Corporate Committee

Tuesday, 23 April 2024

NOTICE IS HEREBY GIVEN that a Meeting of the **Corporate Committee** is to be held at **Council Chambers**, **Council Office, High Street, Elgin, IV30 1BX** on **Tuesday, 23 April 2024** at **09:30.**

BUSINESS

1 **Sederunt**

2 **Declaration of Group Decisions and Members Interests ***

3 **Resolution**

Consider, and if so decide, adopt the following resolution:
"That under Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Item 14-16 of business on the grounds that it involves the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act."

**Item(s) which the Committee may wish to consider with
the Press and Public excluded**

14   **Common Good Site in Forres**

- 4. Information relating to any applicant or recipient of any financial
  assistance provided by the Authority;
- 9. Information on terms proposed or to be proposed by or to the
  Authority;

15   **Common Good Asset in Buckie**

- 4. Information relating to any applicant or recipient of any financial
  assistance provided by the Authority;
- 9. Information on terms proposed or to be proposed by or to the
  Authority;

16   **7 Coulardbank Industrial Estate, Lossiemouth**

- 6. Information relating to the financial or business affairs of any
  particular person(s);
- 8 & 9. Information on proposed terms and/or expenditure to be
  incurred by the Authority;

Summary of Corporate Services Committee functions:

To regulate, manage and monitor the finances of the Council both capital and revenue; to deal with staffing policies and practices other than for teaching staff; to deal with equal opportunities policies and practices; to deal with procurement policies and priorities; to deal with all matters relating to the Council's duty to initiate, maintain and facilitate Community Planning; to ensure that the organisation, administrative and management processes of the Council are designed to make the most effective contribution to achieving the Council's objectives; to provide all central support services; to exercise the functions of the Council in connection with the Registration of Births, Deaths and Marriages; to deal with valuation and electoral registration matters.

Watching the Meeting

You can watch the webcast live by going to:

http://www.moray.gov.uk/moray_standard/page_43661.html

Webcasts are available to view for 1 year following the meeting.

You can also attend the meeting in person, if you wish to do so, please come to the High Street entrance door and a member of staff will be let into the building.

GUIDANCE NOTES

*   **Declaration of Group Decisions and Members Interests -** The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

**   **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

MORAY COUNCIL

Corporate Committee

<u>SEDERUNT</u>

Councillor Bridget Mustard (Chair)
Councillor Kathleen Robertson (Depute Chair)

Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor Sandy Keith (Member)
Councillor Graham Leadbitter (Member)
Councillor Marc Macrae (Member)
Councillor Paul McBain (Member)
Councillor Shona Morrison (Member)
Councillor Derek Ross (Member)
Councillor John Stuart (Member)
Councillor Draeyk van der Horn (Member)

Clerk Name:	Tracey Sutherland
Clerk Telephone:	07971 879268
Clerk Email:	committee.services@moray.gov.uk

MORAY COUNCIL

Minute of Meeting of the Corporate Committee

Tuesday, 30 January 2024

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Sandy Keith, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk van der Horn

APOLOGIES

Councillor Shona Morrison

IN ATTENDANCE

The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Chief Financial Officer, Head of HR, ICT and Organisational Development, Head of Economic Growth and Development, Head of Housing and Property, Taxation Services Manager, Benefits Manager and Democratic Services Manager.

1.   Chair

The meeting was chaired by Councillor Bridget Mustard.

2.   Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and 23 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3.   Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 17 - 19 of business on the grounds that it involves the likely disclosure of exempt information of the class.

Para number of the minute	Para Number of Schedule 7a
16	Para 1 Information relating to staffing matters

	Para 11 Information relating to any consultations or negotiations in connection with any labour relations

4. Minutes of meeting of 7 November 2023

The minutes of the Corporate Committee meeting of 7 November 2023 were submitted and approved.

5. Written Questions

The meeting noted the following written question submitted by Councillor Fernandes and the Council's response thereto:

In light of the ICO's updated guidance on official information held in non-corporate communications channels (2023) and the recent high-profile cases of using Whatsapp for official business as well as the confirmation that instant messages can be subject to FOI requests , what is Moray Council's current policy on using instant messaging services for official Council business?

When was it last updated?

RESPONSE

The main documents that currently provide guidance are the Computer Use Policy, Social Media Policy and the hybrid/homeworking guidance as part of the Flexible Working Policy which makes specific reference to the use of instant messages.

However, use of instant messages within the work context is a developing area that the Council will consider how best to respond to taking account of personal and business use by work teams, security and information governance considerations and managing the workforce implications where there is potentially widespread use.

The Council's Computer Use Policy is currently under review and being updated with reference to social media and chat functionality, due to be completed within 2024/25.   Following this review, communications will be issued to managers and staff to ensure awareness and understanding of the over-arching and specific responsibilities when using council devices.

6. Regulation of Investagatory Powers (SCOTLAND) ACT 2000

The Depute Chief Executive (Economy, Environment and Finance) sought permission from the Chair to defer the paper until later in the agenda, to allow the Head of Economic Growth and Development to attend the meeting.

The Chair agreed.

7. Discretionary Community Rent Rebate Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) inviting the Committee to consider policy change

options for the award of discretionary rent rebates to voluntary and community bodies.

Following consideration the Committee unanimously agreed to approve the introduction of additional eligibility criteria as set out in paragraph 4.3 of the report.

8. Proposed 2024 Non-Domestic Rates - Empty Property Relief Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the implementation of an Empty Property Relief policy for non-domestic properties for the coming year 2024-25.

Following consideration the Committee unanimously agreed to the Empty Property Relief policy summarised in the report and detailed in Appendix 1.

9. Revision of 100% Additional Council Tax Charge Relief Policy

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the revision of the local authority's bespoke relief policy for properties liable for the payment of the Additional Council Tax Charge (or the 'Levy).

Councillor Robertson moved an amendment to the proposal at paragraph 3.7 for new relief classes:

i)	as printed
ii)	50% Building Warrant or Planning Application Discount;
iii)	50% Reconstruction Work discount

For a maximum period of 36 months with an annual review to ensure progress.

This was seconded by Councillor Dunbar.

Councillor Leadbitter sought clarification on what the financial implications would be to the Council if the proposed amendment was agreed.

In response, the Chief Financial Officer referred the Committee to the Financial Implications in the report. She stated that it would be difficult to give an answer as it would be impossible to know how many properties would fall into the categories.

She further added that a shorter period of relief may give a greater incentive to complete the work quicker.

Following the response from the Chief Financial Officer, Councillor Leadbitter sought to compromise on the period of time that the discount could be offered to 24 months to try and get houses back into a habitable condition sooner.

Councillor Robertson confirmed that she would support the 24 months on the basis that progress on the works is being monitored.

Adjournment of the Meeting

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The Head of Governance, Strategy and Performance sought a short adjournment to discuss with the Chief Financial Officer the practicalities of how the revised proposals would work going forward.

Resumption of the Meeting
On the resumption of the meeting, Councillor Robertson confirmed that her amendment was for the proposal at paragraph 3.7 for new relief classes:

i)   as printed
ii)   50% Building Warrant or Planning Application Discount;
iii) 50% Reconstruction Work discount

with discounts applied for an initial 12 month period which can be extended by up to a further 12 months on supply of evidence by the applicant that they are pro-actively pursuing the meeting of milestones, verified by the relevant officer.

There being no one otherwise minded, the Committee unanimously agreed:

i)   the proposal stated in Sections 3 to revise the Council's policy governing the administration of relief from the 100% Additional Council Tax Charge; and

ii)   the proposal in section 3.7 to make use of the discretionary power to delay the levy of the 100% Additional Council Tax Charge on properties being reconstructed for a 12 month period as follows:

10% Liable person Change discount
50% Building Warrant or Planning Application discount;
50% Reconstruction Work discount;

with discounts applied for an initial 12 month period which can be extended by up to a further 12 months on supply of evidence by the applicant that they are pro-actively pursuing the meeting of milestones, verified by the relevant officer.

10.   Proposed 100% Additional Council Tax Premium on Second Homes

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) seeking Committee approval for the implementation of a policy to levy an Additional Council Tax Premium (known as the 'Premium') on properties classed as Second Homes for the purpose of Council Tax administration.

Following consideration, the Committee unanimously agreed the proposal outlined in this report to levy a 100% Additional Council Tax Premium on Second Homes.

11.   Regulation of Investigatory Powers (Scotland) Act 2000

The meeting had before it a report by the Depute Chief Executive (Economy, Environment and Finance) invited the Committee to note the use made of covert surveillance by Council employees in the course of their duties for the years 1 April 2021 to 31 December 2023, and the acquisition of communications data by Council employees in the course of their duties for the years 2021 to 2023.

Following consideration the Committee agreed to note:

i)   the use of covert surveillance by Council employees in the course of their duties for the period from 1 April 2021 to 31 December 2023; and

ii) the acquisition of communications data by Council employees in the course of their duties for the years to 31 December 2021, 2022 and 2023 for information purposes only.

12.   Employee Survey

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking Committee to consider and note the results of the 2023 employee opinion survey and approve the actions arising from the results.

Councillor Robertson expressed concerns about the themes of unacceptable behaviour. More details highlighting the themes were contained in the draft report however comments around discrimination had been removed from the final report and expressed disappointment at the removal as she felt that it would have given the Committee a better understanding of the issues which supports the report the Committee are considering.

In response, the Head of HR, ICT and Organisational Development confirmed that the was a comment in one response to the survey regarding an issue of discrimination however when this was investigated further, it was one comment from one participant which had related to 2 engagements with the same member of the public and did not constitute a statistically valid issue to be brought into the overall summary of the issues coming out of the report.

Councillor Robertson moved to add an additional recommendation which was to create a Short Life Working Group (SLWG) to consider workforce information which supports the members understanding of the culture within the Council and the issues behind the survey results to enable the collective activity by elected members and officers to address the issues raised in the report.

The remit of the SLWG would be to consider the workforce issues raised in the external consultant's report which are around:

Statistics and Outcomes from Engagements Events eg. Service Visits, Listening meetings etc.
Employee Turnover Figures
Exit Interview comments and trends
Employee Grievances, Bullying and Harrassment
Information on Absences and the reasons
Whistleblowing figures

This was seconded by Councillor Divers.

Councillor Leadbitter welcomed the comments from Councillor Robertson and acknowledged that there are a number of reasons why staff may feel unsettled and it was important to support an improving culture.

The Chief Executive acknowledged that there is a lot of uncertainty within the organisation but assured the Committee that work on the previously agreed composite action plan from the findings of the external advisor around the culture issues was ongoing. He confirmed that he welcomed the opportunity to work with Elected Members as it would take a collaborative approach across all political groups to get to a position where the staff can be supported in the forthcoming months and years. He sought agreement for the remit of the SLWG in discussion with the Council Leader to also encompass the wider cultural issues already identified in the survey.

There being no one otherwise minded the Committee unanimously agreed to:

i)   note the results of the 2023 employee opinion survey;

ii)   approve the planned actions arising there from; and

iii)   create a Short Life Working Group (SLWG) to consider workforce information which supports the members understanding of the culture within the Council and the issues behind the survey results to enable the collective activity by elected members and officers to address the issues raised in the report with the remit of the group being delegated to the Chief Executive and Council Leader.

13.   Employment Policy Framework Review

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) inviting the Committee to consider and approve the updates to two employment policies identified for review during 2023/24.

Following consideration the Committee unanimously agreed to approve the updates to the employment policies below:

i)   Policy to Combat Fraud, Theft, Bribery and Corruption: updates to reflect good practice and promote the importance of creating a culture of prevention;

ii)   Pregnancy Loss Special Leave policy addendum: provisions for employees who experience a loss of pregnancy before 24 weeks of pregnancy; and

iii) agreed to note the policies schedule for review for 2024-25.

14.   Scottish Welfare Fund Budget Pressures

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) updating the Committee on the current budget situation in respect of the Scottish Welfare Fund Scheme.

Following consideration the Committee unanimously agreed to:

i)   note the pressures on the Scottish Welfare Fund and the ongoing demand on this service as outlined in this report;

ii)   note the duties placed on local authorities when managing the funds, as outlined within section 5 of this report;

iii)   agree to restrict the priority rating to a "high most compelling" (as described in section 5 of this report) when individual applications for Scottish Welfare Fund are being assessed during quarter 4 of 2023/24, and notify the Scottish Government Social Security Directorate and the Scottish Public Services Ombudsman of this action; and

iv)   note the ongoing implications on vulnerable applicants and socio economic disadvantages; the impact on staff having to make more difficult decisions, the increased demands on and continued risk to the budget should it not be augmented in the financial year 2024/25.

15.   Question Time

Portacabin Update

Under reference to paragraph 15 of the minute of the meeting of 7 November 2024, Councillor Ross sought an update on the sale of the portacabins.

In response, the Depute Chief Executive (Economy, Environment and Finance) confirmed that a closing date had been set and a number of proposals were being assessed and Officers will report back to Committee on the options.

16.   Voluntary Early Retirement - Voluntary Severance Applications [Para 1 and 11]

The meeting had before it a report by the Depute Chief Executive (Education, Communities and Organisational Development) asking the Committee to consider applications under the terms of the agreed Voluntary Early Retirement Scheme.

Following consideration the Committee unanimously agreed to approve the applications for Voluntary Early Retirement contained within Appendix A.

Item 6

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: IMPROVEMENT AND MODERNISATION PROGRAMME

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND
             ORGANISATIONAL DEVELOPMENT)

1.   REASON FOR REPORT

1.1   To inform the Committee of the progress made in developing the projects set
      out in the Council's Improvement and Modernisation Programme (IMP).

1.2   This report is submitted to Committee in terms of Section III (A) 2 of the
      Council's Scheme of Administration relating to considering Capital and
      Revenue Budgets and long-term financial plans.

2.   RECOMMENDATIONS

2.1   It is recommended that the Committee:

   **i)   reviews and notes progress on the projects set out in the Council's
        Improvement and Modernisation Programme (IMP); and**

   **ii) notes that a report will be considered by the Special Council on
        24 April on the consolidation of projects in the IMP programme into an
        updated programme of transformation work sitting within the initial
        iteration of a new Transformation Strategy.**

3.   BACKGROUND

3.1   The Council established an Improvement and Modernisation Programme to
      deliver transformational change across the authority, at the Council meeting
      on 12 December 2018. The most recent progress update was considered by
      the Corporate Committee on 7 November 2023 (para 8 of the minute refers).

3.2   Subsequent reports to the Council and Corporate Committee (see background
      papers references below) have expanded and adjusted the IMP programme of
      work. **Appendix 1** provides a programme highlight report that summarises
      progress and next steps against the remaining IMP programme of projects.

3.3 Key points of progress to note including the information in **Appendix 1** are:

- **Smarter Working Project** has delivered digital equipment and tools to support hybrid working, reduced the operational costs of the office estate and the Council's carbon footprint as well as enabling a number of property moves, including staff moving from Southfield office to HQ in February 2024 and is now using the lessons learned to move to stage 2 of the project. Is on target.

- **Customer Service redesign** project has closed having completed and returned the benefits intended of the project. This included improved customer access due to extended opening hours of Information Hubs, increased access through digital solutions such as Near Me and Teams and revenue savings.

- **Schools for the Future** has progressed engagement work in Forres and Buckie ASGs with Elgin planned over the coming months. Work is progressing on the Elgin High School extension along with the planning and site selection for Forres Academy.

- **Raising Attainment - Well-being (ASN)** is progressing well. The project has been reported to Education, Children's and Leisure Services Committee and the future direction has been agreed. Work has also progressed to manage demand within the permanent budget allocation and change management is underway. Training is in development and planned for delivery to support skills development aligned to the future approach.

- **Poverty** – as part of the new Council priorities and Corporate Plan, poverty is now incorporated within the Council's core business priorities and will be addressed as part of service planning in each service area as well as through the various workstreams already in place such as the Child Poverty Action Plan, Fairer Moray Forum Action Group and Local Employability Partnership work. This is an important Council priority but does not generate savings and is not best placed as part of the transformation work as a general topic and so it is proposed that this workstream is closed and removed from the IMP.

- **Participatory Budgeting (PB)** – PB methods have been used successfully in a number of areas and so the methodology is now established. However, no savings will be generated, and this is not transformational work and so it is proposed that this project is removed from the IMP and progressed as mainstream Council work. This work will also be separately tracked through the Best Value Action Plan for 2024-2027.

3.4 Transformation is one of the elements in the savings hierarchy of measures to ensure the council is financially sustainable moving forward. Therefore, work is underway to consider the "Council of The Future" and transformation work that would be necessary to support this. Given the history of transformation within the Council reaching back to Designing Better Services, which

rationalised office accommodation; reviewed vehicle use (including pool cars); introduced mobile and flexible working for office and field workers (DLO and care at home); to Digital Services that resulted in over 80 services being available online and more recently the projects in IMP1 and IMP2, developing a further programme of significant transformation is challenging but this will be built on a strong base from which to learn. A first iteration of a new Transformation Strategy has been drafted and will be reported to Council on 24 April 2024. This strategy aims to take forward a continued focus on delivering transformation projects already in progress, accelerate and expand projects where there is opportunity and develop new areas of work to support the council's financial sustainability, providing a sound foundation for future transformation work. The projects carried forward into this new approach are shown in **Appendix 1**.

3.5   The new strategy builds on the design principles developed in the context of IMP, recognising that this initial iteration of the strategy will require further engagement and development with Elected Members, the workforce and other key stakeholders. In recognition of the further development work required, progression of the Transformation Strategy will be phased. One of the issues in progressing this next stage of IMP work, is identifying dedicated resources and this is being considered alongside the definition of opportunities at the meeting on 24 April 2024.

4.   SUMMARY OF IMPLICATIONS

(a)   Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))
The Improvement and Modernisation Programme is the development of the commitment in the Corporate Plan to a programme of modernisation and improvement to contribute to a financially stable Council.

(b)   Policy and Legal
None.

(c)   Financial implications
The financial implications of the IMP have been approved in previous reports. There is no change to this from the content of this report. The table below tracks the investment and savings generated since the programme was started in 2018.

Cost 2018 to 2023	Projected Cost 2023/24	Actual Savings 2018 to 2023	Savings 2023/24	Projected future savings	Total projected savings
£000s	£000s	£000s	£000s	£000s	£000s
925	157	918	403	942	2,263

(d) Risk Implications

The risks associated with the IMP have been reported to Committee previously and are managed through the relevant Transformation programme boards and overseen by CMT/SMT. There are no changes to the current risk profile and it is noted that progress is being made in maintaining pace which was has previously been noted as a risk. However, the risks associated with change and the success of transformation remain and will continue to be monitored in the context of the new and evolving Transformation Strategy.

In order to manage these risks, the council will:-

(i) Ensure that all projects meet a given standard of governance that is proportionate to the change.

(ii) Ensure there are adequate resources for the overall programme of work and for individual projects.

(iii) Manage the dependencies and interdependencies across the scope of the change and its implications for other areas of prioritised work.

(iv) Appoint appropriate project resources and failing which, review whether objectives are deliverable and review planned work accordingly.

(e) Staffing Implications

There continue to be challenges in securing resources and service capacity to progress projects. However, the allocation of specific project manager resources to specific projects is showing impact with projects such as smarter working and learning estate showing good progress. This approach will be built upon as projects are identified and reach an appropriate stage. Resourcing at council level including corporate programme management and oversight will be revisited as the Future Council work emerges.

(f) Property

No direct implications from this report, although property is the subject of one of the workstreams and the issues arising from this will be reported in due course with activity on climate change being progressed as a stand-alone programme of activity.

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(g) Equalities/Socio Economic Impact

For the purposes of this report an Equality and a Socio Impact Assessment are not required, however it is acknowledged that various workstreams will identify change that will have an impact on equalities and socio economic considerations and will be reported in due course.

(h) Climate Change and Biodiversity Impacts

There are no immediate climate change implications directly arising from this report. However, flexible working is one of the workstreams and the issues arising from this will be reported in due course.

(i)   Consultations
The Corporate and Senior Management team have been involved in the review work referred to in this report and have been consulted on the report. The comments received have been incorporated into the report and project updates.

5.   CONCLUSION

5.1   The Committee is invited to acknowledge the progress in the projects contained in the Improvement and Modernisation Programme. IMP is focussed on council priorities, particularly financial sustainability and to manage risks associated with ongoing budget position it is proposed to bring forward a further report to Council on 24 April 2024 to consider how the programme of work can be developed and accelerated to support financial sustainability of the Council.

Author of Report: Denise Whitworth, DCE ECOD
Background Papers: Reports updating on progress on Improvement and
                         Modernisation Programme to:
                         12 May 2021 Full Council (Item 09 Report and Appendix
                         A / B / C / D / E)
                         15 September 2021 Full Council (Item 15 Report and
                         Appendix 1 / 2 / 3)
                         15 March 2022 Corporate Committee (Item 13a Report
                         and Appendix)
                         30 August 2022 Corporate Committee (Item 06 Report
                         and Appendix)
                         25 April 2023 Corporate Committee (Item 08 Report and
                         Appendix)
                         7 November 2023 Corporate Committee (Item 07 Report
                         and Appendix 1 / 2)
Ref: SPMAN-1108985784-938 / SPMAN-1108985784-952

Transformation Improvement and Modernisation Programme Update: to March 2024

Project Titles:	Phase	Schedule	Budget	Objectives	% complete	Progress Update	Next Steps
spanning						**TRANSFORM EDUCATION**	
DSM	Closure	GREEN	GREEN	GREEN	100	Project completed	CLOSED
Raising Attainment: Well-being (ASN)	Delivery	GREEN	GREEN	GREEN	38	ECLS committee on 20/02/24 agreed progress and next steps for each area of the review. Programme plan being prepared for monitoring of implementation. Further report to ECLS 27/3 to bring spend back in line with permanent budget as temp funding ceases. Overall project is green.	Complete admin support for alternative curriculum Complete procurement for alternative curriculum Consult on and implement resource allocation changes Process for in-year requests Process for annual moderation Training to be developed for August Carried Forward into new Transformation Strategy
Business Support for Schools (Schools Business Admin)	Delivery	RED	AMBER	AMBER	64	Overall Project Status is considered AMBER as replanning of project, resources and timelines required following direction from council in Sept 2023	Review of the project to address feedback on both the Change Management Plan and Improvement Plan Carried Forward into new Transformation Strategy
Raising Attainment: Curriculum Breadth - Digital Inclusion	Definition	GREEN	GREEN	GREEN		Agreement from committee to progress with mobile device management solution. Not been possible to resource progress within ICT but now being treated as priority	Produce project initiation document and project plan Progress procurement of solution Carried Forward into new Transformation Strategy
Schools for Future - Learning Estate Programme		AMBER	AMBER	GREEN		Schedule is amber overall as there have been a number of factors influencing the originally planned timescales: o Findrassie – project is on hold due to updated roll forecasts, per ECLS committee o Forres Academy – impact of RAAC but plans in place to recover to meet deadline of Aug 27	Findrassie – review of timing to ECLS 27/3 Forres – site selection to be progressed B-B programme work – progress first group of schools for 24/25 roll out Crossroads – report to come to ECLS committee re next step ASG Engagement – Elgin Associated school groups (ASG) to commence. Forres and Buckie progress to next stages

Transformation Improvement and Modernisation Programme Update: to March 2024

Project Titles:	Phase	Schedule	Budget	Objectives	% complete	Progress Update	Next Steps
						○ Buckie – affordability within capital plan and timing to be considered ○ B-B Upgrade work – timing to be adjusted for affordability Budget and affordability are an ongoing challenge with this programme of work Public engagement underway in Forres and Buckie on future learning estate. Option prepared to consider acceleration.	It is proposed that this project is accelerated and extended to look at improved educational attainment and fewer Schools operating at greater levels of occupancy and efficiency
TRANSFORM COUNCIL							
Asset Management (was PAMA)	Delivery	N/A	£83K	£200K Rev £250K Cap. saving	80		
○ Smarter Working (was Pama Office Review)	Delivery	GREEN	£15.5k	GREEN	90	Phase 1 has now been completed and end of Phase Project report prepared. Delivery of: Committee room refurb; Elgin HQ moves, Southfield staff to HQ (Feb 24).	Release of Cluny Square, Buckie by 31 March 2024 Further rationalisation of Elgin offices to March 2025 Phase 2 preparation and planning Carried Forward into new Transformation Strategy
○ Depot Review	Definition	AMBER	GREEN	GREEN	75	Work continues on developing the Outline Business Case.	Report the OBC to ED&I Committee on 30 April 2024 Carried Forward into new Transformation Strategy
Property Asset Mgmt. Stage 2 – Shared Community hubs for public/3rd sector	On hold					This is a second stage of the PAMA work that is yet to be scheduled. Relative priority to be reviewed following delivery of stage 1 above.	Where possible, shared use of buildings with partners will be incorporated into capital developments on an ongoing basis as opportunities arise Carried Forward into new Transformation Strategy
Customer Services Re-	Closure 21/12/23	N/A	N/A	£40-£50k saving	100	The End of Project Report was reviewed and approved at Transform Council Board on 21th December. Savings indicated are for the final	Closed

Transformation Improvement and Modernisation Programme Update: to March 2024

Project Titles:	Phase	Schedule	Budget	Objectives	% complete	Progress Update	Next Steps
Design - Access Point				GREEN		year of the project, however, savings accrued over a number of years including the release or Auchernack	
Service Efficiency – Lean Reviews	Definition – on hold	RED	GREEN	GREEN	25	This project is being re-prioritised for the Future Council work	Definition and Prioritisation of project to be considered for next stage of IMP/Future Council Carried Forward into new Transformation Strategy
Poverty	Closure					Poverty is now incorporated within the Council's priorities within the Corporate plan and will be addressed as an inherent part of the council's business	It is proposed that the project is **CLOSED** in recognition of Poverty being agreed mainstream work for both the council and the community planning partnership
Mainstreaming Participatory Budgeting in Moray	Delivery	AMBER	AMBER	AMBER		Work is underway in relation to PB for play parks and a number of other avenues have been explored. PB has been used in 3 schools, 2 youth work and 2 active travel projects	No savings will be generated so this should be removed from IMP and progressed as another workstream, noting this will be monitored through the Best Value Action Plan 2024-2027
TRANSFORM ECONOMY							
Sponsorship - Parks Communities and Leisure Centre Sponsorship	Closure	N/A	tbc	Tbc	0	The workstream was closed as per recommendation made to Transform Council Board of 15/02/24 as there was no current new activity	**Closed**
Museums Trust	Definition					The project is being taken forward as part of the development work for the Forres Conservation and Heritage project, a programme working group has been established and a sub group will be tasked with developing a new model for the museum and working with interested parties.	Forres conservation and Heritage Scheme developing a bid for funding from HES and National Lottery. As this is now being progressed in reliance upon external funding through business as usual economic regeneration activity, this should be removed from the IMP workstream.
BIM	Definition	GREEN	GREEN	GREEN		Phases 1 and 2 have been completed	Business Case has been reprogrammed for consideration at Transform The Economy Board of 23rd April 2024. Aim to report to EDI in June 2024.

Project Titles:	Phase	Schedule	Budget	Objectives	% complete	Progress Update	Next Steps
		🟩	🟩	🟩		Draft Business Case reviewed by the Transform The Economy Board on 7th December.	Carried Forward into new Transformation Strategy
TRANSFORM CHILDREN'S SERVICES							
						Now being reported via MIJB	

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: RISK MANAGEMENT AND BUSINESS CONTINUITY POLICIES

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. **REASON FOR REPORT**

1.1 To seek approval of the updated Risk Management Policy and Business Continuity Policy for the Council.

1.2 This report is submitted to Committee in terms of Section III (B) (41) of the Council's Scheme of Administration relating to the formulation and review of council policy, strategy, and objectives in relation to cross cutting issues which do not fall within the remit of service committees.

