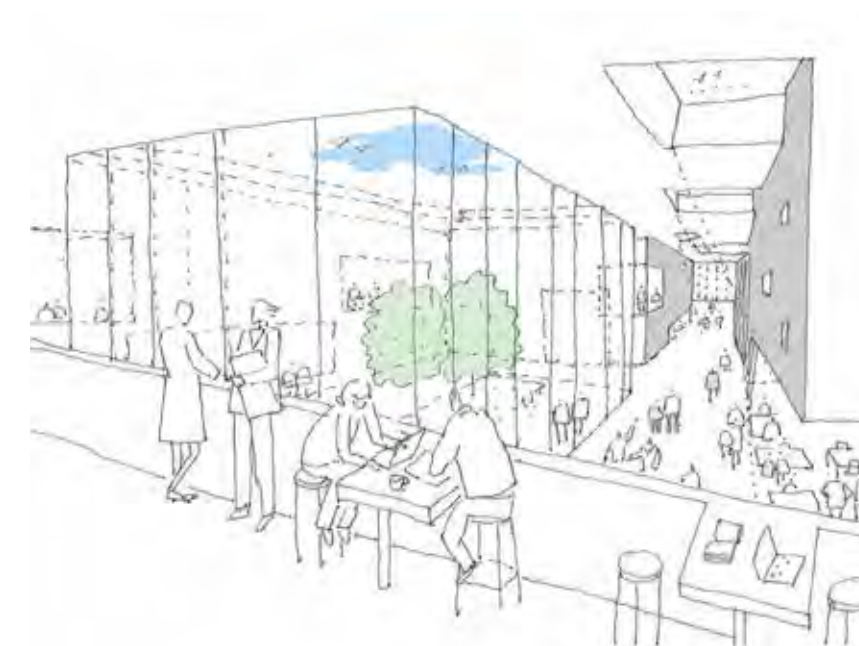
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GALASHIELS COMMUNITY CAMPUS

THE SCOTTISH BORDERS

"A COMMUNITY BUILDING WITH A SCHOOL AT ITS HEART"



OPTIONS APPRAISAL | DECEMBER 2020

Executive Summary

This document has been prepared by jmarchitects in conjunction with Turner and Townsend Project Management and Rankin Fraser Landscape Architecture on behalf of Scottish Borders Council to summarise the feasibility work undertaken to date on the development of the vision for the new Galashiels Community Campus.

Over the course of the last 12 months the project team have worked closely with the Client body at SBC to develop this vision which has built upon initial feasibility work undertake in late 2018.

This document seeks to describe the feasibility process from macro to micro; assessing the town and context, possible site locations within the town, possible building locations within the preferred site, building form options on the preferred building location and the development plan and spatial models for the building itself.

To date this work has been informed largely by consultation with the core project team with Scottish Borders Council and the Galashiels Academy Senior Management Team. This document, and stage of development is a pre-cursor to a much wider pupil, community, and key stakeholder consultation.

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1.0 INTRODUCTION



1.1 The Need

The Outcomes of the School Estate Review 2018

In November 2018, the Scottish Borders Council agreed to progress to the next stage of feasibility works and development for the replacement of Galashiels Academy. Given the current condition and suitability of the existing school in relation of the rest of the estate it was recommended that Galashiels be treated as the priority for investment at that time.

Scottish Borders Council works to enhance the quality of life, make best use of public resources, and ensure continuously improving services.

The Council aims to strengthen Galashiels as a learning town where children and people of all ages can grow and learn together, where education is embedded within the character and quality of the place. It is clear that the education provision for the young people of the town and surrounding rural communities requires investment to improve outcomes for learners and enable the children and young people to achieve their potential and take their place either in Galashiels or the wider world.

Importantly the Council is committed to the ensuring the learning campus encompasses the four pillars of the Christie Commission

Partnership - Developing local partnership and collaboration, bringing public, third and private sector partners together with communities to deliver shared outcomes that really matter to people.

People - Unlocking the full creativity and potential of people at all levels of public service, empowering them to work together in innovative ways. Help the creation of ways for people and communities to co-produce services around their skills and networks.

Performance - Demonstrating a sharp focus on continuous improvement of the National Outcomes,

applying reliable improvement methods to ensure that services are consistently well designed, based on the best evidence and are delivered by the right people to the right people at the right time.

Prevention - Reducing future demand by preventing problems arising or intervening early. Promoting a bias towards prevention, helping people understand why this is the right thing to do, the choices it implies as well as the benefits it can bring.

The Council sees education provision and its buildings as a valuable resource for the community before, during and after the school day. The Council is strongly committed to the principles of the Community Empowerment Act too and aims to realise the capacity within the community to build a future services provision led from within the Community. Indeed, the Council wishes to create a completely different vision for learning and community.

The Council wishes to bolster Galashiels' ability to support and sustain community life by providing a new and appropriately scaled learning campus for all the generations within Galashiels and the surrounding rural communities.



1.1 The Need

The benefits of this proposal for everyone in the community are:

- A new learning space where everyone in the community simultaneously learns, develops, and keeps healthy
- A space where everyone in the community can attain, achieve, participate and be included
- A space where our most vulnerable children and citizens are supported and included to achieve, attain and participate
- A space where education is for everyone at every stage of their life
- Care and learning are embedded
- Learning and employment are embedded
- Healthy living i.e. diet, lifestyle and activity are embedded
- Learning as a lifelong journey with access to resources and facilities regardless of age or ability
- A space where the talents, abilities, and skills of everyone in the community is brought together for the benefit of all
- Maximum use of all community and council resources
- One place approach to service delivery
- One place approach to making the most of the capacity in the community
- A Secondary based learning space for children with additional support needs including children with severe and complex needs
- Educational and Wellbeing Benefits for Children, Young People, Families and Community
- Raising Attainment and Achievement through Literacy, Numeracy and Health and Wellbeing
- Close the attainment gap achieve their full potential, by implementing a whole family approach
- Developing engaging and exciting environments by embedding architecture and educational goals from the very outset of the design.
- Enhance the educational outcomes for our most vulnerable children and young people.
- Develop mutually beneficial partnership across

industry and enterprise to develop a young workforce the necessary skills to support the local jobs.

- A Science, Technologies, Engineering, Art and Mathematics (S.T.E.A.M.) taskforce partnered with a range of local business partners to enhance learning experiences and deliver key life skills
- Develop mutually beneficial partnership across industry and enterprise to develop a young workforce the necessary skills to support the local jobs.
- Measurable improvements in Health and Wellbeing by delivering highest quality indoor and outdoor learning environment and modernising the concept of healthy lifestyles.

"We need a new school with international ambitions that embodies new thinking, ambition, architectural merit and a centre for learning for the next 100 years. It should be connected to the world and grounded in Galashiels and the Borders..." - *Secondary Schools Review - Galashiels, Hawick, Peebles and Selkirk, Scottish Borders Council*



1.2 The Response

The Scottish Borders Council have identified that there is a need for a new learning, leisure, and community facility to replace the existing Galashiels Academy, which is considered no longer fit for purpose.

The existing teaching accommodation in Galashiels Academy is provided in two separate buildings; the main four storey building which sits centrally on the existing site and the detached two storey annexe building which is located on slightly higher ground towards the south of the site.

Externally the existing school is provided with 4no. grass pitches to the west of the existing school along with 7no. tennis courts. The existing grass pitches are laid out on an informal basis on the existing grass area and are all generally below the sizes as recommended by SportScotland for football and rugby.

The age, size, and layout of the existing school, along with its associated running costs is making it increasingly challenging to manage, operate and maintain. Similarly, in the years since the existing school was constructed the approach to learning and teaching has changed so dramatically, particularly since the implementation of the Curriculum for Excellence initiative in 2010 that the current building is no longer able to respond to the needs of the young learners, nor the needs of the community.

The existing school was originally designed to accommodate approximately 1215 pupils, albeit the current role is currently approximately 825 pupils, hence the existing building is much larger than it needs to be is therefore inefficient in terms of area, footprint, usage and running costs.



1.3 The Brief

The proposed new Galashiels Community Campus has been briefed to accommodate 1000 pupils, which will both accommodate the current school role and allow for future growth.

The brief to date for the new campus has been very much envisaged as a development and continuation of the work undertaken by the Scottish Borders Council on their recently completed Jedburgh Intergenerational Community Campus.

Internal Provision

The Galashiels Community Campus will incorporate flexible, pupil focused learning spaces throughout, provided in a mix of open plan and cellular formats. Core learning, sports, leisure and community environments, will be supported and connected by shared collaboration, breakout, social and learning spaces, providing a continuous ribbon of learning, teaching, socialising and community use through the building and across all levels.

This format of connected learning spaces also responds directly to the move towards a greater emphasis on S.T.E.A.M. (Science, Technology, Engineering, Art and Maths) whereby different subject groupings can come together and work collaboratively in a shared environment, creating an atmosphere of creative abrasion, cross subject learning and peer to peer learning.

Beyond the core multipurpose, flexible teaching spaces the campus will also incorporate dedicated Art and Design, Music, Drama, Technology/ Engineering, Home Economics and Science spaces. Central dining, meeting and assembly spaces will form the social, school and community heart of the campus.

Dry side sport facilities will include a 4-court games hall, a 2- court games hall, gymnasium, dance studio, fitness suite and associated indoor and outdoor

changing facilities. Wet side sport facilities will include a 6-lane, 25m swimming pool, therapy pool, spectator seating and again associated changing facilities.

In addition to the above the Galashiels Community Campus will also include a replacement for complex needs facility currently provided within the existing school. The new complex needs provision will provide learning, teaching and therapy accommodation for 40-50 young learners.

External Provision

The new Galashiels Community Campus will include:

Dedicated staff, visitor, and accessible parking provision

Dedicated on-site drop off and pick up provision for the complex needs accommodation

Dedicated external learning, play and social spaces

2G full size hockey/football surface

3G full size rugby/football surface

Grass full size playing surface

Replacement/reconditioned tennis facilities



1.3 The Brief

Area Targets/Metrics

The gross internal floor area (GIFA) as proposed for the Galashiels Community Campus has been derived from a number of sources, applicable to each element of the campus as defined below:

Secondary School

The core secondary teaching accommodation has been derived from the Scottish Futures Trust (SFT) Area Metric Standards. For a 1000 pupil secondary school the SFT recommend 11sqm / pupil equating to a GIFA of 11,000sqm.

Complex Needs

SFT Area Metrics do not exist for complex needs learning and teaching accommodation therefore this area allowance has been derived from an assessment of the existing accommodation within Galashiels Academy, a review of future learner numbers and drawing upon information from other similar facilities across Scotland. This has generated an overall GIFA of 600sqm

Swimming Pool and Hydrotherapy Pool

Area allowance for the main swimming pool and associated spaces has been derived from guidance provided by SportsScotland and Sports England based upon a 25m/6 lane provision. The Hydrotherapy Pool area allowance has been derived from information gathered from other similar facilities across Scotland. This has generated an overall GIFA of 1,500sqm.

Community Sports / Support Accommodation

This area has been derived from an assessment of the existing community provision delivered at the existing Queens Centre and an assessment of similar accommodation provided at the new Jedburgh Intergenerational Community Campus. The community/support accommodation is to work in tandem with, and as an extension of the core secondary school accommodation. This has generated an overall GIFA of 500sqm.



1.3 The Brief

From the established GIFA targets, which in turn generate a project budget, an initial Schedule of Accommodation has been generated which has informed and will continue to inform the development of the Galashiels Community Campus. At this stage in the development process the Schedule of Accommodation is very much seen as

a working document, subject to change informed by further school, community, and stakeholder development.

The Schedule of Accommodation as included below has been heavily informed and influenced by that delivered by Scottish Borders Council in

the new Jedburgh Intergenerational Community Campus project, drawing upon the same innovative approach to learning and teaching, shared/flexible use of space, integrated community use, health and wellbeing and innovation and enterprise.

Accommodation	GIFA
Secondary School	11,000sqm
Complex Needs	600sqm
Swimming Pool and Hydrotherapy	1,500sqm
Community Sports/Support	500sqm
Total	13,600sqm

SECONDARY TEACHING				
ROOM NAME	SCOTTISH BORDERS COUNCIL BRIEF AREA			
	NUMBER	AREA (m2)	TOTAL	COMMENTS
SCIENCE				
Science Lab 1	1	78.75m ²	78.75m ²	
Science Lab 2	1	78.75m ²	78.75m ²	
Science Lab 3	1	78.75m ²	78.75m ²	
Science Lab 4	1	78.75m ²	78.75m ²	
Science Lab 5	1	78.75m ²	78.75m ²	
Science Lab 6	1	78.75m ²	78.75m ²	
Science Super Lab	1	168.75m ²	168.75m ²	
Central Store and Prep (Incl Chemical St.)	1	78.75m ²	78.75m ²	
Sixth Year Lab	1	56.25m ²	56.25m ²	
TOTAL NEA			776.25m ²	
TECHNOLOGY AND ENGINEERING				
Multi-skills Workshop 1	1	82.5m ²	82.5m ²	
Multi-skills Workshop 2	1	82.5m ²	82.5m ²	
Multi-skills Shared 1	1	56.25m ²	56.25m ²	
Multi-skills Shared 2	1	56.25m ²	56.25m ²	
Machine Room	1	56.25m ²	56.25m ²	
Prep and Store	1	56.25m ²	56.25m ²	
Model Store	1	13.5m ²	13.5m ²	
TOTAL NEA			404m ²	
ART				
Art Studio 1	1	67.5m ²	67.5m ²	
Art Studio 2	1	67.5m ²	67.5m ²	
Art Studio 3	1	67.5m ²	67.5m ²	
Ceramics Studio	1	56.25m ²	56.25m ²	
Service Spine/Store	1	18.m ²	18.m ²	
Kiln Room	1	9.m ²	9.m ²	
TOTAL NEA			285.75m ²	
Creative Zones				
STEAM Base 1	1	135.m ²	135.m ²	
STEAM Base 2	1	135.m ²	135.m ²	
Creative Zone 1	1	56.25m ²	56.25m ²	
Creative Zone 2	1	56.25m ²	56.25m ²	
Creative Zone 3	1	56.25m ²	56.25m ²	
TOTAL NEA			438.75m ²	

SECONDARY TEACHING				
ROOM NAME	SCOTTISH BORDERS COUNCIL BRIEF AREA			
	NUMBER	AREA (m2)	TOTAL	COMMENTS
Music				
Multi-Instrument Room 1	1	78.75m ²	78.75m ²	
Multi-Instrument Room 2	1	78.75m ²	78.75m ²	
Recording Studio	1	18.m ²	18.m ²	
Large Practice Room 1	1	12.m ²	12.m ²	
Large Practice Room 2	1	12.m ²	12.m ²	
Large Practice Room 3	1	12.m ²	12.m ²	
Large Practice Room 4	1	12.m ²	12.m ²	
Music Equipment Store	1	18.m ²	18.m ²	
TOTAL NEA			241.5m ²	
Drama				
Drama Studio	1	90.m ²	90.m ²	
Drama Store	1	12.m ²	12.m ²	
TOTAL NEA			102m ²	

SECONDARY TEACHING				
ROOM NAME	SCOTTISH BORDERS COUNCIL BRIEF AREA			
	NUMBER	AREA (m2)	TOTAL	COMMENTS
Computing and Business Studies				
Open Computing/Business Base 1	1	56.25m ²	56.25m ²	
Open Computing/Business Base 2	1	56.25m ²	56.25m ²	
Open Computing/Business Base 3	1	56.25m ²	56.25m ²	
Open Computing/Business Base 4	1	56.25m ²	56.25m ²	
Enclosed Computing/Business Base 1	1	78.75m ²	78.75m ²	
Enclosed Computing/Business Base 2	1	78.75m ²	78.75m ²	
Enclosed Computing/Business Base 3	1	78.75m ²	78.75m ²	
C-Seat 1	1	8.m ²	8.m ²	
C-Seat 2	1	8.m ²	8.m ²	
Tutorial 1	1	24.m ²	24.m ²	
Staff TD	1	8.m ²	8.m ²	
TOTAL NEA			461m ²	

1.3 The Brief

SECONDARY TEACHING				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Health and Food Technology				
Health and Food Technology 1	1	120.m ²	120.m ²	1 Teaching Space
Health and Food Technology 2	1	120.m ²	120.m ²	1 Teaching Space
Food Prep and Store	1	28.13m ²	28.13m ²	
Laundry	1	4.m ²	4.m ²	
TOTAL NEA			272m ²	

SECONDARY TEACHING				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Cluster 1				
Practical Base 1	1	112.5m ²	112.5m ²	
Practical Base 2	1	56.25m ²	56.25m ²	
Student Workspace	1	45.m ²	45.m ²	
Paired Teaching Base	1	112.5m ²	112.5m ²	
Paired Teaching Base	1	112.5m ²	112.5m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Enclosed Teaching Base	1	56.25m ²	56.25m ²	
Break-Out	1	56.25m ²	56.25m ²	
C-Seat 1	1	8.m ²	8.m ²	
C-Seat 2	1	8.m ²	8.m ²	
Tutorial 1	1	24.m ²	24.m ²	
Staff TD	1	8.m ²	8.m ²	
Cluster 2				
Practical Base 1	1	112.5m ²	112.5m ²	
Practical Base 2	1	56.25m ²	56.25m ²	
Student Workspace	1	45.m ²	45.m ²	
Paired Teaching Base	1	112.5m ²	112.5m ²	
Paired Teaching Base	1	112.5m ²	112.5m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Open Teaching Base	1	56.25m ²	56.25m ²	
Enclosed Teaching Base	1	56.25m ²	56.25m ²	
Break-Out	1	56.25m ²	56.25m ²	
C-Seat 1	1	8.m ²	8.m ²	
C-Seat 2	1	8.m ²	8.m ²	
Tutorial 1	1	24.m ²	24.m ²	
Staff TD	1	8.m ²	8.m ²	
Curriculum Storage				
Linear Storage	3	10.m ²	30.m ²	
Bulk Storage	6	10.m ²	60.m ²	
TOTAL NEA			1,626.m ²	

CAMPUS PUPIL SUPPORT				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Pupil Support				
Pupil Support Lounge	1	28.13m ²	28.13m ²	
Pupil Support Life Skills/Learning Base	1	45.m ²	45.m ²	
Pupil Support Hub	1	45.m ²	45.m ²	
Pupil Support Meeting Room	1	9.m ²	9.m ²	
Pupil Support Base	1	56.25m ²	56.25m ²	
TOTAL NEA			183.38m ²	
Agile Workspace				
Agile Workspace	1	112.5m ²	112.5m ²	
16-18 Person Office	1	105.m ²	105.m ²	
Large Meeting Room	1	28.13m ²	28.13m ²	
Medium Meeting Room	1	15.m ²	15.m ²	
Small Meeting Room 1	1	9.m ²	9.m ²	
Small Meeting Room 2	1	9.m ²	9.m ²	
Flexible Meeting Room/File Store 1	1	9.m ²	9.m ²	
Flexible Meeting Room/File Store 2	1	9.m ²	9.m ²	
TOTAL NEA			296.63m ²	

COMPLEX NEEDS				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Teaching and Nurture				
Classroom 1	1	60.m ²	60.m ²	
Classroom 2	1	60.m ²	60.m ²	
Classroom 3	1	60.m ²	60.m ²	
Classroom 4	1	60.m ²	60.m ²	
Life Skills	1	120.m ²	120.m ²	
Quiet Room 1	1	9.m ²	9.m ²	
Quiet Room 2	1	9.m ²	9.m ²	
Breakout	1	36.m ²	36.m ²	
Cloak Space	4	3.m ²	12.m ²	
TOTAL NEA			426.m ²	
Support & Admin				
Draft Lobby	1	7.5m ²	7.5m ²	
Reception/Office/Admin	1	15.m ²	15.m ²	
Central Resources Store	1	7.5m ²	7.5m ²	
Mobility Store	1	7.5m ²	7.5m ²	
Parents Room	1	12.m ²	12.m ²	
TOTAL NEA			49.5m ²	
Infrastructure				
Staff/Visitor WCs	2	3.5	7.m ²	
Pupil WCs	2	3.5	7.m ²	
Changing Places WC	1	12.m ²	12.m ²	
TOTAL NEA			26m ²	

1.3 The Brief

CAMPUS - SPORTS AND LEISURE				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Dry Sports				
Games Hall (19 x 34)	1	646.m²	646.m²	
Games Hall Storage	1	80.75m²	80.75m²	
Gymnasium (14 x 19)	1	266.m²	266.m²	
Gymnasium Store	1	33.25m²	33.25m²	
Dance Studio (15 x 15)	1	225.m²	225.m²	
Dance Studio Store	1	28.13m²	28.13m²	
Fitness Suite	1	225.m²	225.m²	
Fitness Suite Store	1	28.13m²	28.13m²	
Dry Sports Changing Village	1	180.m²	180.m²	
Outdoor Sports Changing Village	2	40.m²	80.m²	
Dry Changing - Accessible	2	12.m²	24.m²	
PE Staff Change	2	9.m²	18.m²	
Theory Space	1	56.25m²	56.25m²	
Viewing Gallery	1	56.25m²	56.25m²	
TOTAL NEA			1,946.75m²	
Wet Sports				
Pool Hall (6 lane 25m)	1	600.m²	600.m²	
Wet Changing Area	1	165.m²	165.m²	
Toilets	1	30.m²	30.m²	
Accessible Changing	2	12.m²	24.m²	
Pool Reception	1	15.m²	15.m²	
Pool Staff WC	1	5.m²	5.m²	
Spectator Area	1	90.m²	90.m²	
Pool Store	1	25.m²	25.m²	
First Aid Room	1	12.m²	12.m²	
Hydrotherapy Pool & Store	1	56.25m²	56.25m²	
Hydrotherapy Accessible Changing	1	24.m²	24.m²	
Hydrotherapy Changing	1	10.m²	10.m²	
Pool Plant	1	120.m²	120.m²	
TOTAL NEA			1,176m²	

CAMPUS - SUPPORT & ADMIN				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Support & Admin				
Draft Lobby	1	25.m²	25.m²	
Reception/Office/Admin	1	28.13m²	28.13m²	
Reprographics & Mail Room	1	15.m²	15.m²	
Medical Room	1	15.m²	15.m²	
SQA Store	1	18.m²	18.m²	
General Office Store	2	12.m²	24.m²	
TOTAL NEA			125.13m²	

CAMPUS - QUEENS CENTRE				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Community Sports Space				
Games Hall (17 x 19)	1	323.m²	323.m²	
TOTAL NEA			323.m²	

CAMPUS - SUPPORT & ADMIN				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Shared				
Student Workspace and LRC	1	123.75m²	123.75m²	
Information Plaza	1	168.75m²	168.75m²	
Student Café	1	56.25m²	56.25m²	
Performance Space/Assembly Hall	1	266.m²	266.m²	
Performance Space/Assembly Hall Store	1	40.m²	40.m²	
Dining	1	400.m²	400.m²	
Dining Store	1	40.m²	40.m²	
TOTAL NEA			1,094.75m²	
Hub				
Staff and Student Hub	1	100.m²	100.m²	
Meeting Room / Tutorial	2	9.m²	18.m²	
Meeting Room	4	9.m²	36.m²	
Tea Prep	1	10.m²	10.m²	
M. Room	2	4.m²	8.m²	
TOTAL NEA			172.m²	

CAMPUS - SUPPORT & ADMIN				
SCOTTISH BORDERS COUNCIL BRIEF AREA				
ROOM NAME	NUMBER	AREA (m2)	TOTAL	COMMENTS
Infrastructure				
Toilets - Pupils/Staff/Visitor/AWC	1	250.m²	250.m²	
Kitchen & Ancillary	1	150.m²	150.m²	
FM Store	1	15.m²	15.m²	
Main Comms/Server Room	1	12.m²	12.m²	
Hub Rooms	5	9.m²	45.m²	
Central Cleaners Store	1	6.m²	6.m²	
Dispersed Cleaners Stores	6	4.m²	24.m²	
Switch Room, Meter Room, Elect Metering	1	25.m²	25.m²	
Cold Water Storage and Boosting	1	25.m²	25.m²	
Risers	20	3.m²	60.m²	
TOTAL NEA			612m²	

2.0 PLACE



2.1 Galashiels

The town of Galashiels is located within the Scottish Borders, approximately 30 miles south-east of the Scottish capital city of Edinburgh and 40 miles west of Berwick Upon Tweed.

