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SCOTTISH BORDERS COUNCIL THURSDAY, 25 MAY, 2023

A MEETING of the SCOTTISH BORDERS COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST. BOSWELLS AND VIA MICROSOFT TEAMS on THURSDAY, 25 MAY, 2023 at 10.00 AM.

All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .

J. J. WILKINSON,
Clerk to the Council,
16 May 2023

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 27 April 2023 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	Committee Minutes Consider Minutes of the following Committees:- (a) External Services/Providers 7 March 2023 (b) Community Planning Strategic Board 9 March 2023 (c) Audit 13 March 2023 (d) Police, Fire & Rescue and Safer Communities 16 March 2023 (e) Hawick Common Good Fund 21 March 2023 (f) Tweeddale Area Partnership 28 March 2023 (g) Cheviot Area Partnership 29 March 2023 (h) Executive 18 April 2023 (i) Scrutiny & Petitions 20 April 2023	5 mins

	(Please see separate Supplement containing the public Committee Minutes.)	
7.	<p>Destination Tweed Programme Update</p> <p>Consider report by Director Infrastructure and Environment. (Copy to follow.)</p>	15 mins
8.	<p>Earlston Primary School New Build Project Update (Pages 13 - 20)</p> <p>Consider report by Director Infrastructure and Environment. (Copy attached.)</p>	15 mins
9.	<p>Integration Joint Board Directions April 2023 (Pages 21 - 30)</p> <p>Consider report by Chief Officer Health and Social Care. (Copy attached.)</p>	15 mins
10.	<p>Audit Committee Annual Report 2022/2023 (Pages 31 - 42)</p> <p>Consider report by the Chair of the Audit Committee. (Copy attached.)</p>	15 mins
11.	<p>Revision to Procurement and Contract Standing Orders (Pages 43 - 64)</p> <p>Consider report by Acting Chief Financial Officer. (Copy attached.)</p>	15 mins
12.	<p>Review of Scottish Parliamentary Constituency Boundaries</p> <p>Consider report by Chief Executive. (Copy to follow.)</p>	15 mins
13.	<p>Motion</p> <p>Consider Motion by Councillor Tatler in the following terms:-</p> <p>“Vaping has been on the rise in recent years as many look towards quitting smoking. This is a good stepping stone to being smoke free, however as vaping has risen in popularity, so has "disposable" vapes. This is creating significant environmental issues:</p> <ul style="list-style-type: none"> • As of 2017, there were 565 types of e-cigarette devices on the market, 184 of which were disposable or single-use • Users in the UK are throwing away around 2 disposable vapes every second; that's 1.3 million a week. The number of discarded vapes accounts for around 10 tonnes of lithium being sent to landfill or waste incinerators each year - enough metal to make batteries for 1,200 electric cars • 'Zombie' batteries have been found to cause hundreds of fires a year at recycling plants after being thrown away incorrectly (disposable vapes would be classed in this group) • If littered, these create extremely toxic waste which can be harmful to children, pets, and wildlife as the battery may be damaged and leak chemical <p>Scottish Borders Council:</p> <ol style="list-style-type: none"> 1. Acknowledges the increasing impact of the sales of single use Nicotine Vaping Products (NVPs) on the health of young people and the environment, and 2. Agrees to instruct the Chief Executive to write to the Scottish and Westminster Governments expressing Scottish Borders Council's support for a proposed ban on single vapes, and to support 	15 mins

	measures to ban their sale.”	
14.	Representatives on Outside Bodies Consider appointment of representative to Clubsport Ettrick and Lauderdale to replace Councillor Jardine.	5 mins
15.	Open Questions	15 mins
16.	Any Other Items Previously Circulated	
17.	Any Other Items Which the Convener Decides Are Urgent	
18.	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.”	
19.	Minute (Pages 65 - 66) Consider private Section of Minute of Scottish Borders Council held on 27 April 2023. (Copy attached.)	1 mins
20.	Committee Minutes Consider private Sections of the Minutes of the following Committees:- (a) External Services/Providers 7 March 2023 (b) Hawick Common Good Fund 21 March 2023 (c) Executive 18 April 2023 (Please see separate Supplement containing private Committee Minutes.)	2 mins
21.	Children at Risk of Harm Inspection Report (Pages 67 - 74) Consider report by Director Social Work and Practice. (Copy attached.)	20 mins

NOTES

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

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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells and via Microsoft Teams on 27 April 2023 at 10.00 a.m.

Present:- Councillors W. McAteer (Convener), J. Anderson, D. Begg, P. Brown, C. Cochrane, J. Cox, L. Douglas, M. Douglas, J. Greenwell, C. Hamilton, S. Hamilton, E. Jardine, N. MacKinnon, S. Marshall, D. Moffat, S. Mountford, A. Orr, D. Parker, J. PatonDay, J. Pirone, N. Richards, E. Robson, M. Rowley, S. Scott, F. Sinclair, E. Small, A. Smart, H. Steel, R. Tatler, V. Thomson, E. Thornton-Nicol, T. Weatherston

Apologies:- Councillors J. Linehan, C. Ramage.

In Attendance:- Chief Executive, Director Education and Lifelong Learning, Director Resilient Communities, Director Social Work and Practice, Director Strategic Commissioning and Partnerships, Chief Officer Health and Social Care, Acting Chief Financial Officer, Acting Chief Corporate Governance Officer, Clerk to the Council.

1. **CONVENER'S REMARKS**

The Convener congratulated the following:-

- (a) Cory Paterson, The Promise Project Worker for the Council on his appointment as the 2023 Gala Braw Lad;
- (b) Eildon Housing who were celebrating their 50th anniversary and paid tribute to Nile Istephan and his team for their work in the Borders; and
- (c) Jen Holland, Jenny Wilkinson and their team for organising the Carers Event at Kelso Races on 17 April which had also been attended by HRH The Princess Royal.

DECISION

AGREED that congratulations be passed to those concerned.

2. **MINUTE**

The Minute of the Meeting held on 30 March 2023 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:-

Cheviot Area Partnership	1 February 2023
Berwickshire Area Partnership	9 February 2023
Local Review Body	20 February 2023
Peebles Common Good Fund	28 February 2023
Peebles Common Good Fund	7 March 2023
Innerleithen Common Good Fund	8 March 2023
Pension Fund	9 March 2023
Pension Board	9 March 2023
Chambers Institution Trust	15 March 2023
Local Review Body	20 March 2023
Peebles Common Good Fund	22 March 2023

DECISION

APPROVED the Minutes listed above.

4. COMMUNITY WEALTH BUILDING CONSULTATION

There had been circulated copies of a report by the Director Resilient Communities seeking approval for a response to the Scottish Government's Consultation on Community Wealth Building. The report explained that the Scottish Government's consultation on Community Wealth Building (CWB) opened on 31 January 2023 and would close on 9 May 2023. The consultation provided the opportunity to express views on the creation of a statutory duty related to Community Wealth Building, as well as on potential legislative and non-legislative developments which could facilitate the creation of community wealth in Scotland. The Council's response highlighted support for CWB as a strategic objective. It noted however that the Council would not support the creation of statutory duty pertaining to CWB due to a lack of commensurate funding supporting said duty and a multiplicity of other such statutory obligations. The Council also made a number of suggestions which could improve the creation of CWB, notably calling for a simplified policy landscape, the publication of further non-statutory guidance on CWB, and assistance to enable suppliers to access public sector contracts. The Director advised that although the three options were contained in the consultation paper these had not been clearly articulated in the report and they were as follows:-

- **Option A** - a duty requiring Scottish Ministers and prescribed public sector bodies to embed the CWB model of economic development into their corporate plans and wider strategies;
- **Option B** - a duty requiring those public sector bodies statutorily obliged to be involved in community planning to produce a collective CWB place-based strategy and action plan which contained specific actions across the five CWB pillars to advance the CWB model of economic development in their local authority area (This requirement could be taken forward at a regional level if neighbouring local authorities and their community planning partners had a preference for that approach); and
- **Option C** - a combined option – featuring a union of both options set out above

The proposed response to the consultation paper was contained in the Appendix to the report and this indicated No Duty should be taken forward. Members supported the response and agreed that this was not something which should be covered by legislation as there were different requirements in different areas. It was noted that the Council was already doing a lot of work in this area and it was included in the Council Plan.

DECISION

AGREED to approve the response, as set out in Appendix 1 to the report, to the Scottish Government's consultation on Community Wealth Building.

5. TEVIOT DAY CENTRE

With reference to paragraph 6 of the Minute of 27 October 2022, the Chief Officer Health and Social Care provided an update of the provision of day services in Hawick. Mr Myers advised that over a 7 week period there had been engagement with 120 people. Sessions had been held in Denholm, Bonchester Bridge, Newcastleton and Hawick and had included current service users, families and carers, community councils and members of the public. This had focussed on what current provision was available, where were the gaps, how easily could people access information, what type of service people wanted and how it should interact with other services in the community. In terms of the feedback, lack of transport was cited as a barrier to accessing current services; there was a lack of activities for those who needed a lot of support; there was a need for respite for carers of those with dementia and complex needs; services needed to provide social interaction and stimulation; and, with the exception of those from Newcastleton, Hawick was considered the most appropriate location

for the service. Stage 1 of the Inequality Impact Assessment had been completed with work on Stage 2 underway. With regard to the venue for the Service, Mr Myers confirmed that the Katherine Elliot Centre would require significant works to make it suitable. However, the Day Room at the Hawick Community Hospital had been identified as a suitable location which would only need minor adaptations and would provide capacity for 14 individuals. It was noted that Care Inspectorate Registration could take up to 6 months. A market sounding exercise had been carried out but there was a low level of interest. An options appraisal was planned and this would inform the Business Case and a report would be presented to the H&SC Integrated Joint Board on 17 May to allow approval of the recommended option. A further update would be provided to Council on 29 June 2023. Mr Myers answered Members' questions and confirmed that the service move to the Community Hospital would have no impact on the Katherine Elliot Centre as there were a number of other services provided from that location which would continue. The provision of the service from the Hawick Community Hospital would allow for a more holistic service to be provided. Members asked that the Care Inspectorate be encouraged to provide registration sooner than 6 months. With regard to provision for Newcastleton, Mr Myers confirmed that the level of need in that area was being established which would allow further consideration.