2. **RECOMMENDATION**

2.1 **Committee is asked to consider current risk management and business continuity arrangements within the Council and approve:**

   (i)   The updated Risk Management Policy in Appendix 1;

   (ii)   The updated Business Continuity Policy in Appendix 2.

3. **BACKGROUND**

3.1 The council has statutory obligations in relation to Risk Management and securing good governance in terms of the Local Government in Scotland Act 2003 (duty to secure Best Value) and to Business Continuity in terms of the Civil Contingencies Act 2004.

3.2 Currently within the Council the Corporate Risk Register is reported regularly to the Corporate Committee. Services, to varying extents, maintain risk registers and business continuity plans which help inform the Corporate Risk Register. Risk registers exist for some major projects and work takes place across services for cross cutting risks, for example consideration of the impact of an interruption to fuel supplies.

3.3   The Council's recently appointed Risk Management and Business Continuity Officer (0.5 fte) maintains the Corporate Risk Register and provides advice to services over their registers and plans, working in conjunction with the Emergency Planning Officer (1 fte).

3.4   In order to make best use of the available resource, priority has been given to:

- Reviewing and updating the Corporate Risk Register which summarises, at a strategic level, the principal risks facing the council..
- Refining the agreed list of critical services in terms of business continuity. This list was updated during the pandemic and identifies services assessed as likely to have the greatest adverse harms should they be interrupted for any reason.
- Working initially with sample services to gain insight into the current managerial approach to both risk management and business continuity to aid development of policy and practice.
- Updating the policy documents and linked manager toolkits/ guidance notes having regard to organisational change, for example, more flexible ways of working; greater use of use of technology, and rationalisation of the council estate.

3.5   It is noteworthy from the work done and documentation reviewed thus far that there is a commitment on the part of managers to manage down any risks so far as is practicable and ensure that they can maintain continuity of their services. All this in many instances without specifically putting risk management or business continuity 'labels' against the actions that routinely form part of day-to-day service operations.

3.5   Examples of 'routine' business continuity arrangements are evident across multiple service areas. These include in building control, roads, housing, and social care, where staff teams respond to requests for support both within and out-with normal working hours as required. There are also situations that arise from time to time where staff 'step up' to deal with emerging risk and continuity issues, a recent example being the disruption at Forres Academy, where the risk of collapse of Reinforced Aerated Autoclave Concrete was re-evaluated at short notice in light of experiences elsewhere.

3.6   So there is a significant amount of risk management and business continuity activity already ongoing, and the need principally is to formalise the evidencing of this in a structured manner. The updated policy documents, given as **Appendices 1 and 2**, supported by guidance notes for managers and staff, should assist.

3.7   Importantly, it should be noted that solutions in terms of maintaining or increasing resilience are dependent on resources available and the capacity of services to adapt to any situation that may present. This is increasingly challenging given the changing environment in which the council operates. There will be a need for acceptance and tolerance of a higher level of risk than was hitherto required, and business continuity planning is likely to face limitations where services are operating with reduced levels of resource. As with all change, there are positives and negatives. For example, the 'smarter

working' initiative will improve the flexibility of that part of the workforce working from multiple venues, whereas concentrating depot activity in fewer locations creates the potential for greater disruption should one of these locations become unavailable for any reason.

3.8 The process of identifying and evaluating risk issues does however aid transparency and provide clarity as to where risk exposures may remain, with some level of risk having to be accepted if the cost of mitigation, in relative terms, is considered to be unaffordable. This in essence reflects the risk appetite of the organisation when developing relative priorities.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Effective management of risk aids the organisation to achieve strategic planning objectives and business continuity planning seeks to ensure, so far as is practicable, that any disruption to delivery of services linked to these objectives is minimised.

(b) Policy and Legal

The council has statutory obligations in relation to Risk Management and securing good governance in terms of the Local Government in Scotland Act 2003 and to Business Continuity in terms of the Civil Contingencies Act 2004.

(c) Financial implications

There is no separate budget for any improvements identified through the risk management or business continuity processes; where these require additional funding, this will require to be met from existing budgets.

(d) Risk Implications

The tasks outlined in this report support good governance arrangements of the council; effective management of risk limiting exposure to negative consequences, and business continuity aiding services to be maintained, in particular, for those who rely on them most.

(e) Staffing Implications

There are demands on staff time within services to undertake this work which require to be met from existing resources.

(f) Property

There are no implications.

(g) Equalities/Socio Economic Impact

There are no implications.

(h) Climate Change and Biodiversity Impacts

With both disciplines focussing on mitigation measures, any proposals arising are unlikely to have any adverse impacts relative to climate change or biodiversity.

(i) Consultations

Council Group Leaders and CMT/SMT have been consulted and any comments received incorporated into the report and the accompanying policy documents.

5. CONCLUSIONS

5.1 The changing environment in which the council operates brings with it an ongoing need to ensure risks are managed down and continuity of services is maintained so far as is practicable. This work is being progressed in various ways as outlined in this report.

Author of Report: Atholl Scott, Business Continuity and Risk Management Officer
Background Papers: None
Ref: CC/DL/AS/230424

RISK MANAGEMENT POLICY

Reviewed: October 2023
Next Review: October 2026

1. Introduction

1.1 The council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, that public money is safeguarded and properly accounted for, and used economically, efficiently, and effectively. The council also has a statutory duty in terms of the Local Government in Scotland Act 2003 to secure Best Value, by making arrangements to secure continuous improvement in the way in which its functions are exercised.

1.2 In discharging this overall responsibility, the council is responsible for putting in place proper arrangements for the governance of its affairs, which includes making arrangements for the effective management of risk. As a large and complex organisation, the council is exposed to a wide variety of risks and, through this policy, is committed to the proactive management of these risks.

2. Aims

2.1 This Policy provides a structure through which:

- Risks to organisational and service objectives can be identified and managed;
- Risk appetite can be developed and agreed, recognising that measured risk is essential to optimising achievement of policy objectives;
- Risks can be captured in risk registers and responses to identified risks developed in a structured manner within strategic, service or project plans;
- There is clarity and transparency around the principal risks facing the council.

3. Objectives

3.1 The objectives of the risk management policy are to:

- Ensure compliance with statutory obligations;
- Preserve and enhance service delivery;
- Safeguard the interests of elected members, staff, and users of council services;
- Protect the Council's property and assets;
- Maintain effective control of public funds;
- Promote the reputation of the Council.

4. Scope

4.1 Risk in its broadest sense can be defined as 'the effect of uncertainty on objectives'. Thus risk management is a co-ordinated set of activities to control the many risks that impact on the delivery of those objectives.

4.2 While risk is evaluated routinely in day-to-day operations, good governance practice requires formal evaluation of risks and risk impacts to inform strategic planning, guide major projects and support options appraisal. Doing this is essential to provide clear accountability and transparency around decision making processes.

4.3   All risks are potentially in scope; hence a range of processes have been developed for risk management purposes. These include:

- For strategic risks - a corporate risk register, which considers risk themes, e.g. financial or technological risks, impacting the organisation.
- For service risks - a service risk register, similarly formatted to record and evaluate and manage potential impediments to delivery of service plans;
- For project risks - various approaches are adopted in line with best practice guidance, principally for larger contracts where risk monitoring is pivotal as an aid to ensuring projects are delivered on time and on budget, and to secure early resolution of new risks that may become evident as project work progresses.
- For policy decision making – established practice within council committee reports is that these contain a detailed risk implications section clearly setting out the rationale for any policy proposals.

4.4   While the responsibility for effective assessment and control of risk lies with management, oversight of the risk management process is co-ordinated by the Audit and Risk Manager supported by a Business Continuity and Risk Management Officer. This oversight role involves:

- Scope – to ensure the risk management policy is up to date and remains fit for purpose.
- Support – to work with senior management and services to ensure risk registers are kept up to date.
- Validation – to ensure risk registers developed are consistent with this policy.
- Guidance – to assist in promoting risk management as an element of the Moray Management Methods system developed for adoption by all service managers.

5. Benefits

5.1   The policy provides a clear commitment to good risk management practice. This will enable the Council to:

- Embed risk management as part of normal business practice.
- Be clear about its principal risks and be confident that these are being managed in a proportionate manner.
- Demonstrate good governance and sound use of resources.
- Identify opportunities as well as threats that come from being risk aware.
- Reduce the operational and financial impact of any negative risks.

6. Roles and Responsibilities

6.1   Corporate Management Team /Senior Management Team

- Oversight and promotion of this risk management policy and its application.
- Participating in the periodic review and updating of the Corporate Risk Register.

- Being alert to new risks emerging from both within and external to the organisation.
- Ensuring risk implications are clearly stated in reports to Council and its committees.
- Oversight of risk management arrangements linked to delivery of priorities in the Corporate Plan.

6.2 Service Management Teams

- Participating in the periodic review and updating of Service Risk Registers.
- Being alert to new risks emerging from both within and external to the organisation that may impact on the service.
- Ensuring appropriate risk registers are in place for projects administered by services.
- Linking actions identified as requiring to be implemented to mitigate risk to annual service plans.

6.3 Audit and Risk Manager

The Audit and Risk Manager is the professional lead for business continuity within the council and, with the support of the Business Continuity and Risk Management Officer, will:

- Support and advise CMT/SMT on risk management;
- Provide support and guidance to managers on risk management practice;
- Co-ordinate the identification of strategic risks and the periodic updating of the corporate risk register;
- Work with services as required to support delivery of this policy;
- Work across all services to ensure interdependencies are recognised;
- Note common themes emerging from service risk registers and ensure these are elevated to the corporate risk register where necessary;
- Promote the link between risk management and business continuity to optimise resilience of services delivered by the council.

7. Moray Council Corporate Risk Register

7.1 A Corporate Risk Register is maintained detailing risk issues around nine strategic themes that require effective management to aid in the delivery of key council priorities within its strategic planning framework. The register is overseen and approved by the Corporate and Senior Management Teams in consultation with Senior Councillors and reported regularly to the Council's Corporate Committee.

7.2 A strategic theme in the Corporate Risk Register has been developed covering Operational Continuity and Performance and strategic risk issues identified through the Business Continuity process shall be included under this theme to maintain the links between risk management and business continuity.

8. Compliance and Certification

8.1   Legal Basis

The Local Government in Scotland Act 2003 introduced a requirement for local government to demonstrate Best Value, and subsequent best practice guidance prepared by the Chartered Institute of Public Finance and Accountancy and the Society of Local Authority Chief Executives on good governance calls for the council to make arrangements for the effective management of risk.

8.2   Monitoring and Review

Risk management is increasingly important at a time when council resources are stretched and there are elevated risks in a number of areas, including financial and recruitment challenges. If the council is to meet its obligations to the public and partner agencies, it is important that policy and practice is kept up to date. The policy will be reviewed on an ad-hoc basis as required with formal approval taking place every three years or sooner if circumstances dictate.

BUSINESS CONTINUITY MANAGEMENT POLICY

Reviewed: October 2023
Next Review: October 2026

1. Introduction

1.1   The Civil Contingencies Act 2004, while mainly concerned with civil protection and emergency planning, requires local authorities (designated as Category 1 responders) to put in place business continuity management arrangements.

1.2   Business continuity is concerned with ensuring the council can, so far as is practicable, continue to deliver critical services in the event of any disruption. This aim is supported through the preparation of business continuity plans for these essential services.

2. Aims

2.1   This Policy provides a structure through which:

- Critical services and their supporting activities/resources can be identified;
- Plans can be developed to aid continuity of critical service delivery following disruption arising from loss of facilities, personnel, technological and/or communications failure, or other external factors;
- Plans can be activated and used to limit the impact of interruptions;
- Plans are subject to periodic review and validation through exercising and testing.

3. Objectives

3.1   Business continuity plans must, as a minimum, consider the following:

- Statutory and contractual obligations
- Identification of risks and mitigating actions
- Safety and welfare of staff and service users
- Communications, both internal and external, as appropriate
- The timely resumption of critical functions.

4. Scope

4.1   This policy is based on standards defined by BS25999 and the Civil Contingencies Act 2004.

4.2   These require councils as Category 1 responders to develop a Business Continuity Management methodology, identify critical services and functions, and develop Business Continuity Plans. This process includes identifying key activities/business processes and key staff within each service, as well as determining potential options for mitigating risks that impact on the resources, including assets, staff, and technology, required to maintain critical services.

4.3   This policy extends to the management of supply chains including outsourced service contracts. It requires those responsible for negotiating and managing contracts to ensure, where appropriate, that business continuity conditions are included in contractual agreements. Such conditions require the supplier or

contractor to demonstrate capacity to maintain acceptable levels of service during and after any disruptive incident.

4.4   All business continuity plans include a clear procedure for invoking the plan, identifying key roles and responsibilities for its delivery, and are aligned as appropriate with the council's Emergency Planning Policy and Procedures.

4.5   Oversight of the development, maintenance and testing of plans is undertaken by the Audit and Risk Manager, supported by a Business Continuity and Risk Management Officer. These focus on the following components:

- Scope – to ensure that all critical functions are identified.
- Support – to enable plans to be updated in a manner consistent with this policy and other related policies of the council.
- Validation – to verify the plans work and are fit for purpose.
- Training and exercising – to ensure key staff know what is expected of them in a period of disruption and prepare them to deliver an appropriate response.

5. Benefits

5.1   The policy demonstrates a clear commitment to business continuity management, enabling the Council to:

- Be clear about its critical services and have processes in place to ensure these are prioritised for recovery in times of disruption.
- Make best use of personnel and other resources; increasingly important when capacity to respond to incidents is constrained.
- Limit, so far as is practicable, any period of disruption to the organisation, service users and communities.
- Resume normal working more efficiently and effectively after a period of disruption.
- Improve the resilience of the organisation and its ability to respond to service disruption.
- Reduce the operational and financial impact of any disruptions.

6. Roles and Responsibilities

6.1   Chief Executive

- Main "sponsor" of Business Continuity Planning within the Council.
- Will prioritise recovery tasks, in consultation with the Corporate Management Team (CMT), if conflicts of needs are identified.

6.2   Corporate Management Team

- Direct all critical services to develop continuity plans, in line with agreed policy.
- Provides appropriate strategic guidance and resources where required.

- Ensure each service conducts an annual review of any business impact analyses (BIAs) used to prepare business continuity plans for critical services and uses these analyses to update plans as required.

6.3 Service Management Teams

- Each activity within the council is owned by a designated service. The Head of Service will ensure that plans capable of maintaining a minimum acceptable standard of delivery are in place for each critical service and supporting activities.
- Each service must review its business continuity plans for critical functions annually and make modifications where necessary to take account of service changes or as a consequence of any exercise results.
- Each service will ensure risks identified through the Business Impact Analysis, completed to inform Business Continuity Plans, are recorded in service risk registers and actioned in service or team plans as appropriate.

6.4 Incident Management Team

An Incident Management Team (IMT) may be formed where service disruption affects multiple or major services and/or is likely to be prolonged. A decision to form an IMT may be triggered by the Moray Emergency Response Co-ordinator (the Senior Officer on duty on a rota basis) or on the advice of the Local Resilience Partnership that co-ordinates emergency planning. Pandemic or a major weather event are examples of situations where it may be necessary to form an IMT. The IMT will comprise members of the Corporate Management Team and Heads of Service, supported by others as appropriate, who will assess and direct the response at a strategic level. All council services will be required to work in accordance with the directions issued by this Corporate Team.

6.5 Audit and Risk Manager

The Audit and Risk Manager is the professional lead for business continuity within the council and, with the support of the Business Continuity and Risk Management Officer, will:

- Support and advise CMT on business continuity and progress issues arising.
- Provide support and guidance to managers on business continuity planning.
- Co-ordinate the completion of business impact analyses for critical functions, recovery timescales and strategies.
- Identify business continuity requirements common to multiple services, including provision of power, fuel, and ICT services. Work with appropriate services to determine these requirements.
- Work across all services to ensure inter-dependencies are recognised and a consistent approach is applied across the organisation.
- Review and develop this policy in line with best practice guidance and the needs of the Council.
- Monitor standards and compliance, across the council, with the policy.

- Oversee and report on development and testing of plans.
- Provide access to appropriate training, with support from the Organisational Development Team.
- Promote the link between risk management and business continuity to support and improve the resilience of critical services delivered by the council.

7.   Moray Council Corporate Business Continuity Plan

7.1   A corporate Business Continuity Plan provides an overview of the council's approach to developing effective back-up and recovery strategies to mitigate or avoid the impact of disruptive events in order to be able to continue to provide these services, whilst responding to an emergency. This plan will be read in conjunction with Service Business Continuity Plans that consider in more detail responses to specific service disruptions.

7.2   The corporate Business Continuity Plan will take into consideration risks identified through the corporate risk management review process, with the opportunity taken where appropriate to mitigate identified risks through improvements to business continuity planning. This will be subject to an assessment of cost benefit considerations and the availability of resources identified as a prerequisite to improving resilience.

8.   Compliance and Certification

8.1   Legal Basis

The Civil Contingencies Act 2004 introduced a statutory requirement for certain public bodies to maintain plans for the purpose of ensuring, so far as is reasonably practicable, that if an emergency occurs the body can continue to perform its functions. This policy and associated plans detail the council's approach to business continuity management arrangements.

8.2   Monitoring and Review

Business continuity management is increasingly important at a time when council resources are stretched and there are elevated risks in a number of areas e.g. the potential for more frequent extreme weather events. If the council is to meet its obligations to provide critical services to the public alongside partner agencies during a period of disruption, it is important that policy and practice is kept up to date. The policy will be reviewed on an ad-hoc basis as required with formal approval taking place every three years or sooner if circumstances dictate.

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: CORPORATE RISK REGISTER

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1.   REASON FOR REPORT

1.1   To provide the Committee with an update on the Council's Corporate Risk Register.

1.2   This report is submitted to Committee in terms of Section III (B) (36) of the Council's Scheme of Administration relating to council wide or corporate risk assessment and the mitigation and management of these risks.

2.   RECOMMENDATION

2.1   **It is recommended that Committee:**

(i)   **consider and approve the updated Corporate Risk Register dated March 2024 attached as Appendix 1 to this report;**

(ii)   **review the frequency of reporting of the Corporate Risk Register.**

3.   BACKGROUND

3.1   The Committee last reviewed the Corporate Risk Register on 04 October 2023. Paragraph 4 of the minute refers.

3.2   The committee agreed to quarterly reporting of risks scored at 20 or above, to keep 6 monthly reporting for the remainder of risks and to review the frequency of reporting of risks in 6 month's time.

3.3   Whilst risks scoring 20 or above were reviewed in January 2024 by CMT and senior elected members, due to competing priorities they were, unfortunately, not reported to the January meeting of this committee.

3.4   The opportunity has also been taken to consider the findings and recommendations identified in the recently published Accounts Commission report on Best Value. This has provided additional information that has been considered with other sources of information when determining overall risk scores.

3.5   An updated Corporate Risk Register, incorporating these changes is attached as **Appendix 1**. The following changes are highlighted:

- Decrease in Collaborative Leadership risk to reflect external support sought and closer cross-party working on budget setting.
- Increase in Financial Risk to reflect savings required for financial year 24/25 and the MIJB overspend.
- Decrease in risk to Economic Sustainability due to investment in Moray Growth Deal.

3.6   The committee are also invited to review the frequency of reporting of the wider Corporate Risk Register. Considerations previously reported to this committee of more frequent reporting were:

- Pros: some risks (such as Collaborative Leadership) could be monitored more closely. Risks could be reported alongside 3 monthly budget reporting to which the Corporate Risk Register is closely aligned.
- Cons: there is less movement in some risks which may not justify a more frequent review. The increased frequency and reporting would take up additional officer time which would have a knock-on effect on delivery of other priorities within the Internal Audit section.

4.   **SUMMARY OF IMPLICATIONS**

(a)   **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
Effective risk management practices are necessary to evidence how the Council identifies and seeks to address any issues that may impact on its ability to deliver its stated priorities and plans

(b)   **Policy and Legal**
Effective risk management practice is an essential component of good governance.

(c)   **Financial implications**
The risk register recognises the financial challenges facing the council and the importance of addressing these. There are no direct financial implications arising from this report.

(d)   **Risk Implications**
Risk and its management is the subject of this report.

(e)   **Staffing Implications**
As detailed in paragraph 3.7, any increased frequency and reporting would take up additional officer time which would have a knock on effect on delivery of other priorities within the Internal Audit section.

(f)   **Property**
No direct implications.

(g) Equalities/Socio Economic Impact
No direct implications.

(h) Climate Change and Biodiversity Impacts
The risk register refers to climate change considerations under Environmental Risks. No direct implications.

(i) Consultations
The Corporate Management Team and political group leaders have participated in updating of the Corporate Risk Register.

5. CONCLUSION

5.1 The Committee is asked to consider and approve the latest Corporate Risk Register dated March 24 and to review the frequency of reporting going forward.

Author of Report: Alasdair McEachan, Head of Governance, Strategy and Performance.
Background Papers: None
Ref:

MORAY COUNCIL

CORPORATE RISK REGISTER AS AT MARCH 2024

SUMMARY OF PRINCIPAL RISKS			
Nature of Risk	**Main issues**	**Risk Score**	**Risk Movement**
1. Collaborative Leadership	External support has provided pointers for improvement in collaborative working, relationships, and organisational culture. These have been assimilated into a consolidated best value action plan. Closer cross-party working has been evident on a number of issues; notably in setting priorities in the updated Corporate Plan and on reaching a consensus on the budget setting for the current financial year. The risk score (see matrix at foot of this summary) was previously 20 (likelihood 4 x impact 5); this has been reduced to 15 (likelihood 3 x impact 5)	**15**	⬇
2. Financial	Council is unable to make savings or generate income that meets expectations of government, citizens, or regulators. Financial settlements for councils remain challenging in the current economic climate. The current position has been recognised as unsustainable with short, medium, and long-term financial plans developed notwithstanding financial settlements from Scottish Government are for one year only. The setting of a balanced budget for 2024/25 has only been possible through use of reserves. A particular pressure is evident in respect of the council's funding contribution to Moray Integration Joint Board where an overspend is projected for 2023/24. Longer-term financial planning projections note that significant further savings will be required going forward. For this reason, this risk is now elevated to the highest risk score of 25, (both likelihood and impact scoring 5). .	**25**	⬆
3. HR (Staffing)	Inability to recruit and retain well qualified or experienced staff across several service areas, staff workloads are unsustainable. A workforce plan is in place designed to enhance leadership capacity, provide development opportunities to equip staff for change; aid staff health and well-being; and promote the council as an employer of choice. The plan is being progressed noting that priorities will continue to be influenced by the budget and financial planning as well as significant capacity issues within HR.. The assessed risk score is unchanged at 20, (likelihood 5 and impact 4).	**20**	⬌
4. Regulatory	Council operates in a heavily regulated environment and maintains multiple policies to aid in securing appropriate governance standards. Oversight of these comes from regulators and inspectors both external and internal to the	**9**	⬌

	organisation. Recommendations made are used as learning points and applied, subject to resource constraints, to secure continuous improvement. Where expected standards are unmet context is important, some services will not be resourced in the way council would wish (having determined priorities through corporate and service planning). The risk was previously given a neutral rating (likelihood 3 x impact 3). This assessment remains unchanged.		
5. Environmental	Council's commitment to addressing climate change remains undiminished. A number of initiatives have been taken forward aimed at mitigating adverse impacts These include work on promoting active travel, improved biodiversity and rationalisation and decarbonisation of council buildings. Work with others is also taking place on future use of hydrogen to fuel vehicles and to secure external funding and expand the number of charging points for electric vehicles. There remains an elevated likelihood of extreme weather events occurring. The previously reported risks of capacity to drive forward change and the cost of doing so still apply. This risk score remains unchanged with likelihood 4 and impact 4.	16	⟺
6. Reputational	Reputation depends on consistent application of the Standards in Public Life. The council is committed to meeting these standards, notably in promoting Codes of Conduct for both Members and Officers, in being open and transparent around its decision-making processes, and in adopting effective consultation with citizens and service users. Equality impact assessments are used to inform policy decisions as appropriate. While reputational issues remain likely to occur from time to time given the range and scale of services delivered; the impact of same is typically localised. This risk score is unchanged with likelihood scoring 5 and impact remaining at 2.	10	⟺
7. Operational Continuity and Performance	Council performance falls below targeted levels for sustained period; performance reporting is delayed. transformational change does not proceed at pace due to capacity issues. Services determined as lower priority are reduced or no longer provided. While this risk cannot be entirely separated from other risks identified, increasingly there is a greater understanding of the environment in which the council operates in and a need to manage expectations; in this context the risk score is unchanged with likelihood scoring 3 and impact3 .	9	⟺

8. IT (Technological)	Major disruption in continuity of ICT operations; changes to systems and processes and new ways of working create added pressures for ICT staff; data security is compromised. With ICT systems integral to the effective delivery of most if not all services, the impact from disruption to services is at the highest level and notwithstanding risk mitigation measures in place, the potential for disruption, e.g. from external threats, remains possible. The service has recently reviewed and updated its ICT and Digital Strategy and Plan to guide service activity and development for the next three years. The risk level here is unchanged with a risk score of 20, (likelihood 4 and impact 5). .	20	⟷
9. Economic Sustainability	The recently updated Corporate Plan has as one of its three objectives the building of a stronger, greener, vibrant economy. This links to separate policies on climate change, biodiversity, and community wealth building, and aligns with the Moray Economic Strategy developed on a multi-agency partnership basis. The Strategy sets out an ambitious vision and programme of work designed to support economic development in Moray over a ten-year period. The Moray Growth Deal forms an integral part of the Strategy and is being taken forward alongside other projects being delivered through the levelling up fund and the future plan for Elgin. A significant volume of work lies ahead and alongside the risks to be managed by the council, there are risks in partnership working with dependencies on both UK and Scottish Governments and other agencies involved. Given the clarity of vision and purpose, and the progress with the Growth Deal thus far the overall risk scoring from a council perspective has been reduced from 16 to 12 (likelihood 3 and impact 4).	12	⬇

RISK CLASSIFICATION

RISK RATING	LOW	MEDIUM	HIGH	VERY HIGH
RISK MOVEMENT	DECREASE ↓	NO CHANGE ↔	INCREASE ↑	

The process for managing risk is documented separately in the council's risk policy, strategy and guidance notes. The risk rating is calculated by reference to assessed likelihood and impact (on a scale of 1 to 5) for each identified risk. The minimum score (lowest risk) being 1x1=1, the maximum (highest risk) 5x5 =25. Scores of 3 and below are ranked low, green; between 4 and 6 medium, yellow; between 8 and 12 high, amber; and 15 and above very high, red, as per the table below.

LIKELIHOOD

		1	2	3	4	5
Almost certain	5	5	10	15	20	25
Likely	4	4	8	12	16	20
Possible	3	3	6	9	12	15
Unlikely	2	2	4	6	8	10
Remote	1	1	2	3	4	5
		1 Minimal	2 Minor	3 Moderate	4 Major	5 Catastrophic

IMPACT

1.	

Description of Risk: Collaborative Leadership.

A lack of collaborative working between councillors/councillors and councillors/officers creates the risk that:

- The Council's strategic priorities are not fully achieved.
- The Council's decision-making processes are less effective with decisions being delayed or avoided.
- Staff time resources are not optimised on council priorities.
- Partnership working is not as effective as it could be.

Lead: Elected Members **/** Council Administration / Chief Executive / Corporate Management Team

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
VERY HIGH **Likelihood 3 x Impact 5 = Score 15**	Leadership risk has been a theme running through council Best Value Assurance Reports for some time. The council has secured external expertise to support improvements in strategic leadership and decision-making processes. This has been evident in the development of a new corporate plan and in the setting of the budget for 2024/25. There is also closer working across political groups and with non-aligned members to build better working relationships and secure consensus where possible. The direction of travel is positive enabling the likelihood score to be reduced albeit the impact remains potentially high until implemented changes working fully bed in, noting also the impending changes in senior leadership positions.
Risk Movement: increase/decrease/no change	**Risk Appetite:**
	There is a strong appetite for the council to be successful in delivering best value services for its citizens against a challenging background of increasing demand and diminishing resources and a need to identify service priorities. Political stability is key to this success.