The town is also geographically close to Tweedbank and Melrose as well as Peebles, Kelso and Selkirk.

The name is derived from a settlement of 'shiels' (or huts) used by pilgrims on the route to Melrose Abbey, which were situated on the Gala Water, hence Galashiels.



2.1 Galashiels

The town of Galashiels is linear in form and follows the route of the Gala Water, to which the main streets of High Street, Bank Street and Channel Street run parallel. Access across the river is made via bridges at the north and south of the town. Located in the heart of the town, the Galashiels Conservation Area is bounded by the Gala Water to the north-east and then extends across to the High Street and Bank Street, encompassing the buildings that line them and Bank Street Park.

The town is famous for textile-making, with mills having historically lined the banks of the Gala Water. The Great Tapestry of Scotland Gallery is due for completion soon and sits prominently on the junction of Channel Street and High Street.

Sir Walter Scott also has strong connections to Galashiels as his ancestral home of Abbotsford is only 3 miles away. The Sir Walter Scott Way runs from Moffat to Cockburnspath and passes by the southern perimeter of Galashiels.



2.2 A Place Specific Vision

It is important to provide a campus which is both physically stitched into the fabric of Galashiels and reflects what is important to the town; a true community campus which is developed for, used by and owned by the people of Galashiels.

The campus should allow young learners to become better learners, grow values, develop skills and enhance the community whilst also reinforcing the values of effort, respect and ambition. The campus will facilitate high quality learning and teaching that leads to improved levels of attainment and achievement and creates an environment which enables the development of leadership skills at all levels.

The building should form a strong connection to it's immediate external environment and that beyond it's site boundaries to encourage community engagement, develop and enhance inclusive practice and improve partnerships and family learning.

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2.3 Local Development Plan

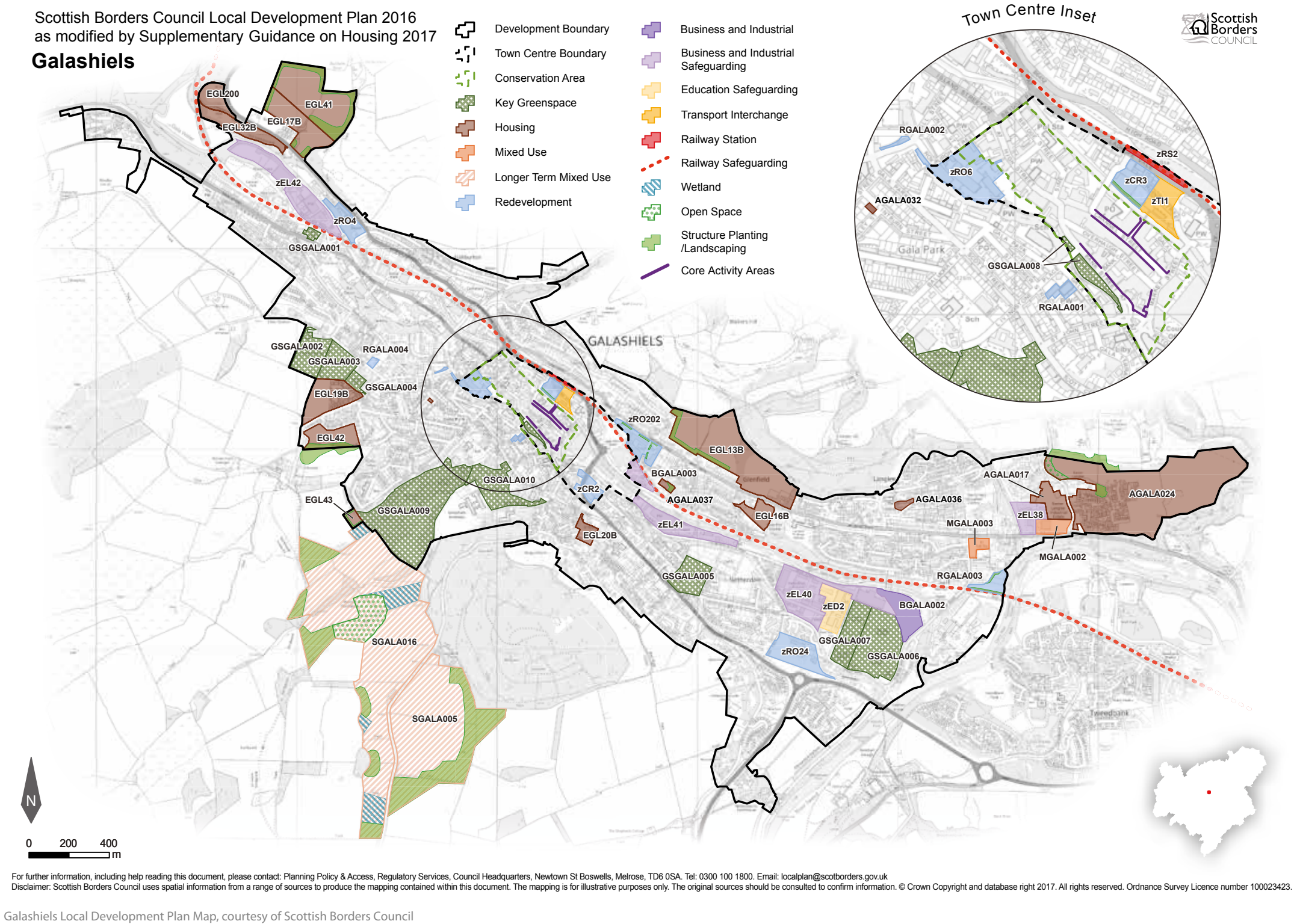
The policies for development of the area in and around Galashiels are covered by the Scottish Borders Local Development Plan 2016 (as modified by the Supplementary Guidance on Housing 2017).

The Local Development Plan (LDP) identifies the significance of Galashiels High Street as being central to forming the character and identity of the place, as well as the significant impact that the role of recent retail developments have played in establishing the town as a centre for shopping in the Scottish Borders.

The LDP also identifies the requirement for review of education provisions including those for severe and complex needs within the area.

The LDP notes several areas of key greenspace within the development boundary of Galashiels.

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2.4 Potential Campus Locations

Analysis carried out by Stallan-Brand Architecture + Design Ltd and Scottish Borders Council in November 2018 identified four potential sites to accommodate a new secondary school within the development boundary of Galashiels.

Of the four potential sites identified, two were considered to have high potential to accommodate a new school (Scott Park & Netherdale) while two were considered to have low potential to accommodate a new school (Langlee Complex & Town Centre) due to their size and a number of other major site constraints.



Potential locations for new secondary school

High potential to accommodate school:

- A Scott Park 7.1 Ha
- B Netherdale 6.5 Ha

Low potential to accommodate school:

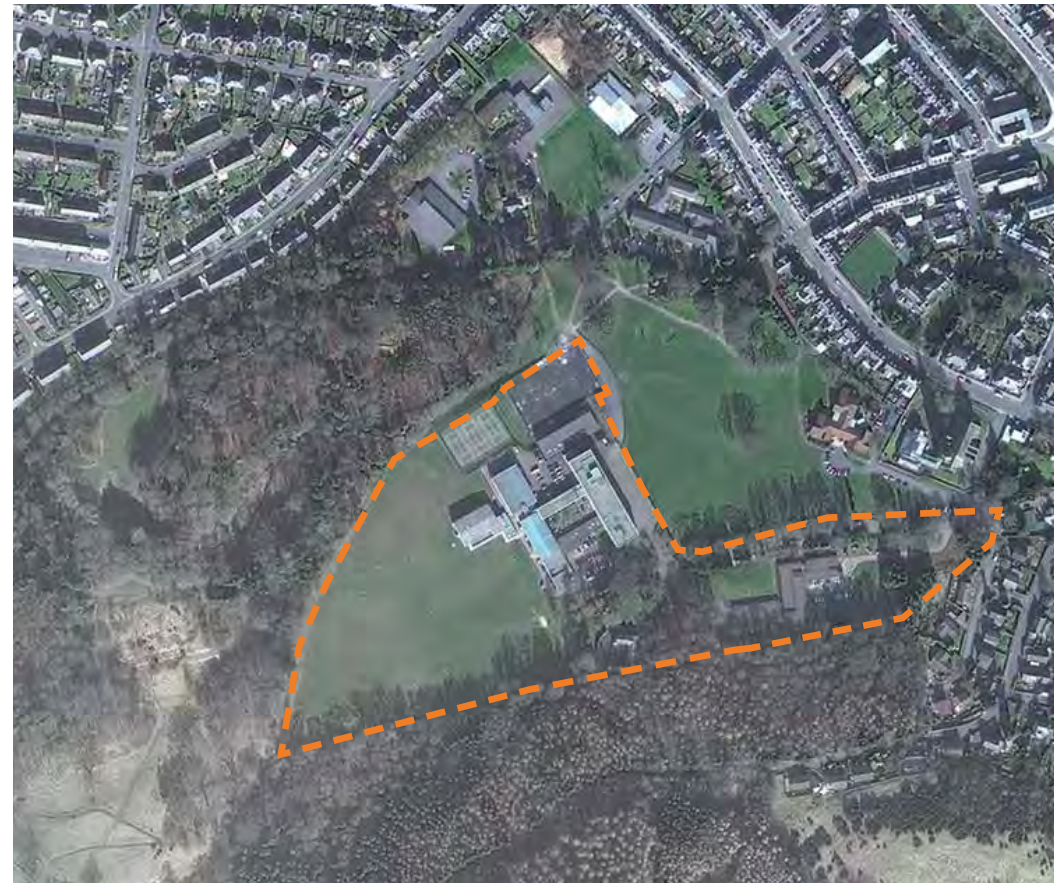
- C Langlee Complex 3.1 Ha
- D Town Centre 1.5 Ha

2.5 The Preferred Location

An options appraisal was carried out for the two high potential sites, which were considered suitable to accommodate a new secondary school; Scott Park & Netherdale.

Of the two sites Scott Park was favoured primarily due to the Netherdale site being largely within an area of high flood risk.

Following this decision a more detailed site analysis and options appraisal has been carried out for the preferred location, Scott Park.



Scott Park

- + 3 storey building
- + 60 remote parking spaces
- + 20 on site parking spaces
- + dedicated service access/area
- + connection to main axis to Town Centre
- + bus drop off at Swimming Pool
- + numerous pedestrian routes
- + new vehicular route from north for service



Netherdale

- + 2 or 3 storey building
- + 80 parking spaces
- + all pitches and tracks
- + compact campus
- + easy access for vehicles
- remote from town centre
- largely within flood risk area

3.0 THE PREFERRED LOCATION



3.1 Location Overview



Scott Park site within the context of Galashiels

3.2 Facts and Figures

Guidance

The School Premises (General Requirements and Standards) (Scotland) 1967 states:

The area of site for a 1000 pupil secondary school shall not be less than 6 acres (2.42 hectares), excluding sports pitches, roads, pathways and areas not generally suitable for use as school grounds.

The area of pitches for a 1000 pupil secondary shall not be less than 8 acres (3.24 hectares).

Total required site area, according to The School Premises (General Requirements and Standards) (Scotland) 1967 is 14 acres (5.66 hectares), plus roads and pathways i.e. approx. 6 hectares in total.

School Site

The existing Galashiels Academy site is approximately 7.14 hectares.

Of this 7.14 hectares, approximately 5.46 hectares is usable, hence the existing school encompasses more ground than a) it needs and b) it can meaningfully use.

School Footprint

The existing Galashiels Academy footprint 7,950sqm



3.3 Historical Analysis

The town of Galashiels was granted its burgh charter in 1599. On early maps from the 18th century, the town appears as a clustered settlement just off the Gala Water, with the existing site of Galashiels Academy at the base of Gala Hill remaining undeveloped.

By the mid-19th century, the site still remains largely untouched although a curling pond is noted. During this time, the Gala Policies are noted as Long Knowe and Millstone Knowe and an area to the immediate north of the site appears as a landscaped square, noted as a Sun Dial. The map also picks-up on the Moss Burn which crosses the site, as well as a school to the eastern edge of the site.



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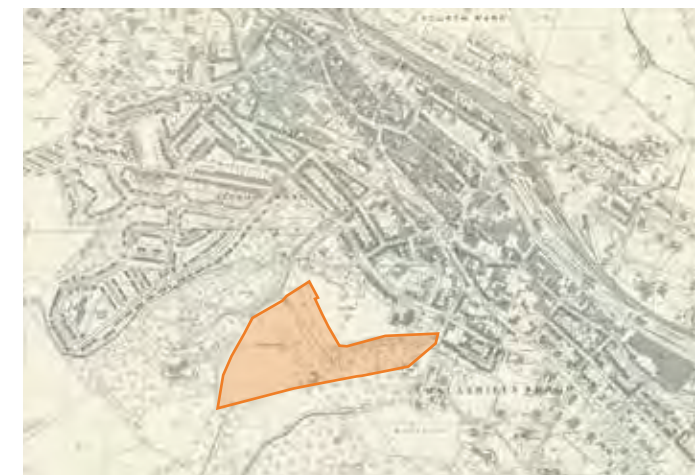
c1843-82



c1900



c1937-61



1962



2007

By the late-19th century the town has expanded and the landscaped Sun Dial has been replaced by housing. New Gala House has been built to the west of the site and a circular route passes around Long Knowe linking this to the town.

During the mid-20th century, the towns expansion continues, with further housing appearing to the north, and the footprint of the proposed Galashiels Academy appears in maps from 1962.

3.4 Photographic Survey

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View over Scott Park from the north



View to Galashiels Academy from the south



View over existing tennis facilities

3.4 Photographic Survey

Oakwood Day Centre

Gala Hill & Gala Hill Woodlands, high-point +275m

Existing Pedestrian Entrance

Level change to plateau of Site

Existing Mature Trees on the Site

Livingstone Place

Existing Bus Stop and Route



Pedestrian access point from Livingstone Place



Existing ASN provision



Route from main school building to the annexe



Pedestrian access to Scott Park from the north east at Scott Crescent



View to St Paul's Parish Church at the western tip of the site

3.5 Proximity to Surrounding Amenities

The existing Galashiels Academy site is located to the west of the majority of the town's amenities. Various food retailers are located along the town's High Street as well as three large supermarkets, Asda, Tesco and M&S Food, which are approximately 10 minutes walk away.

The main transport hub for the town, The Interchange, is located to the north east of the site and incorporates a rail and bus station. This is approximately 1km from the site, or a 12 minute walk.

Various community and amenity facilities are also located around the town, such as the adjacent Galashiels Swimming Pool and Focus Community Centre as well as the Queens Leisure Centre which is on the east side of the Gala Water.

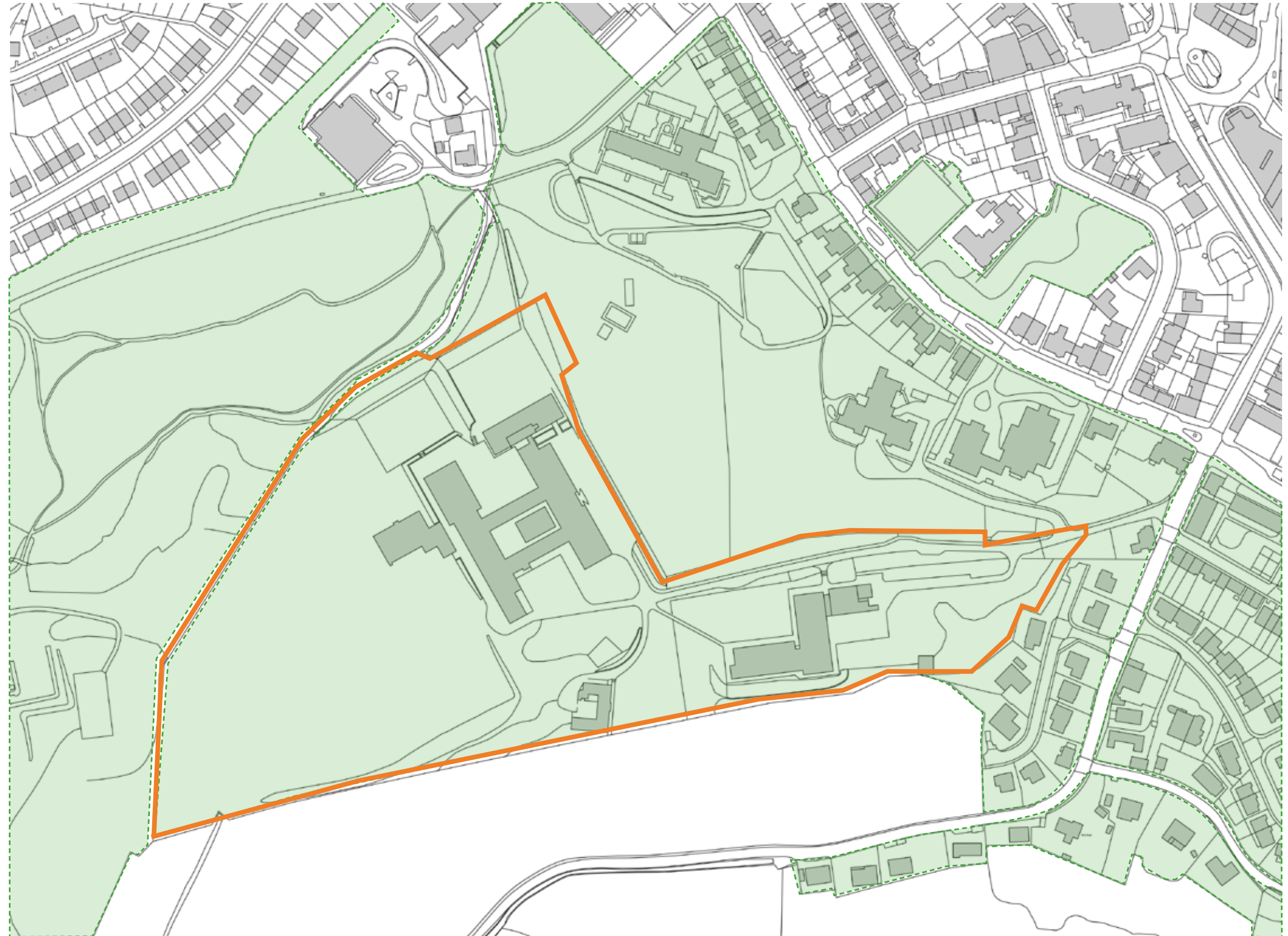


Key amenities and facilities surrounding the site

3.6 Tree Preservation Orders and Areas

Tree Preservation Orders are implemented by Local Authorities to protect trees which are considered to be significant in contributing to the amenity value of an area. An application for tree works requires to be made to fell or carry out works to trees covered under such preservation orders.

In relation to the site, several such preservation orders cover the trees on and surrounding the site. As such, attention will require to be given to the siting of the building relative to existing trees in order to both preserve the character of the site and mitigate unnecessary tree works which may prove costly.



Areas of Tree Preservation Orders shown in green within and around the site

3.7 Opportunities

Community Facing

The building shall be a facility for the whole community. A true community campus rather than just a secondary school. It's location on the site should reflect this requirement. Located to be as accessible and welcoming as possible. It shall also look to create links with existing community facilities within the area.

Intergeneration Learning

Opportunity for the building to link with existing primary school and older person housing adjacent to the site and develop intergenerational learning opportunities. This link will be strengthened by positioning the new building to minimise walking distance between buildings.

Access

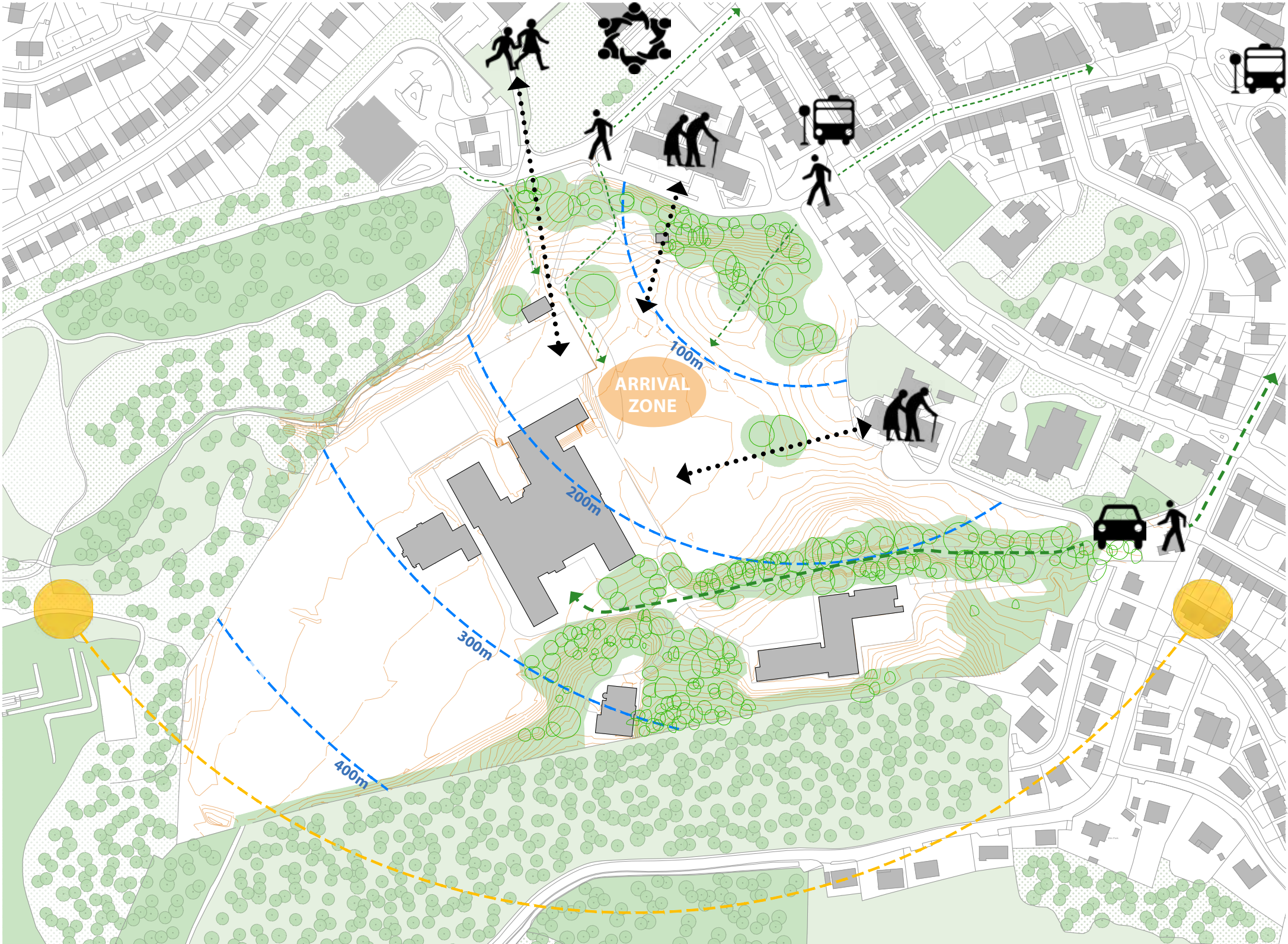
The approach and routes which pupils and other pedestrians shall take will be considered. There is an opportunity to give the approach through the main gates to Scott Park greater prominence.

Daylight

Opportunities to position new building on the site to maximise the amount of sun it will get during the year. A central position on the site will achieve this and minimise shading from trees along the southern edge of the site.