DECISION

NOTED the update.

6. CHILDREN AND YOUNG PEOPLE'S PLANNING PARTNERSHIP

There had been circulated copies of a report by the Director Social Work and Practice seeking approval to the inclusion of an Elected Member onto the Children and Young People's Planning Partnership (CYPPP). The report explained that the implementation of the new CYPPP offered a unique opportunity to reset the way the Council supported and worked with children, young people and families in Scottish Borders. It also allowed the Council to reconsider and develop their practice as a multi-agency partnership, including strategic monitoring and evaluation of Corporate Parenting responsibilities. Of significance was ensuring that the Council empowered the voices of those with lived experience to be at the heart of everything it did. In order to ensure that there was appropriate membership and engagement on delivering the Promise and the Strategic Corporate Parenting agenda, it was essential that an Elected Member from Scottish Borders Council attended and supported the development of the CYPPP. Governance and accountability for the CYPPP had been agreed by the Strategic Community Planning Partnership and would align under that structure. Mr Easingwood answered Members' questions and highlighted the various ways in which Members could feed their views into the Partnership. This was a reset of the whole way in which the Council engaged with all children and families and could best be described as an umbrella policy to demonstrate that the Council was doing its best for all children and young people in the Borders.

DECISION

AGREED to approve the inclusion of the Council's Executive member for Developing Our Children & Young People onto the newly formed Children and Young People's Planning Partnership (CYPPP).

7. REPRESENTATIVE ON OUTSIDE BODY

Councillor Jardine nominated Councillor Greenwell to be the Council's representative for Southfield Community Centre to replace Councillor Rowley and this was seconded by Councillor Moffat.

DECISION

AGREED that Councillor Greenwell be appointed as the representative for Southfield Community Centre.

8. OPEN QUESTIONS

The questions submitted by Councillors Begg, Scott, Anderson and Steel were answered.

DECISION

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

MEMBER

Councillor Rowley left the meeting.

9. **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

10. **Committee Minutes**

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

11. **Recruitment to Director Posts**

Members approved a report by the Director People Performance & Change on the recruitment process for appointments to Director posts.

The meeting concluded at 11.00 a.m.

SCOTTISH BORDERS COUNCIL
27 APRIL 2023
APPENDIX I

OPEN QUESTIONS

Questions from Councillor Begg

1. To the Executive Member for Environment and Transport

Can the Executive Member advise how much reimbursement is provided to bus operators for the over 60s and under 22s bus passes?

Response from Councillor Jardine in the absence of Councillor Linehan

The reimbursement rates for 2023/24 were laid in Parliament on 27 January 2023 and came into force on 1 April 2023.

The rates are as follows:

- Older & Disabled Persons Free Bus Travel Scheme: reimbursement rate is 55.9%,
The scheme cap is set at £216.2 million

Young Persons Free Bus Travel Scheme: reimbursement rates are:

- 5-15 year olds is 43.6%
- 16-21 year olds is 81.2%

The scheme will not be capped in 2023/24

Feedback from local transport operators on the under 22 scheme is that there are significant numbers of young people in the Borders taking advantage of the scheme and using it to make journeys across the local network for employment and leisure.

Take up of the scheme regionally is good with around 75% of young people between the ages of 12 and 18 having applied for the travel entitlement.

The objective now is to continue to work with operators to grow the under 22 use whilst also trying to encourage use of public transport by Adults. The passenger Transport Team has applied for funding to run a marketing campaign which will run alongside the Scottish Governments forthcoming campaign to encourage people to use public transport.

Supplementary

Councillor Begg asked if Councillor Jardine considered if the rate of reimbursement was suitable for rural services. Councillor Jardine advised he would need to check with Border Buses and other operators. The first step was getting people to use buses and then the funding could be looked at, but at the moment Councillor Jardine could not either agree or disagree.

2 To the Executive Member for Health and Wellbeing

Can the Executive Member advise how much social care funding for people in Scottish Borders has been held on to by Scottish Government to fund the National Care Service so far?

Response from Councillor Parker

I can confirm that there is no funding within the Local Government settlement held back to fund the National Care Service.

3 To the Executive Member for Service Delivery and Transformation

Can the Executive Member advise why businesses received notification of their rates so late this year? Small businesses in particular have been affected badly by the threshold changes. What action is Scottish Borders Council taking to support them?

Response from Councillor Rowley

The Non Domestic Rates bills were posted to customers on 12 April 2023. This mirrored the issue date in 2022 and was slightly earlier than in 2021, allowing for payment to commence on 1 May as determined by legislation.

Due to the impact of the Scottish Government's legislative changes to the Small Business Bonus Relief scheme it has not been possible to accurately calculate the bills for small businesses and therefore all impacted businesses have been contacted directly and given an indication of their estimated liability. The reason for this approach was to maximise the payment term available to businesses to help keep their monthly instalments as low as possible. We anticipate revised bills being issued during May which will detail Small Business Bonus Relief awards and Transitional Relief where applicable.

No action will be taken against any of the affected business that prefer to wait for an accurate bill before making payment however it must be noted that this will have an impact on their remaining instalments.

Advice and guidance on changes to the rules, the next steps, what to apply for and when is available on the Council's website. The Council's Customer Support team can also offer advice to any business that is worried about the increase in their liability and again contact details are available on the website.

Supplementary

Councillor Begg asked if we could give businesses more notice in future so they can plan for their future liabilities. Councillor Rowley agreed that early notice was helpful which was why businesses had been notified directly of their estimated liability. However, the current changes were by the Scottish Government and out-with Council control.

Question from Councillor Scott

To the Executive Member for Estate Management and Planning

Can the Executive Member give me an update/possible time line on when the proposed Skateboard Park, in the "Dip" Jedburgh might commence please?

Response from Councillor Mountford

It is anticipated that work will commence here in Sept / Oct 2023 & expect completion to be early in the New Year, weather permitting.

We are currently awaiting a second price for the electricity cabling before finalising the Tender cost.

Officers intend to prepare a Play Parks Programme information webpage, similar to that recently launched for the Peebles High School Project that sets out the significant investment planned over the next 7-years. This will clarify what the Council intend to achieve through the programme of investment, and provides progress updates and timelines to raise the profile and awareness of the programme.'

Question from Councillor Anderson

To the Executive Member for Service Delivery and Transformation

The SBC HQ remains significantly under occupied during the working week.

Will the Chief Executive look at the situation and bring to Council evidence of the stated improvement in work being done by staff, with a comparison to works completed in the year 2022/23 to works completed in 2018/19 for Elected Members to debate? This report I would request not be just about monetary improvement, but people served, level of services and customer satisfaction.

Response from Councillor Rowley

The Council has, since the commencement of the first COVID 19 lockdown, operated a hybrid staffing model whereby those office based staff who can effectively carry out their duties using online technology such as Microsoft Teams have been encouraged to work either at home, or in a council office where home working is not practicable.

These working arrangements have been enacted under the Council's flexible working policy which is available online and can be accessed using the link below.

<https://scotborders.sharepoint.com/sites/intranet/IntranetContent/Flexible%20working%20Policy%20Aug%2022%20published.docx>

The flexible working policy applies to approximately 1,500 people of who approximately 400 were previously based in Council HQ. The remainder of the Council's 4,168 Full Time Equivalent staff work in schools, social work centres, care homes, and other front line functions such as care at homes and roads. On-line, flexible working arrangements are not appropriate to these staff due to the time-critical, face to face client-focussed, or locality specific, nature of the services they provide to the public.

The impact of this policy has meant that the Council Headquarters building has recently been required to accommodate a significantly reduced number of staff when compared to previous arrangements. Occupancy varies throughout the week but checks this week have indicated around 60 - 70 staff signing in to HQ each day.

Providing the option of hybrid working has assisted the Council in meeting a range of recruitment challenges in its central functions. I am informed by our Human Resources Team that this flexibility is one of the key benefits employees are now looking for when looking for a new role and considering which organisations they wish to work for in an increasingly competitive labour market.

It has also provided environmental benefits in reducing journeys to and from a workplace in line with the Council's agreed carbon reduction commitments, as well as lost working time due to travelling to meetings. The beneficial impact of such an approach on staff travel mileage and the Council's overall carbon footprint can be evidenced by from work conducted by the Education Service, which showed the weekly meeting of (one small team) education officers which would have previously happened in person at HQ, now happens via teams saves a collective travel time of 10 hours 40 minutes a week and avoids 400 miles being driven, allowing more time to be spent directly working in and supporting schools.

The current situation, where the majority of previously HQ based staff have worked successfully from home, has also allowed the refurbishment of the building to take place including , toilet refurbishment, re-cabling and an upgrade of wi-fi capability across the building. The purchase of any new furniture has been kept to a minimum as part of these works and where ever possible existing furniture has been reused.

The post-covid operating environment has also allowed the re think of the way in which the HQ building will be used in future. Officers are currently considering whether it would be possible to create a multi-agency civic centre, including staff from the Council, Health, the Integration Joint Board, the Emergency Services, Live Borders and the third sector. Staff from the Joint Learning Disability team are already relocated into the HQ building from Earlston and this building is now on the market. A report on the further works on the future strategy for HQ has also been requested by the Executive Committee and will be provided in May.