Controls:	Current and Proposed Mitigating Actions:
Ten-year strategic plan - Moray 2027 (the Local Outcomes Improvement Plan) being delivered jointly by the council and its community planning partners. Corporate Plan consultation completed -new corporate plan agreed for 2024/26 out high-level council priorities and aligning these to the budget setting process. Suite of Governance Documents in place and regularly updated. Best Value Action plan addresses collaborative leadership, with external support secured. Remit of Audit and Scrutiny Committee including Scrutiny Guide reviewed and considered by Council. 'Members' sounding board' established as a forum for cross party working.	A series of briefings on scrutiny is being delivered to strengthen understanding of how scrutiny activity complements the role Elected Members currently exercise in meetings of the Council and in policy/service committees. Controls established are assessed as having reduced the risk likelihood although the risk impact, given its strategic nature, should remain at its current level. Maintaining and regularly reviewing this risk on the Council's Corporate Risk Register and Best Value Action plan will focus attention on reducing the risk further.

2.

Description of Risk: *Financial:* There is a risk of financial failure with demand outstripping available budget. While a budget has been agreed for 2024/25, risks highlighted previously by the Chief Financial Officer remain, including uncertain levels of government funding in future years, price inflation, the potential for further increases in interest rates leading to higher borrowing costs, and pay award settlements unknown. Uncertainties around the council's current and future funding obligations to the Moray Integration Joint Board add to this risk.

Savings targets required for 2025/26 have been identified as likely to be particularly challenging, with transformation of services a key priority for the council to take forward. This has the potential to impact on all sectors of the community, particularly so on those who are most disadvantaged, and the council recognises its duty to minimise inequality by targeting support towards those who need it most. Financial risk is being actively managed with financial monitoring and reporting undertaken throughout the year.

Lead: Corporate Management Team/ Senior Management Team/ Chief Financial Officer (Section 95 Officer)

Risk Rating: low/medium/high/very high	Rationale for Risk Rating:
VERY HIGH **Likelihood 5 x Impact 5 = Score 25**	The Council has consistently delivered significant savings in recent years but the need to make further savings remains undiminished, and the challenge of continuing to do so while meeting service demands will be increased given the factors outlined above. Likelihood risk remains at the highest level and impact risk has also been raised given the anticipated level of savings required in future years.
Risk Movement: increase/decrease/no change	Risk Appetite: The council has no risk appetite for financial failure given its statutory requirement to manage its resources in a responsible and prudent manner and to continue to deliver statutory services. However it recognises, as a consequence of financial constraints, that services being curtailed are likely to result in a diminution of performance. Expectations of service users will require to be managed. It is also of note that public finances generally are constrained with uncertainty around future financial settlements that will be allocated to Local Government.

Controls:	Current and Proposed Mitigating Actions:
Financial plan in place with budget projections in place for current and next two financial years.	Financial plan reporting to ensure council oversight and visibility of progress to addressing the budget gap.
Financial pressures identified.	Work of the 'Transforming the Council' and Programme Boards including the BVAR and the Improvement and Modernisation Programme to inform further change and potential for redesign of services.
Short medium long term financial plans developed.	
Regular budget monitoring reports (on capital and revenue) presented to council.	
Financial regulations in place and regularly reviewed.	Working closely with and seeking assurances from the Moray Integration Joint Board to ensure, so far as is practicable, that the financial contribution to be made from Council resources does not exceed budget projections.
Property Asset Management Plan established, including Capital Strategy	
Treasury Management strategy agreed and monitored.	
Procurement Policies and Practice.	Optimise, to the extent possible within available resources, access to additional funding streams from government and other external sources, in the form of specific grants or other ring-fenced funding.
Energy Monitoring and Reporting.	
Internal Auditing; External Audit and Inspection	Asset base requires sustainable rationalisation with the Smarter Working and Depot Review projects moving forward.
Annual pricing review on charges for services.	
	School estate engagement in Forres and Buckie Area school groups progressed.
	Community Engagement/Public Consultations planned as appropriate.
	Further work on participatory budgeting planned as resources allow.

3.

Description of Risk: *Human Resources (People):* Effect of planned staffing reductions on services, both on staff directly affected and on workloads of staff in teams where staff numbers are reduced. The flexible working policy has in part alleviated service pressures but with small teams, competing demands and a need to develop capacity for change, staff morale can be affected. High staff turnover and resultant vacancies also increases the risk of being unable to meet service demands, resulting in a focus on short term requirements to the detriment of planning for longer term service improvement.

Inability to recruit and retain well qualified or experienced staff, staff unprepared for change, lack of staff engagement, inadequate health and safety arrangements. With staff the council's most important resource, there is a need to ensure employees are equipped to embrace change and deliver services in different and innovative ways that as far as possible are sustainable at a time when resources are reducing. This will prove challenging given that further budget reductions are required, with potential workforce implications. There is also an increased risk that corporate and service plan targets will not be met, leading to reduced service quality and performance, a failure to deliver Best Value and less than satisfactory reports from inspectorates and other agencies.

Lead: Depute Chief Executive (Education, Communities and OD); Head of HR, ICT and OD.

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
VERY HIGH **Likelihood 5 x Impact 4 = Score 20**	Reduced ability of smaller teams to deal with competing and complex demands and to forward plan across a wider Council agenda and be ready with a strategic response. Difficult to recruit in a range of areas including certain subject teachers; vehicle technicians; specialist professional posts; senior management; clerical and administrative roles; temporary and relief staff; and community care employees. Staff turnover leads to loss of expertise and 'corporate memory'. Workforce planning is used to offset this, especially for key roles. Inability to meet service demands and secure continuous improvement. Staff morale and productivity is affected as a consequence of smarter working arrangements. Given the foregoing issues the risk rating remains at a very high level with current staffing challenges almost certain to continue, leading to a likelihood score of 5 with consequential moderate to high impacts in service areas directly affected.

Risk Movement: increase/decrease/no change	Risk Appetite:
	The council as a responsible employer has a duty to provide a safe, attractive, and rewarding place to work, with employees central to the successful delivery of the council's strategic and service priorities. Accordingly, while acknowledging challenges in aspects of public sector recruitment and changes to working practice to secure efficiencies, there remains a strong appetite to ensure staff morale and motivation is maintained at a high level and that the council is seen as an attractive place to work.
Controls: Corporate Workforce Plan, (reviewed and updated annually) in place Leadership Development Programme established. Moray Management Methods promote consistency. Employee Communications & Engagement Framework (including Interchange bulletins, senior manager visits and manager forums) Health and Work Policy Health and Safety Policies and Annual Report. Absence Management Policy Living Wage Employer accreditation secured to support recruitment strategies. Flexible working policy refreshed and rolled out as part of Smarter Working Initiative. Fire risk assessments completed in line with planned schedule. Mental health and wellbeing Pulse Survey results used to inform improvement actions	**Current and Proposed Mitigating Actions:** Continue to monitor senior management capacity to ensure it is sustainable and sufficient to deliver the transformational change programme required to secure financial stability, in addition to 'business as usual'. Annual Review of Workforce Strategy and Plan completed and activity to address the main themes of: Leadership capacity and development; ensuring leaders, managers and supervisors are equipped with skills and behaviours necessary for new ways of working. Supporting the workforce through a period of change including active management of vacancies and maintaining good employee relations. Organisational Development, with the workforce empowered and enabled to embrace change through a range of in-person and on-line training opportunities. Reviewing recruitment and retention strategies, continuing with apprenticeship and training programmes, and developing succession planning, where appropriate. Health and Wellbeing initiatives being taken forward to support staff in the workplace with linked objectives of proactively supporting attendance at work and reducing absenteeism. Support consistent application of employee review and development programme to aid workforce development.

4.

Description of Risk: *Regulatory:* Expected governance standards are unmet. Council is subject to censure.

The council is heavily regulated by statute, by national guidance and through local policy and procedures and, within its systems, has established checks and balances to support delivery of intended outcomes. Adapting council priorities and plans to accommodate new duties is key to limiting the risk of regulatory failure with elected members, on the advice of senior officers, being responsible for creating capacity to accommodate changes to policy and service delivery revisions.

Lead: Corporate Management Team/ Chief Financial Officer/ Monitoring Officer/ Heads of Service

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
HIGH **Likelihood 3 x Impact 3 = Score 9**	Governance arrangements have been developed over many years and are subject to regular oversight and monitoring. Systems and processes are subject to on-going review and development within the council and its services. Corporate support and review in relation to performance, audit, and inspection. Change increases the risk of system breakdown and non-compliance with regulatory requirements. In the current economic climate and having regard to the challenges facing the wider public sector a neutral scoring has been allocated with a regulatory breach not likely but possible and the impact potentially in the range from significant to minor dependent on the circumstances presenting.
Risk Movement: increase/decrease/no change	**Risk Appetite:** The council has zero appetite for regulatory failure and takes seriously its responsibility to ensure all services are following statutory regulations and standards. A robust approach is taken to securing governance arrangements which includes suitable systems of internal control, albeit capacity issues can emerge where new duties are placed on the council.

Controls:	Current and Proposed Mitigating Actions:
Governance statement prepared annually in line with best practice guidance. Monitoring officer oversees governance processes. Constitutional documents available to direct good governance. External scrutiny and inspection programme Internal and external audit arrangements Suite of Governance and Scrutiny documents in place and regularly updated.	Continue to monitor likely impacts from new policy initiatives that have the potential to require significant council resource inputs. Consider statutory duties and other directions when updating strategic plans acknowledging these when developing council priorities. Ensure capacity to deliver new duties is fully considered and anticipate and report on any implications that have potential to lead to non-compliance. Complete delivery of actions in Best Value action plan. Pro-active management response to issues raised in inspection reports. Continued active participation in delivery of joint services with statutory and other partners as appropriate.

5.

Description of Risk: *Environmental:* Ability of the council to respond to climate change emergency, to keep up with the pace of changing carbon reduction, waste, and environmental targets. Impact of climate change and severe weather events; ability to deal with unforeseen emergencies is compromised by inadequate resilience. The council continues to invest in projects to address climate change issues, to manage energy use and ensure it is well placed to respond to crisis situations in conjunction with the emergency services and other partners.

Lead: Depute Chief Executive (Economy, Environment and Finance), Head of Environmental and Commercial Services

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
HIGH **Likelihood 4 x Impact 4 = Score 16**	This risk, although multi-faceted and challenging, has been partially mitigated by progress made to reduce current and future threats through the development of clear action plans, noting that longer term achievement of climate targets will only be feasible if additional external funding is secured. Given this and wider economic challenges, the likelihood of targets slipping has been increased, and thus impact will also increase should plans for achieving net zero be delayed. The situation remains under close review by the Climate Change team. It also remains the case that any reduction in workforce from the budget balancing exercise could impact on the council's ability to respond to emergency environmental situations arising from adverse weather events.
Risk Movement: increase/decrease/no change	**Risk Appetite:**
	Proportionality is reflected in risk appetite such that the development and application of preventative measures mitigates risks to pre-determined and achievable levels for the council while recognising the collective societal effort that will be required to address environmental risks.

Controls:	Current and Proposed Mitigating Actions:
Climate Change Strategy for 2020-2030 in place Climate change route map to zero updated and subject to ongoing monitoring. Climate change and energy teams in place. Recycling awareness promoted and high rates achieved. Residual waste no longer sent to landfill but processed through energy from waste plant. Street light replacement programme completed to reduce carbon emissions and energy costs. Electric pool cars introduced as part of council fleet de-carbonisation together with cycling/walking initiatives. Housing investment programme which aims to achieve energy efficiency standards. Moray Development Plan considers climate change issues. Council part of North of Scotland Regional Resilience Partnership Council Co-ordination Centre established and operational; crisis communications secured. Energy efficiency measures built into new school building programmes. Emergency response co-ordinators and support staff identified and trained. Growth Deal –Bus Revolution being implemented to improve access to greener travel. Just Transition Funding secured to support feasibility studies aiding transition to a zero-carbon economy.	Coastal erosion/ protection – strategy under development Smarter Working policy developed, and Depot Review being progressed– both contributing to de-carbonisation through reduced staff travel and smaller portfolio of buildings to service and maintain. Route map to zero monitoring and reporting. Supporting locally sourced procurement to limit environmental impacts. Planning for emergency disruption from extreme weather events continues. Investigation of hydrogen as a fuel for heavy vehicles and plant Continue working with partners where appropriate to secure additional funding that will support climate change mitigation initiatives.

6.

Description of Risk: *Reputational:* Not meeting agreed performance targets (e.g. on educational attainment); Not delivering on key projects within Improvement and Modernisation Programme, overspending or failing on a school build; failure on Best Value delivery plan; Major adult or child protection failure: Missing a major policy direction or funding opportunity because resources are so tight.

The council provides services to all sectors of the community and while committed to high service standards, the diversity of service provision and the expectations of the public may increase the risk that the council's reputation could be called into question. This risk generally is considered to be managed through performance management, organisational development, the application of codes of conduct, complaints procedures and similar, however any reduction in services to any individual or group of individuals may justly or otherwise impact on the Council's reputation.

Lead: Corporate Management Team/ Heads of Service/

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
HIGH **Likelihood 5 x Impact 2 = Score 10**	The risk rating has regard to established systems, procedures and controls designed to prevent adverse reputational damage, and how updated policies increasingly reference the need for prioritisation of scarce resources. This recognises that with service reduction and curtailment, the likelihood of increased criticism of council services remains at the highest level while the potential impact is also unchanged at the present time.. In part this is based on it being evident that service delivery challenges apply across the public sector, and through various mechanisms including community engagement, media reports nationally and locally, and complaints responses there is an increased understanding of the challenges faced..
Risk Movement: increase/decrease/no change	**Risk Appetite:**
	The council endeavours to avoid reputational risk and is committed to continuous improvement in the delivery of services either on its own or with partners. It seeks to deliver these services having regard to its equality duty and has set targets for doing so through a customer charter. However it is accepted that reputational damage is a potential consequence of service reduction or cessation.
Controls: A suite of policy, strategy, governance, organisational development, project management and performance management measures are in place to enable delivery of the services to a standard which mitigates the risk of significant damage to the council's reputation. Consultation protocols established and range of consultation and engagement with public and workforce carried out over period of time. Customer charter in place and customer focus strategy developed to	**Current and Proposed Mitigating Actions:** Ongoing review, redesign and implementation of policy, strategy governance, organisational development, project management and performance management. Regular meetings with officers and inspection agencies to support and challenge progress towards improvement. Effectiveness of customer focus strategy to be monitored. Means of communicating changes impacting service users to be

improve citizen engagements and provide a consistent experience across services. Formal complaints procedures in place Performance management reporting framework updated. Corporate Management Team monitors external inspection processes and outcomes. Freedom of Information processes. Risks fully considered in committee reports requiring a decision. Suite of Governance and Scrutiny Documents in place and regularly updated.	monitored. Improved outcome reporting of service delivery and linked performance indicator measures. Progress Improvement and Modernisation Programme to optimise service delivery arrangements

7.

Description of Risk: *Operational Continuity and Performance:* The council is unable to deliver services or performance falls below acceptable levels for a sustained period; insufficient business continuity planning; changes in working practices impact on service delivery. Going forward it is recognised that operational continuity and performance may be affected as a consequence of service re-design and changes in service delivery and challenges remain to ensure alignment of available resources to service delivery standards.

Lead: Corporate Management Team/ Heads of Service

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
HIGH **Likelihood 3 x Impact 3 = Score 9**	The risk rating is an aggregate of various factors, business continuity work is ongoing to strengthen resilience and plan as appropriate to minimise disruption; experience of adapting to new ways of working has increased service flexibility yet threats of disruption e.g. from extreme weather events, remain. Performance is monitored but is likely to diminish in certain areas should services be scaled back due to changes in policy priorities; in such circumstances this risk will require active management. Overall the position is assessed as having improved since the prior review with likelihood and impact assessed as possible and moderate respectively.
Risk Movement: increase/decrease/no change	**Risk Appetite:** The risk appetite acknowledges the responsibility the council has to maintain delivery of statutory services and ensure the needs of the vulnerable service users are met.
Controls: List of critical functions agreed by Corporate Management Team Programme for updating business continuity plans in place for critical services. Organisational Development Team promoting workforce and leadership development. Communication strategy for informing service users of impending changes to services developed.	**Current and Proposed Mitigating Actions:** Review Performance Management Framework to ensure it aligns appropriately to revisions to service provision in the Corporate Plan. Consider reintroduction of the Public Service Improvement Framework to optimise delivery of continuing services. Review timetable for performance reporting aligning with reporting framework for data collected as statutory performance information as appropriate. Progress Transformation Programme.

8.

Description of Risk: *IT (Technological)* Major disruption in continuity of ICT operations; data security is compromised. Changes in working practices post pandemic more reliant on ICT infrastructure, capacity, and support. The risk of cyber-attacks remains and cannot be eliminated, with attacks being nuanced over time and requiring the council to constantly be alert to new threats. The prevalence of working from home results in greater isolation and increases the risk of malicious emails and data breaches.

Lead: Corporate Management Team/ Depute Chief Executive (Education, Communities and OD)/ Head of HR, ICT and OD

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
VERY HIGH **Likelihood 4 x Impact 5 = 20**	A recurring theme from senior management relative to their experiences during the course of the pandemic is that the success of their services in many respects is predicated on the availability of robust and adaptable ICT systems. This creates an elevated risk that has been recognised centrally, albeit it brings with it a number of challenges in terms of resourcing changed ways of working both to infrastructure and in terms of staffing to support that change in a timely manner. Meanwhile cyber security continues to have a high profile and the ICT service has a suite of controls in place to mitigate known risks in this area. Intelligence in relation to recent successful cyber-attacks has highlighted that the disruption to the affected organisations can be widespread, and the recovery process is likely to take a significant amount of time to restore business operations fully.

Risk Movement: increase/decrease/no change	**Risk Appetite:**
⬌	There is zero appetite for service interruption or data loss, as this has the potential for catastrophic impact on service delivery and the cost of system disruption or data protection breaches can run to hundreds of thousands of pounds. The security and continuity of ICT services is therefore of vital importance, and this is reflected in the range of controls in place.

Controls:	**Current and Proposed Mitigating Actions:**
Corporate Information Security Policy. Senior Information Risk Officer. External accreditation processes for Network Security (Public Services Network, Cyber Essentials Plus) Environmental Controls for Data Centre (cooling, fire, flood, and backup power) Boundary Firewalls and Internet Gateways (email and web filtering) Data control enhanced through network controls. Malware Protection Cyber resilience standards aligned to SG Cyber Resilience	Information Security Policy review /update underway Computer Use Policy to be refreshed. Assess controls as part of plans for continuing development of digital services. Penetration testing for applications implemented to deliver digital services. Participation in the Scottish Government Cyber Resilience Programme Extend accreditation process to include the Education ICT network. Continue with implementation of programme of work to address

Framework Cyber Incident Response Plan Patch management (Applications and Infrastructure) Third Party Maintenance Agreements (Applications and Infrastructure) Main financial system supported in-house. Information Assurance Group Records Management Policy Data breach reporting arrangements Working from home policy/guidance	awareness raising, e-learning and phishing campaigns to educate users of ICT systems– attempting to mitigate and reduce the 'human error' element. Complete the review of the ICT Business Continuity Plan Cyber Resilience – ongoing monitoring and application of emerging best practice Continue to monitor feasibility of insurance cover for cyber-attacks.

9.

Description of Risk: Economic Sustainability. Higher inflation and increases in interest rates have the potential to an impact on capital projects including the Moray Growth Deal. The cost of doing business and higher energy costs adversely impact on the business community. Increased strain on household incomes /budgets may impact on council tax revenues and income from council house rents; business failures may create similar pressures on business rates. Many of these are factors outside the control of the council but continue to have an influence on how it reacts and plans for the future.

Lead: Corporate Management Team/ Depute Chief Executive (Economy, Environment and Finance)

Risk Rating: low/medium/high/very high	**Rationale for Risk Rating:**
HIGH **Likelihood 3 x Impact 4 = 12**	While the cost-of-living crisis, a reduction in the working age population, housing, and childcare remain as potential impediments to economic growth, both the council and its partners are working to address these issues. The importance of doing so is evident in the latest iteration of the council's Corporate Plan and this is aligned with the longer term (ten-year) Moray Economic Strategy. While some of the initiatives being taken forward will take time to complete, the direction of travel is assessed as positive, allowing the risk score to be reduced.
Risk Movement: increase/decrease/no change	**Risk Appetite:**
	The need to maintain a vibrant economy is prominent in both community and council strategic plans and there is a strong appetite to create conditions that make Moray an attractive place to do business.
Controls: Moray Growth Deal - Funding for Growth Deal being progressed bringing total investment to the area of over £100m. Growth deal governance arrangements in place and elements of programme being delivered in line with timetable. Moray Economic Strategy ten-year strategy developed with partners and aligned to council strategic plans. Partnership working with Highlands and Islands Enterprise, Moray College UHI, Skills Development Scotland and others. Oversight of programmes using ring fenced funding from the UK Shared Prosperity Fund, Just Transition Funding, and the Strategic Priorities Fund. Expansion of pre-school provision.	**Current and Proposed Mitigating Actions:** Progress Growth Deal projects in line with programme. Continue work with partners to develop and deliver support aligned to economic strategy objectives that include: • Increasing employment levels and number of companies • Ensuring alignment between skills provision and the changing economy • Increased productivity leading to growing wages and contributing to closing the gender pay gap. • A labour market that provides the required numbers of workers to take advantage of available opportunities-notably attraction and retention of those aged 16-29.

	• Maximising the environmental, social, and economic benefits of the transition to net zero and Community Wealth Building.

REPORT TO: CORPORATE COMMITTEE OF 23 APRIL 2024

SUBJECT: EQUALITY OUTCOMES AND MAINSTREAMING

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES & ORGANISATIONAL DEVELOPMENT)

1.   REASON FOR REPORT

1.1   The reason this report is to present the Council's mainstreaming report and provide an update on progress against published equality outcomes.

1.2   This report is submitted to Committee in terms of Section III (B) (41) of the Council's Scheme of Administration relating to cross cutting issues which do not fall within the remit of service committees such as equalities, poverty, armed forces, Brexit, immigration.

2.   RECOMMENDATION

2.1   The Committee is invited to: -

   (i)   Consider and approve the Council's Mainstreaming Report, and

   (ii)   Note progress made against the Council's Equality Outcomes.

3.   BACKGROUND

3.1   Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, local authorities are required to publish Equality Outcomes every 4 years with progress reported every 2 years and to publish a Mainstreaming Report every 2 years.

3.2   The Mainstreaming Report 2023 gives an overview of how considerations of equal opportunities are embedded within Moray Council presented in **Appendix 1**. The next Mainstreaming report is due to be published in April 2025.

3.3   One of the main obstacles in collecting and presenting the information for the equal pay review is the lack of data regarding a number of the protected characteristics among the workforce. There is a high level of non-response when it comes to answering questions about ethnicity, sexual orientation, religion/belief and disability. This is an issue that is widespread among local authorities across Scotland.

3.4   The Equality Outcomes 2021-2024 outline Moray Council's priorities in relation to equal opportunities and are published on the Council's website. Progress against actions for the period to March 2023 is presented in **Appendix 2.** Equality Outcomes will be reviewed, and new outcomes published by April 2025. Meantime a refresh of actions is ongoing to ensure continued progress and alignment with the new corporate plan.

3.5   Moray Council's Equality Outcomes feature a number of actions aimed at ensuring equal opportunity including awareness raising, taking a more pro-active approach to tackling hate crime, promoting third party reporting of hate crime and utilising the Scottish Government's toolkit to inform actions around reducing the ethnicity pay gap.

4.   **SUMMARY OF IMPLICATIONS**

(a)   **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)**
Tackling inequalities is one of the priorities of the Corporate Plan.

(b)   **Policy and Legal**
Publication of the Mainstreaming report is a statutory duty under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

(c)   **Financial implications**
There are no financial implications to this report.

(d)   **Risk Implications**
There are no risk implications to this report.

(e)   **Staffing Implications**
There are no staffing implications to this report.

(f)   **Property**
There are no property implications to this report.

(g)   **Equalities/Socio Economic Impact**
Publication of the Mainstreaming report assists Moray Council in meeting its public sector equality duties as laid down in section 149 of the Equality Act 2010.

(h)   **Climate Change and Biodiversity Impacts**
There are no climate change and biodiversity impacts.

(i)   **Consultations**
The Equal Pay Audit was carried out by the Council's Human Resources service. All services have been involved in formulating the Equality Outcomes through the Equality and Diversity Corporate Advisory Forum.

5. **CONCLUSION**

5.1 **That the committee considers the recommendations set out in section 2 of the report regarding the council's mainstreaming report and equality outcomes.**

Author of Report: Don Toonen, Equal Opportunities Officer
Background Papers:
Ref: SPMAN-2045703626-385

Moray Council Mainstreaming Report 2023

The Mainstreaming Report aims to give an overview more generally of how considerations of equal and diversity are embedded within Moray Council, before addressing the duty to gather and use employee information by presenting its Equality Workforce Monitoring Report 2023/24.

Equality and Diversity

In the 2011 census, 98.9% of the Moray population described their ethnicity as "white". This was significantly higher than the average for Scotland (96%). As a result, a lot of the work around equality and diversity has focused on age (Moray has a higher than average ageing population), disability, sex (higher than average gender pay gap). From 2016 (the year of the Orlando shooting) onwards, there has also been more focus on LGBT+.

Rainbow flag at Moray Council HQ was raised in June 2016 to commemorate the victims of the Orlando Night Club shooting. It has been raised every year since to mark Pride month.

Elgin Library has a range of stock that broadly falls under 'Diversity, Equity and Inclusion' themes and titles from our existing collections will have been highlighted on book displays etc. in various locations - we don't capture data on the specifics of these though. Elgin Library hosted a Pride in Moray exhibition in the Gallery to coincide with LGBT+ History Month in Feb and drag queen story telling in June.

More recently, ethnic diversity in Moray has increased, especially over the last 6 years with the arrival of refugees from Syria, Ukraine, Afghanistan and asylum seekers from the Middle East and the Horn of Africa. This increased diversity has led to new equality outcomes for Moray Council, focusing on the ethnicity pay gap and promoting race equality.

Some 30 members of staff from Moray Council have recently taken part in staff training on Third Party Hate Crime Reporting, organised by Police Scotland. A community group representing migrants in Moray has been set up by council officers and is currently liaising with OSCR to gain official status for the group. The group will be a conduit for Moray Council to engage with ethnic minorities.

Moray is the only council in the UK that have agreed with the Home Office to engage openly with the local community on supporting asylum seekers. Home Office policy is to never disclose where asylum seekers are housed. The Council's approach is that this may work in a large city where anonymity is easier to achieve but would not work in a rural community like Moray. The Home Office have agreed to pilot this. So far, the results have been very promising. There have been a few stakeholder events that were well attended and where many people have offered their support.

Moray Council's internal equality forum, the Equality and Diversity Corporate Advisory Forum (EDCAF), was extended last year to represent all services across the Council. It meets every 6 weeks and its purpose to review the equality outcomes, to advise on equality impact assessments and to disseminate information about

equality and human rights to the various services. Through the Forum, progress against the Council's equality outcomes is linked with established performance monitoring.

The quality of the Equality and Human Rights Impact Assessments has been boosted by a series of training events across the council services. In addition, new procedures have been agreed with legal and democratic services which means that all impact assessments will be published with the relevant committee papers, unless there are pressing reasons for confidentiality. This has to be agreed with the Equal Opportunities Officer who will arrange for a redacted version to be published.