Public Transport Links

The new building should link with existing public transport infrastructure and minimise pedestrian travel distance, and time, from the existing town to promote active and sustainable travel.



Existing Site Opportunities

3.8 Constraints

Existing Buildings

Requirement for existing school to remain open and functioning during construction of new building, to avoid requirement to decant pupils to another location.

Trees

There are several areas of well established mixed woodland on the site the majority of which are covered by Tree Protection Orders. A Tree Survey has been carried out and protection zone requirements for these areas of trees determined.

Flood Risk

As per SEPA flood information, there is an area along the western edge of the site which is deemed 'Medium' flood risk (1 in 200 year) from the Stannis/ Moss Burn, as well as surface water flood risk to the south of the existing Annexe building.

Topography

There are several areas of the site with challenging existing topography, that would present constraints on the construction of a large school building. These are particularly focussed in the south east corner of the site (access road & Annexe building) and north edge (tennis courts and north entrance to Scott Park)

Shading

Due to the proximity to woodland on the southern edge of the site there is an area along this boundary which for large parts of the day and year will be in shade, and considered unsuitable for positioning a new school building where daylighting is of particular importance.

Site Access

Requirement for vehicular access to the existing school to be maintained during construction of new building.



Existing Site Constraints

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4.0

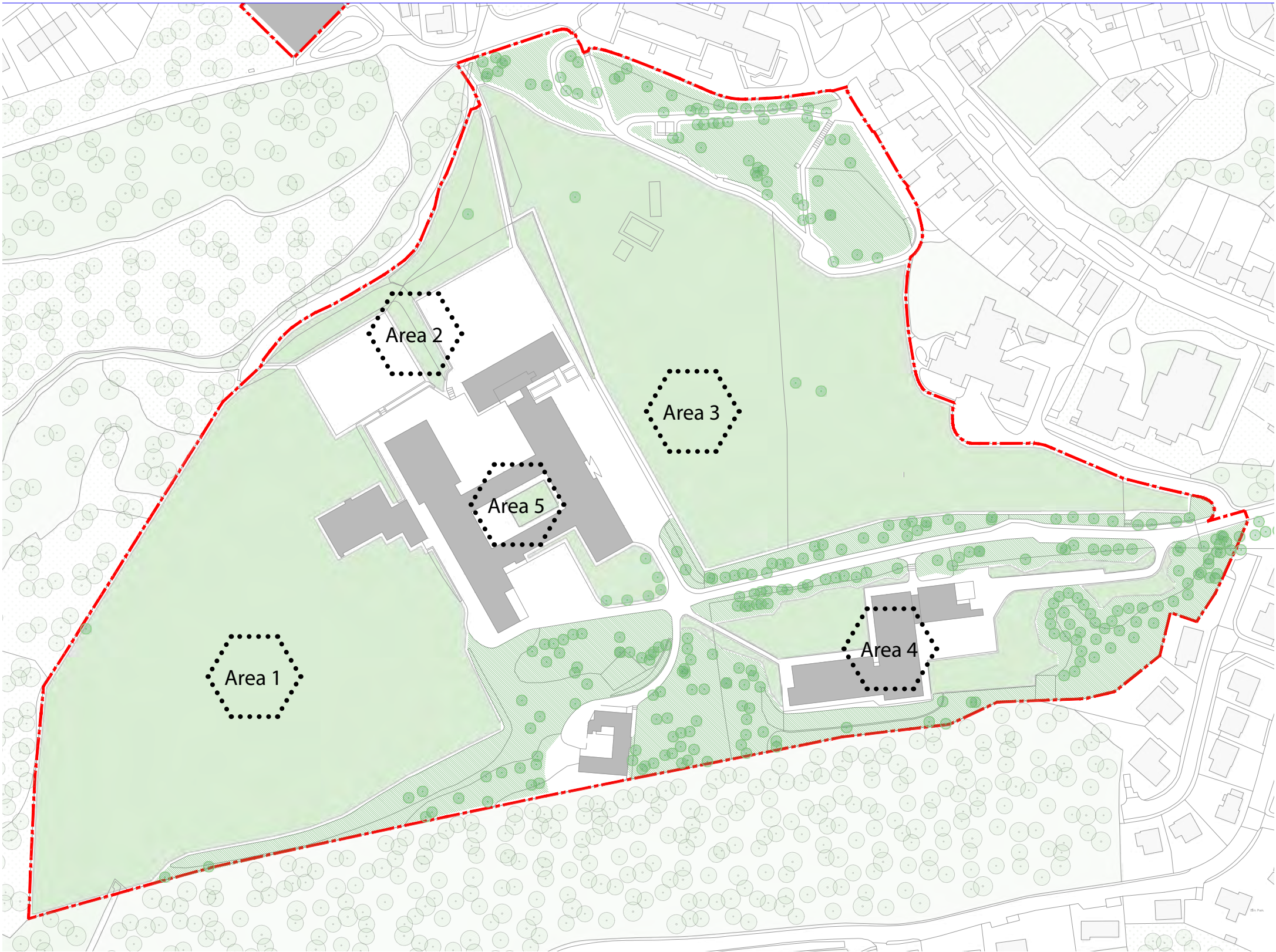
Site Appraisals



4.1 Site Appraisals

As part of the feasibility process all areas within the red line boundary shown adjacent were considered, investigated and tested as possible locations for the new building.

- Area 1**
The site of the existing playing fields to the rear (west) of the existing school.
- Area 2**
The site of the existing tennis courts to the north of the existing school.
- Area 3**
Scott Park, to the east of the existing school.
- Area 4**
The site of the existing annexe building along the south elevation of the site.
- Area 5**
The site of the existing main school building.



4.1 Site Appraisals : Area 1

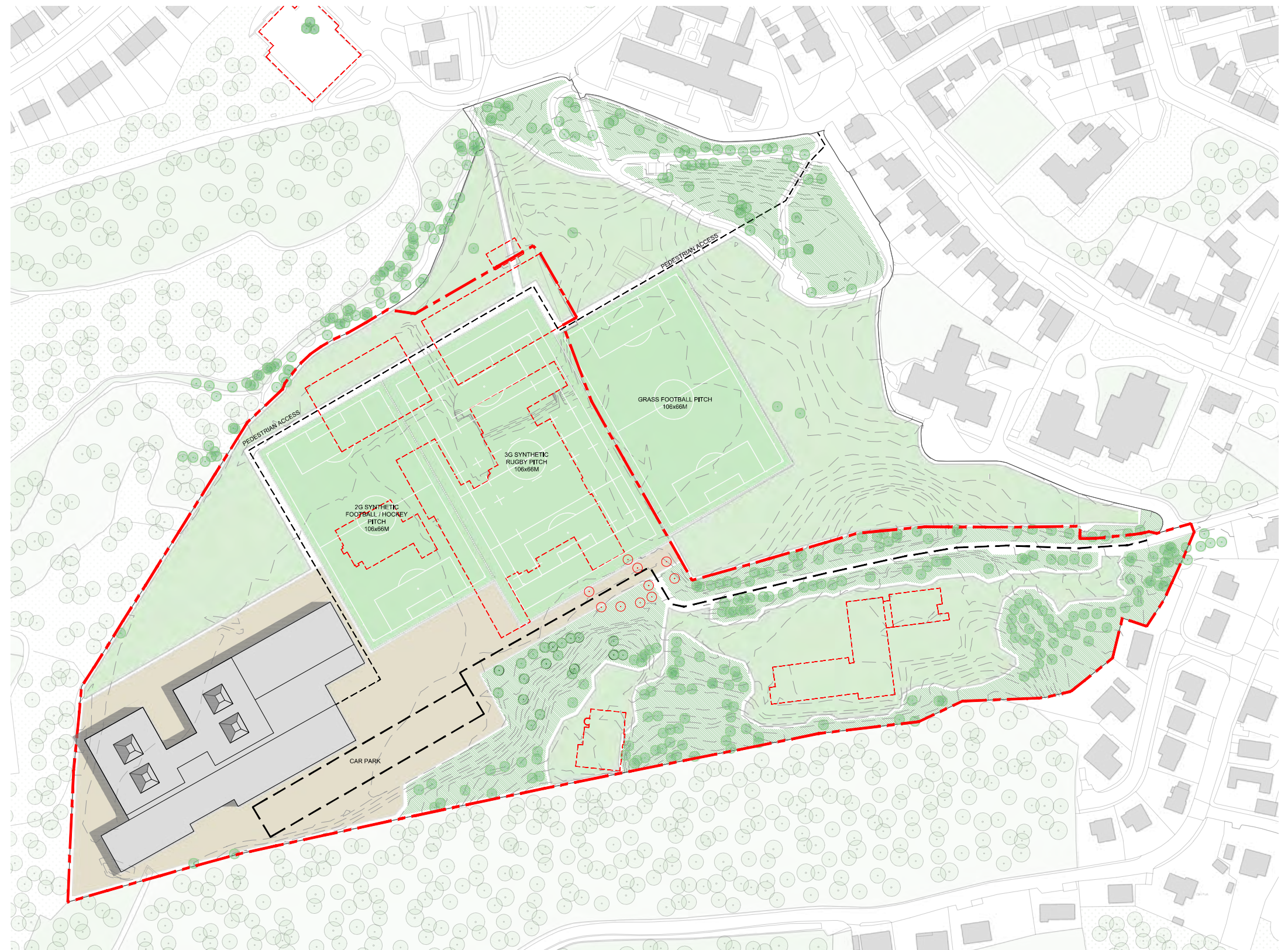


- Can facilitate construction of the new campus whilst the existing facility remains fully operational.
- The new campus would not encroach on Scott Park, albeit the required campus sports provision (pitches) would.
- Campus car parking is provided on site and existing site access points are retained.
- Can work with the existing topography and relatively contained impact on the existing trees.
- Maintains a good distance between surrounding residential properties and the new campus.

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- The new campus would be detached from the town and local community.
- The approach to the new campus from the town would be obscured by fenced sports pitches - diluting its civic presence and approachability.
- The distance from the town and the protracted, unwelcoming approach may risk reducing community use and out of hours usage.
- The daylighting afforded to the building will be compromised by overshadowing from surrounding woodland.
- It will be partially constructed on a flood risk zone associated with an adjacent watercourse.
- Loss of existing external sports provision during the construction phase.
- Construction traffic would use the full extent of the existing school access road; passing very close to a live school environment.
- Futureproofing options are limited as the proposed buildings location is constrained.
- Existing tennis courts would need to be removed to accommodate pitches and vehicle access.



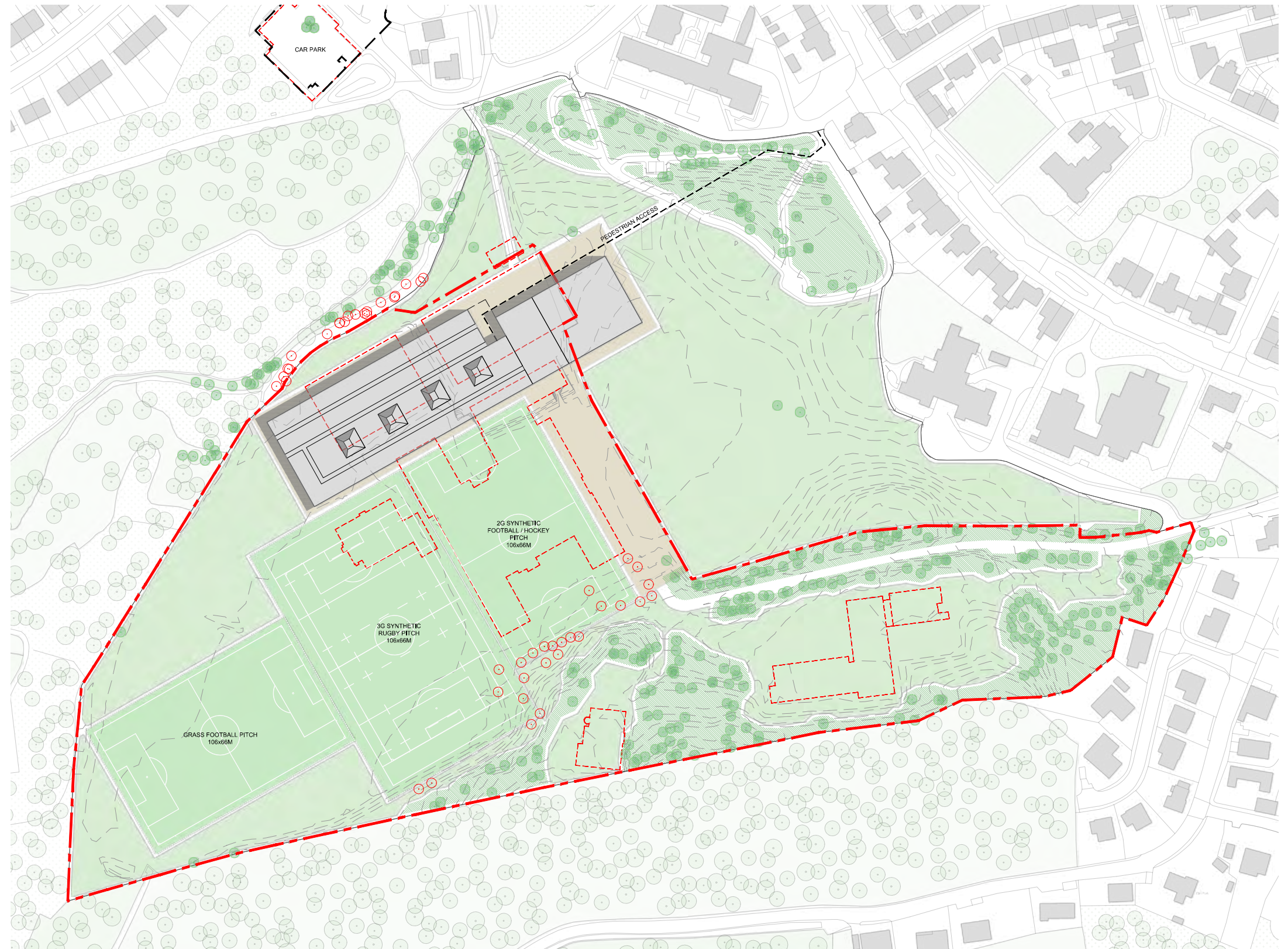
4.1 Site Appraisals : Area 2



- The new campus would only marginally encroach onto Scott Park and the school's sports provision can be contained entirely within the site boundary.
- The campus would have strong links to the town and the local community.
- The new campus would generate a strong civic presence and frontage in its completed format.
- Car parking can be facilitated offsite but nearby.
- Minimal new footpath networks required.
- New campus would have good south facing aspect.
- Maintains a reasonable distance between surrounding residential properties and the new campus.



- The new campus would be located on a very constrained area of the site.
- Partial demolition of the existing school building would be required to facilitate construction.
- There would be significant impact on the operation of the school during construction.
- The construction site would be very close to the new ASN provision and would most likely require the most vulnerable part of the school's population to be decanted for the duration of the works.
- The daylighting of the accommodation on the north side of the building would be compromised by the close proximity to the Gala Policies.
- Some tree removal both within and outwith the site boundary would be required.
- Construction access would be required via both Scott Park and the existing school playing fields.



4.1 Site Appraisals : Area 3



- Can facilitate construction of the new build whilst the existing facility remains operational.
- The building would have strong links to the town and the local community.
- Strong civic presence.
- Good aspect and daylighting.
- Minimal roads infrastructure.
- Maintains the existing buildings relationship with Scott Park.
- Establishes a relationship between Oakwood Park Sheltered Housing and Waverley Care home, promoting intergeneration use of the campus.
- Sports Pitches, playground spaces and resulting noise and light pollution are kept away from residential properties.
- Adequate play space can be provided around the building.
- Maintains a reasonable distance between surrounding residential properties and the new campus.



- Would necessitate the partial re-provision of Scott Park.
- Planning considerations with regards Policy EP11.
- Would necessitate the partial removal of the existing tennis courts.
- Proposed reprovided parkland divided by vehicular service access.



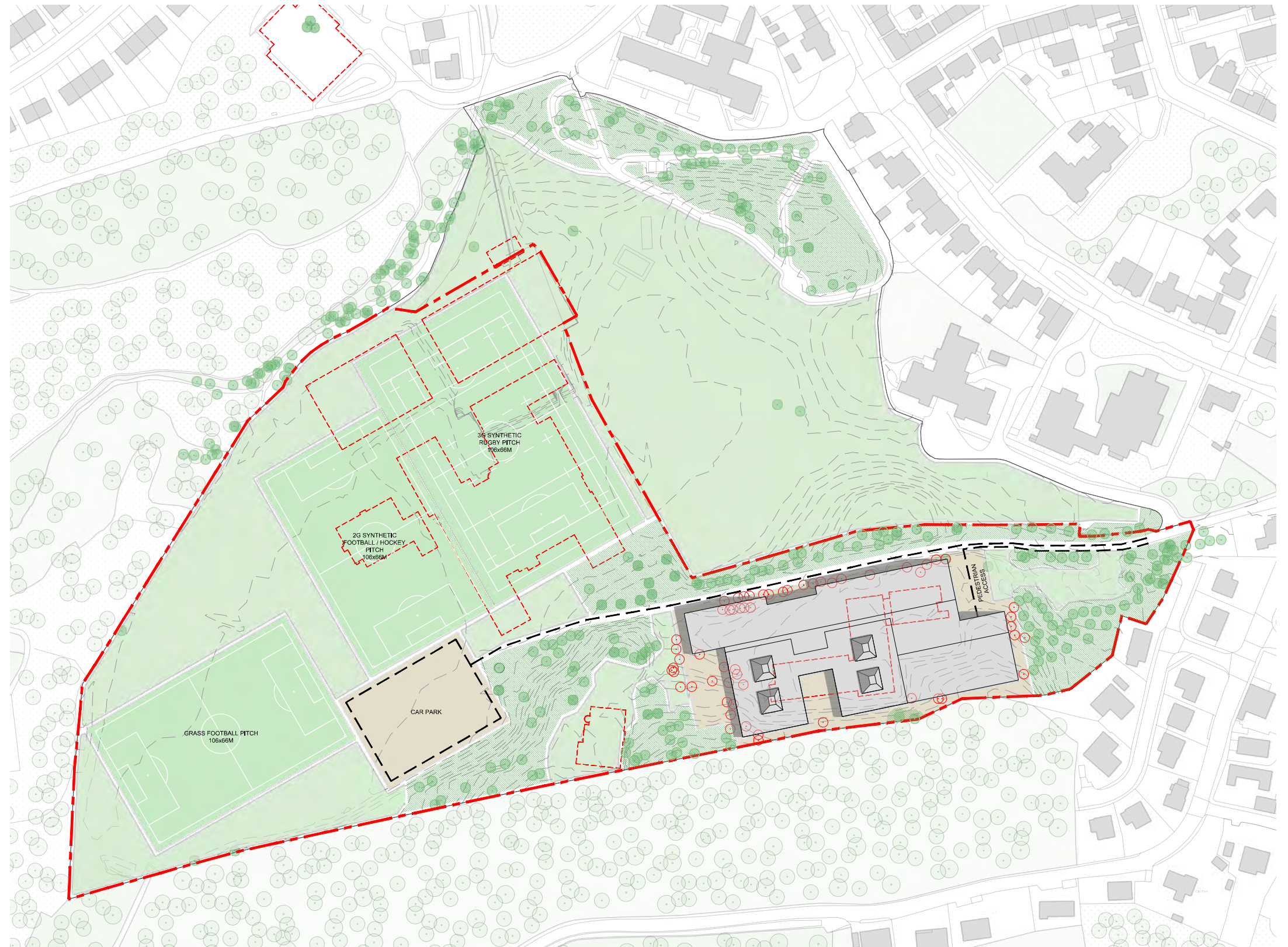
4.1 Site Appraisals : Area 4



- The new campus and associated sports provision would all be contained within the existing school site.
- School car parking is provided on site and existing site access points are retained.



- The new campus would be remote from the site's main pedestrian links to the town centre.
- The civic presence of the campus would be greatly reduced due to it's location - building appears tucked away and hidden from view.
- The campus would be particularly close to the housing on Elm Grove.
- The proposed location would involve constructing on or adjacent to challenging topography.
- Demolition of the existing school annex building would be required causing disruption to the operation of the school during construction.
- A significant number of protected trees would have to be removed.
- The daylighting afforded to the building will be compromised by overshadowing from surrounding woodland.
- Futureproofing options are limited as the proposed buildings location is constrained.



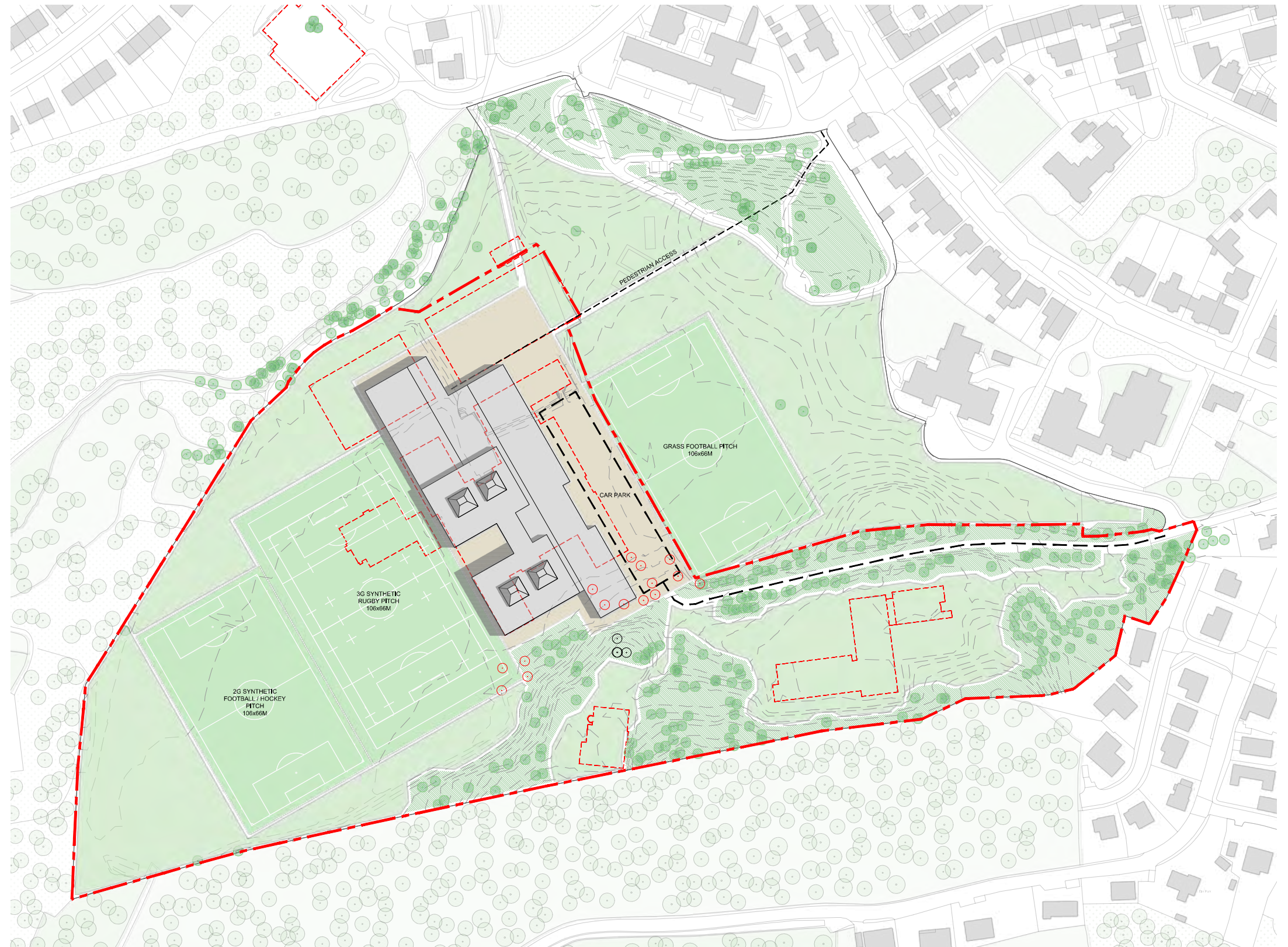
4.1 Site Appraisals : Area 5



- The new building would not encroach on Scott Park, albeit the required school sports provision (pitches) would.
- School car parking is provided on site and existing site access points are retained.



- This proposal would require the temporary decant of the entire school roll in to either another available vacant and suitable building or in to temporary accommodation - off or on site.
- Sports pitches would require to be located on both the east and west elevations of the proposed building - lacking cohesion.



4.2 Appraisal Conclusion

Having tested all options, Area 3 is considered to be the most deliverable in terms of construction, cost, educational functionality and community value.

The key aspects of the masterplan are as follows:

- Proposed building located on the existing Scott Park, positioned as close to the existing school as possible.
- Location provides good physical and visual connectivity to the town and local community.
- Location maintains and strengthens the connection between the town and the Gala Policies, via the new building.
- Existing Galashiels Academy and Swimming Pool will be demolished following the completion of the new building.
- Existing tennis courts to be retained or replaced where required.
- New 2G football pitch, 3G rugby pitch and grass football pitch to be provided.
- Existing schools access road maintained as service access and complex needs drop off.
- Proposed school car park to be located on the site of the existing Galashiels Swimming Pool.
- Scott Park provision to be supplemented to the south and west of the site.

All areas represent a compromise, and in some cases a significant compromise for the future campus building, pupils and with regards community use, which cannot be mitigated or will not diminish over time.....with the exception of area 3.

We acknowledge that area 3 does compromise the existing Scott Park and the amenity this provides for the community.....but this however can be mitigated by provision of additional community green space to the south and by delivery of the new campus and its community facilities

5.0 THE COMMUNITY CAMPUS



5.1 Initial Response



- Can be constructed whilst the existing facility remains operational.
- Strong links to the town and the local community.
- Achieves strong civic presence.
- Achieves good aspect and daylighting.
- Requires minimal new roads infrastructure.
- Maintains relationship with Scott Park.
- Relationship with Oakwood Park Sheltered Housing and Waverley Care home.
- Sports Pitches and playground spaces are kept away from residential properties.
- Adequate play space provided around the building.
- Maintains a reasonable distance between surrounding residential properties and the new campus.
- 2 storey building minimises impact on adjacent properties.

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- Necessitates the partial re-provision of Scott Park.
- Planning considerations with regards Policy EP11.
- Requires removal of 2no. trees in the centre of Scott Park.
- Will require earthworks, ground reprofiling and retention to the south.
- Requires Swimming Pool and Assembly Hall to be formed in basement structures.



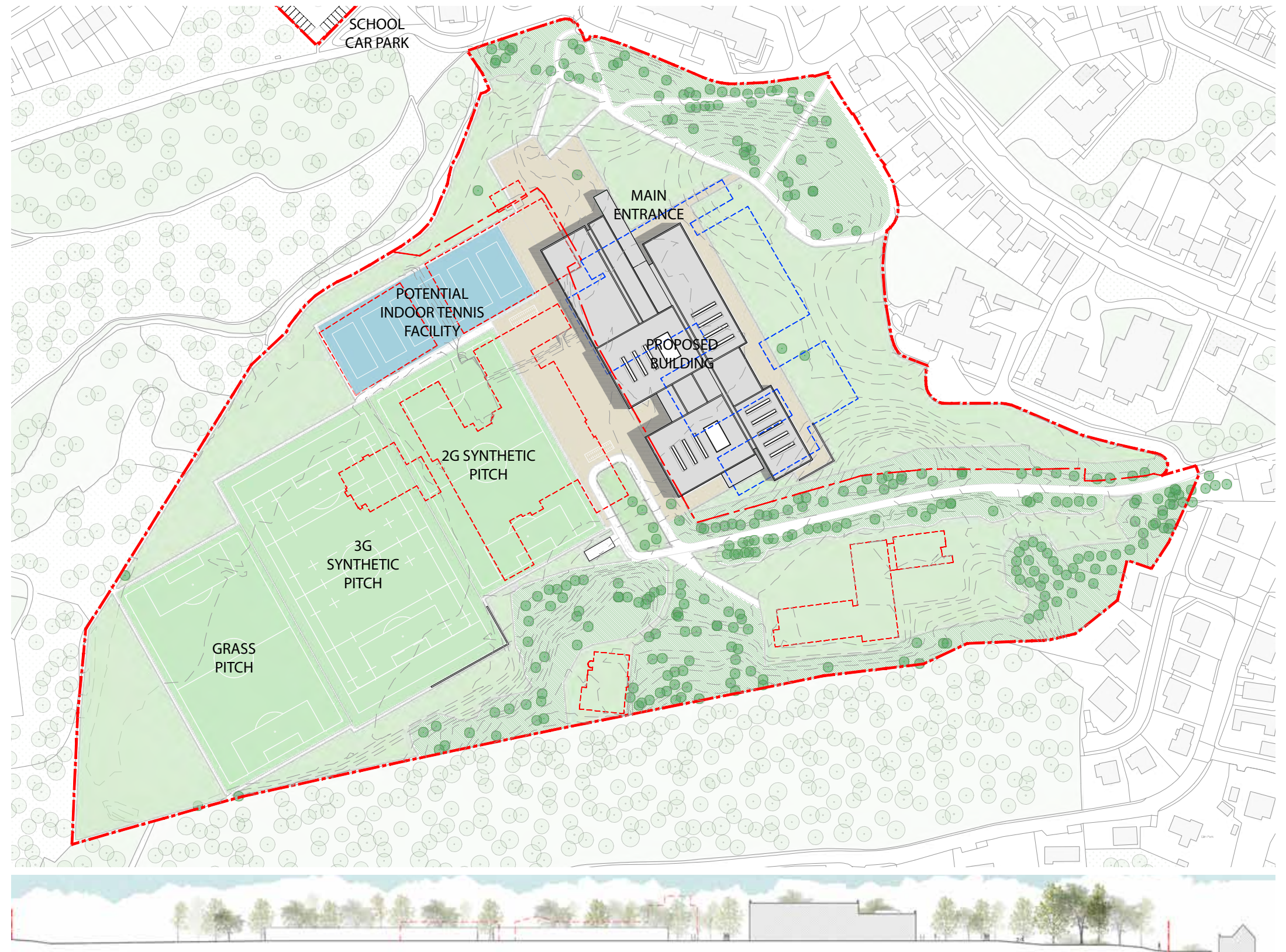
5.2 Developed Response



- Can be constructed whilst the existing facility remains operational.
- Strong links to the town and the local community.
- Achieves strong civic presence.
- Achieves good aspect and daylighting.
- Requires minimal new roads infrastructure.
- Maintains relationship with Scott Park.
- Relationship with Oakwood Park Sheltered Housing and Waverley Care home.
- Sports Pitches and playground spaces are kept away from residential properties.
- Adequate play space provided around the building.
- Maintains a reasonable distance between surrounding residential properties and the new campus.
- 2 storey element faces adjacent properties, 3 storey element faces sports pitches.
- Amended to reflect adjustments to education accommodation requirements.
- Reduced footprint, the building's east elevation has moved 31m, reducing impact on Scott Park.
- Retains all existing trees and works with existing topography.



- Necessitates the partial re-provision of Scott Park.
- Planning considerations with regards Policy EP11.
- Requires partial re-provision of existing tennis courts.



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6.0 THE PARK



6.1 Landscape Context

The site sits on an elevated plateau and is a rough triangular shape with trees bounding the northern, western and southern edges and level change leading to suburban housing to the east.

Existing Greenspaces within Galashiels

- Scott Park is comparable in size to Victoria and Gala Parks.
- Scott Park is centrally located and well connected to the town.
- Opportunity for park to connect to Gala Policies and surrounding woodland.

Scottish Borders Council (SBC) Greenspace Strategy identifies the following as 'strategic parks':

Bank St Gardens, Scott Park and Gala Public Park

All of the above are considered 'Good Examples' of green space by SBC along with the Gala Policies, Eastlands Cemetery and Gala Bowling Club.

Other existing greenspace provisions within Galashiels include sports facilities, various play parks, skate park and some allotments (small scale).

The Greenspace Strategy also identifies deficiencies in provision and recommends increasing greenspace provisions of allotments and teenage facilities.



6.2 Location Overview

Scott Park has open greenspace which has long views to the east and west.

The existing Galashiels Academy buildings are located to the west and south of Scott Park.

There is a frame of existing mature woodland around the school and park including the Gala Policies.

Existing connections between the school, Scott Park and Galashiels town centre are located to the east of the park.

The Southern Upland Way runs through Scott Park and Gala Polices.

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6.3 Existing Scott Park

- 1. Existing mature tree groups **0.7ha**
- 2. Existing play space provision **0.18ha**
- 3. Existing open parkland **2.14ha**
 - mown grass
 - mature trees
 - pathways including The Southern Upland Way

Existing Park total area **3.02ha**



6.4 Proposed Scott Park

1. Existing mature tree groups **0.7ha**

2. Existing open parkland **1.4ha**

- mown grass
- mature trees
- pathways including The Southern Upland Way

3. Existing mature avenue + tree groups (currently within the school boundary) **0.98ha**

4. Proposed upper park terrace **0.65ha**

- mown grass
- tree groups
- loop pathway

5. Proposed play space provision **0.43ha**

- formal play equipment
- natural play; willow tunnels, den building etc.

6. Proposed lower park **1.06ha**

- loop pathway
- open grass
- links into Gala Policies
- shared use of grass pitch

7. Proposed orchard space **0.12ha**

- orchard trees
- seating
- growing provision
- links into Gala Policies

Proposed Park (inc. existing) total area 5.34ha

Total Park Gain (existing to proposed) 2.32ha



6.5 Proposed Landscape Plan

The proposals for Scott Park recognise the importance of this space strategically within the town, and the historical importance of the designed landscape. The proposal seeks to provide space for outdoor facilities that are lacking in other parks of similar size in the town and seeks to increase the available useable open space through a number of design moves including;

1. Retaining the belt of existing trees along the north east edge of the existing park;
2. Improving connections and opening up flexible open space to lands that is currently used by the annex school buildings;
3. Improving connections and views to the western area of the school site;
4. Utilising slopes and changes in level to provide exciting play facilities;
5. Opening up connections to the network of paths that run through the Gala Policies, in order to better integrate Scott Park with the wider woodland setting.

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6.6 Proposed Upper Park Terrace

1. Key view from the proposed park entrance
opened and enhanced

2. Open Space

- provides space for picnics, ball games and dog walkers
- guided by the existing landform

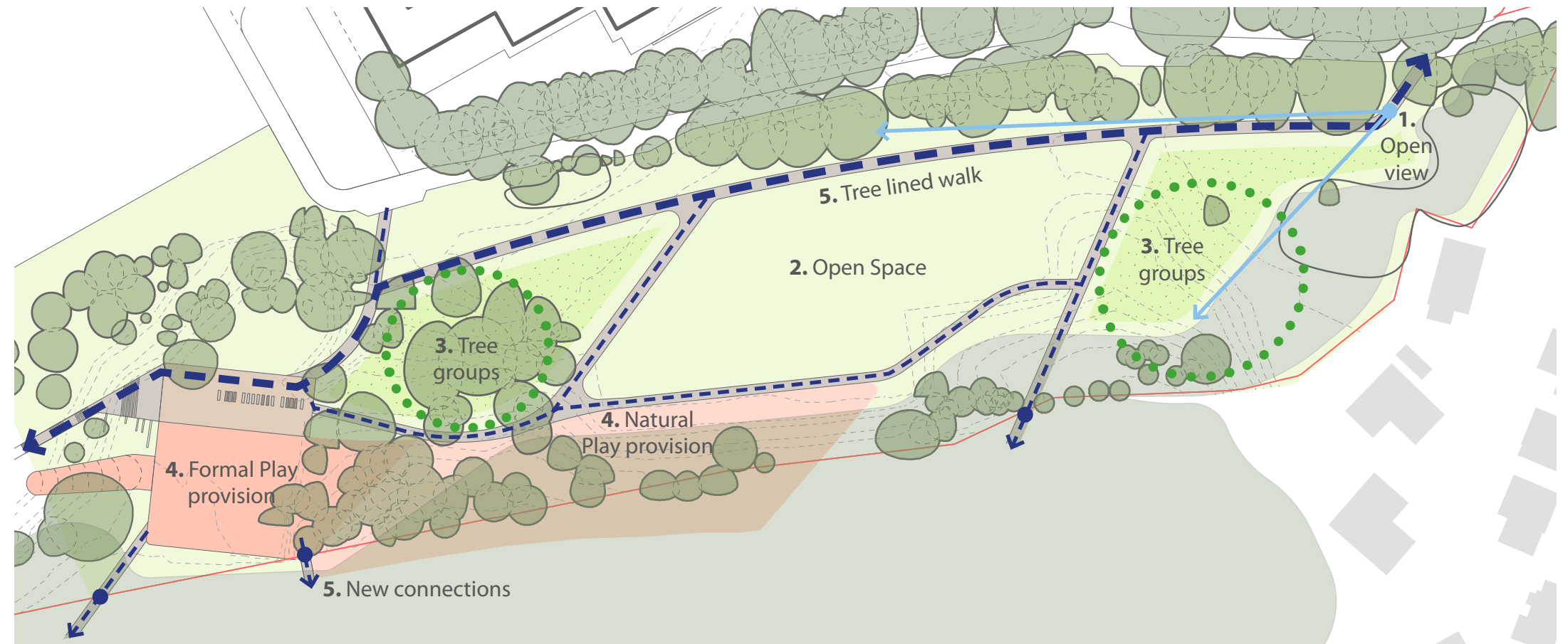
3. Pockets of tree groups to existing slopes keep views open

4. Play space provision

- formal playground with seating and play equipment
- natural play provision including willow tunnels and den building.
- utilises the existing slope and creates a transition between the upper and lower areas of the park.

5. Circulation

- Tree lined walk created beside existing mature tree avenue
- New connections into existing woodland are created
- Secondary pathways create loop walks and connect the spaces



Tree lined walkway



Play space created between existing mature trees



Existing slope between proposed upper and lower park utilised

6.7 Proposed Lower Park

- 1. Open Space**
 - an unfenced grass pitch allows for shared use between the community and school
 - provides a place for community events
 - creates useable park space for dog walking and ball games
- 2. Circulation**
 - creates a loop walk linking the proposed upper terrace with Gala Policies and the rest of proposed Scott Park.



Mature woodland edge encloses open space

6.8 Proposed Orchard Space

1. Orchard Space
- shared access between the community and proposed school
 - communal orchard tree planting
 - seating creates a communal gathering space
2. Circulation
- loop walk links to the wider proposed Scott Park
 - links to existing pathways within Gala Policies are created



Communal orchard planting

7.0 THE DESIGN RESPONSE



7.1 The Design Response

Having established the most appropriate site location, most appropriate location for the building within that preferred site and the general campus GIFA and contents, the process of design development naturally moves on to establish the vision for the building itself, the spaces within and how they respond to the needs of the young learners and the community.

To inform this process we consider:

The relationship between the campus and the town

What makes a campus

The context and place

Linking the concept to the context and place

Modes of learning and teaching

Internal relationships and linkages between spaces

Key design aspirations and touch points

What defines each space within the campus

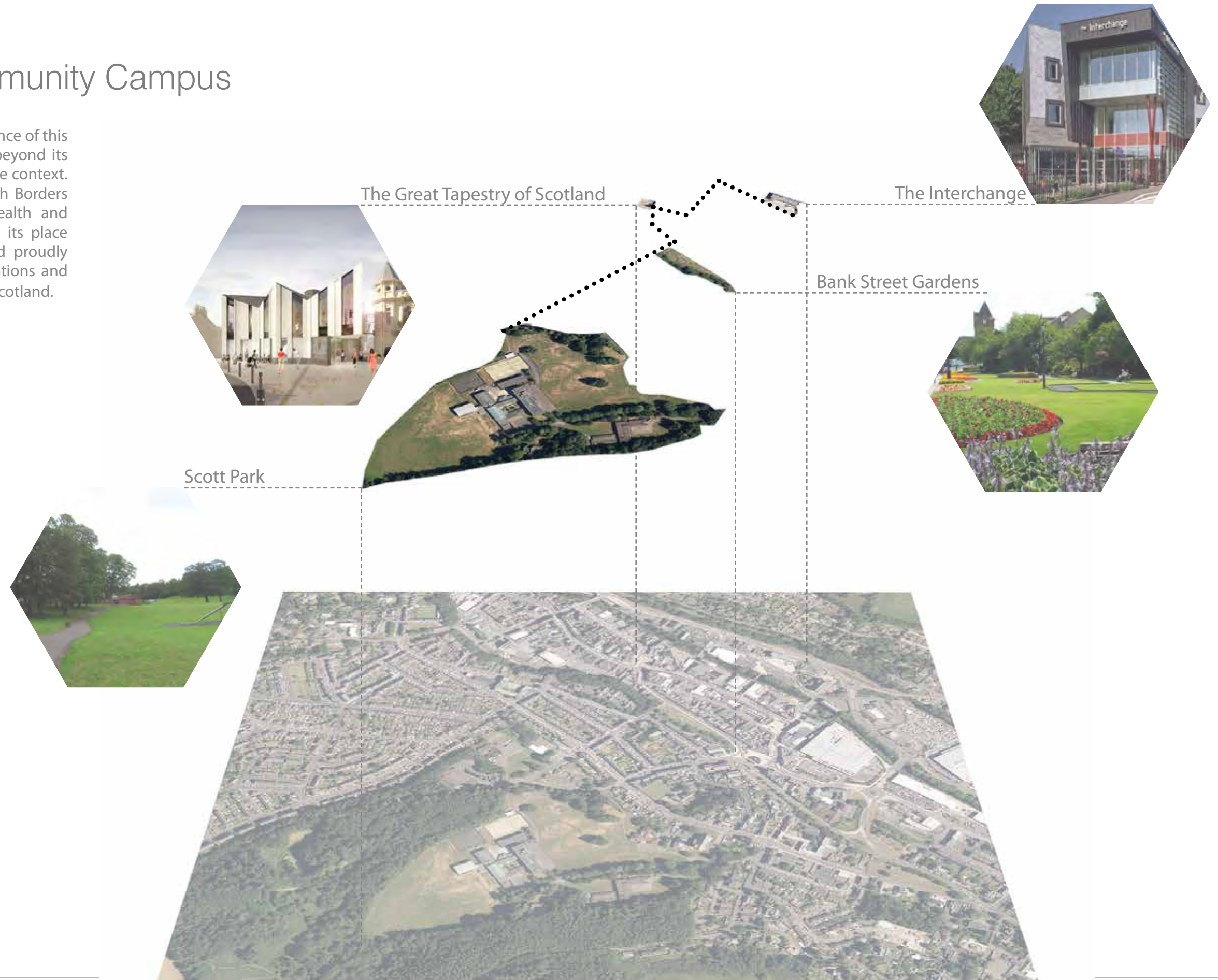
Translating the curriculum approach into a design response

Form and massing



7.2 The Wider Community Campus

It is important to recognise that the influence of this campus and its importance spreads far beyond its walls, its site boundaries and its immediate context. This is a Galashiels, and indeed a Scottish Borders Community, Learning, Sporting, and Health and Wellbeing Campus and it needs to take its place in the wider Galashiels fabric and stand proudly alongside both existing and new destinations and attractions such as The Great Tapestry of Scotland.



7.3 What makes a campus

The educational provision of the campus is but one part of the wider whole: the campus is intended to host a variety of functions ranging from community and educational use through to sport and the outdoors.

As part of the wider campus, we would envisage a shared central space from which all parts of the campus could be accessed, albeit with secure lines to ensure safety and privacy, and with areas such as the Complex Needs having dedicated entrances. The shared central space would allow for an overlapping of functions and uses, and create a social active core at the heart of the campus. From here, each of the individual components of the campus can be grouped and arranged relative to the site parameters to ensure preferred adjacencies are met and site constraints can be dealt with and opportunities realised.

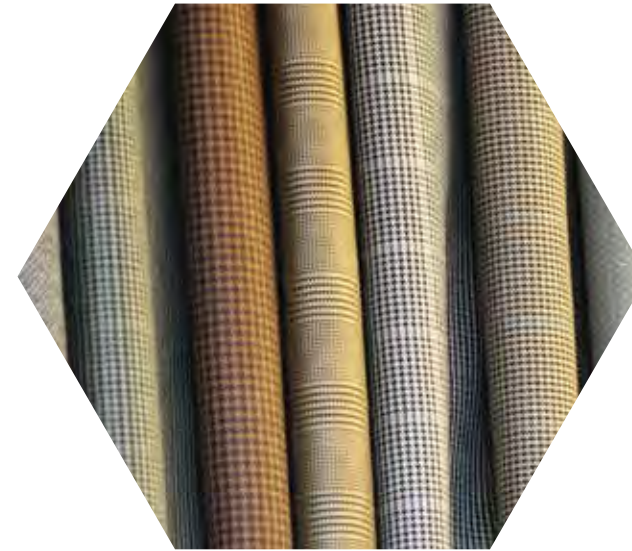


7.4 Informed by Context

Galashiels has a rich history in the textile industry, dating back almost five centuries to the earliest mention of the textiles trade in 1585. The Manufacturers Corporation of Galashiels was founded in 1777 and four mills were established prior to 1800, and a further nine by 1851. Since that time, the Scottish Borders has been at the heart of the British textiles industry, primarily through the production of linen and wool products focussed around Melrose and Galashiels respectively. Later, Hawick also became a centre for the production of hosiery.

Galashiels in particular was well-known for its production of a checked cloth referred to as 'Shepherds Checks' or 'Shepherds Plaid' which became popular during the 19th century due to its use by Sir Walter Scott. The town is also credited with the place where 'tweed' originated from, with the name presumed to have come either from the nearby River Tweed, or a misreading of the name 'tweel' or 'twill' by James Locke, a Scottish tailor based in London.

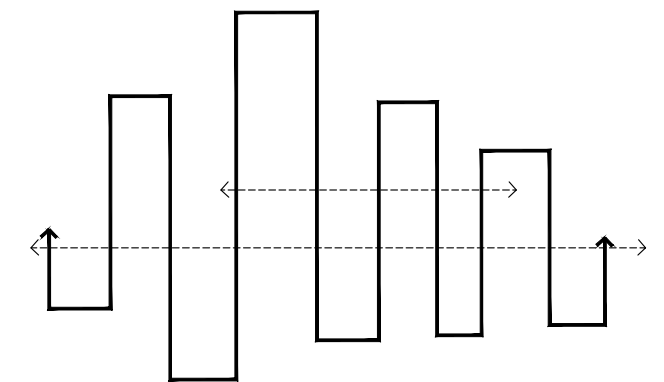
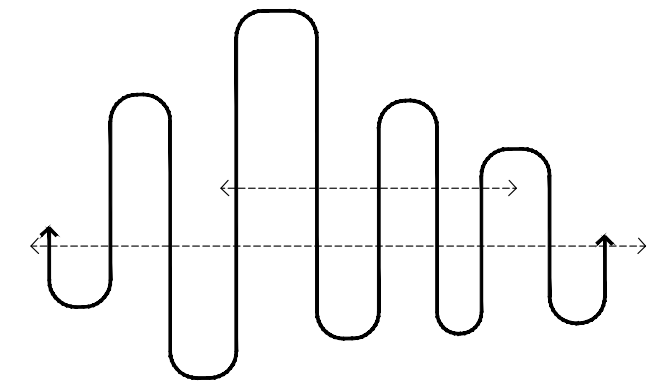
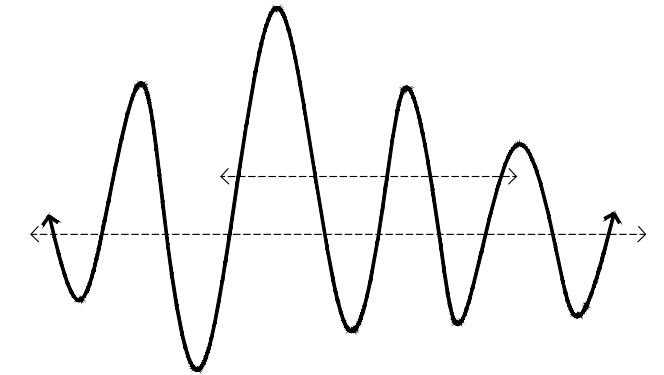
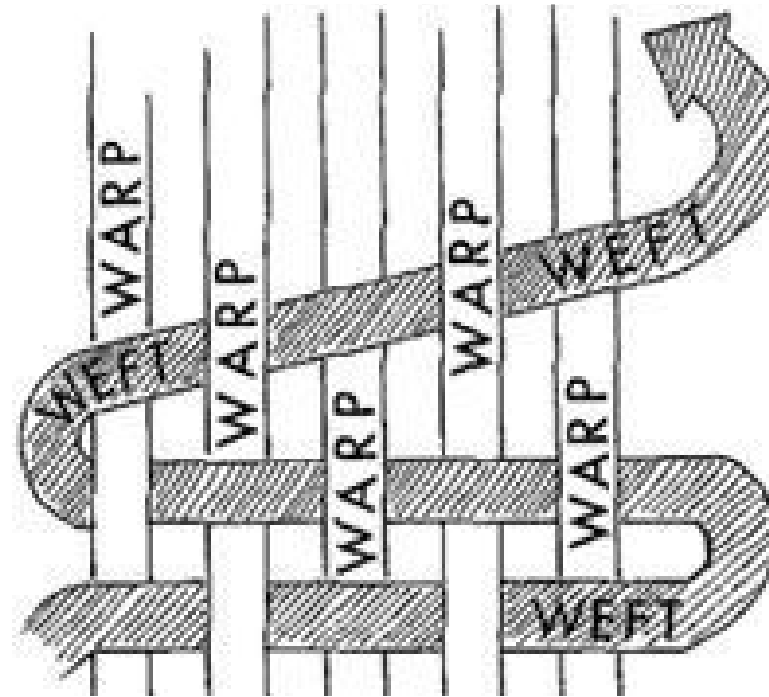
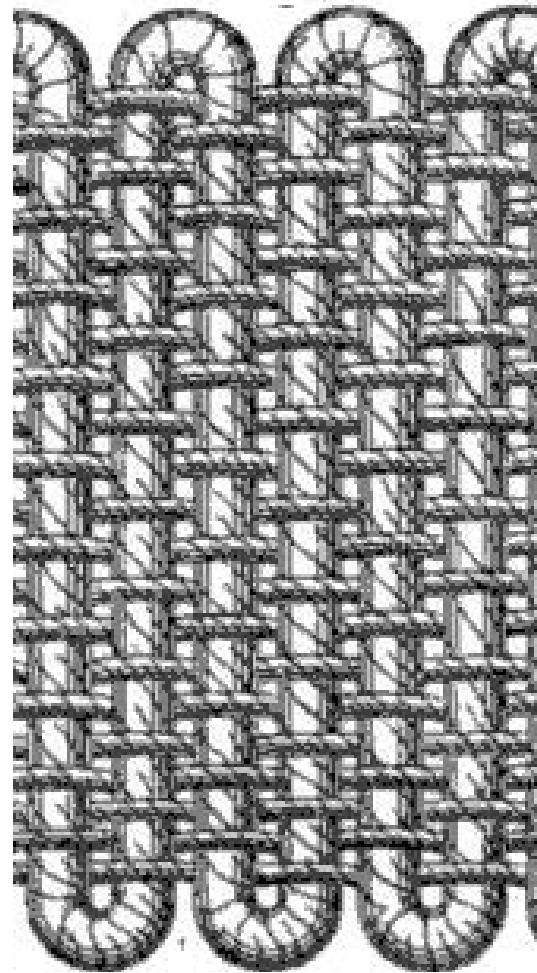
The textiles industry remains an important part of the local and wider economy of the Scottish Borders, and whilst production has moved from hand-made fabrics to mass production, the area has maintained a reputation for quality that dates back to the 19th century.



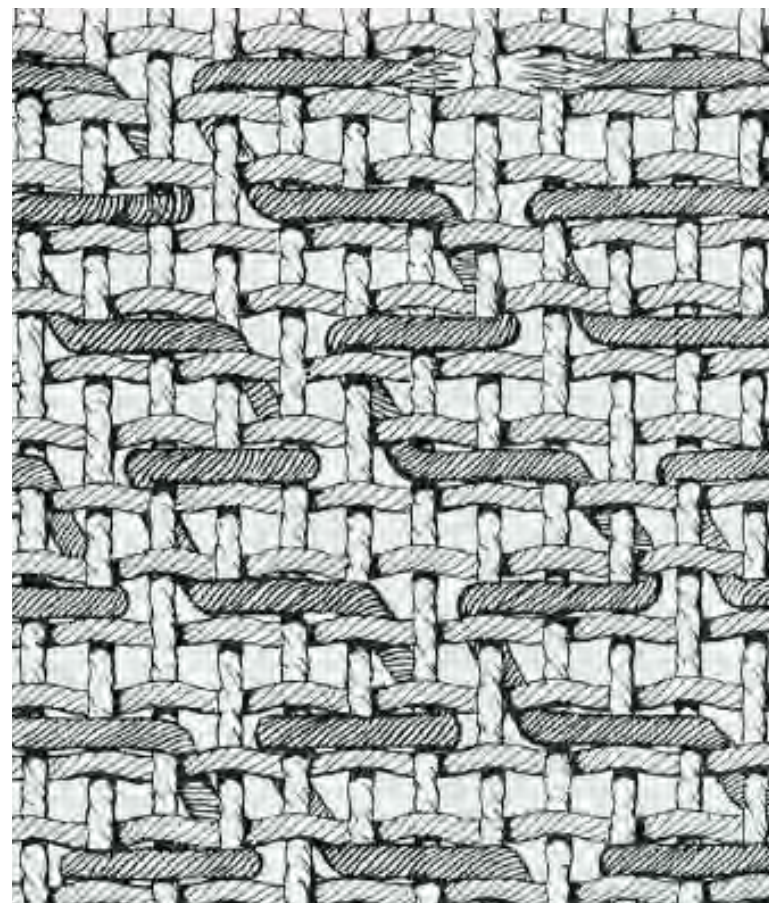
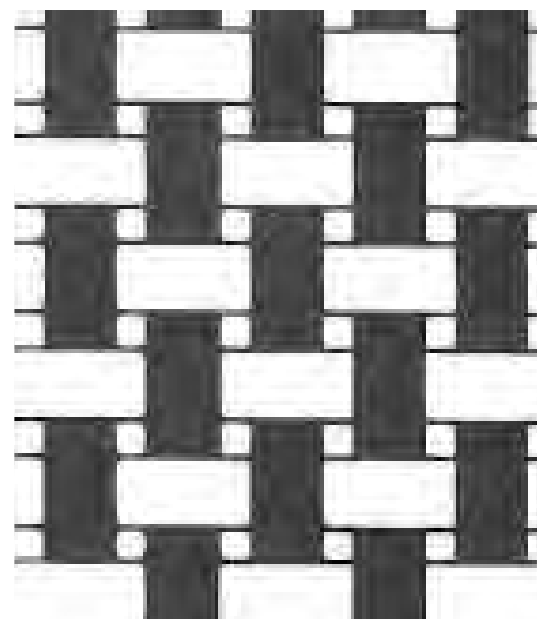
7.5 Weaving a Learning Campus

The process of weaving involves the crossing of thread in two directions - the warp in the longer direction and the weft, which is formed from crossing threads. More elaborate designs can be created through layering different colours and crossing these in a diagonal fashion to form new patterns. The process is often done through use of a loom, although weaving by hand is nonetheless possible.

We view the plan for the new Galashiels Campus as being a 'woven plan' - a series of interconnected spaces arranged in a regular manner but facilitating new and dynamic spatial relationships, with intuitive circulation creating connections across the entire campus.



WOVEN PLAN CONCEPT



Using a grid as the basis of the plan allows for a push-pull of the programmatic elements, allowing courtyards to be created to drive light deep into the plan of the building whilst also facilitating sheltered external play and learning spaces.

Through the arrangement of the plan, the building line is by its very nature staggered, allowing for openings, views and vistas to be exploited to connect the building back to the surrounding landscape.

The analogy of weaving and of a woven plan is particularly relevant to the development of a community campus - over and under lapping threads of accommodation, uses, functions and accessibility woven together to create a strong, cohesive fabric.

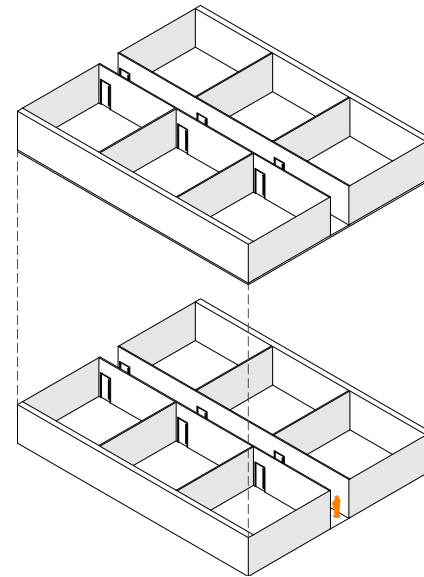
7.6 Modes of Learning

Traditionally, schools have often consisted of land-locked corridors double-banked with classrooms to either side. This has resulted in narrow, windowless circulation spaces with walls and doors to either side and a lack of openness and visual connection to learning. Given the nature of area caps defined by the Scottish Futures Trust, circulation space may be seen as area serving no other function than the facilitation of movement and as such is naturally pushed to be minimised.

A key consideration for the development of the brief should be the creation of different types of learning environments ranging from the traditional classroom through to self-led independent learning, which can be used to empower users as well as provide flexible spaces.

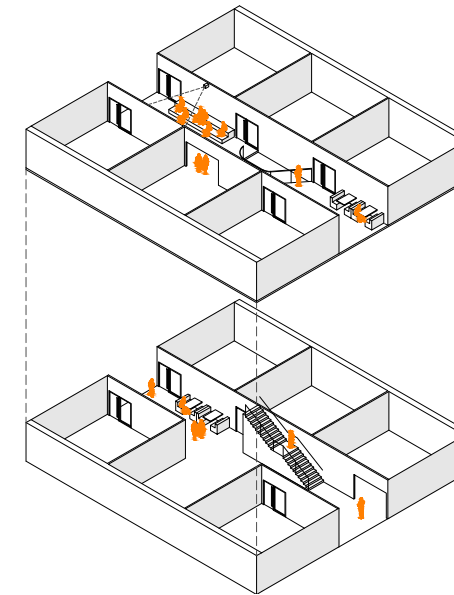
As such, the traditional corridor can be seen as a learning space and the space outside the classroom can be given over to create a variety of settings for teaching, which can be further enhanced through the creation of courtyards, set-backs within the building line, and internal circulation stairs which facilitate cross-departmental learning to facilitate the Curriculum for Excellence and new concepts such as STEAM learning, which connecting the buildings users back to the surrounding landscape.

Thus, the area of classrooms requires to be carefully analysed and modulated to ensure wasted space is eliminated and given over to break-out areas to redistribute learning space throughout the building.



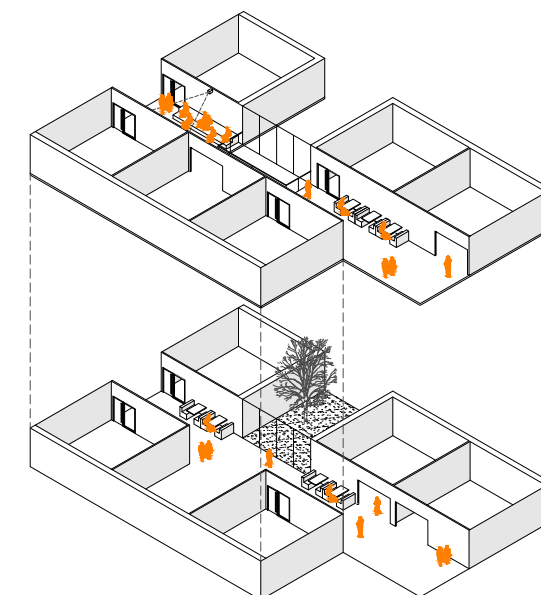
TRADITIONAL ARRANGEMENT

- Classrooms to either side of corridor.
- Learning contained within classrooms with circulation entirely dedicated to movement.



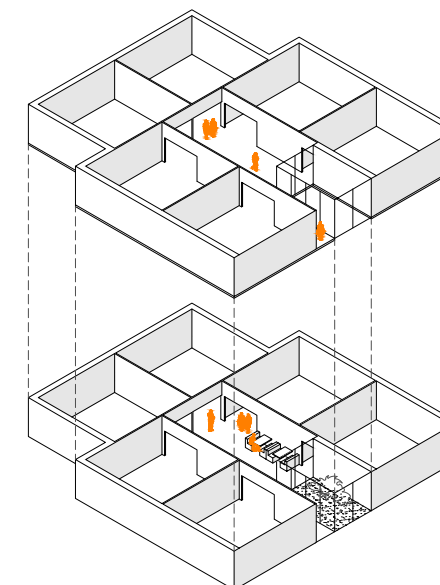
BREAK-OUT SPINE WITH LIGHT WELLS

- Central circulation widened to accommodate break-out space.
- Allows for flexible and independent learning.
- Light-wells draw light deep into the plan.
- Integral stairs facilitate vertical adjacencies and way-finding.



EXTERNAL LEARNING AREAS

- Push-pull of classrooms to create external learning terraces between classrooms.
- Maximises light to circulation and break-out and provides connection to the outdoors.



CLUSTERED BREAK-OUT COURTYARDS

- Classrooms clustered around a shared central learning space.
- Courtyard at the heart of the space draws in line and provides outdoor learning opportunities.

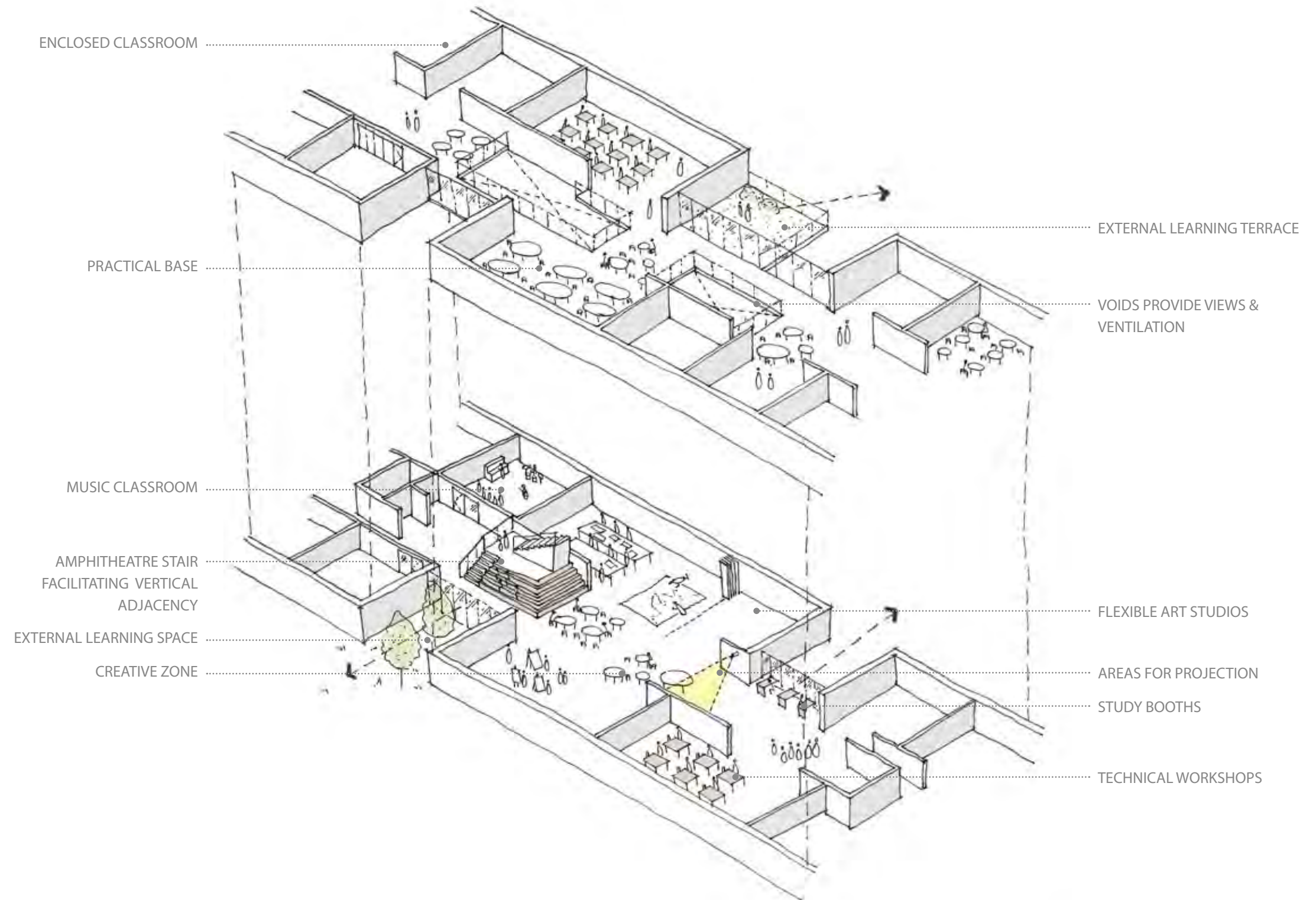
7.7 Vertical Learning Relationships

To facilitate a new way of learning, a philosophical shift is required to move away from the distinction of spaces as being either classroom space or break-out space. Instead all spaces should simply be seen as 'learning space', with spaces instead being shaped, sized and linked as appropriate to provide a variety of modes of learning - from collective teaching through group working to independent learning.

As such, a variety of space sizes and configurations have been suggested to form clusters of teaching space - from large to small, from open to enclosed - to facilitate learning.

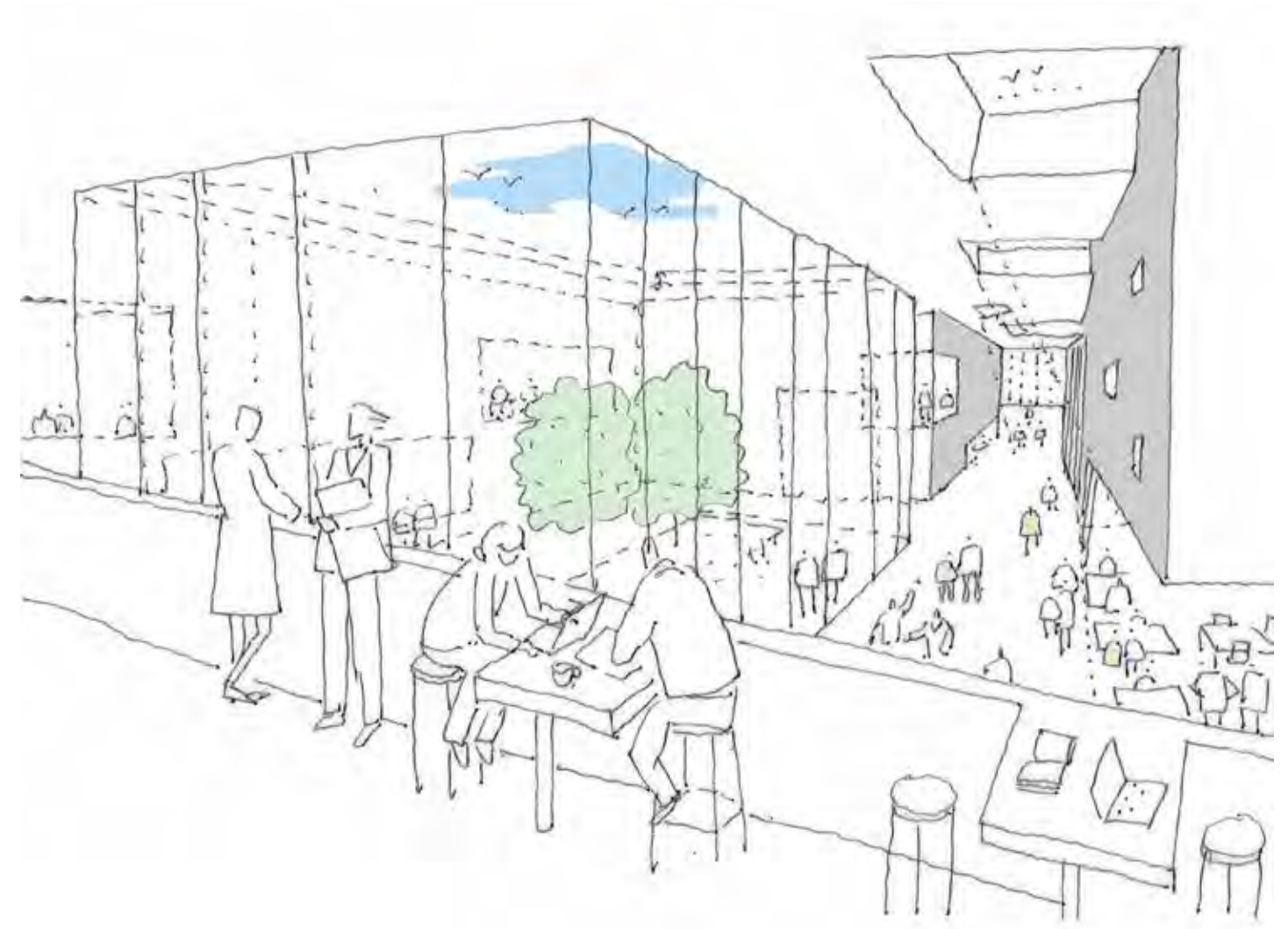
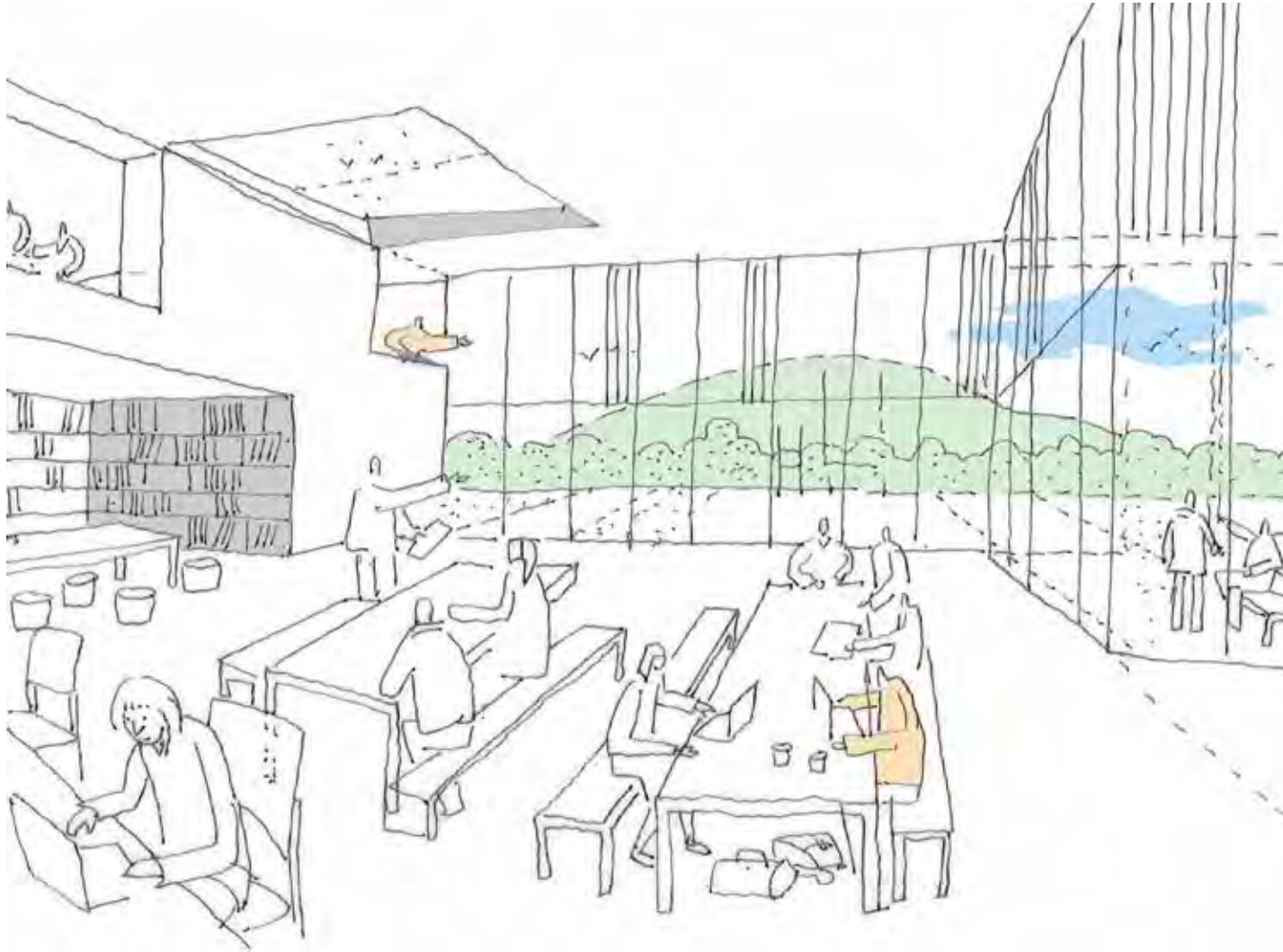
The connection to the outdoors is seen as pivotal and it is proposed the ample opportunity is provided for connection to external learning space.

As such, the teaching wings are seen as being porous and fluid learning spaces, encouraging cross-departmental working and creating an inspiring and enjoyable space to learn.



7.8 Design Touchpoints

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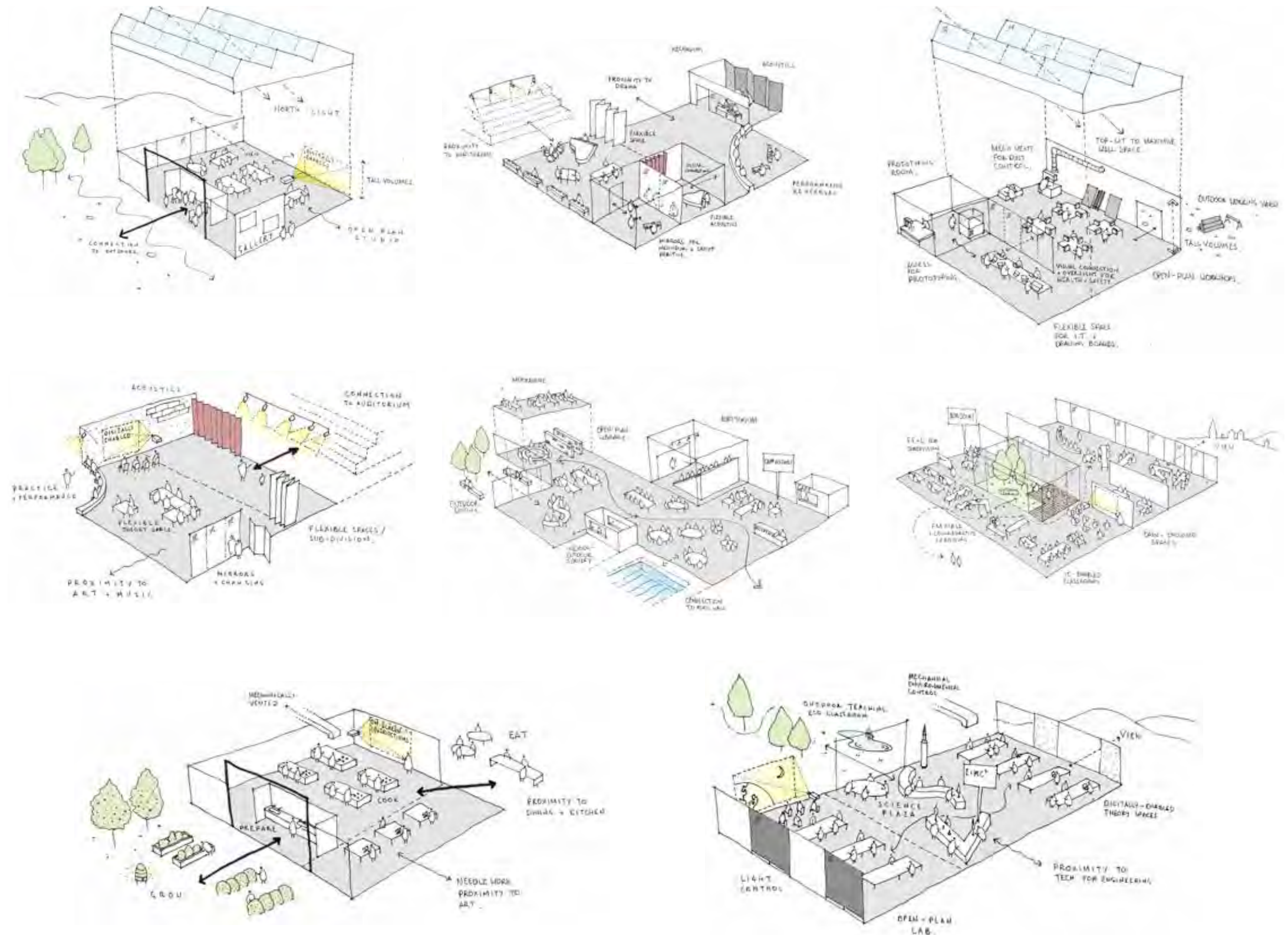


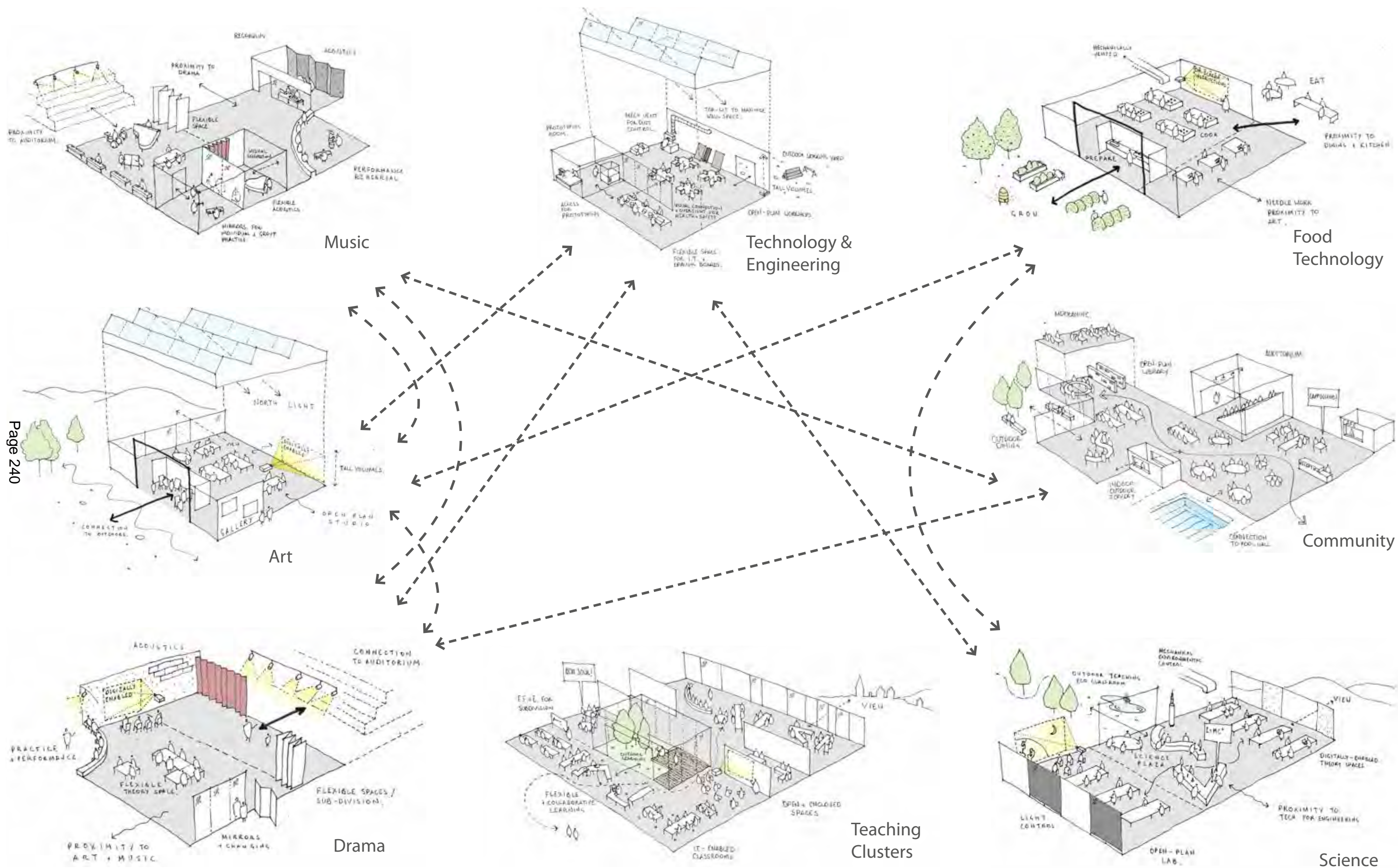
- Vertical and horizontal visual and physical connectivity
- Active circulation
- Open plan, flexible, collaborative learning environments linking
- No single function spaces
- Visual connection to the external environment
- Bringing the external environment in to the building
- Good quality daylight
- Legibility of plan form
- Shared community/education use of spaces

7.9 The Department as a Project

Whilst it is important to consider the campus as a whole; establish connectivity and relationships between learning zones. It is equally as important to treat each department individually; to understand their specific environmental and design needs.

It is important, in design terms to consider both as individual design exercises in educational excellence and as part of a wider community campus.





7.10 The Curriculum as an Architectural Diagram

Based on the idea of the teaching curriculum diagram informing the geography and architectural design of the building, an initial concept was developed which envisaged the practical subjects located at lower floors and realising key adjacencies to one another to engender a culture of inter-departmental learning around 'Creative Zones'. The teaching clusters are envisioned to be located on the upper floor as an interconnected series of spaces. Linking the floors would be a series of internal circulation stairs which would act to provide both vertical adjacencies as well as to activate spaces through the creation of self-led learning spaces.

Campus (village) of clusters

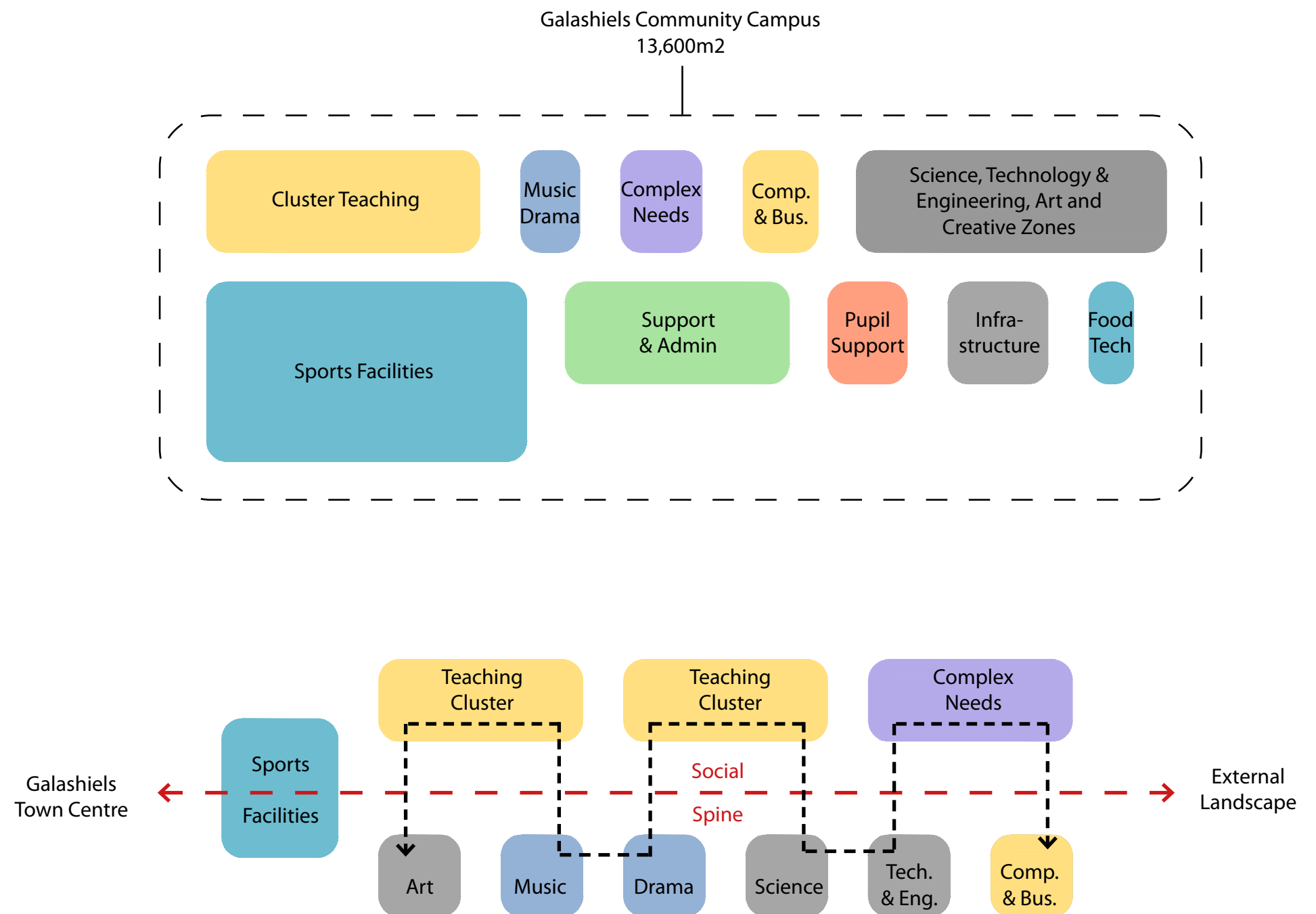
A number of designated clusters collectively make the wider campus (or village). These clusters focus on:

- Creativity & employment
- Community & shared facilities
- Future technologies
- Health and wellbeing

Not limited to serving the education curriculum, the clusters also provide connections to the wider community.

It is important to have social spaces central in the campus to encourage interdisciplinary opportunities between clusters and maintain a strong sense of community within the campus.

The site naturally offers multiple physical connections back to the town of Galashiels which assists to weave the campus into the urban fabric. It is important that the campus not only acts as a destination for some, but also as an active journey for others between the town centre and the surrounding Gala Policies and beyond.



7.11 Concept Form

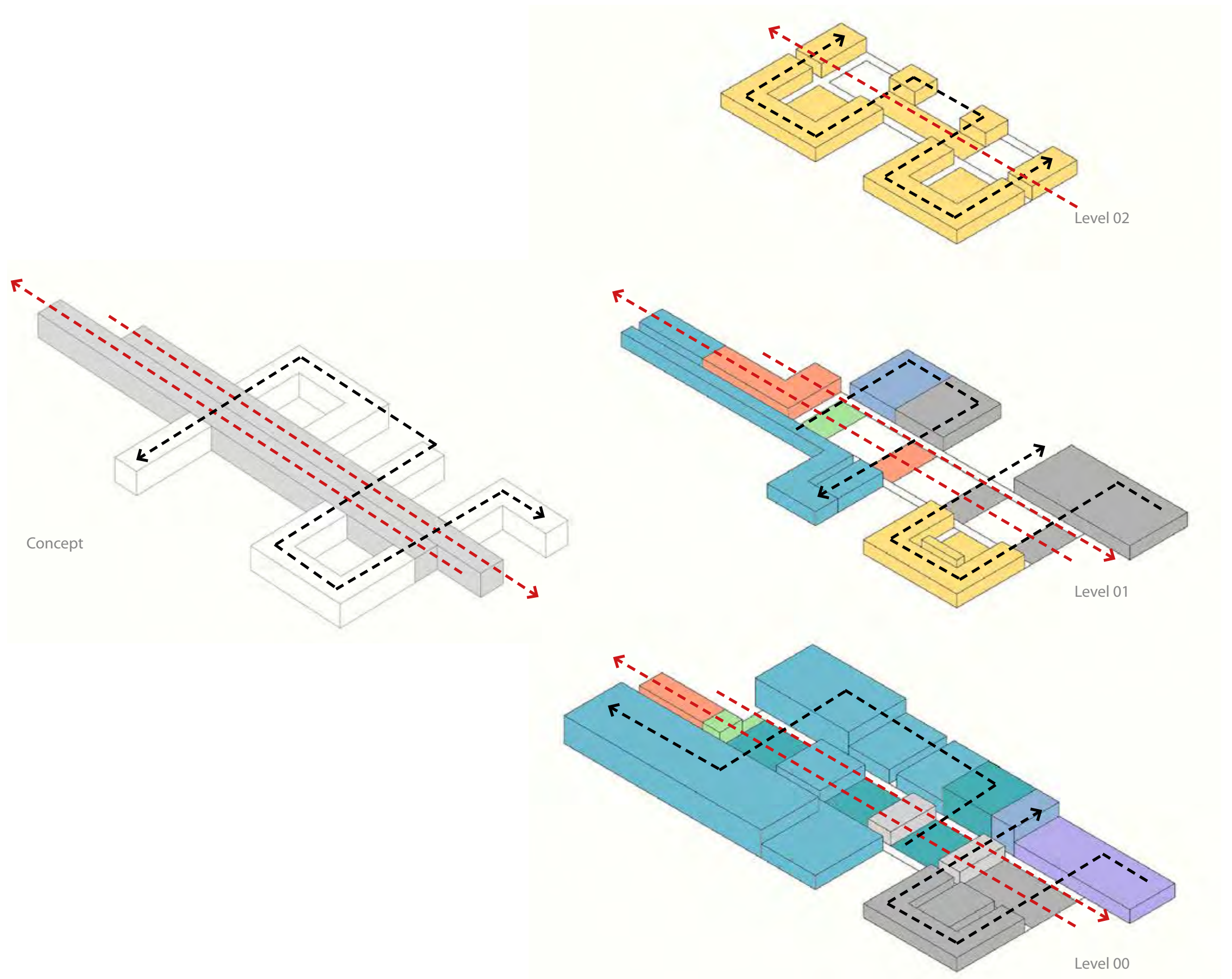
The campus is envisioned as a series of zones, destinations and clusters, connected both horizontally and vertically in an endless thread of accommodation.

A central spine, or thread runs through the middle of the plan form along which is located key spaces such as entrance zone, dining and maker spaces. Teaching clusters, physical education spaces, community spaces and the swimming pool are located along and either side of this central thread, woven together by shared flexible learning spaces, fostering an environment of whole school and community connection, interaction and collaboration.

The woven nature of the plan form naturally allows the landscape to bind with the building and maintain a strong connection with the outside.

The Complex Needs provision is located to the south for privacy but also to provide separate access and entrance to the department. External space is also important within this area, and we hope to maximise this where possible to encourage outdoor learning. The Complex Needs provision is stitched in to the fabric bay way of its vocational learning spaces which link with the core collaborations zones.

Community facilities are located centrally but in a dispersed manner to ensure that the building very much takes on the feel of a community building with a school as a key facility, rather than a school with community access.



7.12 Concept Form In Context

The proposed Galashiels Community Campus site is approximately 5.8 hectares, all of which is useable space.

The proposed Galashiels Community Campus footprint is approx. 7,300sqm, including pool and community sports facilities.



8.0

PLANNING POLICY CONSIDERATION



8.1 Planning Context

Scottish Borders Council have identified Special Landscape Areas and important open space and green space which are integrated into the Local Development Plan. These are linked to Key Outcome numbers 7 & 8 of the LDP - continued focus on the Scottish Borders as an attractive place to live through improved place making and design; and the protection and enhancement of the area's natural and built heritage for the benefit of residents, visitors, tourists and business. Key Greenspaces & Special Landscape Areas local to the site are identified below:

GSGALA009:

- Gala Policies
- Key Green space
- 13.4 Hectares

GSGALA010:

- Scott Park
- Key Green space
- 3.8 Hectares

SGALA016:

- Special Landscape Area



8.2 Planning Policy EP11: A Response

Planning Policy EP11 of The Scottish Borders Local Development Plan applies to the proposed site for the new Community Campus.

For an interpretation of this policy please refer to Scott Hobbs Planning's report;

'Scott Park, Galashiels - Breifing Note to Scottish Borders Council - Interpretation of Policy EP11 of Scottish Borders Local Development Plan'

POLICY EP11: PROTECTION OF GREENSPACE

[A] KEY GREENSPACES

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.

[B] OTHER GREENSPACES

Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- d) there is social, economic and community justification for the loss of the open space; or
- e) the need for the development is judged to outweigh the need to retain the open space; and
- f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- g) the levels of existing provision and predicted requirements for the settlement;
- h) the extent to which current or predicted future demand can be met on a reduced area.

jmarchitects

www.jmarchitects.net
info@jmarchitects.net

64 Queen Street
Edinburgh, EH2 4NA
edinburgh@jmarchitects.net
t 0131 464 6100

12 Great Portland Street
London, W1W 8QN
london@jmarchitects.net
t 0207 580 5330

54 Princess Street
Manchester, M1 6HS
manchester@jmarchitects.net
t 0161 200 6300

50 Bell Street
Glasgow, G1 1LQ
glasgow@jmarchitects.net
t 0141 333 3920

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Scott Park, Galashiels

Briefing Note to Scottish Borders Council

Interpretation of Policy EP11 of Scottish Borders Local Development Plan

Introduction

1. Scott Hobbs Planning has been instructed by Scottish Borders Council (SBC) to provide an interpretation of Policy EP11 of the Scottish Borders Local Development Plan (SBLDP), adopted in 2016, to accompany its consideration of the potential for the redevelopment of the Scott Park and Galashiels Academy to provide a Community Campus with associated sports, play and amenity areas.

The Current Position

2. It is understood that a need has been defined by SBC for a new school to replace the existing Galashiels Academy, which is substandard and in need of replacement. A number of options have been considered regarding location on and off the current site, taking into consideration local constraints. The preferred location, at this time, is a replacement school with associated sports facilities, play areas and new amenity areas in the location of both the existing school and on the Scott Park site, as shown in the extract layout plan below :



Figure 1 : Extract Layout Plan Source : jmarchitects

3. It is also understood that there has been some consultation carried out by SBC regarding the proposed location and indicative detail of the proposed development as shown above, which has met with some local opposition, in particular from residents in close proximity to the site. Questions have been raised regarding the implication of the loss of Scott Park and interpretation of Policy EP11, resulting in the need for advice on interpretation of that policy.

Planning Policy

4. Policy EP 11 of the SBLDP does not exist in isolation and an interpretation of the policy requires understanding of the context of that policy.

5. The Development Plan currently comprises the South-East Scotland Strategic Development Plan (SESPlan) approved by Scottish Ministers in June 2013 and the Scottish Borders Local Development Plan (SBLDP), adopted in 2016. As SESPlan is a strategic document, it has limited relevance to the interpretation of policy EP11 in this case. Primarily, therefore, the SBLDP, and its associated documents, carry most weight. The associated documents comprise statutory and non-statutory Supplementary Guidance, prepared over the past 20 years, and which provides background information and supporting text to the policies, their interpretation and application to ensure delivery of the plan's objectives.
6. Ten key outcomes are identified in SBLDP, which include the need to :
 - provide an appropriate housing supply (Key Outcomes 1 and 2),
 - protect and enhance business and employment (Key Outcome 3 and 4)
 - provide infrastructure connections, including key education and other services (Key Outcomes 5 and 6),
 - ensure the area is an attractive one in which to live including the protecting and enhancement of the natural and built environment (Key Outcomes 7 and 8), and
 - focusing development to sustainable locations (Key Outcomes 9 and 10),
7. The policies of the plan are set out to seek to achieve the key outcomes. In all cases, the policies are cross referenced as to meet the requirements of one policy, another has to be taken into consideration. It is inherent within the SBLDP, therefore, that in many cases, when considering development proposals, a balance may have to be met between competing requirements. A key theme throughout the SBLDP is that in circumstances in which a proposal which may conflict with any presumption against development in any particular policy, that development must be *justified* and then may be considered as an exception to that presumption against stance.
8. The extract of the SBLDP Proposals Map below identifies the policy relevant to the Scott Park and Galashiels Academy site – the school is unallocated, 'white land', and the Scott Park is identified as Greenspace. This greenspace is designated as one of ten 'Key Greenspaces' in Galashiels, comprising 3.8ha of the total 37.4 ha (approximately 10%), as identified in the Settlement Profile of the SBLDP for Galashiels.

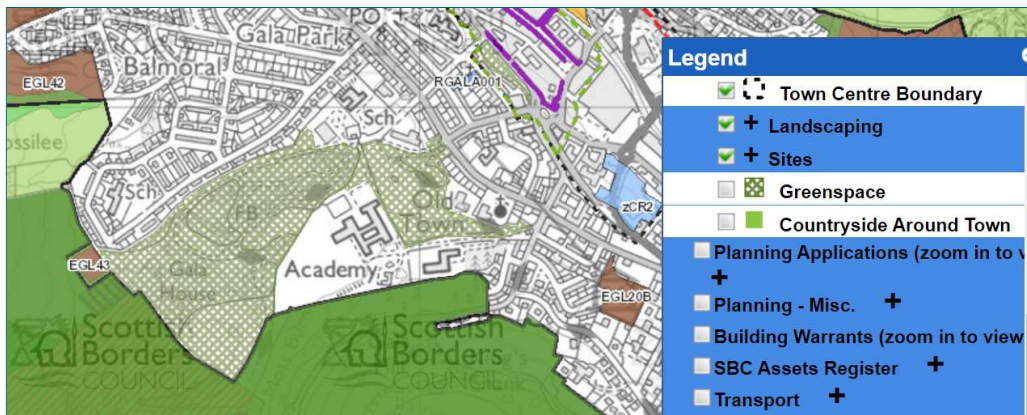


Figure 2 : Extract SBLDP Interactive Proposals Map



Figure 3 : Extract of Galashiels Settlement Profile, highlighting relevant Key Greenspace

9. Policy EP11 is reproduced below :

POLICY EP11: PROTECTION OF GREENSPACE

[A] KEY GREENSPACES
 Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.

[B] OTHER GREENSPACES
 Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- d) there is social, economic and community justification for the loss of the open space; or
- e) the need for the development is judged to outweigh the need to retain the open space; and
- f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- g) the levels of existing provision and predicted requirements for the settlement;
- h) the extent to which current or predicted future demand can be met on a reduced area.

Figure 4 : Extract SBLDP Policy EP11

10. The explanatory text to EP11 provides additional information, to aid the interpretation of the policy and application to development proposals, but this does not constitute policy.
11. Paragraph 1.1 states the intention to protect greenspace and '*prevent their piecemeal loss to development*'; with protection and safeguarding given to the most importance spaces in settlements. Designated Key Greenspaces are those of greatest value to the community that there is a general intention to only allow proposals which enhance that space (paragraph 1.2) will be supported, although paragraph 1.3 then goes on to state that any loss proposed should be justified.
12. The supporting text also cross refers to other Policies, which in relation to this site include PMD2 Quality Standards, EP12 Green Networks and IS5 Protection of Access Routes. It also refers to planning guidance which may be relevant including Green Space, Biodiversity, Landscape and Development, Local Landscape Designations and Trees and Development and refers to its approved Facilities and Pitches Strategy 2011. These policies and documents provide additional advice regarding development, and

generally seek to support that which protects and enhances the local natural and built environment but which allows for development *when justified*.

13. The Green Spaces Supplementary Guidance and Strategy and Facilities and Pitches Strategy 2011 primarily provide guidance on the requirements of green space and facilities to support new housing development and existing population requirements. In particular, the Strategy identifies an aspiration to enhance Scott Park through investment in play facilities and teenage facilities.

Interpretation of EP11

14. Based on the policy summary above, it is clear that Scott Park is designated a Key Greenspace within Galashiels. On this basis, and in relation to this particular proposal for the replacement school, playing pitches, amenity area etc, it is important to note that :
 - Point A relates to key green spaces, such as Scott Park
 - Development will be supported where it protects and enhances the greenspace quality (ie not quantity)
 - Key greenspaces should be protected from development which will result in their loss (as opposed to the reduction in size and / or change to character)
 - Development which will result in loss has to be justified, following consultation with user groups and relevant agencies (both undefined)
 - There is no requirement to secure the support of such groups
 - Justification can be based on:
 - social, economic and community reason (point d) or
 - Where need out balances the loss (point e) and
 - alternative and appropriate space is provided within or immediately adjacent to the settlement, and this may include indoor space as appropriate.
 - If there is a loss of function space (for example playing fields), justification must additionally include reference to existing provision, likely future demand for the settlement and whether current and predicted demand can be met on a reduced area.
15. As a starting point, therefore, Scott Park as designation GSGALA10 should be protected from development under the broad aim of EP11. The policy is not explicit, however, and it could be argued that a change to the area (reduction in size) will not result in the actual loss of GSGALA10 and, therefore, would not conflict with EP11.
16. As the policy does not exist in isolation, and there is a need to balance often competing requirements, flexibility is introduced to the policy to allow loss in certain circumstances. In this case, it is understood that there is a clear social, economic and community reason for the development – education is a clear Key Outcome of the SBLDP and the proposal is to replace an existing sub-standard school with a new

community campus. There is, therefore, justification for the loss of / reduction in size of Scott Park as defined on the proposals map. The benefit on social, economic and community grounds does not need to be constrained to the area of any alleged harm – i.e. the benefit can be over a wider area, despite there being locally-based objection.

17. Additionally, the policy supports development where it protects and enhances the greenspace quality. The proposal could also support this development if it can be demonstrated that the open space created will enhanced the overall quality of greenspace.

Other Considerations

Detailed Matters

18. That the proposal may satisfy policy EP11 in so far as there is social and community need and benefit, however, does not mean that permission should be granted for any development. Any application will need to be tested against the other policies regarding the details of the proposal (for example, placemaking, drainage, flooding).

Emerging Policy

19. This Note has concentrated on Policy EP11 of the extant SBLDP and its implications for development at Scott Park. However, that policy context is changing as the SBLDP is being reviewed. The 'LDP2' has been published as a Proposed Plan, with the consultation period on-going until January 25th 2021. As published, the Proposed Plan maintains the designation of Scott Park as a Key Greenspace, and if no objections are submitted to that proposed plan, normal practice is that it will be adopted unchanged when the plan is finally adopted. This may create some difficulties for the School proposal as the policy will be up-to-date and justification may be more difficult to demonstrate.
20. As the Settlement profile refers to the potential for the school redevelopment, it is considered that a representation should be formally submitted during the representation stage requesting that the entire proposed development site is included as a proposal.



Figure 5 : Extract of Proposed LDP 2 – Recommended Representation Site outlined red (to be confirmed)– request specific proposal designation in the emerging plan.

Conclusion and Recommendation

21. The starting point of Policy EP11 is the protection of greenspaces within settlements. However, to ensure competing requirements of the plan can be accommodated and as unforeseen change can happen over a plan period, flexibility is introduced into the plan to allow for development on greenspace providing such development is justified. The provision of a community campus, with enhanced indoor and outdoor facilities and replacement of open space and play area falls to be considered within the exceptions allowed within the policy.
22. Consultation with stakeholders is necessary, but support of one or all stakeholders does not need to be obtained, providing the development is justified – this could be on the basis of the need for the new school (for example current condition; viability and business case of repair, extend or replace; inadequate size; most appropriate alternative; and quality of replacement open space). The area of benefit can be to a wider community than those in the immediate area.
23. All other detailed and technical matters relating to the proposed development will have to be satisfied, to be consistent with the development plan.
24. SBC is in the process of revising the Local Development Plan (LDP2) and is consulting on changes, with that consultation period due to end 25 January 2021. Representation should be formally submitted.

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PEEBLES HIGH SCHOOL – UPDATE REPORT

Report by Service Director Assets & Infrastructure

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the progress with the Peebles High School project.**
- 1.2 The report to Council on 28 November 2018 identified that individualised delivery plans should continue to be prepared for Galashiels, Hawick, Selkirk and Peebles HS. The report identified the priority ranking for the delivery of Peebles HS in terms of following on from Galashiels, Hawick and Selkirk.
- 1.3 The fire at the school in November 2019 necessitated a reactive change of approach to Peebles High School and the inclusion of a project in the 2020/21 Capital Investment Plan.
- 1.4 Discussions have continued during 2020 with the Council's insurance provider over the claim for loss associated with the fire. This is now reaching settlement.
- 1.5 Progress has been made with the feasibility study that has considered the replacement of the parts of the building lost or damaged by the fire. This would require the retention of significant parts of the building and lead to compromises in form, and function. The delivery timescales for fully opening the new school would also be extended. The retention of the Millennium Wing would require the rebuild to proceed in close proximity to the functioning school and as such officers have now considered whether a complete new build would provide better value in terms of time and cost
- 1.6 A further short study has therefore now been undertaken to explore an alternative new build solution at Peebles High School is underway. The purpose of this is to assess the benefits, cost and timescales of the different solutions available to establish which best supports educational objectives, supporting learners in Peebles over the long term. The initial proposal is considered to have merit, overcoming the issues associated with the retention of the Millennium Wing noted above. It is therefore considered the complete new build option should be worked up into a full proposal for consideration.
- 1.7 In the continued presence of COVID-19, community consultation will have to rely on digital forms of communication. To assist with the next stages of the project, the appointment of an external stakeholder engagement organisation to work with the delivery team is proposed.

2 RECOMMENDATIONS

2.1 It is recommended that Council:-

- (a) Notes the contents of this report.**
- (b) Approves that the further entirely new build feasibility study work is concluded.**
- (c) Approves the appointment of engagement consultants to assist with a digital themed community consultation process.**
- (d) Notes the insurance settlement for the school is likely to fall short of original expectations and will require additional council capital funding to complete the project.**
- (e) Requests a follow on report in January setting out the costs and benefits of the partial rebuild, full rebuild options for inclusion in the capital programme.**
- (f) Agrees that in a change to the original plan, the old science block will now be demolished reducing future running costs for the school.**

3 BACKGROUND

- 3.1 The report to Council on 29 November 2018 identified that individualised strategic plans should be prepared for each of the four remaining secondary schools (Galashiels, Hawick, Selkirk and Peebles) where strategic capital investment is required. At that time, Peebles HS was considered to be fourth in the sequence and priority listing.
- 3.2 The serious fire at the school in November 2019 necessitated a reactive change of priority at the school. Following the rapid implementation a pupil displacement strategy, a series of works were undertaken to make the remaining building safe. This was followed by a recovery plan of temporary classrooms that enabled teaching and learning to recommence in early February 2020.
- 3.3 The fire in November 2019 caused the loss of 4,761m² of teaching space within the building equating to 32 teaching spaces.

Building	Department	Area (Gross Internal Area) m ²	No. of teaching spaces
1936 block	Modern Languages	979	10
Art Block	Art & Design	651	5
ASN Block	ASN / Pupil Support	508	7
Tower Block	Mathematics	1,869	9
Gymnasium	PE	754	1
Total		4,761	32

- 3.4 Areas largely unaffected by the fire were:

Building	Department	Area (Gross Internal Area) m ²	No. of teaching spaces
Assembly Block	Music	1,473	4
Atrium	Social / Circulation	462	n/a
CDT / Dining Block	CDT	1,970	6
Millennium Wing	English Social Subjects Home Economics ICT	4, 065	34
Science Block	Science	2,152	12
Sports Block	PE	1,753	4
Total		11,875	60

- 3.5 In this context, approximately 1/3rd of the school has been lost as a result of the fire or associated damage.
- 3.6 The Council's Capital Investment Plan approved on 26 February 2020 contained a new £30m project to replace the fire damaged elements of the school with the following profile.

2020/21	2021/22	2022/23	2023/24	Total
£'000	£'000	£'000	£'000	£'000
2,000	15,000	12,000	1,000	30,000

- 3.7 A design team has been employed to consider and prepare a feasibility study of options to replace the parts of the building lost or damaged by the fire.

4 OUTCOME OF FEASIBILITY STUDY

- 4.1 The Council appointed a team of technical advisors in early 2020 to consider and prepare a detailed feasibility study that looked to develop proposals for a new building that would replace those elements impacted by fire.
- 4.2 Aligning with wider strategic educational aims, the new building should provide suites of learning spaces that offer a mixture of flexible, agile, specialist and traditional rooms. The learning environment should be appropriate to the nature of the activity and respond to the needs of the learners at different stages in the learning journey supports a range of opportunities for learners to explore, collaborate, create and develop.
- 4.3 The technical team, led by an architectural practice visited the school in early February and March of 2020 prior to the COVID-19 pandemic. An initial consultation exercise with representatives of the parent council and community took place just prior to the national lockdown in late March 2020. The feasibility design work has had to be completed remotely during the remainder of 2020.
- 4.4 The brief to the technical team was to develop proposals that looked at replacing both parts lost/unusable from the fire and also other areas that have been considered to be in a poor or undesirable condition. The design team were given the following brief:
- The Millennium Wing and the Sports Block is to be retained for continued school use (total area c. 5,815m²).
 - The Science Block, which was the original school building is to be retained for another non educational but undetermined use.
 - The Atrium, 1936 Block, Entrance/ Tower Block, CDT/ Dining Block, Assembly / Music Block and Link Corridor to Science are to be demolished (total area c. 6,750m²).

- 4.5 At an early stage during the feasibility work, a location for the new building emerged that was attached to the existing Millennium building and was orientated in an east/west direction. The layout identified provided an architectural and civic presence that the design team considered to be appropriate to the site and its location within Peebles. However, the deliverability of this arrangement would involve an extremely complex logistical 5 step phasing to the overall construction process that, on review, was considered to be too disruptive to the young learners.
- 4.6 An alternative approach was then investigated that considered a more compact building footprint attached to the Millennium Wing and extending in a northerly direction. The technical solution for this alternative would be a mixture of 4 storey with a lower 2 storey element.
- 4.7 The phasing for this was moderately complex with a 3 stage phasing, including a final phase to refurbish the Millennium Wing. This solution would mean a total build period of around 3 years with completion in 2025/26. Throughout which construction activity would be undertaken in very close proximity to learning. There would be significant disruption as elements of the existing building are demolished and a connection is formed between the new building and the Millennium Wing. The sustained construction period would also mean continued and potential expanded use of temporary modular buildings.
- 4.8 However, indicative costs were calculated ranging from £36m for the new build part with the costs increasing to between £40-50m depending on the extent of the refurbishment to the existing Millennium Wing. Clearly, this range of costs is outwith the current capital budget.

5 INSURANCE SETTLEMENT

- 5.1 The inclusion of the Peebles HS project within the 2020/21 Capital Investment Plan was made with an assumption of £10m funding from the Council's fire insurance policy.
- 5.2 Detailed and sometimes protracted negotiations have taken place with the loss adjusters appointed by the Council's insurance provider during 2020. Council officers consider that the negotiations have reached a conclusion and that the settlement figure will be £6m. It can be seen that this is some £4m less than envisaged at the time of including the Peebles HS project within the 2020/21 Capital Investment Plan. This places further pressure on the current budget.

6 WAY FORWARD

- 6.1 Officers have considered both the outcome of the feasibility study and of the likely settlement figure from the insurance claim. In particular, detailed consideration has been undertaken on the impact of a part new build, part refurbishment on young learners during the construction stage. While the solution identified within the feasibility study minimises the phasing, works will be disruptive and are likely to take longer when compared with a stand alone new build.
- 6.2 The architectural solution identified within the feasibility study is also styled as a direct consequence of the desire to retain the functional elements of the existing school – the Millennium Wing. This raises three issues.

- 6.3 Firstly, the delivery of a teaching and learning model would always be constrained by the part new build / part refurbishment. The current shape and form of the Millennium Wing is very traditional in its layout of classrooms and would not easily provide learning spaces that offer a mixture of flexible, agile, specialist and traditional rooms that have been delivered at the new Jedburgh Grammar Campus. This would raise issues of equality of provision across recent projects. There is a concern that the effort required to alter this existing part of the project will end up being extensive where the building will have to be stripped back to its structural shell.
- 6.4 There is also a significant question about the cost, effort and disruption required to retro fit the Millennium in to current environmental and sustainability target – especially relevant if the Council is successful in the bid to the Scottish Government’s Learning Estate Investment Programme.
- 6.5 Finally, from an architectural and town planning sense, the shape, appearance and form of the part new build / part refurbishment project will always be constrained by having to work around the existing Millennium Wing.
- 6.6 Overall, Officers are concerned that the overall benefits of the current project will not be realised in a way that would provide the town and the wider High School catchment with a school that would leave a lasting legacy. The Council aspires to a level of excellence in its education projects that has, project-by-project, continued to set an ambitiously high target.
- 6.7 Officers have revisited the project to explore an entirely new build solution. This short study has identified a viable solution that importantly focuses on supporting strategic educational objectives and provides an appropriate environment for learning, enabling the pupils of Peebles to realise their potential. This solution would be located on a part of the site that does not impose any phasing issues and significantly reduces the impact upon young learners during construction. The additional benefit is that a new build solution would be delivered more quickly and at a comparable cost to the solution developed during the feasibility study as explained in Section 4 above.
- 6.8 This study has not yet concluded, however initial cost estimates of the project, indicates the quicker construction timescales may result in a cost of new build which is not materially different from the upper end costs of the cost envelope identified to carry out a rebuild and full refurbishment of the existing millennium wing. This early indicative cost of the new build at £46m which includes a 12% uplift for enhanced environmental energy performance which would be more challenging to achieve with refurbishment option. It is proposed that this work can be completed relatively quickly and Officers will be able to report back by late January 2021. Reporting back in this way may allow a revised project budget to be presented to Council as part of the 2021/22 Capital Investment Plan. It is noted that within this further work, the existing Games Block constructed in recent years will be retained.

7 COMMUNITY AND STAKEHOLDER ENGAGEMENT

- 7.1 The community expectation in Peebles is high in terms of the level of engagement when the project moves to the next stages. It would be normal to undertake those next stages of the project, both the education and planning elements through direct engagement at meetings and

presentations. Given the continued COVID-19 difficulties, this approach will be a significant challenge.

- 7.2 In response to this, it is proposed to supplement the existing technical Architect team with a specialist Architect with a particular focus and experience in digital engagement. The role of this specialist will be to devise and implement a digitally themed consultation process to ensure that full community and stakeholder engagement can take place to connect people to the decision making process.
- 7.3 The scope of the engagement consultant will focus on creating a project specific website, prepare and facilitate a series of digital workshops with local stakeholders, clubs and groups – including the secondary school pupils. Consideration will also be given to a real presentation in a local town setting, subject to current restrictions.

8 IMPLICATIONS

8.1 Financial

- (a) The Capital project budget for the construction of the Peebles High School as contained within the 2020/21 Capital Investment Plan is as below.

2020/21	2021/22	2022/23	2023/24	Total
£'000	£'000	£'000	£'000	£'000
2,000	15,000	12,000	1,000	30,000

- (b) It is noted that a bid to the Scottish Government's Learning Estate Investment Programme has been made in relation to the Galashiels Community Campus. At the time of writing this report, Officers are not aware of the outcome of this bid. Subject to a positive outcome, the project will qualify for revenue based financial support based on a range of criteria.
- (c) It is clear from the output of the feasibility study work undertaken to date that the project is not capable of being delivered within the current £30M budget.
- (d) The expected settlement from the insurance claim is less than that assumed within the 2020/21 Capital Investment Plan.
- (e) The costs of the refurbishment solution are estimated to be £36-50m, requiring an additional budget of £10-24m net of the assumed £6m insurance receipt.
- (f) The early indicative costs of the new build solution are estimated to be £46m including a 12% allowance of enhanced energy efficiency. This will require an additional budget approval of £20m net of the assumed insurance receipt.

8.2 Risk and Mitigations

- (a) The outcome of the feasibility study has identified that it is not possible to deliver a project within the current capital budget unless more of the existing school is retained such as Music, CDT and the Assembly areas. There is a risk that providing a project within the existing current budget will not provide a lasting legacy.
- (b) To provide a part new build/ part refurbishment project will exceed the current budget quite significantly and there is a risk that the project will not deliver the overall benefits expected.

8.3 Equalities

- (a) An Integrated Impact Assessment has not been carried out on this report.
- (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.

8.4 Acting Sustainably

It is noted that overall the project will have a positive impact on energy consumption when compared to the existing buildings.

8.5 Carbon Management

It would be planned that the project will seek to minimise the use of fossil fuels.

8.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

8.7 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.

9 CONSULTATION

- 9.1 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

John Curry

Service Director Assets & Infrastructure Signature

Author(s)

Name	Designation and Contact Number
Steven Renwick	Projects Manager – 01835 826687

Background Papers: Report to Executive – 27 August 2019

Previous Minute Reference: Nil

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EU Exit Update: Preparing for the end of the Transition Period

Report by Executive Director Corporate Improvement and Economy

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to give Council confidence that appropriate and effective planning and preparation arrangements are in place for the end of the Transition Period following the UK's departure from the European Union (EU) on 1 February 2020.
- 1.2 The report sets out the present planning context for the end of the Transition Period on 31 December 2020. It notes that, whether or not the UK and EU reach an agreement on their future relations, come 1 January 2021, there will be significant changes. People, communities and businesses, as well as the Council, need to be prepared to address these changes.
- 1.3 The report focuses on four areas of change or potential change which the Council must address, namely: People, Procurement, Economy and Civil Contingencies. It identifies the nature of risk in these areas and sets out how the Council, in many cases working with partners nationally and regionally, plans and prepares to address those risks.

2 RECOMMENDATIONS

2.1 I recommend that Council:-

- a) **note the risk-based planning and preparation arrangements for the Council for the end of the EU Transition Period, described in the report; and**
- b) **confirm that it is satisfied that these arrangements constitute a satisfactory basis for Council planning and preparation for the end of the EU Transition Period.**

3 BACKGROUND

- 3.1 The UK formally left the EU on 31 January 2020, and entered a “Transition Period”. The Transition Period is created by the EU-UK Withdrawal Agreement (which was ratified by the UK on 29 January 2020). It effectively maintains the status quo and allows the UK to continue as if it was an EU member state, while not participating in the EU’s institutions and governance structures. But this period will end on the 31 December 2020 when the UK will leave the EU’s single market, customs union and a range of other cooperation mechanisms.
- 3.2 Negotiations between the UK and EU about their future relationship after the end of the Transition Period have been underway for around 8 months. The purpose of the future relationship negotiations is to create a framework for cooperation to continue at the end of 2020 in areas of shared interest, like trade, law enforcement, transport, and energy. The negotiations’ original timetable anticipated agreement in time for Member States’ political leaders to endorse at the European Council on 15-16 October 2020. That timetable has slipped significantly and, at the time of writing the present report, the shape and content of the future relationship between the UK and EU are yet to be resolved.
- 3.3 By the time Council considers this report, there will be 14 days until the end of the Transition Period at 2300 hours on Thursday 31 December 2020. According to the accounts of the parties themselves, negotiations between the UK and EU have proved challenging. Three issues have proved more challenging than others. These are:
- Fishing rights
 - Competition rules
 - The arrangements for enforcing rules between the parties.
- 3.4 Whether or not agreement on future relations is reached, the end of the transition period will bring significant changes. Come January 1, 2021, the UK will no longer be part of the EU's Single Market and Customs Union, and will be free to implement trade deals struck with third countries. If there is no agreement, trade between the two will default to World Trade Organization (WTO) rules - with tariffs set to be introduced on many imports and exports, which will push up costs for firms and consumers.
- 3.5 It should be emphasised that even should agreement be reached, for example, in the form of a narrow Free Trade Agreement, this may diminish additional barriers to trade and mobility but significant barriers are likely to remain. For example, sanitary and phytosanitary checks (meaning measures for control of plant diseases, especially in agricultural crops) can be expected to be required on exports to the EU of food products, live animals, products of animal origin, animal feed as well as plants and plant products.
- 3.6 The end of the Transition Period, and the ongoing COVID pandemic combine to create an uncertain and exceptionally challenging planning environment.

- 3.7 The Council's Brexit Response Team (BRT) has led efforts within the Council to plan and prepare for the UK's exit from the UK. This draws on officers and expertise from across the Council and reports to the Corporate Management Team (CMT), and, ultimately, through CMT to members.
- 3.8 Central to our approach is the assessment of risk, based on the Council's Corporate Brexit Risk Register. The register is built around the assumption of:
- A Reasonable Worst Case Scenario (RWCS)
 - This assumes that the UK leaves the EU without an overarching agreement

It should be emphasised that this is a standard approach with respect to Brexit Planning and the RWCS assumption is drawn:

- Directly from the Scottish Civil Contingencies Planning Assumptions
 - Derived from UK planning assumptions but developed to identify the Scotland level impacts of a no deal UK exit from the EU
- 3.9 The remainder of this report is concerned with the practical impacts of the end of the Transition Period, and what the Council plans to do in respect of a range of key potential impacts. It must be recognised that in some instances the Council has no means to address the risk in question and in others its capacity to mitigate a risk is strictly limited. An example of this is potential Border disruption affecting exports from the UK to the EU. About this, there is little the Council can do directly. However, the Council can ensure that exporting businesses are as well supported as possible in relation to the regulatory paperwork for Export which requires to be issued by the Council.
- 3.10 A further general point should be made. In some cases, the Council will not be the exclusive owner of a risk. There may be a shared responsibility with others – typically other public bodies. An example of this is in the area of Public Disorder and Community Tensions. While the Council has an interest in supporting good community relations, the lead agency is Police Scotland.
- 3.11 Lastly, the Brexit Response Team and related sub-groups have met over 30 times to formulate and plan the Council's response to Brexit and, now, the end of the Transition Period. There have been five presentations to Elected Members and two Council Reports, 28 March 2019 and the present report.

4 RISK PLANNING

4.1 PEOPLE

a) General

Following the UK's departure from the European Union (EU), all EU, European Economic Area (EEA) and Swiss citizens who want to live in the UK after 30 June 2021 need to apply for a new immigration status. The EU Settlement Scheme (EUSS) has been set up to grant this status. Successful applicants will be granted either 'settled status' (essentially 5 years continuous residence in the UK confers a permanent right to remain), or 'pre-settled status' (which confers a right to apply for settled status once continuous residence of 5 years has been attained).

b) Council Workforce and Live Borders Workforce

There are a very limited numbers of EU/EEA nationals within the Council's workforce (less than 15 individuals). Those individuals who may be affected by changes in UK Migration law have been identified and specific support has been offered to them. The picture is similar within Live Borders with very low numbers of potentially affected staff identified, and support offered.

c) Social Work Clients and other individuals to whom the Council has a legal duty

Local authorities have a responsibility to act in the best interests of their looked after children and care leavers, and there are certain adults who may lack capacity where the Council has a legal responsibility to make decisions to protect the individual in question. This includes ensuring that any immigration and nationality issues are addressed early and with the long-term well-being of the child, young person or adult in mind. The Council has identified less than 20 children and less than 50 adults who require to be supported in relation to their migration status. Importantly, appropriate interventions have been adopted for each individual. This may or may not include application to the EUSS, subject to the circumstances of the individual.

d) EUSS in General

- i. The EU Settlement Scheme remains open until 30 June 2021 for those resident in the UK prior to 31 December 2020. Retention of EU/EEA citizens who have made the Scottish Borders their home is an economic and community cohesion issue. The Scottish Borders has been heavily reliant on inward migration, much of it from the EU, to support workforce requirements in a region with historically low levels of unemployment. It is known that across the South of Scotland, 800 migrants are required each year for the next 10 years to maintain a stable population. Changes to UK Migration Policy from 1 January 2021 will establish a principal salary threshold

for migrants greater than the median salary in the South of Scotland making it more difficult recruit to jobs in social care, manufacturing and agriculture where migrant workers have been most needed.

- ii. Therefore, a specific risk mitigation has been seeking to increase the percentage of EU/EEA nationals resident in the Scottish Borders who successfully apply for Settled Status. This has revolved around a communications strategy intended to signpost potential applicants to the scheme, and to encourage them to apply. As well as traditional means of communication, such as through SBConnect, the Council has used its social media presence in an effort to connect with potential applicants.
- iii. Based on an ONS population estimate of 4000 EU/EEA citizens in the Scottish Borders, the number of applicants to the end of June 2020 (the last date at which figures at local authority level were available) was 2560, or 64% of those eligible to apply. This means, on the face of the statistics, 36% of those eligible to apply have not done so.
- iv. In light of the above, the Council has sought to augment uptake by working in partnership with the Citizen Advice Bureau and the South of Scotland Enterprise Agency to try and reach numbers of potential applicants at scale through employers known to employ EU/EEA nationals. It is believed that this effort is working with meaningful contact made with a number of employers. This permits communication about EUSS across the workforce, and for support to be provided to individual applicants by CAB, which has specific Scottish Government funding for that purpose.
- v. The Council has also supported the work of the Citizens' Rights Project (CRP), a Scottish Government supported project, providing information, advice and support for EU citizens in Scotland. This has included disseminating training materials for appropriate frontline workers in the Council to strengthen signposting to the individual support which the CRP and CAB can provide.
- vi. Lastly, the Council is directly responsible for supporting those who may have difficulty with the digital EUSS application process. This is called Assisted Digital Support. Applicants who receive this support require to be referred directly to the Council by We Are Digital acting on behalf of the Home Office. Numbers of applicants through the scheme have been very limited.

e) Supporting People

- i. The risks in this area are not directly linked to the EUSS, but are concerned with how the Council, working with others, protects

and supports individuals, families and communities in the context of the social and economic challenges which are expected to attend the end of the Transition Period. Some of these risks are specific to EU/EEA nationals e.g. access to benefits paid by the Council where the individual fails to apply for EUSS by the deadline of 30 June 2021, or non-qualification for central government benefits. However, most risks are of a general nature and there is a very strong overlap here both with the COVID response and with the Council's existing activity in areas, which include unemployment, poverty/child poverty, homelessness, food banks.

- ii. In a reflection of the integrated nature of the challenges being addressed, there is a particular issue around rapidly growing unemployment as a result of the coronavirus pandemic, affecting young people and those over 50. CMT has established a sub-group to lead on Employability, involving 3 directors, is building up its contribution to the Borders Skills and Learning Partnership, as well as working with Team South of Scotland partners. Working with partners, the Council also has a critical responsibility in progressing actions under its Scottish Borders Local Child Poverty Action Plan 2020-21.

4.2 Procurement

a) General - legislation

If no agreement is reached before the end of the transition period, then procurement legislation which the Scottish and UK Government has previously introduced in preparation for a no-deal exit from the EU will take effect. In effect, this new legislation replicates the existing rules.

The Council will continue to use Public Contracts Scotland (PCS) as normal to create and publish their contract notices. PCS will then automatically transfer notices to the new UK Find a Tender Service (FTS) for public contracts (above threshold) which commence on or after 11pm on 31 December 2020. This is a new service which replaces the role of Tenders Electronic Daily, the Official Journal of the EU (OJEU/TED).

b) Contingency planning

As the UK's exit from the European Union is coinciding with a second wave of the virus over the winter months, Services have been working to develop plans to mitigate any procurement risks connected with the dual impact of health and economic factors.

Our sectoral partner Scotland Excel is developing, on behalf of its members, contingency planning along with appropriate mitigation measures across key commodity groups. This approach covers PPE, Catering, and Construction & Social Care.

c) Local considerations

Our key contracted suppliers have been planning for Brexit over the last two years and are confident that mitigation measures put in place will support the initial period post transition with respect to deliveries of orders from Europe, but, owing to friction caused by new processes and procedures at the UK/EU Border, these may take longer than usual. The fixed pricing in place with key contracts should allow us, in the short to medium term, to avoid any significant price fluctuations in the market place resulting from any Brexit uncertainties, though increases of price in relation to future contracts is a clear risk.

Turning to particular areas: locally, our catering service has undertaken advance buying of food supplies and has identified alternative products should any shortages occur. This type of mitigation applies across all Councils and therefore Scotland Excel provides strong national support by undertaking regular communication with key suppliers on market trends and supply chain issues.

Regular engagement has been undertaken with our external Social Care Providers to understand any risk relating to the scale of EU nationals within their establishments. Positively, the level is very low, with those individuals taking forward the process to ensure settled status in place.

d) Financial Risk

Tariffs, export / import issues: in the medium and long term, there are likely to be inflationary impacts upon the prices of goods as result of the UK no longer being part of the EU Single Market and Customs Union. Reaching agreement with the EU over a free trade agreement, and with other countries or trading blocs should mitigate some of these impacts, but is unlikely to mitigate all of them.

If there is a depreciation of the value of sterling, together with any increased costs of imports, this could see inflation rising. Consequently, the cost of living, including interest rates could rise. This may have an impact on almost all frameworks.

Additional hygiene and safety measures related to the COVID-19 outbreak have already lengthened lead times and driven costs up for suppliers.

Ongoing communication with suppliers is crucial to ensure the potential risk of increased costs can be identified as early as possible. NHS Borders is part of the Brexit Response Team (BRT) and leads on matters relating to medicines and medical supplies.

The BRT is confident that all Services have suitable mitigation plans in place to react to external circumstances as they arise.

4.3 Economy

There are essentially three elements to the Council's risk planning around the Economy.

a) Business Support

The primary risk here is that a lack of resilience among private businesses and the local economy in the Scottish Borders may mean that many businesses fold or become less profitable resulting in loss of jobs and significant weakening of the local economy. The new trading environment with the EU is expected to impact business costs through tariffs, regulations and potential currency changes which may impact business viability. Thus, a key question is how the Council and its partners can best support businesses in the context of COVID including into the next financial year should current national support arrangements change. Business Gateway Advisers were signposting to National Brexit tool, and, through increased direct interaction, asking businesses about their preparation, and providing support. COVID has had a twofold impact: understandably for much of the last year short term survival during lockdown has been the overriding concern of businesses, and the pandemic has made practical engagement more challenging. A Team SOS approach has become increasingly important with SOSE now the principal provider of business support. However, SBC continues to input into weekly Team SOS leadership group meetings, and SDS and PACE are significantly engaged within Team SOS with respect to business failure, unemployment and employability.

b) Trading Environment

- i. Closely related to the preceding paragraph concerning Business Support, the question arises as to what the Council can do in seeking to create awareness of new post-transition rules and to facilitate the most positive trading and regulatory environment it can, as far as its responsibilities allow. When the UK leaves the transition period with the EU, a number of new processes and procedures will be required to ensure UK exports are able to make it to the EU market, including the requirement for Export Health Certificates (EHCs) to ensure continued export of animals and animal products to the EU and to Northern Ireland. EHCs will be required from the end of the transition period irrespective of the nature of the future relationship. Without knowing the content of a possible UK-EU trade deal it is impossible to be certain about which goods will require an EHC, but they potentially cover: meat, dairy, hides, eggs, pet food, blood products and even used riding boots, as well as fish and seafood for which councils are the competent authorities in relation to EHC sign off for fish and seafood. The Council

believes it should be able to cope with fish and seafood EHC's on account of the businesses in the Scottish Borders, which require EHCs, having made adjustments to their operations sufficient to negate the need for issue of multiple certificates.

- ii. In another area where there will be new post-transition requirements, the SBC Environmental Health Officers have had training to enable them to inspect fishing vessels and are confident about being able to deliver the required service.

c) Replacement of EU Funding

- i. The Scottish Borders previously benefitted significantly from EU funding: both subsidies (e.g. subsidies pursuant to the Common Agricultural Policy CAP and Common Fisheries Policy CFP) and structural funds, designed to support economic development across all EU countries. In 2016, for example, EU funding from the CAP to the farming industry in the South of Scotland amounted to 23%, almost a quarter, of the Scottish total. The Council (again with partners) has responsibility to ensure that the Scottish Borders is as well placed as possible to garner maximum benefit from the replacement of EU funding. In the last few weeks there have been developments in relation to the replacement of structural funds. Scottish Government issued details of its Scottish Shared Prosperity Fund on 19 November 2020. This details approx. £1.3bn of funding with distribution likely to be based on Regional Economic Partnerships. On 25 November, the UK Chancellor of the Exchequer referred to UK SPF in the UK Spending review, saying it will "help to level up and create opportunity for people in places across the UK" delivered through a UK wide framework matching receipts from current EU structural funds. It is understood that 2021/22 will act as a transition year with a newly established Community Renewal Fund bridging the current EU Structural Fund Programmes and the UKSPF. It is expected that a prospectus for this transition Fund will be published in late January and will likely amount to around £220 million for the whole of the UK. It is unclear how the fund will be dispersed in Scotland.
- ii. It is expected that the full fund will be rolled out in April 2022 based on a 5 year programme, but again full details are not yet available. Officers continue to monitor the position carefully.

4.4 Civil Contingencies

The Risk Register identifies a number of civil contingencies risks. These risks include, for example, 'Border Disruption' meaning delays and reduced flows of trucks carrying goods between the UK and EU. These risks are drawn UK Cabinet Office's 'Set of Reasonable Worst Case Scenario Planning Assumptions to support civil contingencies planning for the end of the Transition Period'. Marked 'officially sensitive', they have been treated

confidentially for the purposes of the report. However, officers are satisfied that arrangements are in place to respond to effectively to these risks, specifically:

- All Local Resilience Partnerships, including that in the Scottish Borders, have now completed Readiness Assessment based on UKG RWCS planning assumptions.
- Scottish Borders Emergency Planning Officers have attended EU Exit sessions facilitated by the Scottish Resilience Development Service (ScoRDS).
- The Scottish Resilience Partnership EU Exit Sub Group continues to meet fortnightly, issuing guidance to Local Resilience Partnerships as appropriate.
- An “all risks” National Co-ordination Centre (NCC) will soft-start on 7 December; becoming fully operational (0700-2300hrs) from 28 December.

5 IMPLICATIONS

5.1 Financial

It is anticipated that there may be costs impacts for the Council once the Transition Period comes to an end. Continuing uncertainty about whether there will be an agreement between the UK and EU and what the content of that agreement will be have made assessment of such costs extremely challenging. It is anticipated that additional costs will result primarily from increased demand for Council services. It is intended that all identifiable potential impacts be considered as part of the Council’s budget planning process.

5.2 Risk and Mitigations

This is a report about the risks associated with the end of EU Transition Period. Accordingly, the report describes all of the key risks that have been identified in relation to the end of the Transition Period, while the Brexit Risk Register from which this report is drawn details all elements of risk with appropriate mitigation plans.

5.3 Integrated Impact Assessment

- (a) As this report does not concern a new or revised Council Policy/Strategy/Practice, no Integrated Impact Assessment has been prepared. However, potential impacts have been identified in the report in relation to:
- employment opportunities for young people and people aged 50 and over;
 - negative consequences for EU/EEA citizens who wish to continue to reside in the Scottish Borders but fail to successfully apply for Settled Status
 - increase of the inequalities of outcome caused by socio-economic disadvantage (pursuant to the Fairer Scotland Duty).

- (b) These impacts are recorded in the report and in the Risk Register from which the report is drawn, together with appropriate mitigation actions. Projects to implement specific initiatives will be individually impact assessed.

5.4 Acting Sustainably

Potential economic, social or environmental impacts are highlighted in the body of the report with mitigation actions, where appropriate.

5.5 Carbon Management

No effects on the Council's carbon emissions have been identified in relation to this report.

5.6 Rural Proofing

This report does not concern a new or amended policy or strategy.

5.7 Changes to Scheme of Administration or Scheme of Delegation

No changes to the Schemes of Administration or Delegation are required by the recommendations 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

Name
Title

Signature

Author(s)

Name	Designation and Contact Number
Michael Cook	Corporate Policy Advisor 01835 825590

Background Papers:
Previous Minute Reference:

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Contact us at:
Michael Cook
Corporate Policy Advisor
Scottish Borders Council

Council Headquarters
Newtown St Boswells
TD6 0SA
Tel: 01835 825590
Email: Michael.Cook@scotborders.gov.uk



CLIMATE CHANGE ACTION PLAN TIMELINE

Report by Executive Director, Finance & Regulatory

SCOTTISH BORDERS COUNCIL

17 December 2020

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the development of a Climate Change Action Plan and proposes a slightly amended timeline for the delivery of the Plan.**
- 1.2 At its meeting of 25 September 2020, Scottish Borders Council agreed a series of recommendations contained within the report 'Responding to the Climate Emergency'. One of the recommendations agreed was that the Council set out a clear plan of action to reduce our carbon emissions and other greenhouse gases, such a plan to return to Council for consideration before the end of March 2021.
- 1.3 A timeline has been developed which sets out the details of the preparatory actions required to deliver such a plan. These actions include the identification of strategic themes, provision of planning workshops for each theme, assessing and identifying an approach to both corporate and regional emissions baseline development and maintenance, structuring corporate governance and reporting processes across climate change issues, and developing proposals for Council wide staff training and engagement.
- 1.4 It has emerged from this planning approach however, that the original March timescale cannot now be achieved. It is requested that in order to produce a robust strategic approach to the development of a net zero pathway within a Climate Change Action Plan, that the timescale is extended by 3 months, with an Action Plan presented to Council in June 2021.
- 1.5 It should be emphasized that re-scheduling Council's consideration of the Climate Action Plan does not inhibit Council's ability to progress existing Climate Action. For example, the Energy Efficiency Programme continues to deliver carbon and cost savings through a programme of energy efficiency and renewable energy retrofit. It does mean that the strategic overview of activity will be delayed in being brought before Council, but it is considered that the benefits in taking limited additional time to strengthen the Climate Action Plan meaningfully outweigh any deficits caused by the delay in presentation of the Plan.

2 RECOMMENDATION

- 2.1 It is recommend that the Council agrees the Climate Change Action Plan Timeline, in particular that a Climate Change Action Plan is considered by the Council before the end of June 2021.**

3 BACKGROUND

- 3.1 At its meeting on 25 September 2020, Scottish Borders Council agreed a series of recommendations contained within the report 'Responding to the Climate Emergency'. One of the recommendations agreed was that the Council 'set out a clear plan of action to reduce our carbon emissions and other greenhouse gases, such plan to return to Council for consideration before the end of March 2021'.
- 3.2 Significant preparatory work has been undertaken by a core group of staff within the Council's Sustainable Development Group, and the attached timeline for this work (Appendix 1) has been produced.

4 CLIMATE CHANGE ACTION PLAN DEVELOPMENT

- 4.1 A number of key steps have been identified in the production of a Climate Change Action Plan, with considerable effort invested in assessing the impact of Scottish Government policy drivers, guidance and support. Much activity has also focussed on engagement with partners around strategic climate change priorities for the Scottish Borders, particularly the Edinburgh and South East Scotland City Regional and Borderlands Growth Deals, and relationships with the South of Scotland Enterprise Energy Transition Group.
- 4.2 The key stages of Climate Change Action Plan production have been identified in the Timeline and are structured around 3 phases – Analysis, Planning and Implementation. As can be seen from the Timeline, significant progress has been made in the assessment of approaches used by other public bodies, scoping of the Action Plan, identification of 4 strategic themes and the investigation of an appropriate emissions baseline methodology against which progress can be measured. The Timeline sets out the steps required in order to produce an Action Plan which can be presented to the Council in June 2021.
- 4.3 The Analysis Phase of the process has been essential to allow detailed specification of activity required in the Planning Phase. It became evident during the Analysis that a number of circumstances which had been in place at the time of writing of the 25th September report 'Responding to the Climate Emergency', had changed. An example of this was the extension to the timescale for the development of a Borderlands Energy Masterplan, which was referenced in the 25th September report. It was previously expected that this process would have provided emissions baselines for each of the relevant Local Authorities by March 2021, however, this will not now be available until later in the year, therefore work is developing to establish an initial standalone baseline for the Scottish Borders.

- 4.4 A widespread issue which has affected the original timeline for the production of a Climate Change Action Plan is related to the availability and capacity of staff across all Council services. Many teams are still being redeployed and focused on COVID related work, and for those who have stepped down from emergency response roles, increasing service delivery demands and potential backlogs require to be addressed. These circumstances have affected not only Council staff, but also many external partners, resulting in reduced availability of officers to progress key elements of the Planning Phase of the original Timeline.
- 4.5 In light of these issues, it is apparent that the original March timescale cannot now be achieved. It is proposed that in order to deliver a robust strategic approach to the development of a net zero pathway within a Climate Change Action Plan, that the original timescale is extended by 3 months, with an Action Plan presented to Council in June 2021.
- 4.6 Officers will keep the Sustainable Development Committee and Elected Members generally updated in relation to progress with the development of the Climate Action Plan through to the end of June 2021.

5 IMPLICATIONS

5.1 Financial

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

5.2 Risk and Mitigations

There is a limited reputational risk to the Council in extending the deadline for the production of a Climate Change Action Plan. However, the priority is to produce a Climate Action Plan which provides the strongest possible basis for progress. It is considered that outcomes will be improved by taking some additional time to develop a stronger Action Plan than would be achievable in the limited timeframe which now exists.

5.3 Integrated Impact Assessment

No Integrated Impact Assessment has been prepared on the basis that the present report is concerned solely with the timing of a future Council Report and Climate Action Plan. An Integrated Impact Assessment will be required in relation to that future report and Climate Action Plan.

5.4 Acting Sustainably

Re-scheduling of the Council's consideration of the Climate Action Plan does not inhibit Council's ability to progress existing Climate Action. It does mean that the strategic overview of activity will be delayed in being brought before Council, and this may consequently mean a small delay in the development of the Climate Change Action Plan, and the concerted and accelerated action in combatting Climate Change which that report is intended to engender. However, it is considered that the benefits in taking limited additional time to strengthen the Climate Action Plan meaningfully outweigh any deficits caused by the delay in presentation of the Plan.

5.5 Carbon Management

As per para 5.4, it is considered that the benefits in taking limited additional time to strengthen the Climate Action Plan meaningfully outweigh any deficits caused by the delay in presentation of the Plan.

5.6 Rural Proofing

The present report does not concern a new or amended policy or strategy. The substantive covering report to the Climate Action Plan will require to be assessed for impact in this regard.

5.7 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

- 6.1 The Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, and the Service Director HR & Communications, have been consulted and any comments received have been incorporated into the final report.

Approved by

David Robertson

Signature

Executive Director (Finance and Regulatory)

Author(s)

Name	Designation and Contact Number
Louise Cox	Environmental Strategy Co-ordinator
Michael Cook	Corporate Policy Advisor

Background Papers:

Previous Minute Reference: Scottish Borders Council, 25 September 2020

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Contact us at Jenny Wilkinson, Scottish Borders Council, Council HQ, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 825004 Email: jjwilkinson@scotborders.gov.uk

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