Comprehensive data on the performance of the Council is published annually. Information is available online through the Local Government Benchmarking Framework hosted by the Improvement Service along with comparable data for other Scottish Local Authorities.

Comprehensive Information is available comparing Council and showing the performance of each Council including SBC over time and includes a variety of quantitative and qualitative measures

including the satisfaction of service users. The link to the most recently published comparative data is provided below.

[For the public | Benchmarking \(improvementservice.org.uk\)](#)

Information on the Council's performance during 2022/23 was regularly reported to the Executive Committee and the reports and information are available online through Modern.gov and already readily accessible by Elected members to debate and for scrutiny by the Public.

The most recent performance report for Q3 2022/23 is available using the link provided below and information on the final quarter will be provided and reported to Elected members alongside financial information as part of the outturn process in June 2023 as soon as this is available.

[Scottish Borders Council Council Performance Report Q?? – 2022/23 \(moderngov.co.uk\)](#)

The Council continues to serve its 115,000 population to the best of its ability with the finite resources at its disposal with no evidence of a diminution in service caused by flexible working. The period both during and post the COVID 19 pandemic has in fact seen a significant increase in the reporting requirements from Government.

The information sought by the question is readily available, pulling this together in the format requested by Councillor Anderson would in my view not be a productive use of officer time and I see no reason to request a further report on this matter from the Chief Executive.

Supplementary

Councillor Anderson advised that a number of elected Members were unhappy with the working from home strategy and requested that in future decisions on where staff should work be brought to Council for discussion and decision. Councillor Rowley advised it was not a working from home strategy but a flexible working policy and staff could chose to work from home if it suited the requirements of the service. He further advised that this option aided the Council in recruitment and made it easier to meet sustainability goals.

Question from Councillor Steel

To the Executive Member for Developing Our Children and Young People

Does the Executive member agree with the objectives of the Wave Trust, whose aim is to reduce the maltreatment of children by 70% by 2030?

Response from Councillor C. Hamilton

The Wave Trust is an international educational charity based in the UK whose objectives are to reduce the root causes of interpersonal violence: child neglect and maltreatment. As the Executive Member, I agree with the fundamental need to deliver effective prevention and early intervention to ensure that we can reduce child abuse and neglect and to engage parents, carers and communities in this process.

The Wave Trusts agenda is consistent with 'The Promise' which aims to deliver a full system shift from across the multi-agency landscape to promote early and effective intervention and prevention for every child in Scotland. Locally, 'The Promise' work is incorporated within the Scottish Borders Children and Young People's Planning Partnership (CYPPP) which had its inaugural meeting last Friday and as Executive Member, I attend this forum and fully support its work.

EARLSTON PRIMARY SCHOOL NEW BUILD PROJECT – UPDATE REPORT

Report by Director Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

25 May 2023

1 PURPOSE AND SUMMARY

- 1.1 This report provides an update on the progress with the new Earlston Primary School and Health Centre following the procurement stage.**
- 1.2 The Executive Committee on 16 April 2019 approved that the project to deliver a new primary school in Earlston should proceed to detailed design and procurement stages. Discussions with NHS Borders about a combined Primary School and replacement Health Centre took place. The detailed design and planning stages have been completed for this combined facility during 2021 and 2022.
- 1.3 The procurement stage is nearing conclusion and is showing a budget pressure. This report proposes a phased construction beginning with the Primary School, Early Years and Community space.
- 1.4 In light of the revised costs of £5.4m for the replacement Health Centre (based on May 2023 prices), a final decision on the affordability, timescales and resultant funding sources needs to be considered fully by the Board of NHS Borders. However, to minimise disruption to the existing primary school; ensure that there is no adverse impact on the school curriculum; minimise build timescales; and avoid further inflationary cost pressures, it is important to proceed with the primary school build at this stage. The design of the building is such that a phased construction can be undertaken.

2 RECOMMENDATIONS

2.1 I recommend that the Council:-

- (a) Notes the progress of the project through the statutory planning stage and the completion of the detailed design and procurement stage.**
- (b) Notes the current budget position that is, as a result of the procurement stage, above the budget for both the Primary School and Health Centre elements.**
- (c) Notes that NHS Borders require to assess the affordability,**

timescales and funding source for the Health Centre element of the project given the increased costs.

- (d) Delegate authority to the Director Infrastructure & Environment in conjunction with the Chief Financial Officer the authority to conclude the contract with Hub South East Scotland Ltd at a project budget no greater than £16.6M allowing the Primary School project to proceed to construction.**
- (e) Provide Update Reports as the project proceeds.**

3 BACKGROUND

- 3.1 The report to Executive Committee on 16 April 2019 approved that the new replacement primary school in Earlston should proceed to detailed design and procurement stage.
- 3.2 Since then, positive community engagement has taken place. Discussions have also taken place with NHS Borders to develop a proposal that allows for a combined Primary School, Early Years Centre and new Health Centre.

4 COMMUNITY ENGAGEMENT AND STATUTORY PLANNING PROCEDURES

- 4.1 In September 2019, community engagement took place in Earlston. At this time, plans for the new school were presented. Feedback from the community was that the plans for the school were generally well received but the community were concerned about the lack of community space within the proposals.
- 4.2 The project reflected on this and developed further plans that included for community space. In addition, the project was able to be clearer on the proposal to relocate the public library that is currently included within the Secondary School in Earlston.
- 4.3 The revised plans also allowed for a combined Primary School, Early Years Centre, Health Centre following discussions with NHS Borders. The discussions noted the current condition of the existing Health Centre in Earlston and of the opportunity to consider a new and combined facility. The plans were placed on display within the community at an engagement event in September 2021 and were generally supported within the community.
- 4.4 Following a further design stage, a full planning application was made in November 2021 and approval was granted under delegated powers on 28 April 2022.
- 4.5 A post planning approval community engagement event was held on 20 June 2022.

5 DETAILED DESIGN AND PROCUREMENT

- 5.1 At the conclusion of the statutory planning stage, the project progressed to detailed design stage to prepare for procurement and tendering stages.
- 5.2 To develop the procurement, Council Officers have turned to Hub South East Scotland Ltd (HubSE) as the Council's private sector development partner. HubSE have a track record of delivering school projects for the Council over recent years (Kelso HS and Jedburgh Grammar Campus) and currently engaged to deliver Galashiels Academy and Peebles High School. Given the geographic proximity between Galashiels and Earlston and that the delivery timeline is generally the same, HubSE and Council Officers agreed to appoint Morrison Construction as the Tier 1 Contractor for both projects. Once Hub SE and Morrison Construction were appointed, they, along with the design team, project and cost managers have undertaken design value management through each stage of the design process to ensure that proposals deliver optimal value for money whilst ensuring that they contribute to delivering educational outcomes.

- 5.3 To facilitate the construction of the new primary school, the internal layout of the building has been refined to ensure that the curriculum can be delivered in a more efficient footprint. This has allowed for an Enabling Works demolition contract to be undertaken. The Enabling Works was undertaken during the first few months of 2023 and completed recently. Completing preparatory works to enable the new build to begin.
- 5.4 The design team and Morrison Construction developed procurement information to obtain tender prices for the main works from the end of 2022 through to the Spring of 2023. In a project of this size, the construction is broken down in to key works packages such as groundworks, structural frame, roof, windows etc all the way through to the decorating and floor finishes.
- 5.5 During 2022, construction inflation was being reported in double figures through national indicators such as the Building Cost Information Service (BCIS). In particular, national bodies and cost advisors have indicated that this cost inflation over the second half of 2022 was tracking higher than the forecasts.
- 5.6 This has had a significant impact on the returned tenders which are higher than anticipated. During the spring of this year, the design team and Morrison Construction are further reviewing proposals to consider ways to reduce cost pressures and avoid delays, largely through variations to specification and materials. This process is ongoing.
- 5.7 Discussions have been taking place with colleagues in NHS Borders during this time to make them aware of the returned tenders. NHS Borders remain committed to delivering the new Health Centre but as a result of higher than forecast tender returns, they need to take through their governance process with an updated assessment on funding, affordability and timescales. Having reviewed the options available to both organisations, it is proposal that construction will be phased, beginning with the Primary School, Early Years and Community space. A phased construction will minimise disruption to the existing primary school; ensure that there is no adverse impact on the school curriculum; minimise build timescales; and avoid further inflationary cost pressures on that element of the building.
- 5.8 While the overall plans for the Primary School and Health Centre are enclosed within a single building, the two functions are quite separate with a mutual boundary running through the building. This enables a clean separation and phased construction, with only a minor adjustment to form a new external wall. The Health Centre will be constructed separately, at a later date, once NHS Borders have concluded their governance process. This will have a minimal impact on what will be an operational school. To clarify, the phased delivery of the Primary School, Early Years and Community space does not prevent the future provision or construction of the Health Centre.

6 CAPITAL BUDGET AND AFFORDABILITY

- 6.1 The total approved budget for the Primary School, Early Years and Community part of the project is £12.312M. Of this, costs of £2.308M have been incurred to 31 March 2022 including the Enabling Works Costs to redesign the existing school and undertake demolition works.