MORAY COUNCIL EQUALITY WORKFORCE MONITORING REPORT 2022 - 2023

Introduction

This is Moray Council's Equality Workforce Monitoring Report for 2022/2023. We produce this to show that Moray Council is applying the principles of equality to its own workforce and to prospective employees.

This report details information gathered over the last financial year from 1 April 2022 to 31 March 2023.

It is important to note that the impact of the global pandemic resulted in changes to the workforce data over the previous 2 years. In last year's report, particularly in regards to recruitment data, it was acknowledged there had been challenges nationwide as a result of the ongoing recovery from the pandemic and these challenges within the recruitment market remained in 2022-23. These challenges have meant that some services remain running with higher than average vacancies with gaps in professional and technical posts. However it is also noted that a number of additional posts relating to supporting our response to the pandemic have now ceased and this has impacted on a decrease in establishment across some service areas e.g. in Education with regards to teaching and support staff and also in Environmental and Commercial Services regards additional cleaners within schools. These actions will positively impact the council's gender pay gap.

Background

As an employer Moray Council is required to collect and publish equalities monitoring data on a biennial basis. Gender mainstreaming is a process whereby efforts to promote gender equality are not only restricted to specific projects and initiatives to help women, but are also incorporated into the design and delivery of all services, policies and practices. It is important to note that a dual approach is necessary; mainstreaming gender into service delivery, policy and practice, while also implementing specific measures to address gender inequalities. Both approaches go hand-in-hand, and one cannot replace the other.

The purpose of this report is to highlight any potential difference between groups, to investigate the reasons behind the differences and to deal with any unfairness, disadvantage or discrimination.

The areas reported on are:

•   The current workforce, including gender pay gap information including ethnicity gender pay gap information, departmental segregation & grading information and workforce composition broken down by ethnic minority groups.

•   Applicants for employment

•   Staff who are involved in disciplinary and grievance procedures

•   Staff who cease employment with the Council

It is acknowledged that all employees and prospective employees have a legal right not to disclose equalities information and a significant proportion of the workforce have chosen this option therefore the data provided is not complete therefore not totally representative of the whole workforce.

Gender Pay Gap Reporting information 31 March 2023

Within Moray Council we employ 6019 staff in total. 4589 staff (employed under SJC terms and conditions) cover a wide range of services and deliver many roles including manual workers, administration, professional posts and managers. We employ a high number of our workforce in service areas such as catering, cleaning, homecare and schools support staff. These areas are populated predominately by a

high number of part time female workers; often who may hold more than one part time position. This fact explains the differential between the number of staff employed and number of posts within the organisation.

We also employ 1430 Teaching staff across the authority area.

When reviewing the gender pay gap consideration of a number of factors needs to be taken into account including:

- We employ more women than men in our workforce (78 % women: 22% men)
- More women than men are found in lower graded posts: 2139 posts are found in the Grade 1 -3 salary bracket which equates to 35.5% of the total workforce. 86.5% of this proportion of the workforce are women in comparison to 13.5% men which equates to 4.7% of men within the total workforce who hold Grade 3 posts or below compared to 30.7% of women who hold Grade 3 posts of below,
- We believe we are compliant with the principles of equal pay
- We believe the pay and grading structure is non-discriminatory and we use an analytical job evaluation scheme to determine the grades of jobs
- We introduced the Scottish Local Government Living Wage and whilst this benefits both genders, the impact is more significant to women as we employ more women in lower graded posts

1. Gender Pay Gap

This has been calculated using the Close the Gap formula as provided; please find details below:

2022-2023	Sum hourly rate	No of posts	Mean hourly rate	Mean pay gap	
Teaching Staff					
Male	6926.854945	270	£25.66	**0.74**	%
Female	29668.25912	1165	£25.47		
		1435			
Non-teaching					
Male	16350.52048	1053	£15.53	**11.47**	%
Female	48540.22642	3531	£13.75		
		4584			
ALL STAFF					
Male	23277.37542	1323	£17.59	**5.34**	%
Female	78208.48554	4696	£16.65		
		6019			

Median pay gap

2022/2023			
Teaching	**Total Staff**	**Hrly Rate**	**%age**
Male	270	24.89	
Female	1165	24.89	
	1435	0	**0.00%**
Non Teaching			
Male	1053	12.76	
Female	3531	11.81	
	4584	0.95	**7.45%**
Overall			
Male	1323	14.96	
Female	4696	12.76	
	6019	2.2	**14.71%**

2. Ethnic Minority Gender Pay Gap

2022-2023					
	Sum hourly rate	**No of posts**	**Mean hourly rate**	**Mean pay gap**	
Ethnic					
Male	95.59	6	£15.93	**2.06**	%
Female	140.426	9	£15.60		
		15			
Non-Ethnic					
Male	8038.6277	423	£19.00	**8.68**	%
Female	27974.836	1612	£17.35		
		2035			
ALL STAFF					
Male	23277.37542	1323	£17.59	**5.34**	%
Female	78208.48554	4696	£16.65		
		6019			

The ethnic gender pay data is statistically invalid due to the small numbers representing 0.25% of our total workforce and 0.7% of total workforce who provided information on their originating ethnic minority group.

Looking at the above calculations, it is important to consider when comparing this to other authorities we may not be like for like in terms of the services we deliver and

the composition of our workforce. As indicated above we have a high number of female employees; 78% of our workforce is female and a high number work part time in lower graded positions. Given the high number of women occupying front line services positions in posts being paid the living wage there are challenges in terms of offering suitable appropriate career paths given the nature of these roles and service requirements which provide limited opportunity for progression. The impact of which contributes negatively to the gender pay gap. Additionally within the public sector there are different national conditions of service some of which contribute to the overall gender pay gap i.e. SJC and SNCT conditions of service e.g. SNCT staff are employed in professional posts which generally are paid at a higher level. These posts make up 24% of our workforce of which 81% of those are female. In comparison 30.7% of female workers on SJC terms and conditions holding Grade 3 or below posts and this impacts on the gender pay gap calculation as there are higher numbers of females holding lower graded posts.   These posts are traditionally held by females due to the working arrangements that allow this group to maintain a work life balance particularly with regards to any caring responsibilities. The impact of such therefore needs to be considered in terms of reviewing the position and putting further context to this calculation.

In order to support and address equality we continue to offer flexible working arrangements at all grades across the workplace including part time, job share and compressed hours' contracts to promote opportunities for all and support accessibility. Additionally to monitor the impact of equality, equality impact assessments are completed for all new policies introduced and projects that the council undertakes.

We continue to monitor the long term impact on the pay structure arising from the living wage and other pay related issues, the outcome of which is to have in place fair and competitive pay and conditions that are recognised as such and are free of bias.

Our gender pay gap has decreased from 6.96% in 2021/22 to 5.34% this year. This can be accounted for due to a regrading of Social Care Assistants resulted in 5.6% of the workforce (337 employees) moving from Grade 3 to 4, this meant that our overall numbers in Grade 3 positions reduced and the numbers of staff in Grade 4 have remained fairly static. Additionally as a result of the Scottish Living Wage increase, a review of our pay and grading structure was undertaken with an uplift in salaries being applied to our lower graded posts. These factors have positively impacted the gender pay gap and would assist in accounting for the improvement in our overall pay gap.

The data from our Ethnicity Gender Pay is not of statistical significance due to the very small numbers of the workforce who identify themselves as originating from an ethnic minority group. This group represents 0.25% of the total workforce. In Moray the 2011 census indicated that Moray had less than 1.2% of the population belonging to an ethnic minority group which explains the low representation of ethnic minorities within the workforce.

An outcome of these calculations and an action point for us is to identify how we can improve the engagement of the workforce in sharing their personal data so we can fully understand the impact of the workforce demographic on our gender pay gap particularly in relation to ethnic minorities and take actions to improve our position. This will require development of an action plan to increase engagement including reviewing our induction process to raise awareness regards the importance of sharing personal data and how the council uses this which will target new employees

joining the organisation as well as a planned communication exercise to raise awareness across the wider workforce as a whole.

2. Statement of Equal Pay

The Moray Council's Equal Pay Statement is attached as **Appendix 3**

3. Departmental Segregation and Grading Information

Our Departmental Segregation table is attached as **Appendix 4** and has been prepared as per example in Close the Gap guide. This captures the gender breakdown by service areas and grade.

4. Employee Information

Composition of workforce and information on recruitment of employees with respect to number and relevant protected characteristics of such persons where known is detailed below:

Table 1: Workforce Composition

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Workforce Composition	All staff		teaching staff		non-teaching	
	6019		1435		4584	
Male/Female Split	**Male -21.98 %**			**Female – 78.02%**		
A White:						
Scottish	1294	21.50%	280	19.51%	1014	22.12%
British	402	6.68%	89	6.20%	313	6.83%
Irish	*	*	*	*	*	*
Polish	*	*	*	*	*	*
Scottish: Polish		%		%		%
Any other white background	128	2.13%	30	2.09%	98	2.14%
B Mixed:						
Any mixed background	*	*	*		*	*
C Asian, Asian Scottish, Asian English, Asian Welsh or other British Asian						
Indian	*	*			*	
Pakistani						
Bangladesh	*	*			*	
Chinese	*	*			*	
Any other Asian background	*	*			*	
D: Black, Black Scottish, Black English, Black Welsh or Other Black British						
Caribbean						
African	*	*			*	*
Any other Black background						
E: Other Ethnic Background						
Any other background	*	*			*	*
F: Unidentified						
Unknown (Did not answer)	4169	69.26%	1028	71.64%	3141	68.52%

Disability:	Total	Percentage

Yes	38	0.63%
No	1386	23.03%
Did Not Answer	4595	76.34%
Religion:		
Christian	688	11.43%
Not Known	4444	73.83%
None	620	10.30%
Other	223	3.70%
Prefer not to say	44	0.73%
Transgender:		
Not Known	5535	91.96%
NOT Same as Birth	*	*
Prefer Not to Say	*	*
Same as Birth	471	7.83%
Sexual Orientation:		
Bisexual	*	*
Gay /Lesbian	25	0.42%
Heterosexual/Straight	1565	26%
Not Known	4365	72.52%
Other	*	*
Prefer not to Say	48	0.80%

Disclosure control has been applied where figures are less than 20 or where such small numbers can be identified through differencing.

The workforce composition table provides a breakdown of data in relation to our workforce composition and includes information regards the composition of our teaching staff.

Information on Job Applicants

Applicants for jobs are recorded on an online national recruitment portal and as part of this process applicants are required to complete equal opportunities data before submitting their application however they do have an option not to disclose any information if they wish. The information in Table 2 is based on the data given voluntarily by online applicants.

Table 2 Breakdown of recruitment data:

	Applied (number)	Applied (%)	Shortlisted (Number)	Shortlisted (%)	Appointed (Number)	Appointed (%)
Total	**7318**	**100%**	**2620**	**100%**	**698**	**100%**
Gender:						
Male	1847	25.24%	637	24.31%	157	22.49%
Female	5384	73.57%	1943	74.16%	531	76.07%
Prefer not to say	87	1.19%	40	1.53%	10	1.43%
Sexual Orientation:						
Straight / Heterosexual	6807	93.01%	2441	93.17%	652	93.41%
Bi Sexual	152	2.08%	34	1.30%	8	1.15%
Gay or Lesbian	77	1.05%	28	1.07%	9	1.29%
Other Sexual Orientation	11	0.15%	3	0.11%	1	0.14%
Prefer not to say	271	3.70%	113	4.31%	28	4.01%
Trans:						
Not same as birth	8	0.11%	3	0.11%	0	0%
Same as birth	7211	98.54%	2572	98.17%	686	98.28%
Prefer not to say	99	1.35%	45	1.72%	12	1.72%
Disability:						
Yes	276	3.77%	76	2.90%	11	1.57%
No	6863	93.78%	2459	93.85%	666	95.42%
Prefer not to say	179	2.45%	85	3.24%	21	3.01%
Long Term Health Condition:						
Yes	428	5.85%	130	4.96%	33	4.73%
No	6890	94.15%	2490	95.04%	665	95.27%
Prefer not to say	0	0%	0	0%	0	0%
Religion:						
C of S	1033	14.12%	396	15.11%	100	14.33%
Roman Catholic	464	6.34%	147	5.61%	36	5.16%
Protestant	49	0.67%	17	0.65%	5	0.72%
Other Christian	553	7.56%	147	5.61%	30	4.30%
None	4613	63.04%	1693	64.62%	478	68.48%
Other	165	2.25%	40	1.53%	10	1.43%
Prefer not to Say	441	6.03%	180	6.87%	39	5.59%
Ethnicity:						
White:	**6621**	**90.48%**	**2432**	**92.82%**	**657**	**94.13%**
Scottish	4707	64.32%	1793	68.44%	492	70.49%
English	29	0.40%	9	0.34%	3	0.43%
Welsh	6	0.08%	3	0.11%	2	0.29%
Irish	74	1.01%	27	1.03%	4	0.57%
Northern Irish	1	0.01%	1	0.04%	0	0%
Polish	86	1.18%	23	3.28%	9	1.29%
Scottish: Polish	0	0%	0	0%	0	0%

Any Other: British	1406	19.21%	484	18.47%	123	17.62%
Any other	312	4.26%	92	3.51%	24	3.44%
Mixed: Any mixed background	**39**	**0.53%**	**12**	**0.46%**	**2**	**0.29%**
Asian:	**154**	**2.10%**	**40**	**1.53%**	**7**	**1.00%**
Indian	60	0.82%	13	0.50%	3	0.43%
Pakistani	17	0.23%	2	0.08%	0	0%
Bangladeshi	2	0.03%	0	0%	0	0%
Chinese	9	0.12%	4	0.15%	2	0.29%
Any other	66	0.90%	21	0.80%	2	0.29%
Black:	**257**	**3.51%**	**54**	**2.06%**	**7**	**1.00%**
Caribbean	3	0.04%	2	0.08%	2	0.29%
African	238	3.25%	39	1.49%	3	0.43%
Any other	16	0.22%	13	0.50%	2	0.29%
Any Other Ethnic:	**15**	0.20%	**2**	**0.08%**	**1**	**0.14%**
Prefer not to say	**232**	**3.17%**	**80**	**3.05%**	**24**	**3.44%**

Table 3: Non Response

	Workforce	Applicants	Shortlisted Applicants
Sex	0%	1.19%	1.53%
Race	69.26%	3.17%	3.05%
Disability	76.34%	2.45%	3.24%
Religion	74.56%	6.03%	6.87%
Transgender	92.14%	1.35%	1.72%
Sexual Orientation	76.32%	3.7%	4.31%

We currently do not hold data on the other areas recommended or the volume of data held is too low for analysis and therefore cannot report on these at this time. Previous attempts to gather this data from our workforce have been met with reluctance as can be seen from our non-response data however, as in previous years, this is an area that has been identified for continued development in terms of action planning arising from this report and as referred to above. It should be also be noted that our HR payroll system provides self-service functionality which includes the scope for employees to record and update their personal data, it is hoped that this will continue to support improved rates of data capture going forward. Communications with staff to raise awareness and engagement was delivered during last year however further work in this area remains an action to be taken forward and will include updating our Corporate Induction to target new employees to engage at point of joining the organisation and additionally a wider communications plan to address and engage the whole workforce.

Disciplinary and Grievances

The table below captures the equality data of those involved in disciplinary and grievance procedures during 2022/23. From the data available this presents no equality concerns.

	Disciplinary (number)	Disciplinary (%)		Grievance (number)	Grievance (%)
Total	**14**	**100**	**Total**	**2**	**100**
Gender:			**Gender:**		
Male	9	64.29%	Male	0	0%
Female	5	35.71%	Female	2	100%
DNA	0	0%	DNA	0	0%
Marital Status:			**Marital Status:**		
Single	0	0%	Single	0	0%
Cohabiting	3	21.43%	Cohabiting	1	50%
Married	2	14.28%	Married	1	50%
Divorced	0	0%	Divorced	0	0%
Prefer not to Say	0	0%	Prefer not to Say	0	0%
Not Provided	9	64.29%	Not Provided	0	0%
DNA	0	0%	DNA	0	0%
Sexual Orientation:			**Sexual Orientation:**		
Gay/Lesbian	0	0%	Gay/Lesbian	1	50%
Heterosexual/Straight	5	35.71%	Heterosexual/Straight	0	0%
Bisexual	0	0%	Bisexual	0	0%
Prefer Not to Say	0	0%	Prefer Not to Say	0	0%
DNA	9	64.29%	DNA	1	50%
Gender Reassignment:			**Gender Reassignment:**		
No	3	21.43%	No	0	0%
Yes	0	0%	Yes	0	0%
Information Refused	11	78.57%	Information Refused	2	100%
Self-Certified Disabled			**Self-Certified Disabled**		
Not Disabled	4	28.57%	Not Disabled	0	0%
Disabled	0	0%	Disabled	0	0%
Not Provided	10	71.43%	Not Provided	2	100%
Prefer not to Say	0	0%	Prefer not to Say	0	0%
Religion:			**Religion:**		
Christian	3	21.43%	Christian	1	50%
Church of Scotland	0	0%	Not Provided	1	50%
Not Provided	9	64.29%	Prefer not to say	0	0%
None	2	14.28%	DNA	0	0%
Ethnic Origin:			**Ethnic Origin:**		
White Scottish	2	14.28%	White Scottish	1	50%
White Other	1	7.14%	White Other	0	0%
Mixed or Multiple	0	0%	Mixed or Multiple	0	0%
Any other British	2	14.28%	Any other British	0	0%
Prefer not to Say	0	0%	Prefer not to Say	0	0%
DNA	9	64.29%	DNA	1	50%

Leavers Information

The following table provides a breakdown of workforce composition of employees leaving our employment.

Total Workforce	Number	Percentage 100%
Female	653	79.83%
Male	165	20.17%
RACE:		
Ethnic Minority Employees:		
A White:		
Scottish	105	12.84%
English		
Welsh		
Irish	4	0.49%
Northern Irish		
Polish		
Scottish: Polish		
Any other white background	52	6.36%
B Mixed: Any mixed background	1	0.12%
C Asian, Asian Scottish, Asian English, Asian Welsh or other British Asian		
Indian		
Pakistani		
Bangladesh		
Chinese		
Any other Asian background	1	0.12%
D: Black, Black Scottish, Black English, Black Welsh or Other Black British		
Caribbean		
African		
Any other Black background		
E: Other Ethnic Background		
Any other background	1	0.12%
F: Unidentified		
Unknown (Did not answer)	654	79.95%
Disability:		
Yes	7	0.86%
No	110	13.45%
Did Not Answer	701	85.70%
Religion:		
Christian	57	6.97%
Not Known	679	83.01%
None	48	5.87%

Other	29	3.55%
Prefer not to say	5	0.61%
Transgender:		
Not Known	767	93.77%
NOT Same as Birth	1	0.12%
Prefer Not to Say	1	0.12%
Same as Birth	49	5.99%
Sexual Orientation:		
Bisexual	4	0.49%
Gay /Lesbian	1	0.12%
Heterosexual/Straight	142	17.36%
Not Known	666	81.42%
Prefer not to Say	5	0.61%

Leavers include involuntary and voluntary leavers. Within involuntary leavers these can include those who have left due to normal retirement, ill health retirement, death in service, redundancy, dismissal or contract end. Those voluntary leavers are those who have chosen to leave for reasons including new job, maternity or early retirement. From the data available this presents no equality concerns.

MORAY COUNCIL

EQUAL PAY STATEMENT

UPDATE APRIL 2023
(Reviewed every 3 years – next update due April 2026)

Introduction

Moray Council's Equal Pay Statement sets out how the Council will comply with the legal duties set out in the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

Our Commitment

Moray Council is committed to the principle of equal opportunities in employment for all our employees and to reducing occupational segregation in our workforce.

We recognise that a right to equal pay between men and women is a legal right in law.

As an authority Moray Council is committed to take steps to proactively address gender inequality and to understand how this impacts the organisation and its employees through analysis, publication and planning of our Gender Pay Gap reporting. Our approach complies with the legal duties under the Equality Act (2010) and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

The General Equality Duty of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 requires the Council to have due regard to the need to;
• Eliminate unfair, unjust or unlawful practices and other discrimination that impact on pay equality.
• Promote equality of opportunity and the principles of equal pay throughout the workforce.
• Foster good relations between people who share a protected characteristic and those who do not in the implementation of equal pay.

The responsible officer for equality in employment is the Head of HR, ICT & OD.

Moray Council have made a commitment to equal pay and this statement sets out how Moray Council will ensure equal pay. This statement will be reviewed at no more than 3 yearly intervals.

Moray Council will:

- Regularly review our pay and reward systems to eliminate any bias including taking appropriate measures to ensure fair promotion, development opportunities and tackle occupational segregation.

- Conduct regular equal pay audits for all employees to monitor the application of equal pay across the workforce.
- Work in partnership with the recognised Trade Unions to ensure that employees have confidence in the process of eliminating any bias in our pay and reward systems.

What action will we take to meet and maintain our commitment:

Job Evaluation:

Job Evaluation is key in supporting the principle of 'equal pay for work of equal value'. It provides a fair, transparent and robust method of providing a framework for grading structures which satisfies this principle. Moray Council will continue to apply the Scottish Councils Job Evaluation Scheme and the national job sizing arrangements for teaching staff. All job evaluation activities are completed by trained employees within the HR service and will be applied consistently and as per the requirements of the scheme /arrangements.

Moray Council has paid the Living Wage since 2012 and has been recognised as a Living Wage accredited employer since September 2022 which demonstrates our commitment to equality and is a symbol of responsible pay and we will continue to apply the requirements of this scheme to our practice. Additionally as a result of the requirement to consolidate the Scottish Local Government Living Wage a review of Grades 1 to 4 of the pay and grading structure was completed in 2022 which resulted in an uplift in some of our lower graded posts. This position will be monitored and further reviews undertaken as required in order to continue to provide equal pay to the workforce.

Equality Impact Assessments:

Moray Council will continue to deliver equal pay and equality of opportunity to our employees and job applicants by continuing to equality impact assess all relevant employment policies and procedures to identify different effects of practices on women and men and take action to address these.

Corporate Workforce Strategy and Plan

Our corporate workforce strategy and plan is designed to help the council develop and maintain a skilled, motivated and flexible workforce and to adapt as an organisation in order to deliver sustainable services to the community that make a difference, address inequality and are fit for purpose. Key to achieving this is via the workforce through providing equality of opportunity and supporting the council's priorities by the ongoing development of the culture which will help future proof the council as an employer of choice. In doing so we will recognise the importance of promoting equality of opportunity and fair work and pay across our workforce and providing equality of opportunity in our recruitment and development activities.

Annual workforce planning and workforce data analysis including review of recruitment activity will continue and inform ways of improving and promoting a

positive culture of equality, diversity and fairness and support achievement of our corporate workforce strategy and plan as well as meeting our equal pay duties.

Supporting Work-Life Balance and Wellbeing

It is recognised that there are aspects of life that can have an impact on an individual's capacity to engage fully with work. For example, those with caring responsibilities tend mainly to be women, people with disabilities may need additional support and time throughout the year to help them manage their life/work balance.

We continue to support employees through the implementation of a range of policies, practices and procedures including, for example, Flexible Working (which has been recently reviewed and updated) in terms of hours, place and other arrangements, a comprehensive Special Leave Policy, including measures for Carers.

We have also implemented guidance on Menopause in the workplace and there are plans in place to review the provisions in terms of Disability Leave in the coming year.

Gender Pay Gap Monitoring

We will continue to monitor annually the gender pay gap, identifying any areas of concern and action planning to address and reduce the gap. Using occupational segregation data we will review annually the distribution of the workforce and gender profile to identify any areas which may contribute to the gender pay gap and consider what positive action can be taken to reduce occupational segregation. This action will consider the impact of both horizontal and vertical segregation and support activities to improve equality.

Moray Council remains committed to the principles of equal pay and will continue to review and improve on pay equality for the workforce.

Human Resources
April 2023

Department	Chief Executive		Children's Services		Community Care		Community Care - Home Care		Envir & Commercial Svcs		Finance		Housing & Property Svcs		Governance Strategy & Performance		HR, ICT & OD		Economic Growth & Devt		Education		Transformation		Education Resources & Comms		TOTAL No in each Grade
	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	FEMALE	MALE	
Grade 1						1			298	37											8				7	5	356
Grade 2								1	4	15	4				9	4					279	5			2		323
Grade 3					16	5	1		273	128	5		33	11	26	2	6		9		635	24			171	43	1460
Grade 4	1		2		204	56	260	18	34	130	12	6	15	17	15	1	2	1	2	3	13				8	1	801
Grade 5				1	51	7	6	1	46	18	1	1	16	5	3		14	8	5	1	65	3			66	19	337
Grade 6	1		60	8			2		8	33	15	1	6	1	19	1	2	1	15	2	118	14			13	1	321
Grade 7	1		6	6	28	5	22		5	5	5		9	8	10	1		12	7	8	43	1	1		7	4	200
Grade 8					12	2	3	1	8	13	2		27	25	9	3	10	6	12	9	14	5			19	14	194
Grade 9			57	12	53	9	2	2	6	14	9	2	8	11	6	6	11	17	11	11	18	1			7	4	277
Grade 10			25	4	17	2			1	2	3	1	5	6	1	1	2	6	3	5					2	1	87
Grade 11			6		13	2			1		8		2	5	4	1	3	1	6	6	4		1		3	2	68
Grade 12			1								1	1	1	2	1	1		2	1								11
Grade 13			3	1	1	4			1		1	1		3	1	1	1	1	2	2	1		1		2	2	29
Sheltered Placement					1	3																					4
Chief Executive		1																									1
Chief Offical	2						1		1		1		1				1	1	1		1				1		11
Craft Grade 5						1							2	40													43
Craft Grade 6									9					34													43
Craft Grade 7									4					2													6
Craft Apprentice																											0
Craft Apprentice Grade 5									1					5													6
Craft Apprentice Grade 6														11													11
Mechanic Grade 5																											0
Main Grade Teacher																					837	169			24	4	1034
Principal Teacher																					168	60			3	5	236
Head/Depute Head Teacher																					89	20			2		111
Chartered Teacher																					15	3			2		20
Senior Education Psychologist																									2		2
Education Psychologist																									4		4
Principal Psychologist																									1		1
Education Support Officer Org S																									1		1
Quality Improvement Manager																					1	1					2
Quality Improvement Officer																					4	1			1		6
Music Instructor																					1				8	4	13
	5	1	160	32	396	93	295	23	687	417	59	12	130	187	104	23	52	55	73	48	2380	307	0	3	355	116	6019

Progress report on Equality Outcomes 2023

The equality outcomes for Moray Council were approved by the Corporate Committee on 30 November 2021 and are published on the Council's website. This is the first progress report on these outcomes as at March 2023 and will be published every 2 years thereafter.

Progress on the equality outcomes is monitored through Pentana and discussed at meetings of the Equality and Diversity Corporate Advisory Forum (EDCAF). The EDCAF is made up of officers representing all departments within the council and a wide range of services.

A summary of progress against outcomes is provided below presented against priorities from the previous Corporate Plan.

OUR PEOPLE: Provide opportunities for people to be the best they can be throughout their lives with a strong and sustained focus on those individual and groups in our society who experience the most disadvantage and discrimination

Bullying – incidents are reported on SEEMIS. An annual survey across all the schools revealed that more than a third of pupils reported they had been bullied in the last year with 86% saying this had happened in school. These results can be used as a baseline against which monitoring the effectiveness of our anti-bullying approach over the next few years can be based against. It also shows that not all incidents are reported, something which also became apparent in a recent complaint. Compared with the survey done in 2018, the number of online bullying incidents has gone up significantly.

Percentage of Children registered on the CPR as a result of Domestic Abuse - there has been a sharp increase from 11% in 2019/20 to almost 68% in 2021/22. Since the end of that period, the percentage has dropped to almost half of that. A closer look at the data revealed that the actual numbers are very small and, as a result, the figures are sensitive to fluctuations.