- 6.2 Paragraph 5.7 states that procurement of the works packages is ongoing and will conclude in the next few weeks. At the time of writing this report it is forecast that the overall cost for the Primary School, Early Years and Community space will be £16.6M. This cost includes fit out costs prior to opening that will be delivered direct by the Council such as IT commissioning, loose furniture and removal costs. It is recommended that delegated authority is given to the Director Infrastructure and Environment, in conjunction with the Chief Financial Officer, to conclude the construction contract within that overall cost of £16.6M. This is proposed as a maximum, not to exceed value allowing officers to agree a final contract sum that provides best value to the Council. For completeness, the cost of the Health Centre is £5.4m, based on prices at May 2023.
- 6.3 Budget pressures are being experienced across all projects in the Capital Investment Plan that have not yet reached contract stage. Reports on Galashiels Academy and Peebles High School projects will be presented to Council over the coming months.
- 6.4 The inflationary pressures presented within this report will have the greatest impact in 2024/25 and 2025/26 financial years. An overall resolution to this pressure will be reflected in the 2024/25 Capital Investment Plan presented to Council in February 2024.
- 6.5 Cost increases are being experienced across a significant proportion of Local Authority projects across Scotland. Council Officers, advisors from Hub SE, the design and delivery team have held a number of discussions to consider how best to manage inflationary pressures. The appointment of Hub SE will enable the Council to achieve a fixed price contract prior to the beginning of construction, whilst this is typical in major projects; it is unusual in the current market. For a fixed price contract, inflation is applied to the mid-point of construction timeframe and puts the Council in a strong position to protect against further inflationary pressures. It also provides the Main Contractor and their supply chain greater surety on programme and reduce risks associated with that. Our consultancy team have visibility on pricing and the allowances made and these costs are benchmarked against other projects nationally to ensure we realise value for money. Finally, whilst we expect inflation to fall, prices will continue to increase albeit at a lower rate. Taking the approach outlined allows for several key projects to proceed to construction in 2023/24. In doing this, future exposure to inflationary cost increases is minimised.
- 6.6 Taking this action to commence with the primary school at Earlston without further delay also recognises the current partial demolition, the condition of the remaining building and minimises the impacts on the curriculum delivery.

7 IMPLICATIONS

7.1 Financial

- (a) The table below shows the costs incurred to date along with the budget, pending approval of 2022/23 Capital Out-turn by the Executive Committee, for Earlston Primary School, excluding the Health Centre:

Costs to 31	Budget	Budget	Budget	Total
-------------	--------	--------	--------	-------

March 2022	2023/24	2024/25	2025/26	Budget
£'000	£'000	£'000	£'000	£'000
2,308	1,944	7,887	173	12,312

- (b) Given the outputs from the procurement process and the cost pressure on the project a review of the project has been undertaken by both Council officers and external cost managers. While there have been some cost savings, the review identified that the project costs were value for money. Further changes to the project would impact on educational functionality, the approved planning consent or the community facilities.
- (c) To allow this strategic Council priority project to proceed, it is recommended in this report that the Council commit to commencing the construction at a maximum not to exceed budget of £16.6M. The implications of this will be reviewed as part of the 2024/25 Capital Investment Plan.

7.2 Risk and Mitigations

- (a) The project is required to be undertaken in a phased arrangement given that the new build is on the same site as the existing school. Risks to this delivery approach have been mitigated by the enabling and preparatory works involving compressing the existing school and undertaken a demolition contract.
- (b) There are no land or statutory consent issues with the project.

7.3 Equalities

- (a) An Integrated Impact Assessment has been carried out on the project and will be published at a point when the detailed design is complete.
- (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.

7.4 Acting Sustainably

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

7.5 Carbon Management

It would be planned that the new building 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 Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, the Clerk to the Council and Communications have been consulted and their comments have been incorporated into the final report.

Approved by

John Curry

Service Director Infrastructure & Environment

Signature

Author(s)

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

Background Papers: Report to Executive – 16 April 2019

Previous Minute Reference: Nil

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INTEGRATION JOINT BOARD DIRECTIONS: APRIL 2023

**Report by Joint Director, Health and Social Care /
Chief Officer, Integration Joint Board**

Scottish Borders Council

25 May 2023

1 PURPOSE AND SUMMARY

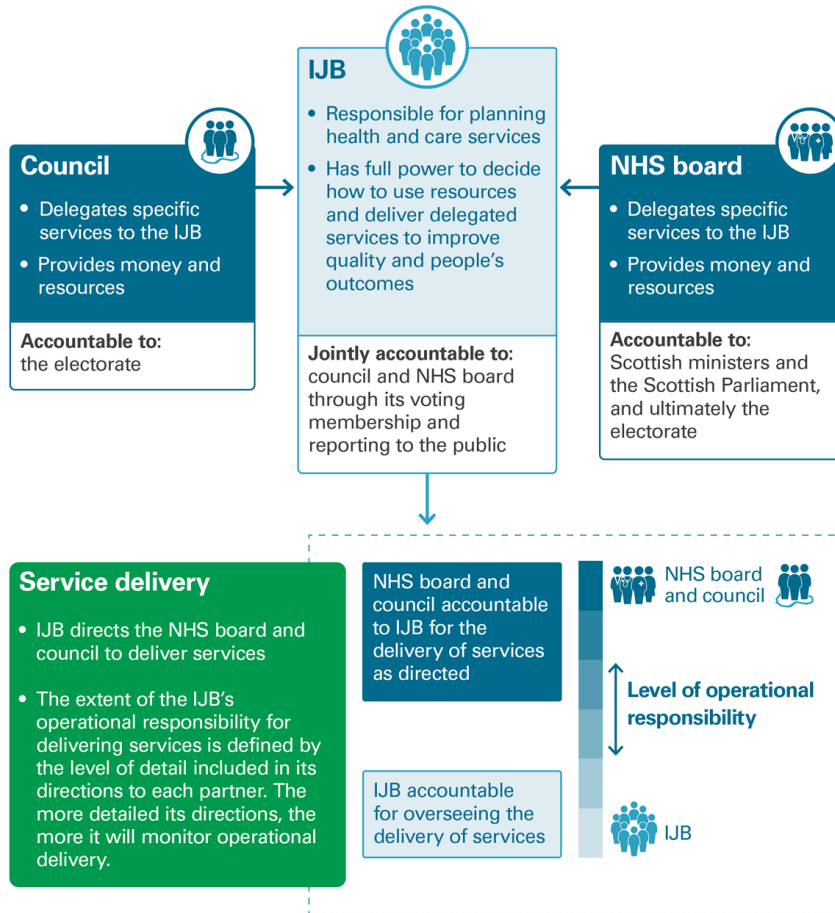
- 1.1 This report provides an update to the Scottish Borders Council on the Directions issued to the Scottish Borders Council from the Health and Social Care Integration Joint Board in their April 2023 meeting.
- 1.2 The Directions issued by the Integration Joint Board in April 2023 relate to the Health and Social Care Partnership Annual Budget and the closure of the Gala Resource Centre.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Council note the Directions issued by the Health and Social Care Integration Joint Board to the Scottish Borders Council**

3 BACKGROUND

3.1 The Public Bodies (Joint Working) (Scotland) Act 2014 (the Act) outlines the arrangements for delegating services and resources from Local Authorities and Health Boards to Integration Joint Boards. These arrangements are summarised at a high level in the Audit Scotland diagram below.



Source: [What is integration? A short guide to the integration of health and social care services in Scotland](#), April 2018, Audit Scotland

- 3.2 Under these arrangements, the responsibility for decisions about the planning and strategic commissioning of all health and social care functions that have been delegated by the Council and the Health Board sit with the Integration Joint Board as a statutory public body.
- 3.3 The Act states that an Integration Joint Board must direct their partner authorities to carry out each function delegated to the Integration Joint Board.
- 3.4 Directions are a legal mechanism intended to clarify responsibilities requirements between partners. The primary purpose of Directions are to set a clear framework for the resourcing and operational delivery of the functions that have been delegated to the Integration Joint Board and to clearly convey the decision(s) made by the Integration Joint Board about any given function(s).

- 3.5 Within our local context, the “Integration Joint Board Directions Policy and Procedure” ensures that all Directions that affect the Scottish Borders Council are developed in partnership between the Integration Joint Board and Scottish Borders Council, so that when they are issued, these are supported and understood.
- 3.6 This update is included to ensure that Integration Joint Board directions issued to the Scottish Borders Council are shared with all Elected Members at Full Council so as to ensure that Elected Members are fully sighted, and as a matter of record.

4 DIRECTIONS ISSUED FOLLOWING IJB MEETING IN APRIL 2023

- 4.1 The “Annual Services and Budget Direction 2023” is enclosed in Appendix 1. This aligns to the budget offer made by the Scottish Borders Council once the budget was set in February 2023. This relates to the annual budget set by the IJB to the Scottish Borders Council and NHS Borders for delegated and hospital ‘set aside’ services. This includes the requirements for oversight of performance, delivery and risk. It also outlines the requirements relating to collaborative and integrated working across the Health and Social Care Partnership.
- 4.2 The “Gala Resource Centre” Direction is enclosed in Appendix 2. This relates to the decision to close the Gala Resource Centre, and develop a service for people with Emotionally Unstable Personality Disorder.

5 IMPLICATIONS

5.1 Financial

There are no costs attached to any of the recommendations contained in this report, however both Directions contain detail on the impacts on the budget delegated to the Integration Joint Board.

5.2 Risk and Mitigations

As Directions are developed in partnership with the Scottish Borders Council, no specific concerns need to be addressed.

5.3 Integrated Impact Assessment

Integrated Impact Assessments have been undertaken in relation to the work that led to both Directions, in line with the Integration Joint Board’s Equality duties in its capacity as a Public Body.

5.4 Sustainable Development Goals

The Integration Joint Board works to achieve the following Sustainable Development Goals:

- Goal 3: Ensure healthy lives and promote well-being for all at all ages
- Goal 5: Achieve gender equality and empower all women and girls
- Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all
- Goal 10: Reduce inequality within and among countries
- Goal 16: Promote just, peaceful and inclusive societies

- Goal 17: Revitalise the global partnership for sustainable development

5.5 **Climate Change**

There are no related climate impacts associated with this report.

5.6 **Rural Proofing**

n/a

5.7 **Data Protection Impact Statement**

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

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

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

6 **CONSULTATION**

The Chief Executive, Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted.