No new unauthorised encampments - there has been a significant reduction in the number of unauthorised encampments. This is probably a result of Covid restrictions. Monitoring will continue and comparison made once figures for 2022/23 are available.

OUR FUTURE: Drive development to create a vibrant economy of the future

A collaborative approach to employability has been established, ways to evidence how this is making a difference to the various groups protected under the Equality Act is the next step. A total of 710 people have engaged with provision across the partnership (this includes people carried forward from previous year). 455 – Young People; 171 – 25 plus adults; 84 – Parents in poverty; 23% progressed into employment; 70% progressed into learning and training opportunities; 7 % - New clients / harder to reach/engage and progress to provision. Examples of how this has changed individual lives can be found underline.

CREATING A SUSTAINABLE COUNCIL – Developing workforce

Increased diversitiy in the workforce - examining workforce data to identify any ethnicity pay gap is currently in draft form awaiting publication and work relating to bias against ethnic minorities in job application process, using the Scottish Government recruitment toolkit to improve recruitment practices, will start from April 2023. An article in Connect Magazine to encourage staff to update their demographic information through the employee portal, will be reinforced with further awareness raising. Engagement with minority groups to identify policies, practices and procedures that lead to poorer outcomes for ethnic minorities has been taken forward by a group set up to liaise with the Scottish Charity Regulator (OSCR) in order to get established formally. Thirty staff signed up to participate in Third Party Hate Crime Reporting training from Police Scotland with the first training taking place on 5 May. Additional training scheduled on 12 and 22 May. Publicity in Connect Magazine and other platforms will highlight this to further support a culture of trust among members of the workforce who belong to groups protected under the Equality Act 2010.

2022-23 EQUALITY OUTCOMES - Actions

Action / PI Status	
	Cancelled
	Overdue; Neglected / Alert
	Unassigned; Check Progress / Warning
	Not Started; In Progress; Assigned
	Completed / OK
	Unknown
	Data Only

Short Term Trends	
	Improving
	No Change
	Getting Worse

CREATING A SUSTAINABLE COUNCIL - DEVELOPING WORKFORCE: Increased diverstiy in the workforce

Action Code	Action Title	Due Date	Latest Status Update	Status Progress	Status Icon
EO ETHNICITY 1	Examine workforce data to identify any ethnicity pay gap	31-Mar-2023	An article was published in Connect Magazine of February 2023 to encourage staff to update their equality data on the employee portal. Examining workforce data remainst problematic given the high non-response rate. Publicity / awareness raising progressed through further articles in Connect News, HR Bulletin and Interchange banner and portal update now included in new employee inductions. The employee portal will be checked to guage responses to awareness raising and current data will serve as a baseline.

Draft equal pay audit has been completed. | 50% | 🔴 |
EO ETHNICITY 2	Examine workforce data for bias against ethnic minorities in job application process	31-Mar-2023	Mapping is currently in place against 5 elements of the Minority Ethnic Recruitment Toolkit with next steps in development.	100%	✅
EO ETHNICITY 3	Use the Scottish Government recruitment toolkit to improve recruitment practices	31-Mar-2025	Will commence on publication of the Equal Pay Audit. Initial work suggests that a large part of what is recommended in the toolkit is already in place. Next steps in development.	0%	▶️
EO ETHNICITY 4	Engage with minority groups in Moray to identify policies, practices and procedures that lead to poorer outcomes for ethnic minorities	31-Mar-2025	An organisation representing ethnic minorities in Moray has been set up. Further engagement is taking place with support from Interfaith Scotland and Scottish Faiths Action for Refugees. Various language cafes have been set up in Moray and there will be an event on 17 June in Elgin during Scottish Refugee Week. Equality and Diversity Policy under review with guidance on reasonable adjustments under consideration for inclusion.	25%	▶️
EO ETHNICITY 5	Moray Licensing Board to explore and mitigate the language barriers that exist for licence applicants whose first language is not English.	31-Mar-2023	To date there have not had any particular language barriers at the Moray Licencing Board. However, should this arise at any given point there would be the option to bring someone with them or for the council to get an interpreter for them.	100%	✅

	OUR FUTURE: Drive development to create a vibrant economy of the future

Action Code	Action Title	Due Date	Latest Status Update	Status Progress	Status Icon
EO IEG 1	Develop a collaborative approach to employability including approaches targeted at those furthest from the workplace	31-Mar-2023	2021-22 Q4 A collaborative approach to employability is now in place via the Local Employability Partnership. Funding for this partnership has also been confirmed for the forthcoming period. Outcomes of this approach will be presented in the next progress report through case studies.	100%	✅
EO IEG 2	Pursue the Cultural Quarter and other Moray Growth Deal projects led by the Council	31-Mar-2023	Moray Growth Deal Annual Report was submitted to Full Council on 8th March 2023 (item 8 refers) with risks such as inflation, management of closely aligned projects and engagement that have the potential to affect delivery being managed by the Programme Management Office.	100%	✅

Code	Code	Short Name	Current Target	2020/21	2021/22	2022/23	Latest Note	Short Term Trend Arrow	Status
				Value	Value	Value			
		Gender Pay Gap (median) (ONS from ASHE)	Reduce	22.1%	17.3% (provisional)	N/A	National average 12.0% (provisional)	⬆	✅

OUR PEOPLE: Provide opportunities for people to be best they can be throughout their lives with a strong and sustained focus on those individuals and groups in our society who experience the most disadvantage and discrimination

Action Code	Action Title	Due Date	Latest Status Update	Status Progress	Status Icon
EO B1	Educational Services to implement an anti-bullying policy	31-Mar-2022	The anti-bullying policy is completed. It has been to LNCT, where Unions have requested a further meeting with representations form their side. Attempts to complete this have been ongoing since November 2021. The policy will now go to the Equalities and Diversity group in April, where union LNCT reps are present to be launch in August with all appropriate links and documentation to all schools.	100%	✅
EO B2	Carry out annual surveys in schools to monitor effectiveness of anti-bullying approach over next 4 years	31-Mar-2023	The first survey has been undertaken by secondary schools. They have collated their own data to inform their action plans. Over all collation is still to be completed. Anti-bullying survey for primaries to take place in term 4. An annual roll out of the survey during Anti-bulling week commencing November 2023 is planned.	25%	🔴
EO DV1	Children and Families intervene at the earliest opportunity to minimise the impact of domestic abuse on children, young people and parents	31-Mar-2023	**Q4 2022/23** – The proportion of children registered due to concerns of domestic abuse have continued to rise during the quarter. At the end of Q4 11 children (47.8%) registered for this concern, however the proportion has only increased due to the decrease in overall numbers registered. At the end of Q3 17 children were registered for this concern (42.5%). In comparison to 2021/22 the proportions and numbers of children registered for this concern have reduced significantly. There remains little control over the nature of or volume of referrals that come into the department but work continues to ensure that children and young people are protected and supported with the impact of this. The Safe and Together approach is used to assess risk when children are living in environments where gender based violence is a risk. **Safe and Together** Core sessions of this training were delivered in both November & February. There are now 75 trained staff across the partnership. A further three sessions are scheduled for April, May and September which will bring totalled staff up to approx. 190. For those that have completed the core sessions in time, they will undertake Supervisor training in June.	66%	🔴

EO DV2	Moray Council to liaise with Police Scotland through the Moray Violence Against Women and Girls (VAWG) to identify what lessons can be learned	31-Mar-2023		0%	🔴
EO DV3	Liaise with Education to explore ways to support pupils who experience domestic violence	31-Mar-2023	The Mentoring Violence Programme (MVP) for secondary schools is commencing in May 2022, with cohort 1 being Buckie High, Elgin Academy and Keith Grammar. Cohort 2 will be 3 further schools and cohort 3 will be the remaining two schools. All school to be trained and linked to a network by May 2024. Third sector partners – Health, Social Work and Police have been approached to be part of the training. Additional support across all schools is undertaken through Women's aid, and individual families/pupils are identified through MARAC and Child's Planning.	100%	✅
EO DV4	Moray Licensing Board to continue promoting social responsibility among its license holders	31-Mar-2023	In 2019 we hosted a social responsibility workshop and all licence holders and the general public including police etc. were invited to come along to this. Gathered thoughts and any concerns that licence holders had. The police also gave a presentation at this workshop. As well as Best Bar None who are pioneers in promoting social responsibility. Unfortunately this is not something that can be offered every year. With it being out with our budget and now with the pandemic etc. we will have to rely on emails or other forms of communication. However we do have two licencing standard officers who do respond to any complaints alcohol related. We have a licencing standards specifically for licences premises. The general public are encouraged to call the police if they are concerned about anything at licenced premises. The Police licencing team then make note and inform us of concerns. At which point we investigate and on some occasions visit the premises.	100%	✅
EO HOUSING 1	Increase supply of ambulant disabled housing - Local Housing Strategy (LHS)	31-Mar-2023	Housing and Community Safety Ctte 21 June 2022 – **Local Housing Strategy 2019-2024 Mid Term Review Appendix Status Update** New build affordable housing outputs are reported annually via SHIP, and shouw that this target has been met. This target will be reviewed as part of the development of the next Local Housing Strategy.	100%	✅

EO HOUSING 2	Adequate supply of appropriate housing for people with learning disabilities (LHS)			31-Mar-2023	Housing and Community Safety Ctte 21 June 2022 – **Local Housing Strategy 2019-2024 Mid Term Review Appendix Status Update** New build affordable housing outputs are reported annually via SHIP, and shouw that this target has been met. This target will be reviewed as part of the development of the next Local Housing Strategy.		100%	✅
EO HOUSING 3	Gypsies / travellers have access to appropriate short and long terms accommodation to meet their needs (LHS)			31-Mar-2023	In Local Place Plans, Planning Officer has liaised with EEO and Unauthorised Encampment Officer to explore ways of engaging Gypsy/Travellers in preparing local place plans.		0%	🔴

Code	Code	Short Name	Current Target	2020/21	2021/22	2022/23	Latest Note	Short Term Trend Arrow	Status
				Value	Value	Value			
		No of incidents of bullying reported	Reduce	N/A	N/A	N/A		❓	❓
CMS021f1	Local	Percentage of Children registered on the CPR as a result of Domestic Abuse	Reduce	26.92%	67.57%	47.83%	Local Target of 16.9%	⬆️	✅
CP006	Local	Percentage of affordable houses delivered to amenity standard	30%	N/A	36.2%	N/A	Out of 102 projected completions, 37 will be delivered as specialist housing	➖	✅
H6.1a	Local	No of new unauthorised encampments within period	Reduce	17	12	12		➖	🔴
H6.1c	Local	Average duration of encampments ended within period (days)	Reduce	35	37	41.3		⬇️	🔴

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: MORAY DRAFT BRITISH SIGN LANGUAGE (BSL) PLAN 2024-2030

BY: DEPUTE CHIEF EXECUTIVE EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT

1.   <u>REASON FOR REPORT</u>

1.1   The reason for this report is to provide an update on progress against the Moray British Sign Language Plan 2018-2024 and present the draft Moray British Sign Language (BSL) Plan 2024-2030.

1.2   This report is submitted to Committee in terms of Section III (B) (41) of the Council's Scheme of Administration relating to Council wide policy, strategies, priorities and objectives in relation to cross cutting issues.

2.   <u>RECOMMENDATION</u>

2.1   **The Committee is invited to:-**

   (i)   Consider and note progress made against the Moray British Sign Language Plan (BSL) 2018-24; and

   (ii)   Approve the draft Moray British Sign Language (BSL) Plan 2024-2030 for consultation.

3.   <u>BACKGROUND</u>

3.1   BSL is a recognised language and is the first and preferred language of many deaf people in the UK. There is a distinction between those with a hearing loss who communicate in ways other than through BSL, referred to as 'deaf' with a small d. Those people who identify culturally as being deaf and part of the Deaf community are referred to as 'Deaf' with a capital D. When reference is made to both groups the term D/deaf is used.

3.2   The British Sign Language (Scotland) Act 2015 came into force in October 2015. The Act promotes the use of BSL in Scotland, primarily by requiring public bodies in Scotland to develop BSL plans that outline how they will promote and raise awareness of the language.

3.3 The Council's first BSL plan was approved by full Council on 31 October 2018 (para 7 of the Minute refers). In a national first, the agenda item was supported by BSL interpretation. The period of the Plan covered the Covid pandemic and this had a major impact on engagement with D/deaf people in Moray and on the implementation of the various actions in the plan. A summary of progress against planned actions that were achieved is provided below –

- Local taxi firms shared their mobile numbers with D/deaf people so they can use text messages to order taxis.
- Dyke and Bishopmill Primary Schools, Elgin Academy and Keith Grammar have adopted the BSL resource developed by Highland Council. In those schools BSL can be taught as an elective.
- Guidance was drafted on reasonable adjustments, which will be included in the review of the current equality and diversity policies.

3.4 The BSL National Plan 2023-2029 was published in November 2023, providing a template for public bodies to use for their plans, required to be published by 16 May 2024. Following consultation, the Scottish Government has recognised that the infrastructure for BSL interpretation varies greatly from region to region. In response, it will allow local plans to be focused on local needs, rather than national objectives.

3.5 Following initial engagements with D/deaf people in Moray it became clear that there is no one-size-fits-all solution to improving access for D/deaf people to Council services and information. For example: Contact Scotland is an online aid which can provide on demand BSL interpretation for D/deaf service users free of charge. However, among older Deaf people there is a nervousness and resistance about using this service due to restricted access to information technology.

3.6 British Sign Language is a language in its own right, with its own grammar. For many D/deaf people it is their first language. This means that most written information from Moray Council is difficult for D/deaf people to understand. BSL is also different from communication supports such as Makaton. Such supports are aimed at hearing people who have communication or learning difficulties. But Makaton is not compatible to BSL and should not be seen as a stepping stone towards learning BSL. The Council must therefore consider the needs of BSL users in its publications, in particular producing BSL versions of key publications.

3.7 An initial engagement event with D/deaf people in Moray was held at the Gallery, Elgin Library on Monday 11 March 2024 that informed the draft Plan. Formal consultation will begin following submission of the draft Moray Plan to this meeting and will close on 14 May 2024. Consultees will be able to submit their views by email, text, in BSL video or in writing. Contact details for the consultation are given in the draft plan.

3.8 Following the consultation, the draft plan will be amended to reflect feedback and presented to this Committee on 11 June 2024 for approval and publication in text and BSL format. The draft plan is attached in **Appendix 1.**

4. **<u>SUMMARY OF IMPLICATIONS</u>**

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))
The BSL plan will assist Moray Council in promoting its values of Fairness and Responsiveness.

(b) Policy and Legal
The BSL Plan for Moray is a legal requirement under the British Sign Language (Scotland) Act 2015.

The BSL Plan for Moray will also assist in the Scottish Government's extension of the Public Sector Equality Duty due to come into force in 2025. The extension will impose a duty of inclusive communication upon local authorities.

(c) Financial implications
There are no financial implications to the report.

(d) Risk Implications
There are no risks associated with the BSL Plan.

(e) Staffing Implications
Accommodations to enable D/deaf people to access Moray Council services and information will be made with existing staffing levels.

(f) Property
There are no implications for property arising from this report.

(g) Equalities/Socio Economic Impact
An Integrated Impact Assessment is attached in **Appendix 2.**

(h) Climate Change and Biodiversity Impacts
None

(i) Consultations
D/deaf people in Moray, Moray Council's Public Transport Unit and Sensory Educational Services have been consulted and their input has been incorporated in the report. Services impacted by the actions included in the Plan have also been made aware.

5. CONCLUSION

5.1 That the Committee considers the recommendations set out in Section 2 of the report in noting progress made against the previous Moray British Sign Language Plan and approve the 2024-2030 Plan for consultation.

Author of Report: Don Toonen, Equal Opportunities Officer
Background Papers:
Ref: SPMAN-2045703626-381

Moray British Sign Language (BSL) Plan 2024-2030

Contents

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Introduction

The Scottish Government aims to make Scotland the best place in the world for BSL users to live, work, visit and learn. BSL users refer to people who are D/deaf and/or D/deafblind whose first or preferred language is British Sign Language (BSL).

The British Sign Language (Scotland) Act 2015 came into force in October 2015. The BSL (Scotland) Act promotes the use of BSL in Scotland, primarily by requiring public bodies in Scotland to develop BSL plans that outline how they will promote and raise awareness of the language.

The first National British Sign Language (BSL) Plan 2017-2023 was published in October 2017. The National Plan is made up of 10 long term goals covering early years and education; training and work; health, mental health and well bring; transport; culture and arts; justice and democracy. It also described 70 actions to make progress towards these goals.

The second National British Sign Language (BSL) Plan 2023-2029 was published in November 2023. It is a six-year plan that represent the ongoing commitment to making Scotland the best place in the world for BSL users to live, work, visit and learn. It focuses on ten priority areas with emphasis on children, young people and their families, health and well-being, celebrating D/deaf culture and tackling accessibility for BSL users that impacts on a number of areas such as transport, democratic participation and access to justice. The delivery of these actions will lead to improved equality, opportunities and outcomes for BSL users. The national plan can be found at https://www.gov.scot/publications/bsl-national-plan-2023-2029/.

This is the second BSL plan for Moray. After consultation with BSL users in Moray, the plan is less ambitious than the first one and is focusing on improving engagement between the D/deaf community, Moray Council and the wider community. The plan is less about strategic objectives, and more about everyday experiences for D/deaf people. It is about small steps we can take to support a dialogue with the D/deaf community, despite the shortage of BSL interpreters in the area.

It is also our intention to add to the plan over the next 5 years in response to this engagement.

The context for Moray's BSL plan is challenging: There are no BSL interpreters in Moray. The nearest are in Inverness or Aberdeen. Last year, Moray Council invited 4 interpreters for a local framework bid and only 2 replied.

According to census there were around 260 BSL users in Moray. It is not certain how many of these are D/deaf. What we do know is that it is a mixed group with various needs. A mixed group with various aspirations. It is difficult to capture this in one plan. This is why the plan focuses on continuous engagement.

We know we have D/deaf BSL users of all ages. Some of these are well used to information technology. Others are struggling to use this, even when this can give them access to assistive technology such as Contact Scotland.

We know we have hearing parents of D/deaf children as well as D/deaf parents of hearing children. Parents and children from all these groups have different issues that can make access to services difficult.

We hope that this BSL plan and the engagement that is a result of it will help overcome some of these problems.

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1. BSL Accessibility

Moray Council shares the Scottish Government's recognition that for public services to be truly accessible for BSL users, there should be awareness around the culture of BSL, providing vital information in BSL, and enabling people to access services using their own language.

Following discussions with BSL users in Moray, the following issues were put forward to be included in the BSL plan:

- Develop an effective 2-way communication between BSL users and Moray Council Contact Centre
- Ensure that BSL users can access Moray Council's emergency telephone numbers effectively
- Develop ways in which BSL users can be involved in public consultations, especially concerning
  - New developments as part of Moray Growth Deal
  - Budget consultations

2. Children and families

A small number of schools (Dyke and Bishopmill Primary Schools, Elgin Academy and Keith Grammar) in Moray have adopted the BSL learning toolkit developed by Highlands. At present, BSL is offered as an elective but has not been offered as part of the 1+2 programme in schools. There is evidence that in the early years provision, Makaton is often used as a substitute for BSL. It is important to make a clear distinction between the 2. BSL is a language in its own right. Makaton is a communication aide for hearing people with learning disabilities. Although there are similarities, the two do not complement each other and Makaton can become a barrier to D/deaf people's BSL language acquisition. Over the next 5 years Moray Council will:

- Promote inclusion of BSL in 1+2 programme in schools.

- Make professionals aware of the distinction between Makaton and BSL.
- Ensure that D/deaf parents have access to information regarding their child's progress in school.
- Support hearing families of D/deaf children to learn BSL.

3. Access to Employment

Not all D/deaf people see themselves as disabled. However, D/deafness is widely seen as a disability as defined by the Equality Act 2010. The RNID reports that:

- D/deaf people and people with hearing loss are less likely to be employed than the general population**.**
- Only 37% of people who report BSL as their main language are working, in comparison to 77% of people who are not disabled under the Equality Act.

 In order to support D/deaf BSL users in accessing employment:

- Moray Council will ensure that reasonable adjustments are in place to enable D/deaf people to gain fair access to job opportunities with the Council.

4. Access to Services

As a local authority, Moray Council has a duty to make reasonable adjustments to ensure that D/deaf people have access to our services and information. Some of the adjustments that can be made are free of charge. But staff need to be aware that these exist. To promote access for D/deaf BSL users in Moray, we will:

- Moray Council will promote D/deaf awareness training and BSL training among its Health and Social Care staff.

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- Moray Council will promote the use of the full range of assistive technology to enable D/deaf people to have access to health and social care services.

5. Celebrating BSL culture

D/deaf people in Moray told us that before lockdown, they would travel to Inverness once a year to attend a show that had live BSL interpretation. Since lockdown, they feel they have become more isolated. Current developments in Moray, especially around the development of the cultural quarter, offer a great opportunity to help D/deaf people out of their isolation.

- Moray Council will support D/deaf in taking part in social and cultural activities in Moray. More specifically Moray Council will
    - Encourage D/deaf people to engage in consultations around the implementation of the Moray Growth Deal such as the Cultural Quarter, Bus revolution and the STEM Centre Network.

6. Transport

Moray is a predominantly a rural area. Public transport is a vital element in tackling rural isolation. Moray's M.Connect service is a demand-led public transport service which can play an important role in helping D/deaf people gaining access to all types of services. Over the next 6 years Moray Council will work on the following action:

- Moray Council's will engage with D/deaf people in Moray to explore how its booking system can be made more accessible to D/deaf people.

7. What happens next?

On 23 April 2024, the draft plan will be presented to the Moray Council's Corporate Committee. After the meeting, the plan will be

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available on Moray Council's website and Facebook page. We want to hear your views on the BSL plan for Moray.

If you or a family member use BSL it is important that you let us know what you think of the plan. To help with that, we have provided some questions as prompts:

- Do you agree with the actions?

- If you don't agree, which actions do you not agree with?

- What changes do we need to make to the actions?

- Have we missed something important out?

- What actions do you think we should add to the plan?

- What other comments do you have?

Consultation responses should be received no later than 15 May 2024 using the details below –
Don Toonen, Equal Opportunities Officer
Moray Council
Council HQ
High Street
Elgin, IV30 1BX
Email: equalopportunities@moray.gov.uk

If you prefer, you can send a video clip in BSL.

Consultation feedback will inform amendments to the Plan that will be re-submitted to the Corporate Committee on 11 June 2024 for final approval. The Plan will be translated into BSL and published on the Moray Council's website thereafter.

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: CLOSED CIRCUIT TELEVISION POLICY

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISTIONAL DEVELOPMENT)

1.   REASON FOR REPORT

1.1   To request the Committee to consider and approve a new Council wide Closed Circuit Television (CCTV) Policy.

1.2   This report is submitted to Committee in terms of Section III (B) (40) of the Council's Scheme of Administration relating to ensuring suitable framework is in place for performance management across the Council.

2.   RECOMMENDATION

2.1   It is recommended that the Committee considers and approves the new CCTV Policy as set out in APPENDIX 1 and summarised in Section 4 below.

3.   BACKGROUND

3.1   The Council has numerous internal and external CCTV cameras and systems throughout the Council's estate, including in schools, libraries and offices, as well as in public areas. These CCTV cameras gather images of people, places and events.

3.2   CCTV is used for a range of purposes including: promoting and supporting community safety, protecting Council property and assets, creating and supporting a safe environment for employees and the public within Council properties and public areas, traffic management, and, preventing and detecting crime.

3.3   The Council must ensure that images captured by CCTV systems are managed in accordance with legislation, including Human Rights Legislation and Data Protection Legislation.

3.4   This CCTV Policy will be applicable to all Council owned CCTV systems, and will supersede any policies devised by individual departments or services. This Policy aims to bring a unified approach and standardise CCTV governance to improve the existing management of CCTV systems across the Council.

3.5   Due to the overarching corporate nature of the Policy, the Council's Information Assurance Group have taken the lead on producing this Policy, with relevant departments contributing significantly to its creation.

3.6   CCTV footage that identifies and relates to an identifiable individual is considered personal data and must be handled in accordance with Data Protection legislation. The Information Commissioner's Office (ICO) is responsible for monitoring and enforcing UK Data Protection legislation; they provide advice, produce guidance and, have the power to prosecute and penalise individuals and organisations for poor compliance with Data Protection.

3.7   The CCTV Policy does not cover Public Space CCTV systems. These systems are owned and maintained by the Council, but are monitored and operated by Police Scotland. As such, Police Scotland's Policies would be applicable for these systems.

3.8   This Policy does not cover:
* the use of equipment as part of any covert surveillance operation that has been authorised in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA); these operations are subject to separate RISPA policies and procedures.
* the capture of audio by CCTV systems; no audio is captured by Council CCTV systems.

4.   HIGHLIGHTS FROM THE COUNCIL'S CCTV POLICY

4.1   The CCTV Policy applies to all Moray Council employees and all third party providers acting on behalf of the Council. It ensures that all Council employees and contractors will be aware of their obligations in relation to the data captured on CCTV systems. The Policy endeavours to cover the Council's current CCTV situation, aims to clarify and define roles and responsibilities in the use of CCTV, and, standardise governance elements, including:
* a new requirement for all CCTV cameras and systems to be recorded on a central register (managed by Property Services),
* a stated requirement that staff training is provided;
* a stated requirement that procedures are in place verifying how each system will be accessed, monitored and shared; all training within service operating procedures should also include training on the Human Rights Act 1998 with regard to Article 8 in particular and the requirements of RIPSA,
* a stated requirement for Services to review CCTV operating procedures annually.
* a stated requirement that images captured will comply with the Council's Retention Schedules, with service operating procedures specifying the particular retention cycles applicable to each CCTV system.

4.2   Services responsible for the operation of a CCTV system will also need to:
* Complete a Data Protection Impact Assessment (DPIA) for their CCTV systems, to ensure that Data Protection risks have been identified and mitigated,

- Ensure that CCTV signage is clearly and prominently placed at entrances and within the CCTV coverage areas, and, that the link to the Council's CCTV Privacy Notice is included on all Council CCTV signage,
- Maintain detailed records when disclosing captured images to third parties, and,
- Ensure that there are up-to-date procedures for each system, with staff fully aware of the requirements.

4.3 Images captured by the Council's CCTV systems should not be disclosed to any third party, unless there is a lawful basis to do so. Requests regarding the transfer of CCTV data will be handled on a case by case basis in the same manner as requests for personal data. As such, any such request, for example from a third party such as Police Scotland, will generally require the submission of a completed Data Protection Release Request form, setting out the data requested and the legal basis for disclosure before any personal data can be released.

4.4 Images of identifiable individuals captured by the Council's CCTV systems may need to be released to satisfy a Subject Access Request (SAR) made under Data Protection legislation. These requests will be processed as per the current centralised method, with stills of videos released to allow for suitable redaction. SARs for images captured on Public Space CCTV must be made directly to Police Scotland.

4.5 The Council receives numerous Freedom of Information (FOI) requests every year regarding CCTV. Holding information about CCTV in a central register will ultimately save staff time when responding to such FOIs.

5.   SUMMARY OF IMPLICATIONS

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
None

(b) **Policy and Legal**
None

(c) **Financial implications**
There are no financial implications arising from this report, however the promotion and implementation of effective CCTV governance impacts positively on the Council's ability to mitigate its exposure to financial risk, particularly monetary penalties levied by the ICO for data breaches. For serious breaches of Data Protection legislation the ICO have the power to issue fines of up to £17.5 million.

(d) **Risk Implications**
None

(e) **Staffing Implications**
None

(f) **Property**
None

(g)   Equalities/Socio Economic Impact
None

(h)   Climate Change and Biodiversity Impacts
None

(i)   Consultations
The Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, and, the Council's Information Assurance Group, as well as Estates and Property Services, Equalities, Head of Economic Growth and Development, Democratic Services Manager and Education Estates have all been consulted and their comments have been incorporated within the Policy.

6.   CONCLUSION

6.1   The CCTV Policy is required to ensure Council wide consistent management of CCTV systems and the footage captured by these CCTV systems.

6.2   The Committee is asked to approve the attached CCTV Policy.

Author of Report: Alison Morris, Information Governance Manager & DPO
Background Papers: Appendix 1: CCTV (Closed Circuit Television) Policy
Ref:

CCTV (Closed Circuit Television) Policy

March 2024

Version 1.0

Document Control Sheet

Title	CCTV (Closed Circuit Television) Policy					
Author	Information Governance Team					
Consultees	Economic Growth & Development Educational Estates Education, Resources and Communities Equalities Estates and Property Services Information Assurance Group					
Distribution	Council wide upon approval					
Version	v1.0					
Date	Mar 2024					

Contents

Definitions:

CCTV/CCTV Systems: Closed Circuit Television (CCTV) is a closed system consisting of video cameras, display devices (monitors) and wired or wireless data networks that allow the transfer of images from video cameras to monitors. There may be the capability for captured images to be recorded.

Data Controller: A body that determines the purposes and means of the processing of personal data. A data controller can act either jointly or alone. The Council is considered to be the data controller for most of its activities that involve personal data.

Data Processor: A body that processes personal data on behalf of and as specified by the data controller. Data Controllers must have a contract in place with all Data Processors they utilise (known as Data Processing Agreements).

Data Protection Legislation: means as applicable, the Data Protection Act (DPA) 2018, the United Kingdom General Data Protection Regulation (**UK GDPR**) (as defined in the DPA 2018) as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018, and as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019, and, the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any other applicable laws and regulations relating to the privacy or the processing of personal data, including any amendments or successor laws or regulations thereto. It also includes if applicable, legally binding guidance and codes of practice issued by the Information Commissioner.

Data Subject: An identified or identifiable living individual to whom personal data relates.

Data Subject Rights: Rights belonging to data subjects under data protection legislation namely: •the right to be informed •the right of access •the right to object •the right to erasure •the right to restriction of processing •the right to rectification •the right to file a complaint •the right to damages •the right to data portability, and, •rights relating to automated decision making and profiling.

Personal Data: Information relating to an identified or identifiable natural person (data subject) who: can be identified or who is identifiable, directly from the information in question; or who can be indirectly identified from that information in combination with other information; such as: a name, an identification number, location data, an online identifier; or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. Personal data may also include special categories of personal data or criminal offence data.

Special Category Data: Personal data that reveals:
- racial or ethnic origin;
- political opinions;
- religious or philosophical beliefs;
- trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life;
- data concerning a person's sexual orientation.

Criminal Offence Data: Personal data relating to criminal convictions and offences or related security measures. This includes data about offenders or suspected offenders in the context of criminal activity, allegations, investigations and proceedings.

Processing: Any operation or set of operations performed on personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Data Protection Impact Assessment (DPIA): A DPIA is a process designed to help systematically analyse, identify and minimise the data protection risks of a project or plan. It is a key part of accountability obligations under the UK GDPR, and helps demonstrates compliance with data protection obligations.

Privacy Notice: A Privacy Notice is required to clearly inform Data Subjects on what will happen to the personal data once collected for a set process. Privacy Notices for the Council are produced by the Information Governance Team.

Central Register of CCTV Cameras (CCTV Register): A central register of CCTV cameras will be maintained by Property Services

1.   Introduction

1.1   The Council uses Closed Circuit Television (CCTV) in a range of spaces, including public spaces, Council buildings and properties, and, schools.

1.2   This document sets out the Council's policy on the use of CCTV systems to ensure that the Council acts appropriately when gathering, storing and sharing information from the use of these systems. It also aims to maintain public confidence in the use of CCTV by striking the right balance between the expectation of privacy by people going about their ordinary business, even in a public space, and, the public interests being served by the systems.

1.3   Further guidance must be produced by relevant services when they are responsible for the operation of a CCTV system, such as detailed operating procedures. Operating procedures will provide practical information on how CCTV is to be used in each area. These procedures should include, as necessary, roles and responsibilities for each system, assessments and processes to be carried out for siting of cameras, training and training records for operators, procedures for use, review records of camera siting and usage, partnership arrangements (as required), and, processes for retention and access to CCTV. Operating procedures as well as camera siting and usage should be reviewed annually to ensure they remain relevant and fit for purpose.

1.4   This Policy relates to the installation, use and management of CCTV equipment, the gathering and storage of recorded data, and, data disposal/transfer. This Policy applies to all Moray Council employees and all third party providers acting on behalf of the Council.

1.5   For the purposes of this policy, CCTV means the gathering of:
- images of individuals or people.
  This is regardless of whether this was the intended primary purpose of the CCTV. It should be noted that this includes images of Council employees as well as members of the public, even if the systems only capture images from within Council premises or land.
- images containing information that when combined with other information could identify individuals, such as an individual driving a vehicle and the vehicle's registration number plate.

1.6   This Policy does not cover:
- the capture of audio by CCTV; no audio will be captured by the Council's CCTV systems.
- the use of equipment as part of any covert surveillance operation that has been authorised in terms of the Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) as these operations are subject to a separate procedure.
  Note:- CCTV systems cannot be used covertly or used for monitoring a specific individual or individuals (directed Surveillance) without specific authorisation under RIPSA. All CCTV operators must be trained in the requirements of RIPSA so that they are aware of when authorisation would be necessary.

1.7   This Policy should be read in conjunction with other Council Policies, including on Data Protection and Information Security, and any related procedures, instructions or guidance issued by the Council in connection with those policies. Whilst it is the ultimate responsibility of the Council to ensure compliance with data protection matters, in line with those policies, the relevant service is responsible for ensuring that the use of their CCTV complies with the operational requirements of this policy.

1.8   This policy should also be read in conjunction with the associated operating procedures issued by the relevant service and any failure to comply with these documents could result in serious consequences for members of the public, individual employees and the Council.

2.   Purpose of CCTV Systems

2.1   It is important that all employees and especially those charged with operating CCTV systems on behalf of the Council understand exactly why each of the systems have been introduced and what the cameras will, and will not, be used for.

2.2   CCTV will be used for the following purposes:
- promoting and supporting community safety
- preventing and detecting crime
- protecting Council property and assets
- creating and supporting a safe environment for employees and the public within Council properties and in public areas
- combating and reducing anti-social behaviour
- traffic management.

2.3   New or additional purposes will be reviewed on a case-by-case basis, as and when a new need arises. In such instances, the relevant Data Protection Impact Assessment (DPIA) would require updating, in addition to, the register of cameras.

3.   Legislation and Guidance

3.1   The Council recognises its legal obligations in operating CCTV systems and the rights and freedoms of individuals whose images may be captured by these systems. Images captured by CCTV systems are personal data and must be handled and used by the Council in accordance with data protection and human rights legislation. The Council is committed to operating CCTV systems in compliance with these legal frameworks.

3.2   In addition to Council Policies and procedures, CCTV operation and use are subject to legislative obligations, such as under:
- Data Protection Legislation, including:
    - The Data Protection Act 2018 (DPA)
    - The UK General Data Protection Regulation (UK GDPR)
- The Human Rights Act 1998 (HRA) in particular Article 8 (the right to respect for private and family life) provides that; (1) everyone has the right to respect for his private and family life, his home and his correspondence and (2) there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- Freedom of Information (Scotland) Act 2002
- The Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA)

Consideration must be given as to whether the use of CCTV is necessary, proportionate and in compliance with legislative requirements, in both its application and purpose.

3.3   The Council will comply with the Scottish Government's National Strategy for Public Space CCTV in Scotland (2011) that sets out a common set of principles that owners and operators of

public space CCTV systems in Scotland should follow to ensure that these systems are operated lawfully and fairly.

3.4   The Information Commissioner's Office (ICO) regulates compliance with UK Data Protection legislation. The Council is registered with the ICO. They have produced Guidance on Video Surveillance (2022).

3.5   To ensure that CCTV systems are operating in an appropriate manner, in compliance with data protection legislation and that all practices and procedures are relevant, the Council reviews all CCTV documentation on a regular basis. It is good practice for services to review CCTV documentation annually.

3.5.1   To ensure compliance with this policy, the ICO and data protection legislation, services should review all operating procedures annually. This includes a review of all camera siting and usage determining if a camera is still needed, staff procedures are correct and whether the relevant DPIA should be updated with any significant changes.

4.   Principles

4.1   The Council will comply with the following principles when installing and operating CCTV:

4.1.1   CCTV systems will only be installed and operated when there is a clearly identified need and a legal basis for their use. The processing must be necessary and proportionate. Evidence of this will be gathered, reviewed and retained for future audit and reference.

4.1.2   Data protection by design and by default will be a key consideration when new CCTV systems are acquired, or changes introduced to current systems.

4.1.3   A Data Protection Impact Assessment (DPIA) must be completed by services, and, approved before CCTV systems can be installed and operated.

4.1.4   Services must have operational procedures in place prior to utilising any new CCTV systems. All CCTV systems will be operated in accordance with documented operational procedures in which responsibilities will be clear, and effectively communicated to all relevant employees.

4.1.5   The location of CCTV systems must ensure that only necessary areas are captured by CCTV, to minimise the capture of areas not relevant to the purposes of the CCTV installation, for example private homes, neighbouring properties and areas where staff are working (where possible).

4.1.6   CCTV systems will not record audio.

4.1.7   CCTV systems will only capture images of a suitable quality for the purposes for which the systems have been installed.

4.1.8   The Council has an obligation under data protection legislation to process personal data securely by means of appropriate technical and organisational measures. Services will ensure that controls are implemented to restrict access and use of captured images to authorised personnel only.

4.1.9 Clear signage will be put in place to inform individuals that they are in an area where CCTV is in operation, with a link to a Privacy Notice available on the Council's website.

4.1.10 Measures should be put in place to protect CCTV systems from vandalism.

4.1.11 All images captured will be retained for the minimum amount of time necessary for the purpose(s) that the CCTV systems have been installed for, and, comply with the Council's Retention Schedules. Service operating procedures should clearly specify the particular retention cycles applicable to each CCTV system.

5. Responsibilities – Existing Systems

5.1 A DPIA is required for each process that collects personal data. This is required before any personal data is collected and is a method by which the Council demonstrates it is aware of, and complying with, its data protection obligations. A DPIA is needed per collection process; a collection process may cover more than one physical camera or location.

5.2 Retrospective DPIAs are required for existing CCTV systems. It is the responsibility of the service responsible for the operation of a system to undertake a DPIA and to record the matters considered in it and what steps have been taken to minimise intrusion into the private lives of individuals. This DPIA must be retained, kept up to date and made available if required.

5.3 Each service shall provide, on completion of each DPIA or sooner, the appropriate details to be included within the CCTV Register in relation to ongoing CCTV systems at the commencement of this Policy.

5.4 All CCTV systems owned by Moray Council, or its partners, such as within the Public Private Partnerships (PPP), will require an Information Sharing Protocol or Data Processing/Sharing Agreement. These agreements will also confirm the maintenance regime including an annual inspection and service visits.

5.5 In relation to the use of CCTV overtly in a public space, and which would capture images of individuals, to ensure that individuals are aware that they are entering an area where CCTV systems are in operation, signage will be displayed at the entrance and within the controlled area advising that surveillance cameras are in operation.

5.6 Employees of Moray Council involved in the operation of CCTV systems will undertake the necessary training detailed within the service operating procedures. All training within service operating procedures should also include training on the HRA with regard to Article 8 in particular and the requirements of RIPSA. Services must ensure training is completed prior to operating the CCTV systems and that training records are maintained.

5.7 On the commissioning of any new camera or CCTV system, the service responsible for that camera or system shall, without delay, advise the Property Helpdesk of the appropriate information to be included in the CCTV Register.

6. Central Register of CCTV Systems

6.1 In order to assist it to meet its legal obligations in relation to CCTV, the Council will maintain a Central Register in relation to the systems of CCTV that are in commission in terms of this Policy.

6.2   This register shall be maintained by Property Services, specifically by the Asset Manager (Corporate Buildings), via the Property Helpdesk (PropertyHelpdesk@moray.gov.uk), and shall include;

- details of the service responsible for the use of that camera,
- the location of each CCTV camera/system operated by the Council (storage location in relation to any mobile CCTV systems),
- the purpose for each of the cameras being used,
- a link to the signed off DPIA for that process, ~~and~~
- a link to the relevant Privacy Notice, and,
- the owner of the CCTV system; Council, external (e.g. PPP)

7.   Information Management

7.1   Moray Council will, in so far as possible, ensure that all recorded data gathered by CCTV systems, which are under its control whether operated by the Council or on the Council's behalf, is securely stored and used only in accordance with the terms of the relevant legislation, and, in accordance with Council policy and guidelines.

7.2   Information Sharing Protocols, Data Sharing Agreements or Data Processing Agreements should be agreed with all third parties, such as Public Private Partnerships (PPP), Police Scotland and other such parties.

7.3   CCTV systems installed within facilities operated on behalf of the Council by third party service providers will use Moray Council policies and procedures for the management of CCTV systems.

7.4   CCTV systems installed by third parties, such as PPP within the PPP Schools estate will use a common data management process that matches the Council process in relation to retention periods, data security and the sharing of CCTV information.

7.4.   The Council's CCTV webpage provides transparency and clarity regarding the Council's use of CCTV. It should be kept up-to-date with any relevant changes: www.moray.gov.uk/CCTV

8.   Operational Use of CCTV Systems

8.1   All employees involved in the operational use of CCTV systems will use the equipment in accordance with the terms of the relevant legislation and in accordance with Council policies and procedures.

8.2   The Council will maintain appropriate policies and procedures relating to the use and management of CCTV systems.

8.3   Services should ensure that all involved in the operational use of CCTV systems will be trained to a standard appropriate to their use of the specific system under their control. Training will be outlined within the service operational procedures. Training should be completed prior to using the CCTV system.

8.4   CCTV systems set up to protect Council properties and other related purposes will be configured to match the operational needs of the individual sites and will not be used in any way that does not comply with this Policy.

8.5   It is important that CCTV systems are monitored in relation to the adequacy of the images that are gathered in relation to its specified purposes. If the information gathered is inadequate for its purposes then the system must not be used to gather information to which this Policy relates.

9.   Installation of new CCTV systems and extension of existing systems

9.1   The Council is committed to respecting people's rights to privacy and supports the individual's entitlement to go about their lawful business. This is a primary consideration in the operation of any CCTV system. However, this must be balanced against the public interest of the Council in relation to installing or extending existing CCTV systems. Covert CCTV will not be installed unless it is appropriately authorised through RIPSA.

9.2   The Council will not consider the installation or extension of a CCTV system as an automatic step to address a problem and will always consider less privacy intrusive solutions. CCTV will only be used if it is deemed proportionate and appropriate. The issues of interference with privacy, including necessity and proportionality of that interference must be recorded in the DPIA. Existing DPIAs will need to be updated to cover any significant changes including a proposed extension to the CCTV system.

9.3   The service responsible for the initiative will complete a DPIA and involve the Asset Manager (Corporate Buildings) in the process.

9.4   The Council does not encourage the use of "Dummy" or "Replica" cameras, as these give a false sense of security.

10.   Review, sharing and transfer of CCTV data

10.1   No images captured by the Council's CCTV systems will be disclosed to any third party, unless there is a lawful basis to do so. Requests regarding the transfer of CCTV data will be handled on a case by case basis. Relevant Data Sharing Agreements (DSA) should be in place, or, relevant Data Protection Request Forms will be required before any information may be shared to a third party.

10.2   Services will retain detailed records of the following when disclosing captured images to third parties:
- date and time at which access was allowed;
- identification of any third party who was allowed access;
- reasons for allowing access; and
- details of the captured images to which access was allowed.

A Disclosure Request Form must be completed by the third party.

10.3   Only employees that have been authorised and completed the appropriate training, will be involved in the review and sharing of CCTV data.

10.4   In order to meet the public interests in using CCTV, it may be appropriate for the Council to transfer information gathered by CCTV to other third parties on reviewing the information gathered without the necessity of the third party making a formal request to obtain a copy of the information, for instance in a case of urgency or where any delay would be contrary to the public interest. Such transfers shall only be made where permitted in terms of legislation and relevant Council policies and procedures. Services should record if CCTV data has been shared, with whom and for what purpose.

10.5 Any person who misuses, misplaces, makes unauthorised copies or transfers recorded CCTV data to a third party for purposes not related to Council or lawful purposes could be liable to disciplinary and/or criminal proceedings.

11. Individual requests for access to or erasure of captured images

11.1 Data Protection legislation grants rights to individuals in relation to their personal data. This includes rights to request access to, and erasure of, personal information, such as images captured by CCTV. Access to Information requests, including Subject Access Requests, Freedom of Information (Scotland) Act Requests and Environmental Information (Scotland) Regulations Requests are coordinated through info@moray.gov.uk

11.2 The Council retains copyright in all images captured by its CCTV systems. Any further use or publication of images provided to an individual in response to an Access to Information Request is prohibited, unless the individual obtains authorisation from the Council.

11.3 The Council is entitled to refuse access to captured images in limited circumstances, such as where disclosure would prejudice the prevention or detection of crime or the prosecution of offenders. Where captured images have been passed to Police Scotland or the Crown Office and Procurator Fiscal Service, a Subject Access Request from an individual will be refused until such time as the Council has been notified that no proceedings will be taken, or proceedings have concluded.

11.4 Subject Access Requests for images on Public Space CCTV must be made directly to Police Scotland, as they monitor and operate the CCTV system.

12. Review of Systems

13.1 All operating CCTV systems shall be reviewed by services on an annual basis to ensure that the justification for their use remains.

13.2 The images captured by CCTV systems shall be reviewed on a periodic basis as set out in the service operating procedures to ensure that they are still adequate and effective in relation to meeting the purposes of the system.

13. Joint systems

13.1 There may be situations where the Council is operating a CCTV system with a third party. This would usually occur where the premises to which the systems relate are operated as a shared or communal facility. In those cases, the Council will not use the images from such a system unless that use complies with the requirements of this Policy, even if the system was not implemented by the Council.

13.2 The Council and the third party should put in place joint operational measures in order to ensure that the Council's use of the CCTV system and the images captured complies with legislation and this Policy.

14. Complaints

14.1 Any complaints will be recorded and handled in accordance with the Council's formal complaints procedure, relevant services will provide assistance as and when required.

15. Privacy Notices and Signage

15.1 Privacy Notices should be made available to potential data subjects and should be kept up-to-date: www.moray.gov.uk/PrivacyNotices

15.2 The CCTV Privacy Notice will be clearly accessible from the Council's CCTV webpage, this webpage should be included on all Council CCTV Signage.

15.3 All CCTV Signage needs to be clearly and prominently placed at the entrance and also within the CCTV coverage area.

15.4 All CCTV Signage should contain layered privacy information, including naming the Data Controller, the purpose(s) for using the CCTV, where further data protection information can be found including a link to the full Privacy Notice, and, contact details for further information.

16.   Further Information

Moray Council's CCTV webpage: www.moray.gov.uk/CCTV

ICO Guidance on Video Surveillance, including CCTV version 1.0 (2022)
https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-dp-themes/guidance-on-video-surveillance-including-cctv-1-0.pdf

Scottish Government's National Strategy for Public Space CCTV in Scotland (2011)
https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2011/03/national-strategy-public-space-cctv-scotland/documents/0115210-pdf/0115210-pdf/govscot%3Adocument/0115210.pdf

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: WORKFORCE WORKING GROUP

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION COMMUNITIES AND
                      ORGANISATIONAL DEVELOPMENT)

1.   **REASON FOR REPORT**

1.1   To ask the Committee to consider and approve the terms of reference for the
       Workforce Working Group for an initial period of 4 months to oversee and
       maintain the momentum on the proposed work plan.

1.2   This report is submitted to Committee in terms of Section III (B) (24) of the
       Council's Scheme of Administration relating to formulating and reviewing as
       necessary the policy and practices of the Council.

2.   **RECOMMENDATION**

2.1   **It is recommended that the Committee approves the terms of reference
       for the Workforce Working Group (Appendix 1)**

3.   **BACKGROUND**

3.1   Following consideration of the results of the Employee Survey, the Corporate
       Committee on 30 January 2024 agreed to set up a working group to look at
       the issues in more depth (paras 12 of the minute refers). Including those as
       referenced in the External Advisors Recommendation on Workforce Culture
       agreed by the Corporate Committee on 4 October 2023 (paras 5 of the minute
       refers).

4.   **SUMMARY OF IMPLICATIONS**

       (a)   **Corporate Plan and 10 Year Plan (Local Outcomes Improvement
              Plan (LOIP))**
              The Council has made an explicit commitment within the new Corporate
              Plan on culture and the values, qualities, and behaviours it wishes to
              promote for its employees and its communities it serves. This needs to
              be accompanied by the sort of reporting framework envisaged in the
              Terms of Reference of the Working Group to allow progress to be
              reported.

(b) Policy and Legal
A positive culture promotes employee satisfaction, productivity and innovation whilst also enhancing the organisations reputation and its ability to recruit and retain employees. Importantly, in the current context, a positive culture enables an organisation to meet challenges and adapt to change.

The Council has an overriding duty to have due regard to the wellbeing of its workforce.

(c) Financial implications
This work is being accommodated within existing resources, which will impact upon what can be achieved and will affect the pace of other work. Further implications will depend upon the demands in particular service areas.

(d) Risk Implications

Risks from this work include:
- an expectation is created that cannot be met in terms of resource and capacity.

(e) Staffing Implications
This work is being accommodated within existing resources, which will impact upon what can be achieved and will affect the pace of other work. Further implications will depend upon the demands in particular service areas.

(f) Property
There are no specific implications.

(g) Equalities/Socio Economic Impact
There are no specific implications

(h) Climate Change and Biodiversity Impacts
There are no specific implications.

(i) Consultations
The Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development) , Chair and Depute Chair of Corporate Committee and the Democratic Services Manager were all consulted and any comments have been incorporated in the report.

5. CONCLUSION

5.1 The Committee is asked to consider and agree the terms of reference for an initial period of 4 months to oversee and maintain the momentum on the proposed work plan.

Author of Report: Denise Whitworth, Depute Chief Executive (Education Communities and Organisational Development)

Background Papers:
Ref: SPMAN-1108985784-951 / SPMAN-1108985784-950

SHORT LIFE WORKFORCE WORKING GROUP
TERMS OF REFERENCE

1. BACKGROUND

1.1 Corporate Committee 30 January 2024. Committee agreed to establish a Short Life Working Group to consider workforce information which supports the Elected Members and officers to address the issues and take assurance or otherwise of progress being made in the development of the culture the Council wishes to promote. It was delegated to the Chief Executive in consultation with the Council Leader to progress.

2. REMIT AND PURPOSE OF THE GROUP

2.1 To consider and review the data and plans the Council has to ensure effective workforce planning to ensure there is organisational capacity to deliver services through the effective use of the Council workforce, including a positive workforce culture.

3. Terms of Reference of the Group:

3.1 Workforce Planning

i. Review workforce data and make recommendations on ongoing use of data by Elected Members in ensuring effective workforce planning.

ii. Review workforce strategy and plan with a view to making recommendations to update workforce plan to reflect new models of service delivery and ways of working, including how the Council is:
   a. Identifying and addressing skills gaps, at operational and leadership levels.
   b. Making best use of existing workforce by collaborating with partners to overcome recruitment challenges.

iii. Review workforce culture information and indicators (e.g. employee survey results).

iv. Identify recommended actions to support workforce culture aligned to transformation strategy and to support the issues identified from employee survey results.

v. Consider improvements that could be made to ensure good communication with all staff that promotes a citizen and improvement focused culture that delivers meaningful actions and outcomes.

3.2 The Group may wish to make reference to the following information which is included as part of current workforce information:

- Employee turnover
- Exit interviews, participation levels and feedback
- Employee grievances
- Bullying and/or Harassment Complaints
- Whistle Blowing Complaints
- Absence levels, where the reported cause is work related stress.

and to consider how the following employee engagement tools the Council has can best be used to assist in the delivery of any actions or communications:

- Listening Events
- Participation at Team Talks
- Employee Recognition Events.

4. Outcomes:

4.1 Improved understanding and oversight of workforce information by elected members.

4.2 Identify best ongoing use and review of workforce information to ensure effective workforce planning and oversight of key actions/outcomes.

4.3 Recommendations on [points to include in]:

i. Updated Workforce Strategy and Plan.
ii. Any workforce culture actions to ensure a positive working environment; to promote a citizen and improvement culture and a workforce ready for change and transformation.

4.4 This information is reported to Corporate Committee and the Joint Consultative Committee (JCC).

5. Membership of the Working Group:

2 Conservative, 2 SNP, 1 Labour, 1 Independent (as Corporate Membership – names tbc) and Trade Union representatives (names tbc).

REPORT TO: CORPORATE COMMITTEE ON 23 APRIL 2024

SUBJECT: HEALTH AND SAFETY ANNUAL REPORT 2023

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

1.1 To ask the Committee to consider and note the annual Health and Safety report and approve the progress noted and proposed future actions.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

i) consider and note the content of the annual health and safety report, as set out in Appendix 1, and the progress towards the outcomes established in the last report; and

ii) approve the proposed future actions for 2024.

3. BACKGROUND

3.1 The Health and Safety at Work etc. Act requires that organisations ensure the safety of employees and others who may be affected by their actions.

The main elements needed to provide protection are:

- Making plain the organisation's commitment to have good standards of health and safety management;
- Defining the roles that people at all levels play in ensuring the good standards are maintained;
- Having systems in place to ensure awareness of hazards and assessment of risks to employees, customers, partners and others who may be affected by our activities;
- Having in place effective arrangements to eliminate or control those risks;
- Monitoring the system in place and reviewing it on an ongoing basis;
- Providing access to health and safety advice and support;
- Engagement with employees at all stages of the process to ensure adequacy.

3.2   As part of this process, a report is provided every year on the Health and Safety provision within the Council.

3.3   The Annual Health and Safety Report for 2023 is set out in **Appendix 1**. It summarises the Council's health and safety performance corporately and is based on statistics for the period 1 January 2023 to 31 December 2023. The report highlights the Council's safety performance and provides information on the types of accidents reported.

3.4   The report highlights that Violence and Aggression continues to be an area of concern, particularly in Education but also in Supported Accommodation Facility. Where Education is concerned the trend locally mirrors the national picture. Further work is being carried out at a national level and the Council will have due regard to any guidance issued to support the range of work being undertaken locally which includes a programme of measures and interventions to support pupils and staff. This has been the subject of separate reports to both the Education, Children's and Leisure Services Committee and the Community Planning Board. The Board agreed to acknowledge the national work ongoing around increased disruptive behaviour across schools and society; to acknowledge and endorse the local approach; that this work will be led in a multi-agency approach with a short, medium to long term action plan and to the request from the Council Education, Children's and Leisure Services Committee to progress this work with urgency and require a further report to the Community Planning Board in May to include actions to address the issues and barriers in relation to cross cutting points raised in the report. Within Supported Accommodation, work is continuing within the service to monitor the impact of staff absences and review the interventions required to support staff and service users.

3.5   The report also highlights that the number of accidents and dangerous occurrences reported in 2023 has decreased slightly compared to the numbers reported in the previous three reports. Overall, incidents were down by 3% compared to 2022.

3.6   Following a similar pattern to 2022, Education have the most reported incidents, followed by Environmental and Commercial services, then Housing and Property followed by Health and Social Care. The majority of incidents resulted in minor injuries with slips, trips and falls the main cause.

3.7   Progress has been made on the issues reported on last year, with services and the health and safety team continuing to work well together on priority areas. There has been a particular focus on Work Related Violence given the reported figures on Violence and Aggression in Education and targeted work is being undertaken within the Education Service. More generally across the organisation, in response to a particular identified need, a course on dealing with challenging behaviour was developed by Organisational Development (OD). It is being delivered via the Councils online learning platform as well as via a number of face to face training sessions.