Approved by

Name **Chris Myers** **Title** **Joint Director, Health and Social Care**

Author(s)

Name	Designation and Contact Number
Chris Myers	Joint Director, Health and Social Care / Chief Officer Integration Joint Board

Background Papers:

Scottish Borders Health and Social Care Integration Joint Board Directions Policy and Procedure. Available from 12 December 2021 papers (page 21):

<https://scottishborders.moderngov.co.uk/documents/s61363/IJB%2015.12.21%20Agenda%20pack.pdf#page=21>

Directions from integration authorities to health boards and local authorities: statutory guidance. Available from: <https://www.gov.scot/publications/statutory-guidance-directions-integration-authorities-health-boards-local-authorities/>

Previous Minute Reference: n/a

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Contact us at Chris Myers chris.myers@scotborders.gov.uk

DIRECTION FROM THE SCOTTISH BORDERS INTEGRATION JOINT BOARD

Direction issued under S26-28 of the Public Bodies (Joint Working) (Scotland) Act 2014

Reference number	SBIJB-190423-01
Direction title	Annual Services and Budget Direction 2023
Direction to	Scottish Borders Council and NHS Borders
IJB Approval date	19 April 2023
Services/functions covered by this Direction	All delegated services
Full text of the Direction	<p>The Scottish Borders Health and Social Care Integration Joint Board is directing the Scottish Borders Council and NHS Borders to:</p> <ol style="list-style-type: none"> 1. Work collaboratively across the Partnership with all delegated services, in line with the Integration Delivery Principles 2. Work proactively and collaboratively across the Partnership with the appropriate level of public involvement to design services to meet future need, within available resources. Participate in evaluating the Best Value for Every Pound approach to develop services that have the greatest impact relative to resources deployed. Engage in activity across the Partnership to develop and implement medium-long term strategy and service plans to achieve a balanced financial position across all services. 3. Use the delegated budget as noted below to jointly implement the requirements of the Strategic Framework 2023-2026 <ul style="list-style-type: none"> ○ Operate within the annual budget attached , providing core services (Note that this is the initial budget which may change once the Financial Plan, Annual Plan, NHS Board Recovery Plan and IJB Recovery Plan have been approved) ○ Outcomes will be measured through appropriate quarterly financial and non-financial performance reporting in line with the Performance Management Framework which will continue to be developed by the IJB via its new Performance and Delivery Committee. Attend the Committee as required. ○ As part of quarterly monitoring processes, where any element of this direction is unable to be delivered as a result of financial challenge, or otherwise, the relevant partner organisation should provide a written response detailing their proposed approach, including timescales under which the full direction is expected to be implemented. A template for submission of this return will be provided to all HSPC managers. ○ Risks and issues relating to the strategic planning and budgeting of delegated services that require strategic input, must be escalated to the Health and Social Care Executive Team for awareness or decision-making, and onward reporting to the IJB if required. This will include any potential variations resulting in performance / outcomes going off plan (i.e. Budget, Strategic Framework and Annual Plan). This will be incorporated into the monitoring template. ○ A further direction will be provided to update the annual budget and advise service priorities from the Annual Plan (to be confirmed by June 2023). 4. Work with the IJB CFO to ensure full compliance with set aside guidance.

	<p>5. Provide assurance to the IJB in respect of the integrated Clinical and Care Governance framework, in line with the responsibilities of the Medical Director, Director of Nursing, Midwifery & AHPs, Director of Public Health and Director of Social Work & Practice.</p> <p>6. Ensure that an integrated approach to audit is taken for the delegated services, with oversight from the IJB Audit Committee</p> <p>7. Comply with IJB Financial Regulations and Scheme of Delegation (to be finalised by end June)</p>
Timeframes	<p>To start by: 1 April 2023</p> <p>To conclude by: 31 March 2024</p>
Links to relevant SBIJB report(s)	<p>Health and Social Care Strategic Framework 2023-26</p> <p>Health and Social Care Annual Plan 2023-24 (available from June 2023)</p> <p>Health and Social Care Scheme of Integration for the Scottish Borders</p> <p>Health and Social Care Integration Joint Board: 15 March 2023</p> <p>Financial Regulations</p> <p>Scheme of Delegation and decision making</p> <p>Best Value for Every Pound</p> <p>Budget and Financial Plan</p>
Budget / finances allocated to carry out the detail	<p>Description of Cluster</p> <p>Delegated budget 2023/24. Services covered, and value:</p> <p>Detail to be completed</p>
Outcomes / Performance Measures	<p>The 6 Strategic Framework objectives and ways of working, the National Health and Wellbeing Outcomes performance measures, and all other service quality and performance indicators for the cluster of services will be overseen via the new IJB Performance and Delivery Committee. Delivery of financial targets.</p> <p>To be reissued by end of first quarter, with specific metrics and targets from annual plan</p>
Reporting to IJB/SPG or Audit	<p>Any required monitoring to the Integration Joint Board via the:</p> <ul style="list-style-type: none"> • IJB Performance and Delivery Committee (new committee not yet established - for commissioning activity, financial and non-financial performance) • IJB Audit Committee (for risk management, delivery of legal obligations, financial audit, governance, delivery against specific directions associated to the Strategic Framework and Annual Plan) • IJB Strategic Planning Group (for new plans and proposals associated aligning to the Strategic Framework / Annual Plan)
Date Direction will be reviewed by Audit Committee	<p>Monitoring at September IJB Audit Committee</p>

HSCP Budgets 2023/24

	NHS Borders £m		SBC £m		HSCP £m		
	Budget	Savings	Budget	Savings	Budget	Savings	TOTAL
Prescribing	25.754				25.754	-	25.754
Older People			27.116	(0.050)	27.116	(0.050)	27.066
Learning Disability	3.529		21.152	(0.748)	24.681	(0.748)	23.933
Mental Health	20.398		2.177		22.575	-	22.575
Adult social care			20.212	(1.870)	20.212	(1.870)	18.342
Physical Disability			2.698		2.698	-	5.396
ADP	0.439				0.439	-	0.439
Primary & Community Care							
Independent Contractors	31.487				31.487	-	31.487
Allied Health Professionals	8.166				8.166	-	8.166
Community Hospitals	6.714				6.714	-	6.714
District Nursing	4.592				4.592	-	4.592
Public Dental Services	4.360				4.360	-	4.360
Out of Hours Service	2.609				2.609	-	2.609
Primary Care Improvement	2.160				2.160	-	2.160
Community Based Services	3.035				3.035	-	3.035
Sexual Health	0.793				0.793	-	0.793
Generic Other *	13.653		8.639		22.292	-	30.931
Resource Transfer	2.776				2.776	-	2.776
IJB Reserves	0.186				0.186	-	0.186
					-	-	-
Financial Improvement/ Recovery Plan		(8.185)			-	(8.185)	(8.185)
Total Delegated	130.651	(8.185)	81.994	(2.668)	212.645	(10.853)	201.792

* Generic other includes discharge programme (home first), social care fund

Clusters

NHSB and SBC:

- Public health and health promotion (also including health visiting, school nursing, exc immunisation and vaccination)
- Social prescribing and local area coordination
- Unpaid carer support services
- OTs - expectation that social work care manager and health OT role will both be completed as part of this, bringing the budget together ensures better collective oversight
- Community Equipment and technology enabled care
- Mental health services
- Learning disability services (in and out of area)
- Alcohol and drugs - inc ADP, community addiction services
- Adult public protection, domestic abuse and health visiting
- Intermediate Care - non bed based: SBC Adult Social Care reablement, Home First
- Intermediate Care - bed based: community hospitals, Garden View
- Hospital discharge functions (RAD, START, Discharge and Pathways, Supporting the right direction worker etc)
- Home dialysis
- Community palliative care and long term conditions / cancer
- Localities - a small infrastructure needed to support
- Planning functions, comms, workforce, digital etc

SBC only:

- Adult social work (excluding OTs and adult public protection)
- Adult care at home / extra care housing (excluding SBC reablement)
- Adult residential and nursing care (excluding Garden View and interim care)
- Social care and wider third sector commissioning

NHSB only:

- Commissioned General Practice and 2C practices - health board run GPs
- General dental services, public dental services and oral health
- Community optometry
- Community Pharmacy services and NHS Pharmacy in community
- Prescribing
- Community nursing services - exc health visiting
- Allied health professionals (excluding OTs)
- Immunisation and vaccination

Hospital based services / set aside (we plan but don't commission delivery)

DIRECTION FROM THE SCOTTISH BORDERS INTEGRATION JOINT BOARD

Direction issued under S26-28 of the Public Bodies (Joint Working) (Scotland) Act 2014

Reference number	SBIJB-190423-2
Direction title	Gala Resource Centre
Direction to	Scottish Borders Council and NHS Borders
IJB Approval date	19 April 2023
Does this Direction supersede, revise or revoke a previous Direction?	No
Services/functions covered by this Direction	Mental Health – Day services
Full text of the Direction	<p>The IJB directs NHS Borders and Scottish Borders Council to:</p> <ul style="list-style-type: none"> • Not re-open / close the Gala Resource Centre • Collect baseline outcomes / performance measure information as outlined in the outcomes / performance measures section below • Earmark £70,000 of funds saved for reinvestment in the further development of service to support adults with a diagnosis of Emotionally Unstable Personality Disorder (EUPD). As part of this: <ul style="list-style-type: none"> ○ Ensure that the integration planning and delivery principles are followed ○ Ensure that an Equalities and Human Rights Impact Assessment is undertaken by the service as part of the development of the Emotionally and Unstable Personality Disorder service ○ Ensure that the case is reviewed by the Integration Joint Board for consideration of approval ○ Develop courses, ideally based on decider skills ○ Increase the direct provision of 1:1 core and general treatments including safety and stabilisation work as per the current personality disorder pathway ○ Provide consultation support to keyworkers in the CMHT providing core and general treatment
Timeframes	To start by: April 2023 To conclude by: March 2024
Links to relevant SBIJB report(s)	IJB papers – 19 April 2023
Budget / finances allocated to carry out the detail	This direction will release cash savings of £166,656 (£236,656 from the closure less £70,000 for the EUPD service). Savings will support the budgetary pressure in IJB/HSCP delegated services.
Outcomes / Performance Measures	<ul style="list-style-type: none"> • Improved satisfaction for those with a diagnosed Emotionally Unstable Personality Disorder (EUPD) • National Health and Wellbeing outcomes included in the paper <p>It is expected that the baseline information is developed in advance of the new EUPD service.</p>
Date Direction will be reviewed	To be reviewed by the IJB Audit Committee in December 2023

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AUDIT COMMITTEE ANNUAL REPORT 2022/23

Report by the Chair of the Audit Committee

SCOTTISH BORDERS COUNCIL

25 May 2023

1 PURPOSE AND SUMMARY

- 1.1 **The purpose of this report is to submit the Audit Committee Annual Report 2022/23 to all Elected Members of the Council, which presents the Audit Committee's performance in relation to its Terms of Reference and the effectiveness of the Audit Committee in meeting its purpose.**
- 1.2 It is important that the Council's Audit Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance for the Council.
- 1.3 The CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance) includes the production of an annual report on the performance of the Audit Committee against its remit for submission to the Council.
- 1.4 The Audit Committee Annual Report 2022/23 (Appendix 1) is presented for consideration. It is designed both to provide assurance to full Council and to outline actions to improve its effectiveness. Scottish Borders Council continues to be a lead authority in adopting this best practice.
- 1.5 The Audit Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during Development Sessions on 1 and 6 March 2023 facilitated by the Chief Officer Audit & Risk. The outcome of the self-assessments for the Committee was a high degree of compliance against the good practice principles and a medium degree of effectiveness, which is to be expected in the first year of a new Committee membership following the local elections in May 2022. The Committee has four continuing elected members, including the Chair, which provides some valuable continuity in knowledge and experience. There are six new elected members and two new external members, who are new to local government.
- 1.6 The Members of the Audit Committee considered its annual report 2022/23 and supporting self-assessment documents at their meeting on 10 May 2023, noted some minor amendments to the supporting self-assessment documents, and agreed that the Audit Committee Annual Report 2022/23 should be presented to the Council by the Chair.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council:

- a) Acknowledges the performance of the Audit Committee and its assurance to the Council, as set out in its Annual Report 2022/23 (Appendix 1 – Assurance Statement to the Council references a – g);**
- b) Notes the improvement actions identified during the self-assessment process to enable its development as a fully effective Audit Committee, as set out in its Annual Report 2022/23 (Appendix 1 – improvement actions 1 – 8); and**
- c) Endorses the Audit Committee recommendation that other Council Committees should carry out an annual evaluation to assess whether they are fulfilling their remits as part of continuous improvement, as set out in its Annual Report 2022/23 (Appendix 1 – Recommendation for the Council).**

3 BACKGROUND

- 3.1 It is important that the Council's Audit Committee fully complies with best practice guidance on Audit Committees to ensure it can demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance.
- 3.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) issued an updated guidance note Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition (hereinafter referred to as CIPFA Audit Committees Guidance). It incorporates CIPFA's 2018 Position Statement: Audit Committees in Local Authorities and Police which sets out CIPFA's view of the role and functions of an Audit Committee.
- 3.3 The CIPFA Audit Committees Guidance includes the production of an annual report on the performance of the Audit Committee against its remit for submission to the Council.

4 AUDIT COMMITTEE ANNUAL REPORT 2022/23

- 4.1 The Audit Committee Annual Report 2022/23 (Appendix 1) is presented for consideration. It is designed both to provide assurance to full Council and to outline actions to improve its effectiveness. Scottish Borders Council continues to be a lead authority in adopting this best practice.
- 4.2 The Audit Committee carried out self-assessments of Compliance with the Good Practice Principles Checklist and Evaluation of Effectiveness Toolkit from the CIPFA Audit Committees Guidance during Development Sessions on 1 and 6 March 2023 facilitated by the Chief Officer Audit & Risk.
- 4.3 The outcome of the self-assessments for the Committee was a high degree of compliance against the good practice principles and a medium degree of effectiveness, which is to be expected in the first year of a new Committee membership following the local elections in May 2022. The Committee has four continuing elected members, including the Chair, which provides some valuable continuity in knowledge and experience. There are six new elected members and two new external members, who are new to local government.
- 4.4 Assurances are provided to the Council based on the Audit Committee's activity and performance during the year to 31 March 2023 (Appendix 1 – Assurance Statement to the Council, references a to g).
- 4.5 The self-assessment identified improvement actions to enable its development as a fully effective Audit Committee (Appendix 1 – improvement actions 1 – 8).
- 4.6 The Audit Committee recommends that other Council Committees should carry out an annual evaluation to assess whether they are fulfilling their remits as part of continuous improvement.
- 4.7 The Members of the Audit Committee considered the Audit Committee Annual Report 2022/23 and supporting self-assessment documents at their meeting on 10 May 2023, noted some minor amendments to the supporting self-assessment documents, and agreed that the Audit Committee Annual Report 2022/23 should be presented to the Council by the Chair.

5 IMPLICATIONS

5.1 Financial

There are no direct financial implications associated with this report.

5.2 Risk and Mitigations

The role of the Audit Committee includes the high level oversight of the effectiveness of the Council's systems of internal financial control, internal control and governance, including risk management.

There is a risk that the Audit Committee does not fully comply with best practice guidance thus limiting its effectiveness as a scrutiny body as a foundation for sound corporate governance. The completion of the annual self-assessment and identification and implementation of improvement actions as evidenced through this Annual Report will mitigate this risk.

5.3 Integrated Impact Assessment

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

5.4 Sustainable Development Goals

The recommendations in this report will not directly impact any of the 17 UN Sustainable Development Goals.

5.5 Climate Change

Audit Committee meetings and Development Sessions during 2022/23 have been held using a virtual platform to minimise the need for business travel and reduce potential climate impact.

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 Data Protection Impact Statement

There are no personal data implications arising from content of this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

6.1 The members of the Audit Committee were engaged in the annual self-assessment process during the Development Sessions on 1 and 6 March 2023 facilitated by the Chief Officer Audit & Risk, considered the Audit Committee Annual Report 2022/23 and supporting self-assessment documents at the Audit Committee meeting on 10 May 2023, noted some minor amendments to the supporting self-assessment documents, and agreed that the Audit Committee Annual Report 2022/23 should be presented to the Council by the Chair.

6.2 The Acting Chief Financial Officer, Interim Chief Officer Corporate Governance (and Monitoring Officer), Clerk to the Council, and Communications team were consulted on the Audit Committee Annual Report 2022/23, prior to its consideration by the Audit Committee on 10 May 2023, to ensure their awareness of its content.

Approved by
Cllr Elaine Thornton-Nicol, Chair of the Audit Committee

Author(s)

Name	Designation and Contact Number
Jill Stacey	Chief Officer Audit and Risk Tel 01835 825036

Background Papers: CIPFA Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition

Previous Minute Reference: Audit Committee 14 March 2022; Scottish Borders Council 31 March 2022

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**SCOTTISH BORDERS COUNCIL
AUDIT COMMITTEE
ANNUAL REPORT FROM THE CHAIR – 2022/23**

This annual report has been prepared to inform the Scottish Borders Council of the work carried out by the Council's Audit Committee during the financial year. The content and presentation of this report meets the requirements of the CIPFA Audit Committees Guidance 2018 to report to full Council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

Meetings

On 25 August 2022 the Council approved having a separate Audit Committee (previously Audit and Scrutiny Committee) with audit and risk functions moving, arising from various proposals made by a Cross-Party Working Group to change the Interim Scheme of Administration. The Audit Committee has met 6 times during the financial year relating to its audit and risk functions, which included meetings on 27 June 2022, 12 September 2022, 23 November 2022, 12 December 2022, 13 February 2023 and 13 March 2023 to consider reports pertinent to the Audit Cycle.

The remit of the Audit Committee is to have high-level oversight of the Council's framework of internal financial control, corporate governance, risk management systems and associated internal control environment. To fulfil this remit, it sought assurance on the adequacy and effectiveness of the Council's systems of corporate governance and internal control for efficient operations and for the highest standards of probity and public accountability. It did this through material it received from Management, Internal Audit, External Audit, and other national audit bodies.

The Audit Committee reviewed the Annual Governance Statement in order to assess whether it properly reflects the risk environment and whether the content is consistent with its evaluation of the internal controls and governance arrangements based on evidence received during the year. This also provided the opportunity for the promotion of the highest standards of conduct and professional and ethical behaviour.

The Committee scrutinised the Annual Report and Accounts of the Council at appropriate times in accordance with its terms of reference prior to their formal approval by Council. This provided the opportunity for the Audit Committee to act as a bridge between the Council and other stakeholders, outlining the value of the audit process, and overseeing the integrity of financial reporting and governance arrangements.

The Committee approved the terms of reference for Internal Audit (Internal Audit Charter) and the Internal Audit Strategy and Annual Plan. It considered Internal Audit's executive summaries of reports findings, audit opinions, good practice and recommendations and monitored their implementation on a regular basis. It monitored Internal Audit's performance including progress against the annual plan, conformance with Public Sector Internal Audit Standards 2017 (PSIAS), and quality assurance and improvement plan (QAIP) within Internal Audit mid-term performance and annual assurance reports, and considered the statutory annual audit opinion within the Internal Audit Annual Assurance Report.

The Audit Committee reviewed the External Audit Plans including arrangements for effective liaison between External and Internal Audit, and considered External Audit reports including the Annual Reports to Members and the Controller of Audit on the annual audits of the Council and of the Pension Fund. The Committee reviewed the main issues arising from the statutory audit process, and monitored the implementation of agreed actions arising. It welcomed a new team from Audit Scotland of appointed external auditors for the 2022/23 statutory audit process.

The Audit Committee considered the effectiveness of the risk management process throughout the Council by way of an Annual Report, which set out the risk management activity within the year and the next steps to refine practices. The Committee received presentations by Directors, as part of a scheduled programme, on the corporate risks within their areas of responsibility and the internal controls and governance in place to manage those significant risks, and other information to demonstrate how risk management is embedded in Services.

The Committee considered the adequacy and effectiveness of the Council’s counter fraud arrangements by receiving: an Annual Report, which set out the counter fraud activity within the year; Audit Scotland national fraud reports; outcomes of a Counter Fraud Controls Assessment by the Integrity Group of officers; an update on preparations for the Council’s participation in the National Fraud Initiative (NFI) Exercise 2022-2023 and NFI Self-Appraisal by the Integrity Group; and assurances from both Internal Audit and External Audit on fraud risks and controls as part of their respective work.

The Committee undertook the scrutiny role for the development of future Treasury Management Strategy prior to its presentation to Council for approval. It also received mid-term and annual reports on the extent of compliance with the approved Treasury Management strategy and an analysis of the performance against the targets set. During the year, it recommended the Treasury Management Strategy and performance monitoring reports for Council approval.

The Minutes of Audit Committee meetings were presented for approval by the Council.

Membership

The Membership of the Audit Committee is set out in the approved Scottish Borders Council’s Interim Scheme of Administration, comprising of Ten members of the Council and Two additional members appointed from an external source as non-voting members. Four elected members are also on the Executive Committee as members of the opposition (not the Council’s Administration), although it is noted that this is to ensure effective governance of the Council and is deemed not to impair independence of Audit Committee.

Two non-voting external members were appointed from the community on a three-year term to October 2025, following an open recruitment and selection process carried out during autumn 2022 approved by the Council. This enhances the independence of the Audit Committee’s role in the scrutiny process of internal controls and governance and complies with best practice on independence as set out in CIPFA ‘Audit Committees’ Guidance (2018).

The Committee membership during the year was Councillors E. Thornton-Nicol (Chairman), N. Richards (Vice-Chairman), J. Anderson, P. Brown, J. Cox, M. Douglas, J. PatonDay, E. Robson, S. Scott, and F. Sinclair, and Mr S. Whalley and Mr P. Whitfield (since November 2022).

Those present at the virtual meetings of Audit Committee was as follows:

Member	27 Jun 2022	12 Sept 2022	23 Nov 2022	12 Dec 2022	13 Feb 2023	13 Mar 2023
Clr E. Thornton-Nicol (Chair)	√	√	√	√	√	√
Clr N. Richards	√	√	√	√	√	√
Clr J. Anderson	√	√	√	√	√	√
Clr P. Brown		√	√	√	√	
Clr J. Cox	√	√		√	√	
Clr M. Douglas	√	√	√	√	√	√
Clr J. PatonDay		√	√	√		
Clr E. Robson	√	√	√		√	√
Clr S. Scott		√	√	√	√	√
Clr F. Sinclair	√	√	√	√	√	√
Mr S. Whalley			√	√	√	√
Mr P. Whitfield			√	√	√	√

Every meeting of the Audit Committee in 2022/23 was quorate (i.e. at least four Elected Members present).

The Director Finance & Corporate Governance or Acting Chief Executive/Chief Executive and Acting Chief Financial Officer, the Chief Officer Audit & Risk, and external auditors attend all Committee meetings; other senior officers attend Committee meetings on request relevant to the business. The Democratic Services section has provided a Committee Officer as the minute secretary.

Skills and Knowledge

Given the wider corporate governance remit of Audit Committees within local government and the topics now covered by the external and internal audit functions, it is noteworthy that there is a range of skills, knowledge and experience that Audit Committee members bring to the committee to fulfil its functions, not limited to financial and business management. This enhances the quality of scrutiny and discussion of reports at the meetings. No one committee member would be expected to be expert in all areas.

The CIPFA 'Audit Committees Practical Guidance for Local Authorities and Police 2018 Edition' includes an Audit Committee Members' Knowledge and Skills Framework, which has been utilised. Current members including the two external members have each completed a self-assessment using this toolkit, which is being used to inform the content of the Development Sessions as well as provide other information to individuals to meet their needs.

Core Knowledge: Organisational Knowledge; Audit Committee role and functions; Governance; Internal Audit; Financial Management and Accounting; External Audit; Risk Management; Counter Fraud; Values of Good Governance.

Core Skills: Strategic Thinking and Understanding of Materiality; Questioning and Constructive Challenge; Focus on Improvement; Able to Balance Practicality against Theory; Clear Communication skills and Focus on the Needs of Users; Objectivity; Meeting Management Skills (for the Chair).

The Development Sessions provide the space for Committee members to receive induction and other training, to reflect on their skills and knowledge, and to identify other learning and development to fulfil their role. The following were delivered during the year 2022/23:

- 27 June 2022 – The Chief Officer Audit & Risk provided an Induction on Governance, Assurance and Audit including: Outline of Corporate Governance; the Audit Assurance Framework; the roles of Internal Audit and External Audit; the role of the Audit Committee; and the Audit Cycle that defines the programme of work for the Audit Committee.
- 7 September 2022 – The Chief Officer Audit & Risk and Corporate Risk Officer provided an overview to Members on the Risk Management framework, process and practices, and senior management and elected members' roles and responsibilities (the What, Why, How, When, Where, and Who of Risk and Risk Management).
- 9 November 2022 – The Council's Treasury Advisor, Link Group, provided training for Members on Capital Strategy and Treasury Management covering an outline of what Treasury Management involves, the legal and regulatory framework, the role officers and elected members' in decisions, risk management, capital programme and capital financing, economics and the markets, debt management, treasury deposit strategy, and governance and scrutiny.
- 1 December 2022 – The Chief Officer Audit & Risk presented the content of the CIPFA Micro Modules on Internal Audit (an overview of the role of Internal Audit in providing independent assurance as an essential component of organisational governance, code of ethics and public sector standards), and on Fraud – the Fundamentals (an introduction to fraud, the different types of fraud, and the consequences of fraud for public bodies).
- 2 February 2023 - The Chief Officer Audit & Risk facilitated a refresh on the Audit Committee Members' Knowledge and Skills Framework to provide an opportunity to reflect on the impact of learning and development during 2022 on their own skills and knowledge.

Self-Assessment of the Committee

The Chief Officer Audit & Risk facilitated the annual self-assessment during virtual sessions using the 'Good Practice Principles Checklist' (on 1 March 2023) and 'Evaluation of Effectiveness Toolkit' (on 6 March 2023) from the CIPFA 'Audit Committees Guidance'. For those members of the Audit Committee who were unable to join both sessions, there was an opportunity to contribute by email and these points were considered during the virtual sessions.

The outcome of the self-assessments for the Committee was a high degree of compliance against the good practice principles and a medium degree of effectiveness, which is to be expected in the first year of a new Committee membership following the local elections in May 2022. The Committee has four continuing elected members, including the Chair, which provides some valuable continuity in knowledge and experience. There are six new elected members and two new external members, who are new to local government. The self-assessment identified the following improvement actions to enable its development as a fully effective Audit Committee:

1. Chair to meet Audit Committees' Chairs of IJB and NHS Borders on an annual basis (as a minimum) to understand partners' audit committees and governance arrangements.
2. Ensure delivery by dates agreed on Action Tracker to hold Management to account on implementation of improvements to address Committee's significant concerns over controls.
3. Support Management proposals to implement risk management benchmarking to enable the Committee to fully assess effectiveness of risk management arrangements.
4. Refresh training to be arranged for Audit Committee members to enable the Committee to fully understand the role of External Audit in the Public Sector.
5. Refresh training to be arranged for Audit Committee members on role of Internal Audit.
6. All Audit Committee Members to review the Minutes of Executive Committee to consider how it fulfils its performance monitoring role.
7. Request Development Session covering overview of the Council's Procurement framework to outline control environment and arrangements for value for money.
8. Refresh training to be arranged for Audit Committee members on counter fraud fundamentals.

Assurance Statement to the Council

The Audit Committee provides the following assurance to the Council:

- a) The Audit Committee has operated in accordance with its agreed terms of reference, and accordingly with the audit committee principles in the CIPFA Position Statement. It did this through material it received from Management, Internal Audit, External Audit, and other national audit bodies. It focussed entirely on matters of risk management, internal control and governance.
- b) For all audit reports, the Audit Committee considered whether it was satisfied that an adequate Management response was in place to ensure action would be taken to manage risk and address concerns on internal controls and governance arrangements.
- c) In response to an External Audit recommendation, the Audit Committee has scrutinised progress towards full completion of actions within the Best Value Action Plan to enhance the Council's arrangements for ensuring value for money.
- d) The Audit Committee has received and considered material to fulfil its scrutiny role on treasury management activity in advance of the treasury management strategy and monitoring reports being presented for Council approval.
- e) There is evidence of continuous improvement through Actions recommended by the Audit Committee, which are monitored through an Action Tracker and scrutinised to ensure these are acted upon within reasonable timescales to address concerns raised by the Committee to its satisfaction.

- f) There is an opportunity for committee members to engage and raise salient matters in virtual meetings, noting that there are six new Elected Members and two new External Members of the Committee whose knowledge and experience of the Council and its Audit Committee is anticipated to develop over time.
- g) The self-assessment was useful for Members in that it provides an opportunity to reflect on how the Audit Committee conducts its business and to identify any areas of improvement or learning and development. This ensures the Committee can demonstrate its effectiveness as a scrutiny body as a foundation for sound corporate governance for the Council.

Recommendations for the Council

The Audit Committee recommends that other Council Committees should carry out an annual evaluation to assess whether they are fulfilling their remits as part of continuous improvement.

Councillor Elaine Thornton-Nicol
Chair of Audit Committee
11 April 2023

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REVISION TO PROCUREMENT & CONTRACT STANDING ORDERS

Report by Acting Chief Financial Officer

SCOTTISH BORDERS COUNCIL

25 May 2023

1 PURPOSE AND SUMMARY

- 1.1 The existing Standing Orders relating to Procurement and Contract activities have been reviewed and updated to ensure that they remain fit for purpose. Revised Standing Orders are attached at Appendix 1.**

2 RECOMMENDATIONS

- 2.1 I recommend that Scottish Borders Council approves the proposed changes to Procurement & Contract Standing Orders for implementation from 1 June 2023.**

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 last updated and approved by Council in December 2021, and updated with minor changes in February 2022.
- 3.3 The proposed revisions are to take account of a number of strategic and operational requirements.
- 3.4 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. The table below notes a number of proposed revisions reflected in the updated document attached at Appendix 1.

Change	Justification
Removal of references to Commercial and Commissioned Services (replaced by Corporate Procurement Service), Commercial and Commissioned Services Manager (replaced by Procurement Business Partner), and Director of Corporate Governance and Finance (Replaced by Director of Finance and Procurement).	To reflect recent structure changes in the structure of procurement service and CMT
Addition of requirement for regulated procurements to be authorised via a formal procurement strategy.	To reflect current and best practice and remove any ambiguity around this requirement
Related to the above, procurement authorisation of procurement strategies is linked to value thresholds.	To formalise procurement authorisation levels within the Orders. Thresholds are now aligned to existing Scheme of Delegation within Business World
Introduction of formal process for delegation of procurement authority by a service director to another council officer.	To formalise the delegation of procurement authority and remove ambiguity around the "Head of Service" wording in previous Orders
To revise procurement waiver authorisation thresholds, with up to £50k now authorised by Senior Officer of CPS, £50-£250k by Procurement Business Partner, over £250k by Director of Finance and Procurement	To reflect recent structure changes in the structure of procurement service

5 IMPLICATIONS

5.1 Financial

There are no financial implications contained in the report.

5.2 Risk and Mitigations

The Procurement & Contract Standing Orders set out the control framework to help to mitigate a number of financial risks by ensuring compliance to relevant legislation, rules and regulations and to demonstrate best value. A recent Internal Audit review on Procurement to Payment dated 14 April 2023 concluded comprehensive assurance; sound risk, control, and governance systems are in place.

5.3 Integrated Impact Assessment

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 required.

5.4 Sustainable Development Goals

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

5.5 Climate Change

No effect on carbon emissions are anticipated from the recommendation of this report.

5.6 Rural Proofing

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

5.7 Data Protection Impact Statement

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

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

6.1 The Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted on this report and any comments received have been incorporated into this final report.

Approved by

Suzy Douglas
Acting Chief Financial Officer

Author(s)

Name	Designation and Contact Number
Suzy Douglas	Acting Chief Financial Officer (X5881)

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. Suzy Douglas can also give information on other language translations as well as providing additional copies.

Contact us at: Suzy Douglas, sdouglas@scotborders.gov.uk

Procurement and Contract Standing Orders

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



May 2023

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Procurement and Contract Standing Orders

These Procurement and Contract Standing Orders of Scottish Borders Council (“the Council”) apply from 1st June 2023 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 1st June 2023 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 Corporate Procurement Service.

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 Council officer with ultimate responsibility for a specific contract;
- 1.2.4 “Contract Manager” means the Council officer with management responsibility for a specific contract. This means the responsibility for dealing with supplier performance and contractual matters on a day to day basis;
- 1.2.5 “Contract Management Manual” means the contract management handbook issued by the Director of Finance and Procurement, setting out the detailed requirements for the conduct of contract and supplier management activity within the Council (as amended from time to time);
- 1.2.6 “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;

- 1.2.7 “Nominated Officer” means a Council Officer that has been formally nominated, in accordance with the Scheme of Delegation, by the Director of the procuring service to act on his/her behalf in relation to procurement matters;
- 1.2.8 “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;
- 1.2.9 “Legislative Exemptions” means the exemption from the application of procurement rules under Appropriate Legislation and principles developed through case law and other means;
- 1.2.10 “Purchasing Guidelines” means those guidelines issued by the Director of Finance and Procurement setting out the detailed requirements for the conduct of purchasing and procurement activity within the Council (as amended from time to time);
- 1.2.11 “2015 Regulations” means the Public Contracts (Scotland) Regulations 2015 or successor legislation (as amended from time to time);
- 1.2.12 “2016 Regulations” means the Procurement (Scotland) Regulations 2016 or successor legislation (as amended from time to time);
- 1.2.13 “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;
- 1.2.7 “Director” means the relevant Director of the procuring service area 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 Director, a Nominated Officer, the Director of Finance and Procurement, or such director as the Chief Executive may nominate.
- 1.2.14 “Social and other Specific Services” means a public contract or framework for social and other specific services as defined by the 2015 regulations including:-
- 1.2.14.1 Health, Social and related Services
- 1.2.14.2 Administrative social, educational, healthcare and cultural services
- 1.2.14.3 Legal Services
- 1.2.14.4 Postal Services
- 1.2.15 “Schedule” means the schedule to these Standing Orders; and
- 1.2.16 “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 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 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 Procurement Business Partner 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, a procurement strategy is required detailing the circumstances of the requirement which may include:
- Description of the requirement
 - Key stakeholders
 - Budget information
 - Sustainable procurement considerations
 - Route to market
 - Procurement procedure
 - Key procurement risks
 - Proposed contract management arrangements
 - Procurement timetable
- 2.6 The procurement strategy must be formally authorised by the lead officer for the service in relation to the requirement, the budget holder, and an officer for the Corporate Procurement Service.

In line with the Council’s Scheme of Delegation, the procurement authorisation thresholds are set out in the following table:

Value	SoD	Authorising Officer
Up to £160,000	Tier 3	Senior Officer of the Corporate Procurement Service
£160,000 - £1,000,000	Tier 2	Procurement Business Partner
Over £1,000,000	Tier 1	Director of Finance and Procurement

- 2.7 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.
- 2.8 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.

- 2.9 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.
- 2.10 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.
- 2.11 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 Director 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.
- 2.12 The Corporate Procurement Service 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.
- 2.13 The Procurement Business Partner 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.
- 2.14 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.
- 2.15 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 Procurement Business Partner. The Procurement Business Partner must inform the Director of Finance and Procurement and Chief Legal Officer as to potential legal challenges.
- 2.16 Any type of purchase transaction for any value where personal data is involved (or might be involved) must be brought to the attention of the Corporate Procurement Service before seeking contact with any possible external provider.

3. The Role and Responsibilities of Directors

- 3.1 Each 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 and 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 Procurement Business Partner and Chief Legal Officer 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 Procurement Business Partner, 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 Procurement Business Partner 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;
- 3.1.18 To ensure that the Corporate Procurement Service is notified in writing of the name, position, and any restrictions or parameters pertaining to their delegated authority, of any Nominated Officer.

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 Chief Legal Officer 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 personal 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 Procurement Business Partner 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 Procurement Business Partner 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 IT Service.
- 5.4 Where a proposed purchase or tender involves the use, addition or purchase of any form of 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 Nominated Officers 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 Chief Legal Officer, the Corporate Procurement Service 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 budget holder and a Senior Officer of the Corporate Procurement Service
£50,000 - £250,000	The relevant Director and the Procurement Business Partner
Over £250,000	The relevant Director, Procurement Business Partner and the Director of Finance and Procurement

9.3 A record of the decision approving a waiver of standing orders must be kept by the Procurement Business Partner who shall where appropriate make an entry in the appropriate register. A local copy must be kept by the relevant 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 Procurement Business Partner 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 Procurement Business Partner 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 Director shall seek advice from the Procurement Business Partner 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.

10. Contract Management, Monitoring and Evaluation

10.1 During the life of the contract, the Contract Owner and Contract Manager must follow the policy and procedures contained in the Contract Management Handbook and manage the contract via Supplier Network, the Council's contract management platform, where appropriate.

11. Contract extensions or variations

11.1 Subject to 11.2, the Procurement Business Partner 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 Director or Nominated Officer shall not extend or vary a contract if such extension or variation is not expressly permitted by the contract without seeking advice from the Procurement Business Partner.

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.

13. 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.

13.1 Preliminary

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

13.2 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.

13.3 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.

13.4 Approval of engagement

The appointment of a consultant for a service (or series of related services) for any value must be approved by the appropriate Director before any engagement process is commenced. The template form that should be used to make the approved request is available on the intranet.

Director 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.

13.5 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.

13.6 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.

Schedule

Relevant Values and associated Tendering Procedures

Goods and 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.	Not applicable
£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	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 Or Invitation to tender following advertisement using Public Contracts Scotland portal/PCS-T	6 – 24 weeks depending on complexity

Schedule (continued)

Relevant Values and Associated Tendering Procedures

Works Contracts		
Value Bands	Procurement Route	Estimated Timescale
Up 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	Recommend 2 weeks
Up to £500,000	Use existing local, national, Council framework, DPS or call- off contracts or Minimum of 3 quotes via PCS Quick Quote Facility	Minimum of 2 weeks up to 8 weeks
£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
£2,000,000 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

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