3.8   There has been a particular focus on fire risk assessment, with a risk based, planned programme of work providing an important framework. In addition, a key piece of work was undertaken in preparation and response to the need to adapt the Fire Safety Guidance due to a change in approach, by Scottish Fire

and Rescue service, into how they respond to the activation of a fire alarm. Guidance for premises responsible persons and call challenge teams was produced and communicated to all relevant parties.

3.9 The work undertaken in 2022 on Driving Safely, with the development of a revised Driving Safely Policy supported with relevant guidance documents has continued with the implementation of the guidance leading to further training of staff in services with a higher rate of vehicle incidents.

3.10 Work around the health and safety culture agenda has continued to progress with regular communications in place, revised and updated training offers, working closely with services on the key areas identified.

3.11 Work will continue on these areas in accordance with the plans in place which will be the subject of continual review, taking account of any competing priorities and demands. In addition, work has continued in accordance with the rolling programmes in place for fire risk assessments, audits and inspections using the agreed risk based, priority approach.

3.12 Main themes arising from the report are the requirement to continue to target support in high risk/priority areas, including supporting the work to respond to the issues around Violence and Aggression in Education and across the organisation, to continue to focus on improving the health and safety culture across the council, to review the Safety Management System and continue to identify priority areas, continue to support the work on challenging behaviour, to support embedding hybrid working as a permanent feature and reducing the number of incidents based on human error.

3.13 The Annual Health and Safety Report for 2023 identifies the main areas for development and planned work over the next year as continuing to audit high risk services or issues, continuing progress with actions to improve the behaviour challenges in schools and supported accommodation and continue to deliver on the rolling programme of fire risk assessments. In addition, to ensure the implementation of revised incident reporting system with supporting guidance. Also, to review the Corporate Health & Safety Policy including responsibilities and arrangements, as part of a rolling programme of policy and guidance review. Work will also continue to build on the foundations of developing the health and safety culture of the organisation including a particular focus on behavioural safety approaches and continuing work with the OD team to support managers in targeted areas to monitor and raise awareness amongst their teams. Also to continue to monitor progress with the joint inspections programme through the Departmental Health and Safety Committee structure.

3.14 Finally, further measures of improvement and progress will be developed over the course of 2024 t ensure a focus on outcome based performance measurement.

4.   **SUMMARY OF IMPLICATIONS**

(a)   **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
This report provides information relating to Health and Safety activities within the Council to enable this learning and to ensure that the council continues to provide a safe and healthy workplace for employees to deliver services.

(b)   **Policy and Legal**
Ensuring the health and safety of staff and service users is a statutory duty on the Council. An annual report is an effective method of recognising achievement and highlighting opportunities for further improvement.

(c)   **Financial implications**
There are no financial implications arising directly from this report. Accidents can have implications for Council resources and may result in losses that are difficult to quantify.

(d)   **Risk Implications**
Health and safety is included within all levels of the Council's risk register.

(e)   **Staffing Implications**
Staff time will be required to implement the actions set out in the report. This will be accommodated within existing resources by adjusting the priorities to be worked on.

(f)   **Property**
None.

(g)   **Equalities/Socio Economic Impact**
None.

(h)   **Climate Change and Biodiversity Impacts**

None.

(i)   **Consultations**
CMT and the Central Health and Safety Committee and the Democratic Services Manager have been consulted about the report at **Appendix 1.**

5.   **CONCLUSION**

5.1   **The 2023 annual health and safety report shows that the Council provides a healthy and safe environment for its employees and service users with a planned approach to continuous improvement. Whilst Violence and Aggression, particularly in Education, continues to be a concern, there are measures in place to respond to the issues with a planned programme of work. Whilst a slight decrease in incidents other**

than Work Related Violence has been reported, works continue to reduce the overall number of incidents with priority given to issues identified in the Annual Report. Good progress has been made on the key areas identified in the 2022 report and there is a continuing need to build on this work and drive forward with the development of the key areas identified in this 2023 report. In particular, it is planned to focus on the Council's health and safety culture, supporting managers and employees to take responsibility for and give priority to the health and safety of themselves and others as well as ensuring that changes that have been made over recent times are following through and becoming embedded into safe working behaviour and practices across the organisation.

Author of Report: Katrina McGillivray, Organisational Development Manager
Background Papers:
Ref:

MORAY COUNCIL
HEALTH AND SAFETY ANNUAL REPORT
(January 2023 to December 2023)

1.   Purpose

1.1   The purpose of this report is to provide information on the performance of the Council in ensuring the health and safety of the workforce and service users. This is done through the utilisation of monitoring data and includes recommendations for improvements required to procedures and/or systems.

1.2   The national context for similar organisations on incidents and enforcement action is also considered for the purposes of shared learning.

2.   Summary of Key Themes

2.1   Good progress on the priorities identified in the 2022 report has been made, including a focus on fire risk assessment, with a risk based, planned programme of work providing an important framework, particularly in ensuring that any outstanding fire risk assessments were scheduled and completed.

The Scottish Fire and Rescue Service changed the way they respond to alarm activations in July 2023. This change in approach had a considerable impact on the work required from the H&S team, liaising as appropriate with other services, to ensure that the organisation is equipped to meet the changing requirements. Guidance and instruction for all premises duty holders has been introduced on how to manage this new approach by SFRS by implementing a call challenge strategy which involves trained members of staff identifying if signs of fire are present and attendance by the Fire Service is needed or if it is a false alarm.

2.2   Systems, process and format improvement has continued to be a key focus in 2023 with considerable work undertaken on a range of guidance documents that have been reviewed and updated. This is an important area of work to support the organisation in improving health and safety performance. A refreshed Driving Safely Policy and associated Safer Driving handbook was produced to help reduce vehicle related incidents. Work is continuing on an electronic reporting system for incidents and Violence & Aggression at a corporate level.

2.3   Health and Safety Culture is a continuing key theme where detailed actions and interventions have been planned and are beginning to be implemented. It is important that there continues to be a focus on this area of work which will be an ongoing project given the long term nature of implementing and sustaining culture change. Relevant articles are being submitted for each Connect magazine edition and issues of importance are also being communicated via various service bulletins to aid the visibility of the Health & Safety team and ensuring that Health and Safety is an integral part of everyone's time at work.

2.4   Incidents based on human error continue to occur, particularly in some safety critical services and work is ongoing to eliminate the underlying causes. This will enable the continued targeting of resources to service areas with the highest rates of relevant incidents. With organisational development support, improvements in embedding health and safety awareness into the workforce is being progressed.

2.5 Violence and Aggression in schools has been a major theme for a number of years but improvements in terms of staff and service user health and safety are anticipated from the ongoing implementation of the Action Plan being led by the Head of Education. Reference is made to a report presented by the Head of Education to the Education, Children's and Leisure Services Committee regarding behaviour in schools. The national context is referred to, in that a recent report, 'Behaviour in Scottish Schools 2023' undertaken by the Scottish Centre for Social Research on behalf of the Scottish Government[1], identified an increase in disruptive behaviour and Violence and Aggression in schools across Scotland. The report indicates that the majority of pupils are still well behaved, however low level and more serious disruptive behaviours have increased in Scottish Schools, including physical violence and aggression, since the report in 2016.Work is now ongoing nationally to obtain a deeper understanding of the challenges faced by schools and identify what policies and guidance could support more positive behaviours. At a local level, it is recognised that the rise in Violence and Aggression and the impact this has is of concern and it is noted that the national trend is mirrored in Moray. In addition, the majority of incidents involve a relatively small number of pupils. It is also noted that some of the increase seen this year may relate to the introduction and promotion of the new electronic recording system and encouragement from the Local Negotiating Committee for Teachers (LNCT) to report every incident, with further analysis to be undertaken. Concern for the welfare of employees is of paramount importance and it is encouraging that the shared aim of improved reporting and better insight into the data is possible given the improvements made to the reporting of incidents.

2.6 Incidents of work-related violence have increased across all Council service areas in 2023. Due to the increased levels of incident reports recorded in the corporate reporting system and following the identification of a training need within some services, due to a change in operations, a training module on how to deal with challenging behaviour was produced and training delivered to front line services via the online learning platform and face to face training sessions where required. Since the delivery of this training, numbers of reported incidents of work-related violence have dropped markedly within the particular services involved.

3. Review and Monitoring of Council Performance

3.1 Statistical Review

3.1.1 **Appendix A** sets out the analysis of health and safety incidents that were reported during the year January – December 2023, with comparison to previous years' performance.

3.1.2 The main points to note are:

a) The number of incidents reported in 2023 was 176, down by 3% when compared to 2022, this is down 41% (122 incidents less) when compared with 2019. Incident trends within services will continue to be monitored to ensure targeted support is provided where required.

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[1] 'Behaviour in Scottish Schools 2023' published November 2023
https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/

b) Education have the most reported incidents, followed by Environmental and Commercial Services, then Housing and Property, followed by Health & Social Care.

c) The majority of incidents resulted in minor injuries, with these accounting for 73% of the incidents in Education, 80% in Housing & Property and 100% in Health & Social Care. They also accounted for 50% of incidents in Environmental and Commercial Services, down 14% from 2021. Dangerous Occurrences accounted for 48% of incidents in Environmental and Commercial Services, which is an increase on the 32% recorded the previous year. This increase in proportion of Dangerous Occurrences is due to all vehicle accidents now being reported as Dangerous Occurrences when in previous years many Vehicle incidents, which resulted in vehicle damage only, were only reported to Fleet Services rather than Health & Safety.

d) Slips, Trips and Falls continue to be the top cause of accidents across the Council, accounting for 36% of incidents. Hitting a fixed object is the most common cause of incidents within Environmental & Commercial Services and Housing and Property

e) Violence and aggression involving staff continues to be a significant area of concern. There were 3696 incidents in 2023, which is an increase of 60% on the 2022 figure.
The majority of these incidents were recorded in Education, referred to in more detail in paragraph 3.3.6. The number of incidents within a Primary or Secondary school setting in 2022/23 (academic year) was 3278, an increase of 71% compared to 2021/22. 84% of Education incidents occurred in primary schools. The most common incident type was Physical Assault with No Weapon at 59%, while Physical Assault with a Weapon increased from 13% in 2020/21 to 21% in 2021/22.

f) During 2023, a Supported Accommodation Facility reported 332 Violence & Aggression incidents, down from 355 in 2022 (down 6.5%). 18% of these incidents resulted in staff injury with scratching, biting and kicking accounting for nearly 80% of injuries. It is of note that during the first few months of 2023, where the largest number of incidents is recorded, significant staff absences were reported. Careful monitoring of these issues and the interventions required will continue in 2024.

g) Elsewhere in the Council, 37 incidents of Work Related Violence were reported, up from 8 in 2022. This could possibly be attributable to some increased awareness in the need to report all instances of WRV following awareness training. Many of the 16 incidents within Governance relate to a single member of public sending malicious communications via email.

h) Work on the incident reporting processes for both workplace incidents and incidents involving violence and aggression have been and are continuing to be reviewed and the changes made will improve the reporting of data and it's analysis in future years.
The electronic V&A form is being used within Education for all reports of Violence and Aggression and feedback from users confirm that the electronic form is much easier and quicker to complete than the paper based version. This has led to the improved reporting of incidents which has contributed to the increase in reported incidents when compared to previous years. The new electronic incident report form for the reporting of Corporate Incidents is nearing completion and will be launched by 31 March 2024.

3.2 Summary of issues arising from Incidents/Accidents/Interventions

3.2.1 The following summarises some of the main issues arising from incidents and accidents to illustrate the nature and range of risks the council has faced and to inform decisions on improvements for the future with appropriate remedial actions.

1. Violence and Aggression continues to feature heavily and appropriate actions and interventions are being addressed through the measures outlined at para 3.3.6

2. An investigation into a particular incident where a member of staff fell from height during the repair and maintenance of Council assets, highlighted the importance of properly planning works and ensuring that suitable access and egress arrangements are put in place for all work at height.   The H&S team are advising the service on new guidebooks for staff which contain suitable risk assessments and safe working practices for all high risk tasks.

3. As hybrid working continues to become embedded within the Council, there continues to be calls for assistance with workstation and display screen equipment (DSE) issues but most of these tend to be related to ongoing health matters rather than problems transitioning to hybrid working. This does serve as a reminder that all affected employees should carry out a self-assessment of their workstation to ensure any problems can be identified, discussed with their line manager and resolved. This was be re-emphasised during the manager and service engagement workshops as part of the Smarter Working project.

3.3 Review of Progress

3.3.1 Health and Safety activity is set out in the annual action plan and then monitored through the council's performance management framework via the service plan and a more detailed workforce plan.

3.3.2 The following outlines the progress that has been made in addressing action areas established in the 2022 Health and Safety Annual report.

3.3.3 Accident/Incident:

a) *Audit high risk services or issues (Continue with programme of audits in accordance with the timescales for completion according to prioritisation in order of importance.)*

Audits have been carried out by the H&S team in Catering Services and Roads Maintenance to ensure the documentation being used was suitable and sufficient for the tasks carried out. The audits have led to reviewed and refreshed H&S handbooks being provided to staff by the services. Of note is the reduction by 50% of incidents within Catering Services between 2022 and 2023; whilst further analysis is required, it appears that the targeted approach taken to ensuring safe working practices and suitable and sufficient risk assessments are in place has been successful in driving improvements in health and safety performance. Also within Environmental and Commercial Services, there has been a notable decrease of 75% in incidents within Facilities Services.

Within Education, following an Audit of Primary School security by the Corporate Compliance team, all schools were visited and a risk assessment undertaken at each premises to identify any issues with security. As a result, a number of policies, such as Lockdown Policy and CCTV policy have been reviewed and going through the

agreed approval processes. This work placed additional demands on the small central team resulting in re-prioritisation of other planned work, for example policy review and development. The work is now moving on to Early Learning facilities, which again will place additional demands on the team and whilst it is anticipated that this will be less demanding in terms of nature and scope, there will be an impact again on the planned work of the H&S team.

b) *Work with services to ensure that appropriate winter maintenance plans are in place.*

Communications were provided to services via bulletins and Connect and reminders sent to Managers to ensure a winter maintenance plan and arrangements to carry out that plan are in place.

Monitor the implementation of Driving Safely Policy and guidance within targeted services.
Following the introduction of the reviewed Driving Safely Policy and guidance, work has continued within services to provide further driver training where this need has been identified. Vehicle damage incident statistics compiled by Fleet Services over the last year (2023) recorded 110 incidents, which is down from 162 incidents reported during 2022. However, serious incidents continue to occur so data monitoring will continue, as will investigation of specific incident trends and events with appropriate interventions based on the findings. In addition, the section of the Safety Management System covering Driving Safely has been reviewed as referred to in para 3.3.5 below.

c) *Produce updated Accident / Incident investigation guidance*

Updated Accident / Incident investigation guidance has been produced and will be issued in co-ordination with and as part of the launch of the new electronic report form.

3.3.4 *Implement changes to the Incident Reporting System including launch and communications across the organisation.*

Good progress has been made with a review of the incident reporting process, including the development of an electronic form. Work is also progressing with the review of the Violence and Aggression Incident reporting process. It is anticipated that the work will be finalised and the revised processes launched, with appropriate communications, by the end of March 2024. The electronic recording system for Violence & Aggression in Education has now been in place for over a year and any feedback from users on this system has been taken into consideration when finalising the corporate systems.

3.3.5 *Implement changes to Safety Management System:*

The Driving Safely Policy and supporting documentation has been reviewed and revised.
Implementation within services took place during the latter half of 2023.

The Corporate Fire Safety Policy has been reviewed with a revised Policy and supporting guidance progressing through the agreed Policy Framework and once agreed, will progress through to implementation of the changes.

A Corporate Hot Works Policy along with associated guidance has been formulated and circulated for comment within affected services and will progress through the agreed Policy framework as necessary.

A Corporate Radon Management Policy along with associated procedures has been formulated and is currently being consulted upon by the appropriate service.

3.3.6 *Violence and Aggression – continue to support the work identified through the review of ASN services and roll out of identified training as appropriate.*

Work is continuing to implement the requirements identified through the review of ASN services led by the Head of Education and supported as appropriate by the Health and Safety Team and Social Work Training Team (SWTT).   A Staged Intervention Training Proposal has been developed by the Head Teacher SEBN, supported by ASN Training Teachers. Work has taken place to improve the incident reporting process, which will assist in data collection and improve the identification of incident trends. There is now an ASN Management Group in place where V&A incidents are reviewed and resources directed to provide support in schools where there is a developing trend that causes concern. The ASN Management Group includes officers from across Education and Education Resources & Communities. As referenced above a report on Behaviour in Schools was considered at the Education, Children's and Leisure Services Committee on the 20 February 2024. This outlines the range of interventions across schools and the work being taken forward on a wider multi-agency children's services partnership basis on short, medium and long term actions.

3.3.7 *Fire Risk Assessments: Continue to implement the fire risk assessment rolling programme.*

The rolling programme, which uses a risk based priority approach for fire risk assessment has been refreshed. Progress has been good and more Fire Risk Assessments have been carried out than originally planned for and the rolling register is now up to date. The Health and Safety Team will continue to undertake the required assessments according to the priority attributed to them.

3.3.8 *Risk Assessment: Develop audit of risk assessment; training and guidance for managers on Risk Assessment. Develop online training package.*

Significant work has been carried out with Education Services in particular and risk assessment guidance for Head Teachers has been produced.
Work is continuing on developing an appropriate training package, including a blended learning approach as appropriate to the target audiences.

3.3.10 *Inspection: Monitor Joint Inspection programme introduced late 2022.*

A joint inspection programme has been developed and implemented in accordance with the Partnership agreement with the trades unions. Guidance and recording forms, including specific information for schools, have been issued to services and this programme of inspections is being monitored at Departmental Health and Safety meetings. A number of inspections have taken place over the first half of 2023 within depots and work is ongoing in liaison with Education Services to identify how inspections in schools can be supported.

3.3.11 *Risk Management: work with Organisational Development colleagues to implement measures in targeted areas with high or increasing incident reports.*

Close links have been established with OD colleagues, with the work on health and safety culture focussing primarily on increased and improved communications and support with audit activity across the organisation and appropriate training interventions e.g. information on the changes in legislation around driving safely, development of training to support employees with managing challenging behaviour from service users/public.

Further work on behavioural safety and links with other work outlined in the plan for 2024, such as better incident reporting, incident investigation training package, risk assessment online training packages are being developed.

3.3.12 Further development of the approach and guidance on employee protection markers will be progressed in 2024, liaising and taking learning as appropriate from other Local Authorities for whom this is also an important area of work.

3.3.13 *High level review of Safety Management System and identification of priorities for the revision of policies, ensuring availability of up to date resources for managers*.

The Health & Safety Policy for the organisation contains all the arrangements that the Council has in place to manage Health & Safety and consists of a large collection of supporting policies, procedures and guidance on the range of areas that require to be managed. These form the basis of the Corporate Health & Safety management system. Due to the range and complexity of these various areas, and the documents in place to support these, the Policy/ Procedures will be reviewed in stages with priority given to those areas that have been assessed as higher risk.
An index of all related Health & Safety documents, policies, procedures, guidance and forms has been collated and will be used to chart progress during the review period.

Priority areas have been identified and for 2024, this includes the review of the Health and Safety Policy.

Audits will take place within Communities, Care at Home and Education to ensure compliance with current standards and regulations.

The Corporate Compliance team are to be carrying out an Audit of Security within ELC settings, this may lead to a considerable volume of visits by the H&S team being required along with supporting guidance, policy and assessments as required.

4.   Benchmarking and National Developments

4.1   Annual Incident Rate (AIR) figures based on RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) incidents for 2023 is 1.58 for Moray Council based on the number of Full Time Equivalent employee numbers. In comparison, the AIR figures for 2022 were 1.12, 2020 were 1.42 and 2019 3.17.

Benchmarking with other local Councils indicates that, the AIR for Moray Council is similar or slightly lower than the returned rate from members of the North of Scotland Health & Safety Liaison Group (anonymised): Moray 1.58, LA1 1.5, LA2 2.22, LA3 2.43, and LA4 3.59

4.2   The incident rate for 2023 is up slightly in comparison with previous years. Figures available from the HSE for all UK employers in 2023 show a similar trend, though

comparing the Council with HSE data is difficult as the HSE figures are generally sector based, whereas the Council is a multi-sector organisation.

4.3   A list of the top 10 prosecutions for health and safety breaches in 2023 has been provided by Safety and Health Practitioner Magazine. These show a continuation of the trend for very high fines for poor health and safety, ranging from £1.2m for maintenance worker crushed whilst servicing a machine in a depot to £10 M for Transport for London as a result of the Croydon Tram accident. The highest fine for H&S breaches in 2023 is £5 million higher than the highest fine in 2022 and all fines in the top ten are over £1 Million. Within the Top Ten are a £ 3 million fine for the deaths of two workers in the Waste industry, both working for the same company with both accidents involving being crushed by a load.
A large supermarket chain was fined £3.5 million after a shop worker died after suffering an epileptic seizure and falling from a stairwell. Within other Local Authorities, Plymouth Council was fined £800k following prosecution by the HSE due to a number of cases of Hand, Arm Vibration syndrome (HAVs) Moray Council have robust procedures in place to identify employees at risk of HAVs and Health Surveillance used to identify and monitor the condition in those that may be affected, Audits of HAVs compliance within services were completed previously and found no improvement required to the procedures. Health Surveillance is organised and controlled from within the affected services. Apart from the devastating outcome of these incidents to those involved, the punishments applied highlight the importance of getting things right.

5.   Conclusions and Proposed Developments
5.1   A slight decrease in reported incidents other than Work Related Violence can be seen.

5.2   Overall, in general terms there are no significant concerns highlighted as regards the Council's Health and Safety performance. The risks that have been identified are being appropriately managed with plans in place to progress with addressing the concerns.

5.3   Good progress has been made on the issues reported on last year, including risk assessment, driving safely, health and safety culture as well as work that was not planned for in the 2022 report, including supporting the change in the Scottish Fire and Rescue Service approach and the work arising from the Safety and Security Audit across Primary Schools. Work will continue on the areas identified in accordance with the plans in place which will be the subject of continual review, taking account of any competing priorities and demands.

5.4   Continuing monitoring and audit work is required particularly in relation to Work Related Violence. Continuing concerns regarding Violence and Aggression are being managed and addressed through a planned approach within the services where these type of incidents are most prevalent, supported by the Health and Safety Team as appropriate. There is significant work underway in the Education service including the roll out of a comprehensive training programme along with interventions across schools and continuing work on a multi agency partnership basis. The relationship between the implementation of the revised Violence and Aggression Action plan within Education with the statistics on WRV in schools will be explored. In addition, the national context will continue to be monitored and any implications and changes required will be taken forward as appropriate.

5.5   Further monitoring of Reversing Incidents and Driver behaviour will continue in 2024.

5.6 Important progress on revising guidance, systems and processes has been made with changes being implemented as required. The review and updating of the incident reporting system in particular is a key piece of work which will be implemented in 2024.

5.7 Work will also continue with the OD team in terms of utilising the range of tools and techniques available and the framework for communications to support managers in targeted areas to monitor and raise awareness amongst their teams, including appropriate use of training interventions.

6.   Action Plan.

Actions	Target for Completion
Accident/Incident: Audit high risk services or issues	Continue with programme of audits in accordance with the timescales for completion according to prioritisation in order of importance Quarterly review
Monitor the implementation of Driving Safely Policy and guidance within targeted services	October 2024
Implement changes to the Incident Reporting System including launch and communications across the organisation	March 2024
Accident/Incident: Produce updated Accident / Incident investigation guidance (as part of the launch of the changed incident reporting system)	March 2024
Implement changes to Safety Management System: Review of Fire Safety Policy Review of Health & Safety Policy	March 2025 (or at such earlier date as may be appropriate in accordance with the Policy Review Framework timetable) March 2025
Fire Risk Assessments: Continue to implement the fire risk assessment rolling programme	Adhere to identified timescales for completion according to prioritisation in order of importance Quarterly review
Violence and Aggression – continue to support the work required in accordance with the priorities identified by Head of Education	In accordance with timescales outlined in the work on Violence and Aggression in Schools being taken forward by the Head of Education
Risk Assessment: Develop online training package	July 2024
Inspection: Continue to monitor Joint Inspection programme	Ongoing
Risk Management: work with OD colleagues to implement measures in targeted areas with high or increasing incident reports	Planned work to be implemented in order of priority over the course of 2024

Employee Protection Markers – development of approach for consideration	July 2024
High level review of Safety Management System and identification of priorities for the revision of policies, ensuring availability of up to date resources for managers	Ongoing with outline plan of work for first phase by March 2025

Health & Safety Annual Report
2023

Contents

Introduction

The Health and Safety at Work etc Act 1974 requires employers protect the health, safety and welfare of all employees, clients, visitors and the general public.

To ensure all work and operations are conducted in line with these regulations, Moray Council operates a Health & Safety management system based on a widely accepted model of Planning, Doing, Checking and Acting. To help with this, details of any incidents that do occur are logged and the information used to identify where preventative and protective measures may be needed. This appendix provides an overview of recorded incidents during the period January to December 2023.

Health & Safety Incidents – Moray Council

During 2023, 176 Health & Safety incidents were reported by Moray Council, a decrease of 6 (3%) from 2022.

Incidents fell for Education, Health & Social Care and Environmental & Commercial Services while in contrast, incidents reported by Housing & Property continued to increase. No Health & Safety incidents were recorded by Finance or Governance, Strategy & Performance (Figure 1).

Figure 1:

RIDDOR Incidents (incidents reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) increased in 2023 (Figure 2) with Environmental & Commercial Services accounting for 3 incidents (Figure 3). Causes were identified as Defective Equipment, Manual Handling and Fall from Height.

Figure 2:
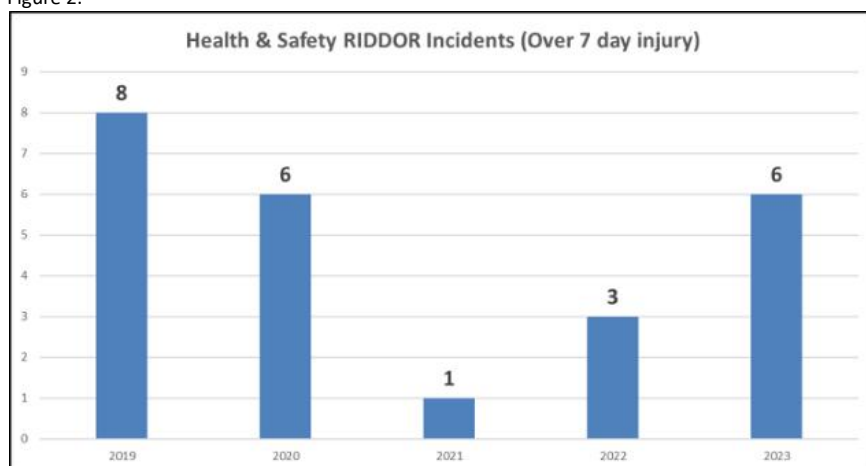
Figure 3:
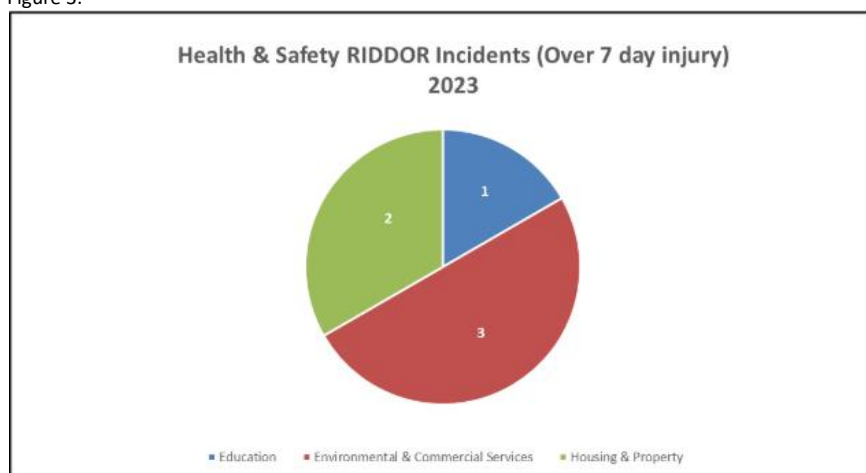
Overall, occurrence of a Health & Safety Incident at Moray Council remains low. Anonymised data for 2023 from the North of Scotland Health & Safety Liaison Group ranks Moray second lowest with a rate of 1.58 incidents per 1,000 FTE employees (Figure 4).

Figure 4:
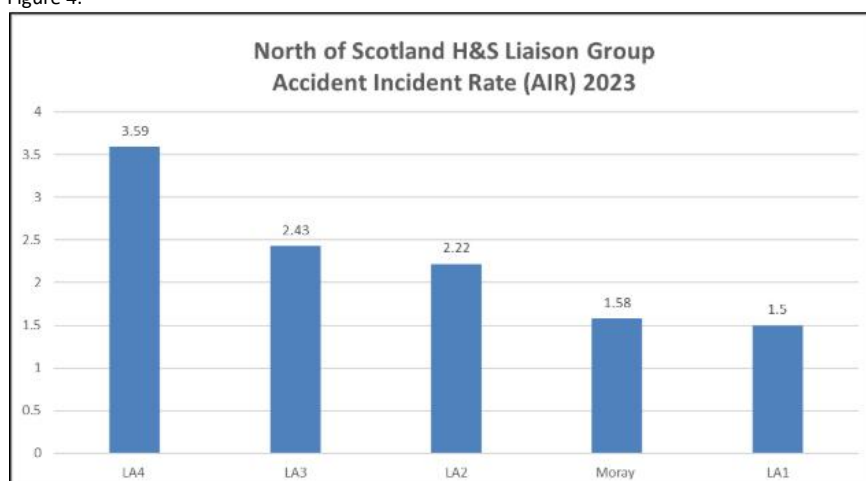
Health & Safety Incidents by Service – Education

Of the 77 incidents recorded by Education in 2023, 52 (68%) took place within a Secondary school setting (Figure 5). 69 incidents (90%) involved a school pupil (Figure 6).

Figure 5:
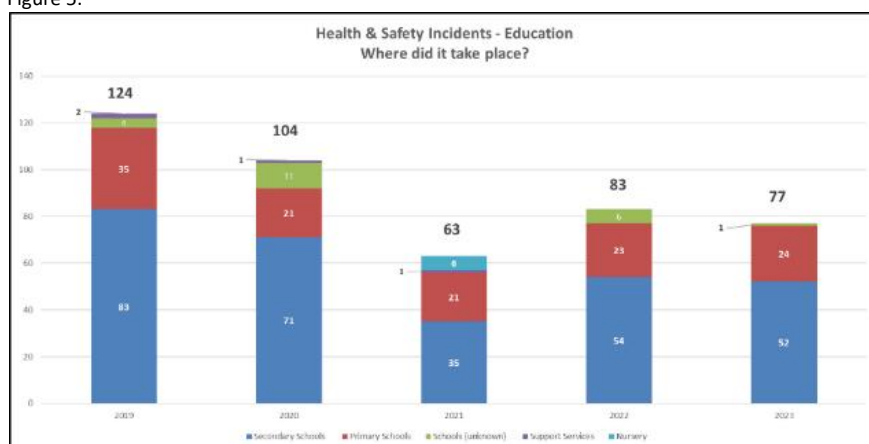
Figure 6:
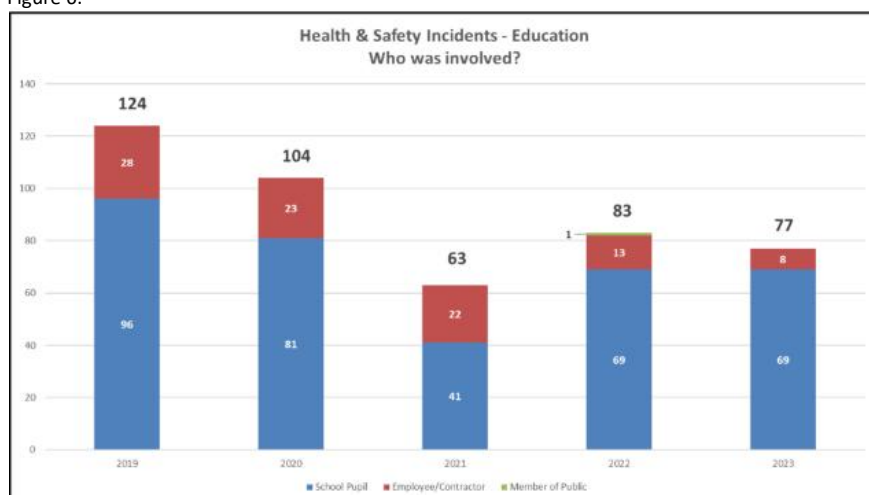
In 2023, the most common cause of a recorded injury for Education was 'Slip, trip or fall on the same level' (Figure 7). 20 incidents resulted in a 'Fracture or bone break', 16 of which related to sporting activities or play (Figure 8).

Figure 7:

Figure 10:

Health & Safety Incidents - Environmental & Commercial Services
How was it caused? - 2023

Legend:
- Hitting a fixed or stationary object
- Slip, trip or fall on the same level
- Hit by a vehicle
- Hit by moving/falling/flying object
- Other
- Manual handling
- Fall from a height
- Defective equipment/building
- Other
- Contact with moving machinery or material being machined
- Exposed to a harmful substance
- Poolside incident/work near water/other asphyxiation
- Dangerous Occurrence

Figure 11:

Health & Safety Incidents - Environmental & Commercial Services
What was the injury? - 2023

Legend:
- Equipment or building damage
- No significant injury
- Strain/sprain
- Back injury
- Bruising
- Minor wound e.g small cut, graze
- Fracture/bone break
- Other
- Puncture type injury
- Eye injury
- Minor burns/scalding
- Loss of consciousness
- Hit by a vehicle
- Serious wound

With most incidents identified as involving a vehicle, work continues within Environmental & Commercial Services to reduce vehicle and reversing related incidents. An updated Safer Driving Policy and Guidance was produced and adopted by the Council in April 2023. This has been discussed with employees at service level and vehicle incidents are investigated by management to ensure any learning outcomes are identified that may help keep these incidents to a minimum. H&S inspections of depots and premises continue while Health & Safety Handbooks have been refreshed for Roads Maintenance, Open Spaces and Catering.

Health & Safety Incidents by Service   Housing & Property

Housing & Property incidents increased during 2023. Icy weather conditions may have attributed to this rise with 6 incidents noted as involving ice compared to 0 in 2022. Of the 30 incidents recorded, Building Services accounted for 29 (97%) (Figure 12). No members of the public were injured as a result of any incidents within Housing & Property. The most common cause of an incident was 'Hitting a fixed or stationary object' with 'Equipment or building damage' the most likely outcome (Figures 13 and 14).

Figure 12:
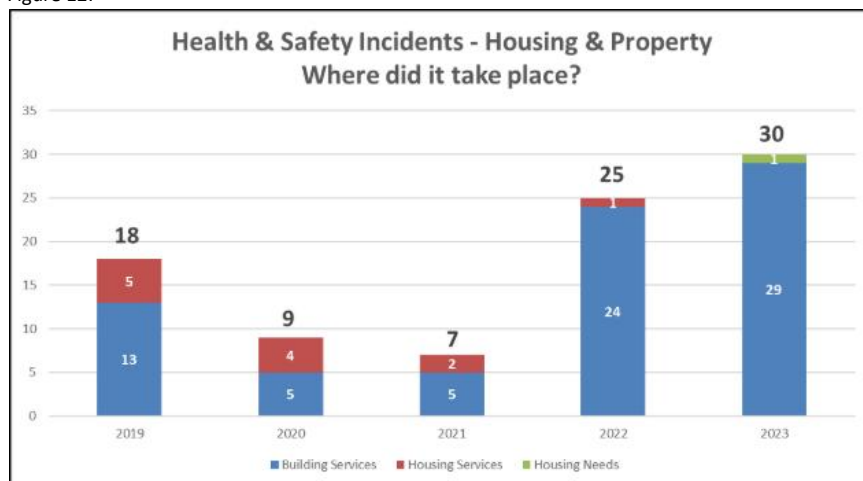
Figure 13:
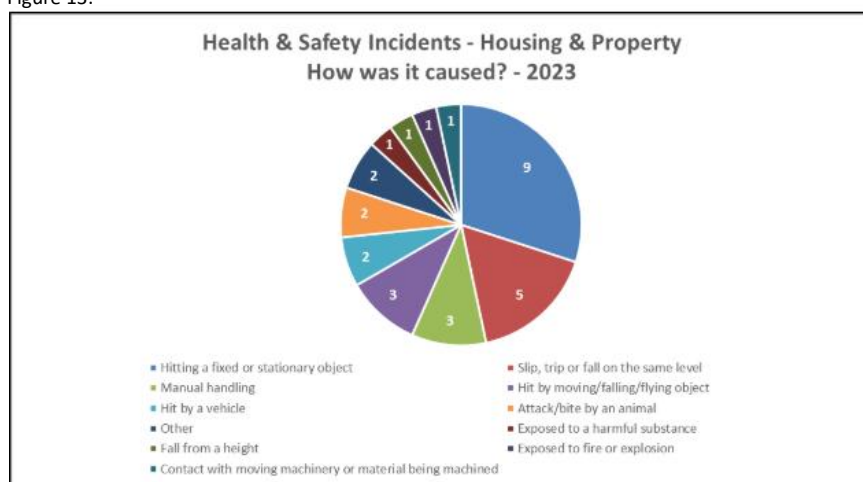
Figure 14:
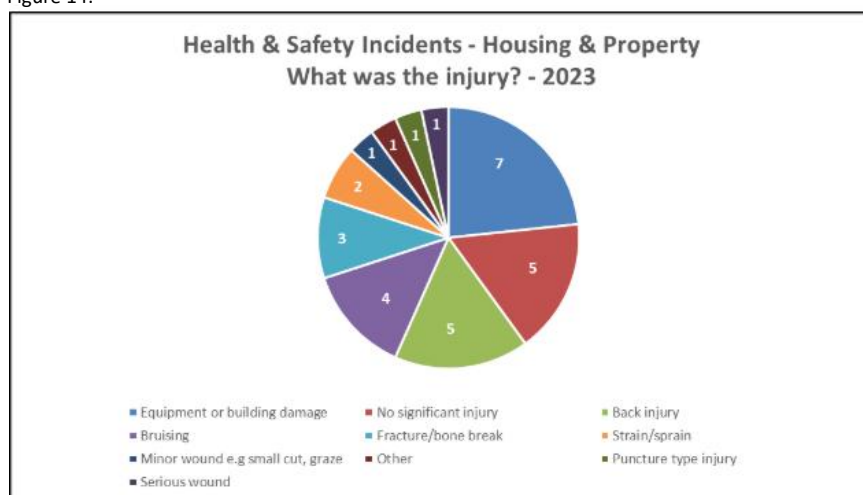
As with Environmental & Commercial Services, work to reduce the number of vehicle related incidents within Housing & Property remains a priority. The updated Safer Driving Policy and Guidance has been discussed with employees and all vehicle incidents are investigated by management to identify any learning outcomes. Further driver training has also been provided to the service.

Health & Safety Incidents by Service - Health & Social Care

During 2023, 4 incidents took place within Health & Social Care; all were recorded by Social Care Services. 1 incident involved a Service User however no significant injury was recorded. Two members of staff received eye and back injuries as a result of being 'Hit by moving/falling/flying object'.

To help reduce incidents within Health & Social Care, all new Care at Home staff have attended Health & Safety awareness sessions. An audit of all Health & Safety documentation is also planned for 2024.

Health & Safety Incidents by Service –Economic Growth & Development and Education, Resources and Communities

Both Economic Growth & Development and Education, Resources and Communities recorded just 1 incident each in 2023. 1 involving a Service User resulted in a fracture/bone break due to a fall from a trampoline.

Violence & Aggression Incidents – Moray Council

In 2023, a total of 3696 Violence & Aggression incidents were recorded by Moray Council, an increase of 1389 (60%) since 2022. Against pre-pandemic figures in 2019, incidents have risen by 2244 (150%) (Figure 15).

Figure 15:
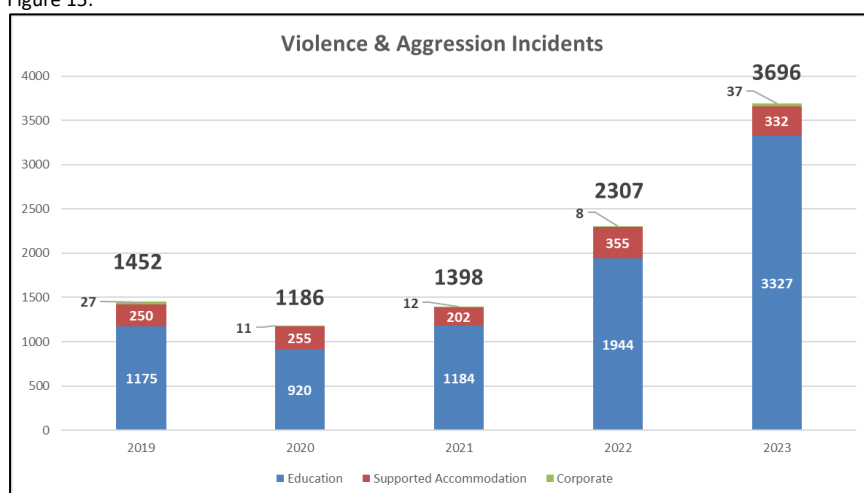
Violence & Aggression Incidents – Education

A recent report, 'Behaviour in Scottish Schools 2023' undertaken by the Scottish Centre for Social Research on behalf of the Scottish Government[1], identified an increase in disruptive behaviour and Violence and Aggression in schools across Scotland. Emerging issues included mobile phone/social media use, vaping, in-school truanting and misogyny and gender-based abuse. Work is now ongoing nationally to obtain a deeper understanding of the challenges faced by schools and identify what policies and guidance could support more positive behaviours.

At a local level, the majority of pupils in Moray are still well behaved however the rise in Violence and Aggression and the impact this has on staff, pupils and the wider community is of concern. These behaviours are predominantly within secondary schools however data and anecdotal evidence suggests an emerging trend in early years of primary following transition from nursery.

Some of the increase seen this year may relate to the introduction of the new electronic recording system and encouragement from the Local Negotiating Committee for Teachers (LNCT) to report every incident. Further analysis of the data to determine this and identify other contributory factors, will be undertaken when capacity allows.

In the meantime, Education will continue to work with partner agencies and provide staff with training and development and strategies that supplement existing knowledge and support children and families in Moray.

Although usually reported by academic year, for the purposes of this report, Violence & Aggression data for Education has been supplied by calendar year.

Between January and December 2023, 3327 Violence & Aggression incidents were recorded by Education, an increase of 1383 (71%) from 2022. Incidents within a nursery setting fell by 137 (73%) however Primary School incidents increased by 1213 (76%) with Secondary Schools rising by 307 (190%) (Figure 16).

A total of 603 pupils have been reported against over 2023. Of the pupils reported - 286 had been reported once, 159 reported between 2-4 times, 84 reported 5-9 times, 55 reported 10-29 times, 10 reported 30-49 times, 6 reported 50 -100 and 3 pupils reported 100 or more times.
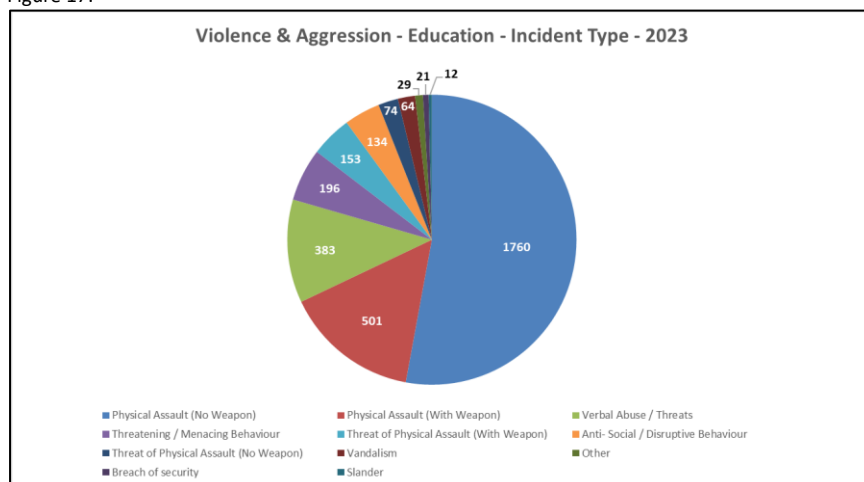
Figure 16:

Violence & Aggression - Education
Where did it take place?

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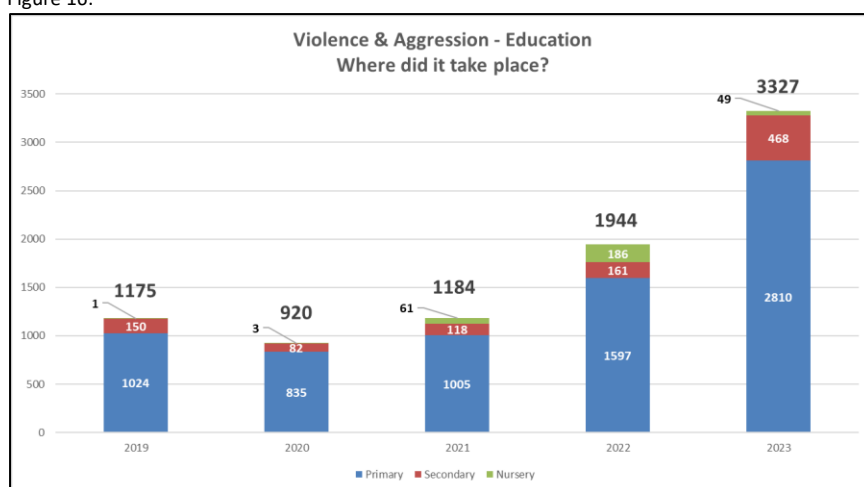
[1] 'Behaviour in Scottish Schools 2023' published November 2023
https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/

Each recorded incident is categorised by type. In 2023, the most common incident types were Physical Assault (No Weapon) and Physical Assault (With Weapon) (Figure 17).

Figure 17:

Compared to last year, significant increases have been recorded in a number of categories (Figure 18), in particular:

- Physical Assault (No Weapon) – up 655 incidents/59%
- Verbal Abuse/Threats – up 252 incidents/192%
- Antisocial/Disruptive Behaviour - up 112 incidents/509%
- Threatening/Menacing Behaviour – up 83 incidents/73%

Figure 18:

Violence & Aggression - Education - Incident Type
2022 vs 2023

Incident Type	2022	2023
Physical Assault (With Weapon)	419	501
Threat of Physical Assault (With Weapon)	108	153
Physical Assault (No Weapon)	1105	1760
Threatening/Menacing Behaviour	113	196
Verbal Abuse/Threats	131	383
Anti- Social/Disruptive Behaviour	22	134
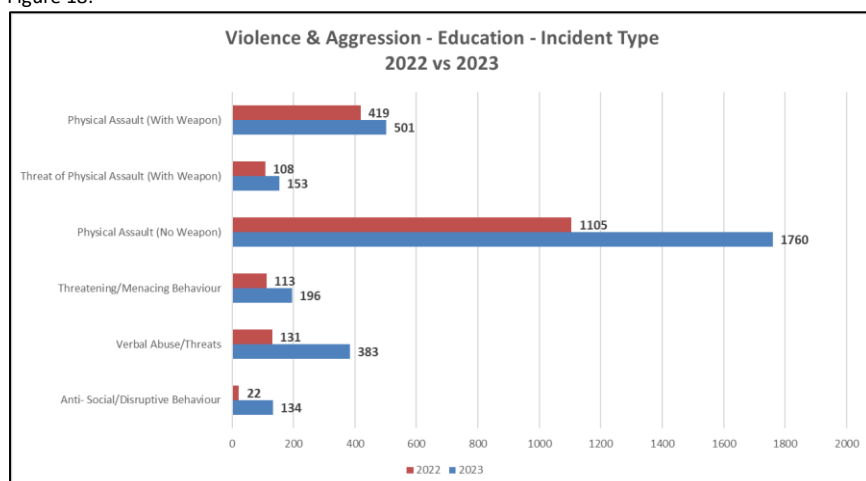
Violence & Aggression Incidents – Supported Accommodation

During 2023, 332 Violence & Aggression incidents were recorded at the Supported Accommodation Facility; a fall of 23 incidents (6.5%) compared to 2022. Despite this decline, recorded injuries remained the same (Figure 19). The most common injuries sustained were a scratch or bite (Figure 20).
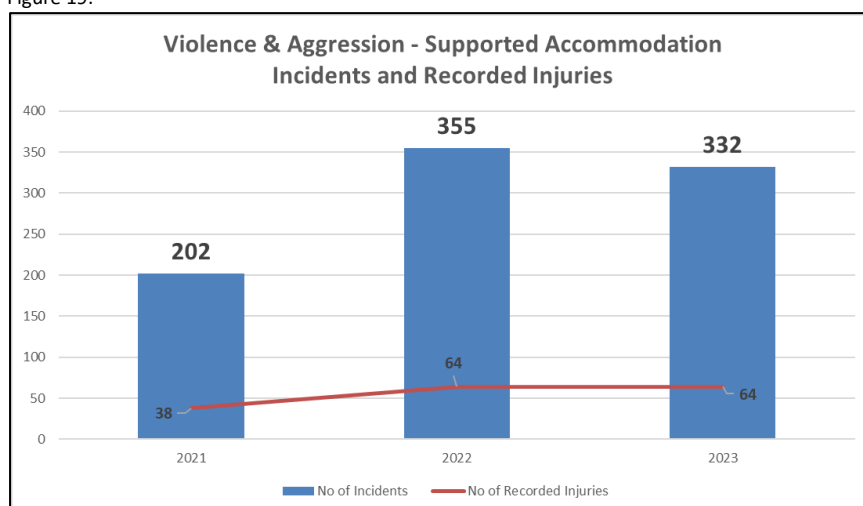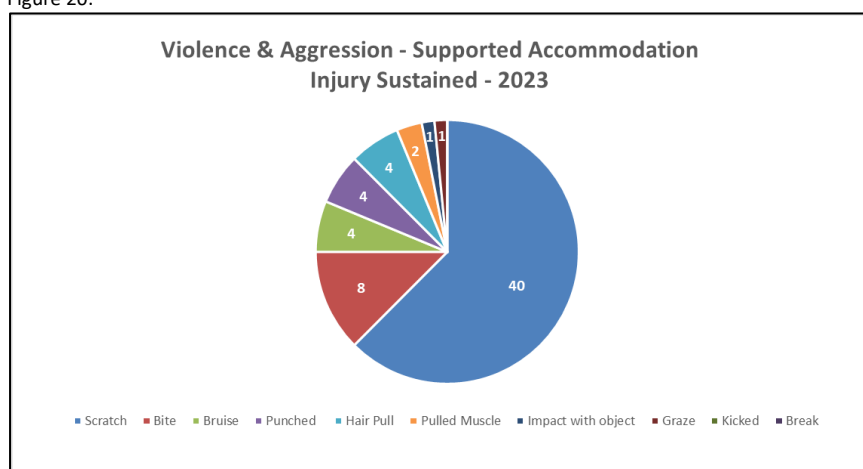
Figure 19:

Figure 20:

Throughout 2023, the needs of service users have been closely monitored and where needed, modifications have been made to ensure more effective communication, routines and surroundings. Staff training has also been undertaken to promote better use of Positive Behaviour Support (PBS) strategies and work to develop this person-centred approach will continue in 2024.

Violence & Aggression Incidents – Corporate

Corporately reported Violence & Aggression incidents have risen during 2023 with significant increases noted in both Governance Strategy & Performance and Health & Social Care (Figure 21). Threatening Behaviour and Verbal Abuse were the most common type of incident (Figure 22). Abusive emails received by Customer Services staff account for most incidents within Governance Strategy & Performance while with Health & Social Care, most issues have occurred within a Service User/Client's property (Table 1).
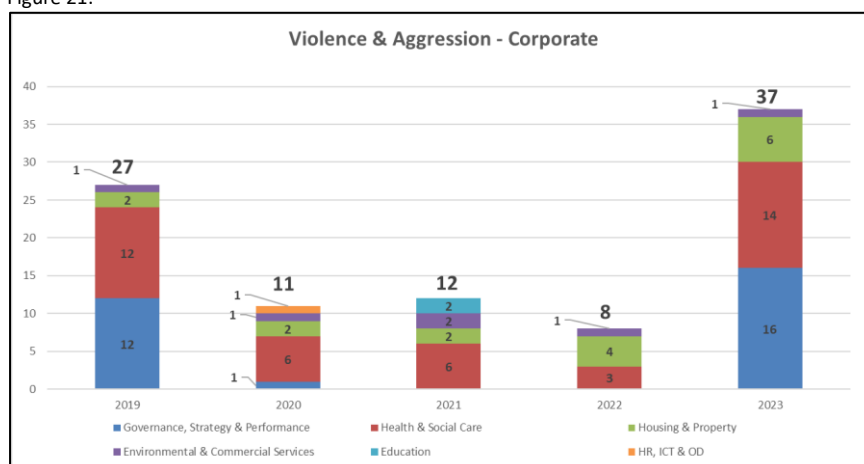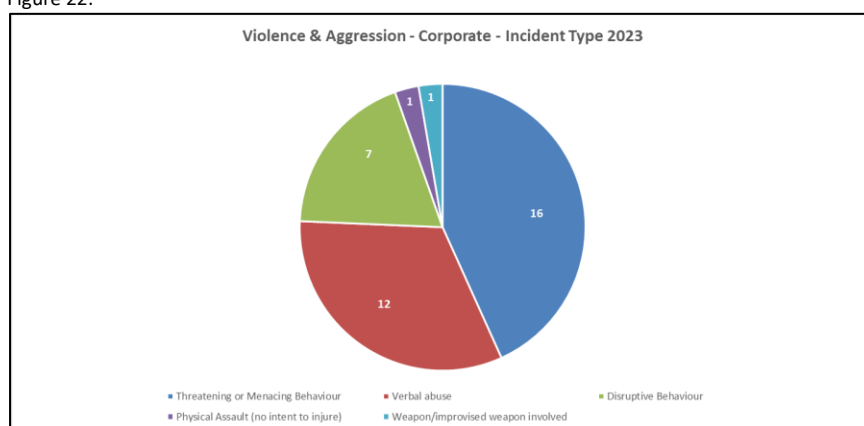
Figure 21:

Figure 22:

Table 1:

2023		
Service	**Where did the incident take place?**	**Total**
Environmental & Commercial Services	Service User/Client's property	1
Housing & Property	Service User/Client's property	6
Health & Social Care	Service User/Client's property	10
Health & Social Care	Telephone Call	1
Health & Social Care	In public location	3
Governance, Strategy & Performance	Elgin Access Point	1
Governance, Strategy & Performance	Telephone Call	3
Governance, Strategy & Performance	Via Email	12
Total		**37**

Working Days Lost to Industrial Injury

The number of working days lost to industrial injury can fluctuate considerably due to the varying circumstances. Often only one case can contribute to a significant increase.

During 2023, 10 incidents of industrial injury resulted in 86 days lost; a rise of 13 days compared to 2022 (Figure 23).

Figure 23: