



Corporate Committee

Tuesday, 30 November 2021

NOTICE IS HEREBY GIVEN that a Meeting of the **Corporate Committee** is to be held at **Remote Locations via Video Conference**, on **Tuesday, 30 November 2021** 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 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."

4. Minute of the meeting 12 October 2021

7 - 12

5. Written Questions **

6. Town Twinning

13 - 16

Report by Chief Executive.

7. Capital Plan 2021-22

17 - 34

Report by Depute Chief Executive (Economy, Environment and Finance).

- | | |
|--|-----------------|
| 8. Performance Report (Financial Services) Period to September 2021 | 35 - 40 |
| Report by Depute Chief Executive (Economy, Environment and Finance). | |
| 9. Community Asset Transfer Request (2015 Act) Fishermen's Hall Buckie | 41 - 52 |
| Report by Depute Chief Executive (Economy, Environment and Finance). | |
| 10. Performance Report (Human Resources, Information Communications Technology and Organisational Development) Period to September 2021 | 53 - 58 |
| Report by Depute Chief Executive (Education, Communities and Organisational Development). | |
| 11. Performance Report (Governance, Strategy and Performance) Period to September 2021 | 59 - 66 |
| Report by Depute Chief Executive (Education, Communities and Organisational Development). | |
| 12. Equality Outcomes | 67 - 108 |
| Report by Depute Chief Executive (Education, Communities and Organisational Development). | |
| 13. Question Time *** | |
| Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |

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

14. Living Wage Consolidation Update

- Information relating to any consultations or negotiations in connection with any labour relations;

Moray Council Committee meetings are currently being held virtually due to Covid-19. If you wish to watch the webcast of the meeting please go to:
http://www.moray.gov.uk/moray_standard/page_43661.html

to watch the meeting live.

* **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.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. 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 ten minutes after the Committee 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/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL

Corporate Committee

SEDERUNT

Councillor Aaron McLean (Chair)
Councillor Graham Leadbitter (Depute Chair)

Councillor George Alexander (Member)
Councillor James Allan (Member)
Councillor Frank Brown (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Tim Eagle (Member)
Councillor Claire Feaver (Member)
Councillor Donald Gatt (Member)
Councillor Shona Morrison (Member)
Councillor Amy Taylor (Member)
Councillor Sonya Warren (Member)
Councillor Walter Wilson (Member)

Clerk Name:	Lindsey Robinson
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MORAY COUNCIL

Minute of Meeting of the Corporate Committee

Tuesday, 12 October 2021

Remote Locations via Video Conference,

PRESENT

Councillor George Alexander, Councillor James Allan, Councillor John Cowe, Councillor John Divers, Councillor Donald Gatt, Councillor Graham Leadbitter, Councillor Aaron McLean, Councillor Shona Morrison, Councillor Amy Taylor, Councillor Sonya Warren

APOLOGIES

Councillor Frank Brown, Councillor Tim Eagle, Councillor Claire Feaver, Councillor Walter Wilson

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), Legal Services Manager, Sport and Culture Services Manager, Complaints Officer, Customer Services Development Manager, Paul Connor, Principal Accountant and Lindsey Robinson, Committee Services Officer as clerk to the meeting.

1. Chair

Councillor A McLean, as Chair of the Corporate Committee, chaired the meeting.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, the meeting noted the following declarations and further noted all Members who declared an interest had stated they would remain in the meeting:

Councillor Taylor declared an interest in item 12 as a Council appointed member of the Moray Leisure Centre Board.

Councillor Leadbitter declared an interest in item 5 as a Council appointed member of the Elgin BID working group.

Councillor Divers declared an interest in item 5 as the Council's representative of Elgin BID.

On behalf of the Scottish National Party, Councillor Leadbitter declared that the Group Members had discussed item 6 but confirmed that no whip had been given on how the group should vote.

There were no further declarations from Group Leaders or Spokespersons in regards to any prior decisions taken on how Members will vote on any item on the agenda or declarations of member's interests in respect of any item on the agenda.

3. Resolution

The meeting resolved 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 items 11 and 12 of business on the grounds that they involve the likely disclosure of exempt information of the class described in the relevant Paragraphs of Part 1 of Schedule 7A of the Act.

Paragraph Number of Minute	Paragraph Number of Schedule 7a and Reason
11	1 - Information relating to staffing matters
12	6 - Information relating to the financial or business affairs of any particular person(s)

4. Written Questions **

The Committee noted that no written questions had been submitted.

5. Plantinum Jubilee Civic Honours Competition City Status Bid

A report by the Chief Executive invited the Committee to agree to make an application for a grant of city status for Elgin.

During consideration the Chief Executive stated that the information contained in Section 4 (e) should have read the Council will lead the application with support from Elgin Community Council and Elgin BID and apologised for the mistake.

Following consideration the Committee agreed to make an application for a grant of city status for Elgin.

6. Charging for Services

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to agree the default increase for fees and charges for Council services for 2022/23.

During consideration Councillor Leadbitter moved that due to the current financial climate it would be appropriate to freeze the charges at the current level. This was seconded by Councillor Warren.

Councillor Gatt advised that the Conservative group would not oppose the motion but was of the opinion that it was unwise to freeze the charges at this stage when the Council budget is not yet known. The Legal Services Manager sought clarification from Councillor Gatt as to whether this was a personal opinion or a group decision. Councillor Gatt confirmed that it was a group decision, but had omitted to mention it earlier due to the absence of Councillor Eagle from the meeting and apologised for the oversight.

Councillor Alexander expressed concern that the members of the public may see freezing of these charges as a precursor to a potential freeze of Council Tax and Council house rents in February 2022 and clearly that is a separate issue.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) confirmed that there would be clear communication to show that any decision taken by the Committee at this meeting was separate from any decisions taken on council tax and council house rent in the future.

As there was no one otherwise minded the Committee agreed to:

- (i) freeze the charges at the current level; and
- (ii) request that the Moray Integration Joint Board (MIJB) recommend to the Council charges for services delivered under the aegis of MIJB.

7. Flu Vaccination Programme 2021

A report by the Depute Chief Executive (Education, Communities and Organisational Development) invited the Committee to note the content of the report and approve piloting a flu vaccination programme for identified groups of staff.

Following consideration the Committee agreed to:

- (i) approve the introduction of a flu vaccination programme for 2021 at an anticipated cost of £12,050 to be funded from free general reserves; and
- (ii) note that a further report will be brought back that reviews the impact of the pilot on sickness absence figures for the relevant periods with a view to considering the benefits of a longer term programme of flu vaccination.

8. Complaints Annual Report 2020-21

A report by the Chief Executive asked the Committee to consider the Complaints Annual Report 2020-21.

Following consideration the Committee agreed to:

- (i) note the contents of the Complaints Annual Report;
- (ii) welcome performance as indicated in the report; and
- (iii) approve the report for submission to the Scottish Public Sector Ombudsman (SPSO)

9. Test and Protect Temporary Staff

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to authorise the use of Covid-19 funds to appoint a temporary member of staff to meet demand for test and protect calls in the contact centre.

The Committee joined the Chair in commending the excellent work already undertaken in the support of the core response to the pandemic.

Following consideration the Committee agreed to:

- (i) authorise the allocation of Scottish Government pandemic funding to recruit one temporary post of Customer Service Advisor on Grade 3 for a period of 5 months to support the ongoing requirements in the contact centre to support Scottish Government Test and Protect to be funded from state grant funding in support of covid-related expenditure; and
- (ii) note the work that continues as a result of Test and Protect and the impact on other customer service day to day activities.

10. Question Time ***

The Committee noted that there were no further questions.

11. Customer Contact Arrangements [Para1]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Committee to consider and approve the policy position for Council customer contact and, based on that, the future of Council access points in preparation for staff returning to the office.

During consideration Councillor Allan sought clarification on why Lossiemouth had not been included in the list of potential locations and moved that it be added to recommendation 3.1 (ii).

In response the Customer Service Development Manager advised that the list was not exhaustive and other locations would be considered.

Following further discussion Councillor Leadbitter proposed as an amendment adding a further bullet point to recommendation 3.1 to ensure there are no compulsory redundancies as a result of the change process and any cost implications to be reported back to Committee.

In response the Legal Services Manager sought clarification from Councillor Leadbitter as to whether he was focussing on the report at hand or on wider policy.

Councillor Leadbitter confirmed he was only focussing on the report being discussed. He advised that the SNP group had expressed their support for a No Compulsory Redundancies policy previously and that had to be a consideration for them in this report. Whilst they lost a vote previously on no compulsory redundancies, this report raises the possibility within the context of this service redesign and they will test that position again. He further stated that he was happy to include as part of his amendment Councillor Allan's motion to include Lossiemouth in the list of potential locations. In moving that there should be no compulsory redundancies as a result of this change process he accepted that if this gave rise to any financial implications this would require to be brought back to the Council/appropriate committee This was seconded by Councillor McLean.

Following further discussion Councillor Allan stated that he was happy to add his proposal to that of Councillor Leadbitter and withdrew his motion.

Councillor Alexander stated that it was important to stick to current Council policy and proposed as an amendment the recommendations as written but with the

inclusion of Lossiemouth as a potential location. This was seconded by Councillor Gatt.

On a division there voted:

For the Motion (5)	Councillors Leadbitter, A McLean, Divers, Morrison, and Warren
For the Amendment (5)	Councillors Alexander, Gatt, Allan, Cowe, and Taylor
Abstentions (0)	

There being an equality of votes the Chair, in terms of Standing Order 65 (e), cast his casting vote in favour of the Motion.

Accordingly the motion became the finding of the meeting and the Committee agreed to approve the following design principles for shaping the future of customer contact as the Council emerges from the pandemic:

- (i) Access Points are renamed Information Hubs and consideration is given to locating them in libraries or other suitable public buildings;
- (ii) Access Points in Buckie, Elgin and Keith follow the approach in Forres with Information Hubs established in Elgin, Forres, Keith and Lossiemouth libraries or other suitable public buildings;
- (iii) investigate opportunities to expand Information Hubs to other towns in Moray using existing libraries or other suitable public buildings including Aberlour, Cullen, Dufftown and Tomintoul;
- (iv) continue to develop a digital first approach where appropriate for service delivery;
- (v) build on the success made during the pandemic and continue to increase the number of services available online, ensuring that they are easily accessible, well designed, simple to use and meet accessibility standards;
- (vi) review and update the customer charter based on this approach;
- (vii) encourage and promote the benefits Moray citizens of online access to council services;
- (viii) to measure customer satisfaction and identify opportunities for continuous improvement; and
- (ix) ensure that there are no compulsory redundancies as a result of the change process and any financial implications resulting from that be reported back.

The Committee also agreed to the following arrangements for customer access as staff return to Council offices:

- (i) HQ Annexe in Elgin reopens to the public for appointment only once staff numbers increase to 30%.
- (ii) general walk-in enquiries are transferred to Elgin library.

- (iii) access points do not reopen in Buckie and Keith as we transition to Information Hubs.

12. Moray Leisure Centre Lift Replacement [Para 6]

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval from the Committee to fund the costs of a replacement lift at Moray Leisure Centre.

Following consideration the Committee agreed to:

- (i) fund £35,000 for a replacement lift at Moray Leisure Centre; and
- (ii) note that a further report will be presented to this Committee in November 2021 which will include an update on progress towards the development of long term asset management plans for the sport and culture estate.



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

SUBJECT: TOWN TWINNING

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 To make recommendations on a suggested response to an approach about establishing twinning relations and suggested sectors for co-operation.
- 1.2 This report is submitted to Committee in terms of Section III(B)(6) of the Council's Scheme of Administration relating to any new policy matter which does not fall within the terms of reference of any other Committee.

2. RECOMMENDATION

2.1 It is recommended that the Committee:-

- i) **note officers have looked into the suggested fields of partnership and co-operation and the responses are outlined in section 3 of this report;**
- ii) **agree that it be left to the discretion of Visit Moray Speyside to respond to the approach as outlined in para 3.7 of this report;**
- iii) **agree that this be placed on the agenda for the next appropriate meeting of the Moray Economic Partnership to assess the level of interest; and**
- iv) **agree that the appropriate authorities in Jiaxing Province be advised of the above.**

3. BACKGROUND

Introduction

- 3.1 An approach has been received from Jiaxing, a prefecture-level city under the jurisdiction of Zhejiang Province. It covers an area of 4,223 square kilometres and an ocean area of 1,559 square kilometres with a population of 5.4 million.
- 3.2 Jiaxing is the birthplace of Communist Party of China, the cradle of Jiangnan culture, and the permanent venue for hosting the world Internet Conference.
- 3.3 It is located in the northeast of Zhejiang Province and 30 minutes from Shanghai by train. Jiaxing ranks 37th among the top 100 cities in China in

terms of comprehensive strengths and 40th in terms of economic standing and is home to 78 Fortune 500 companies. Jiaxing is the cradle of Jiangnan culture. With 7000 years history of human civilisation, it has profound historic heritage and culture. The Beijing-Hangzhou Grand Canal runs through the city. Jiaxing is home to the ancient water towns of Wuzhen and Xitang as well as the world wonder Qiantang Tidal Bore. The city spends over 3% of GDP on the investment of R&D. As a pioneer for the development of digital economy, Jiaxing has attracted the 4th largest number of mid-to-high-end talents in China.

Existing Exchanges and Co-operation

- 3.4 Jiaxing attaches great importance to international exchanges and cooperation. The city has 8 international sister cities, 26 cities with international friendly exchange relations, and 75 cities with international friendly engagement relations. These cities come from 34 countries on 5 continents. In terms of education, more than 10 universities, and 120-plus middle and elementary schools have paired with foreign universities and schools. Among them, the International Campus Zhejiang University has established joint laboratories and colleges in cooperation with Imperial College London, the University of Edinburgh and the University of Illinois.
- 3.5 Jiaxing suggests that there be cooperation in the following areas within the framework of a letter of intent to establish relations.

Education

- 3.6 Jiaxing has 153 primary schools and 165 middle schools, some of which are well-known such as Jiaxing No.1 Middle School. Both parties could conduct cooperation on education and establish friendly relations between schools through exchanges of teachers and students, language training, and curriculum development. Primary and secondary schools and vocational technical colleges can also carry out various forms of exchanges.
- 3.7 Currently there are no active links between Moray and schools in China. Due to Covid19 restrictions the Council does not have the two Mandarin teachers from China who offer Mandarin in nine Moray schools – Forbes Academy, Elgin Academy, Lossiemouth High School, Buckie High School, Aberlour PS and Nursery, St Thomas' PS and Mortlach PS. There is a willingness for links from the repositioned Confucius Hub at Forbes Academy.
- 3.8 There is insufficient time or capacity to develop links this academic session and Education Services' operational plans have been completed. However Education Services would be willing to review the position in the next academic year particularly if the Council has the Chinese teachers available again and it can be included in future operational plans.

Tourism

- 3.9 It is suggested Jiaxing and Moray could carry out online tourism promotion exchanges, and cultural and tourism departments establish contact mechanisms to facilitate the establishment of contacts between travel agencies in the two cities, utilise the knowledge of both sides to promote tourism routes and attractions to both peoples.

- 3.10 Visit Moray Speyside are firmly supportive of the proposal from Zhejiang province. Previously as Moray Speyside Tourism, a similar opportunity was supported in 2018 which had potential to become a formal arrangement at regional level.
- 3.11 Pre COVID, the number of visitors to Moray Speyside from China had been growing consistently - the region's premium distilleries and luxury, worldwide brands making Moray a 'must see' destination on the itineraries of an increasing number of Chinese visitors.
- 3.12 With the 'post COVID' reality now in sharp focus, there is a new opportunity in front of our region, which could allow Moray to establish its position as a premium destination with a huge number of potential visitors. This would be taken forward by Visit Moray Speyside at their discretion as per Recommendation 2.1(ii) above.

Economy, Trade and Industry

- 3.13 This envisages information exchanges in the economic and trade fields, jointly facilitate going out and bringing in of enterprises, promote the import and export of specialty produces, jointly organise business forums, and participate in the development of each other's international industrial parks and high-tech parks, and help institutes related to business and facilitation of international trade build strategic partnerships.
- 3.14 One way forward might be to convene a meeting of the private sector representatives in Moray such as the Chamber of Commerce. Highlands and Islands Enterprise (HIE) would want to play a supporting role but the lead for any such arrangements needs to be the respective business organisations. HIE can also use its links to Scottish Development International in Shanghai to further explore the merits of developing such a twinning arrangement with Jiaxing.

Cultural Events

- 3.15 The introduction and joint cultivation of brands for international festivals and cultural exchanges, and organise seminars on scientific and technological innovation, conferences of business and investment, cultural tourism resources promotion, among others. This aims to push for cultural exchange activities between non-governmental organisations and institutions, promote exchanges between associations, experts and scholars in the fields of sports, music, drama, art, literature and architecture, and jointly organise international conventions, exhibitions, performances and events etc. It is presumed this would be picked up primarily by Visit Moray Speyside and the business community and not the Council directly.

Current Twinning Arrangements

- 3.16 Moray has twinning arrangements with the following:-
- Landshut is twinned with Elgin
 - Kronach is twinned with Keith
 - Hersbruck is twinned with Lossiemouth
 - Vienenberg, Germany and Mount Dora, Florida are twinned with Forres

- 3.17 There has from time to time been other interests, the most recent in 2019 from another Chinese province when the Council's role was to issue, in support of the British Embassy in Beijing, an invitation to a delegation from that province to visit Speyside as part of a series of visits to parts of the UK. This approach is more advanced consisting as it does of a letter of intent to establish relations.

4. SUMMARY OF IMPLICATIONS

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

It will be important for any initiatives like this to be evaluated against the priorities and outcomes of the strategic plans.

(b) Policy and Legal

There is no legal requirement to participate in town twinning.

(c) Financial implications

The current twinning arrangements are largely local, cultural and education exchanges limited to the particular town in question and promoted and supported by local interested groups and associated fundraising.

(d) Risk Implications

There are no direct risk implications.

(e) Staffing Implications

There are no staffing implications, the current twinning arrangements are effectively voluntary. The extent of the involvement recommended at 2.1 above can be met within existing resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

Corporate Management Team, Head of Economic Growth and Development, HIE, Visit Moray Speyside and Education Services.

5. CONCLUSION

- 5.1 Working with partnership bodies, council officers have assessed the implications of establishing twinning arrangements in the suggested sectors for co-operation and the outcome is as set out in the recommendations above.**

Author of Report: Roddy Burns, Chief Executive
Background Papers:
Ref: SPMAN-1108985784-684



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

SUBJECT: CAPITAL PLAN 2021/22

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To advise the Committee of the expenditure to 30 September 2021 under the Capital Plan for financial year 2021/22 and of estimates of projected expenditure profiled into quarters.
- 1.2 This report is submitted to Committee in terms of Section III (B) 5 of the Council's Administrative Scheme relating to monitoring progress of projects in the approved capital plan including any revisions to the price or phasing on a quarterly basis.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) Considers and notes expenditure to 30 September 2021 of £12,406,000;**
- (ii) Considers and notes the current projected expenditure of £43,465,000 for 2021/22 profiled into quarters, as set out in APPENDIX 1;**
- (iii) Considers and notes the projected overall expenditure for projects spanning more than one financial year, as set out in APPENDIX 2; and**
- (iv) Approves amendments to the 2021/22 and 2022/23 capital plan as detailed in section 6.1 of this report.**

3. BACKGROUND

- 3.1 The capital plan for 2021/22 totalling £37,322,000 was approved by Moray Council on 3 March 2021 (paragraph 3 of the Minute refers). Amendments approved by the Council at its meeting on 30 June 2021 (paragraph 17 of the Minute refers) and by the meeting of Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021 (paragraph 7 of the minute refers) have been incorporated to give a current approved capital plan for 2021/22 totalling £46,528,000. The current projected expenditure is

£43,465,000, but this estimate should be treated with caution due to market volatility in the Construction Industry arising from supply chain difficulties and labour shortages. These issues are resulting in contractors declining to tender for works or increasing prices significantly above estimates. Budget managers were asked to consider projects in order to determine if there was any scope for deferment until market conditions improved and areas identified are described in section 5 of this report.

- 3.2 Policy and Resources Committee on 10 May 2016 agreed to amendments to the information provided in response to the Audit Scotland report “Major Capital Investment in Councils” (paragraph 7 of the Minute refers). Accordingly this report includes a separate **APPENDIX 2**, giving details of expenditure on projects which span more than one financial year.

4. CAPITAL PLAN 2021/22

- 4.1 A copy of the summary capital plan is included as **APPENDIX 1** showing actual expenditure to 30 September of £12,406,000. This is just over 26.5% of the currently approved Capital Plan. General Capital Grant of £3,315,000 has been received from the Scottish Government, along with £770,000 for Plant Based Investment and £52,000 towards the Lossiemouth Bridge replacement. Other grants and contributions of £156,000 have been received, consisting of a grant from Horizon Scotland for part of the cost of design work for a Moray Growth Deal project and the use of Developers Obligations to fund the purchase of leisure equipment. In addition to this, Developer Obligations yet to be used totalling £716,000 have been received to the end of quarter 2 of this financial year and capital receipts of £316,000 for the sale of assets. Capital receipts would normally be used as funding for the Capital Plan but the Council is taking advantage of the time-limited concession given by Scottish Government to use capital receipts to fund transformation of services where this results in financial savings and consequently this sum is not included in the summary at **APPENDIX 1**.
- 4.2 Expenditure on land and buildings to 30 September 2021 totals £9,294,000. The main item of expenditure is £4,011,000 for the Council’s contribution to the construction of the NESS Energy for Waste plant. Other items of expenditure include £2,677,000 on works to bring the school estate to BB standard, and £1,623,000 on the expansion of Early Learning and Childcare, mainly at Keith.
- 4.3 Expenditure on infrastructure assets to 30 September 2021 totals £2,468,000. The main item of expenditure was £1,196,000 on roads resurfacing works throughout the council area.
- 4.4 Expenditure on vehicles, plant and equipment to 30 September 2021 totals £644,000. The main item of expenditure was £315,000 on the Vehicle & Plant Replacement Programme.

5. PROJECTED OUTTURN AND PROJECT DEFERRALS

- 5.1 Budget managers have been requested to update projected estimates of expenditure on capital projects in 2021/22. Projects are graded for confidence of achieving projected expenditure with high confidence rated as green, medium confidence as amber and low confidence as red. A summary of the ratings is given in the table below.

Risk Status	RAG	No of Projects	Projected Expenditure 2021/22 £000
High confidence of spend to estimate	G	73	29,442
Medium confidence of spend to estimate	A	29	8,525
Low confidence of spend to estimate	R	3	5,498
		105	43,465

- 5.2 The spend projections provided by budget managers are based on the best information available at this time. There are various unknowns, particularly those surrounding the impact that the situation in the wider construction industry and in supply chains will have and this is reflected in the value of projected expenditure in amber and red.

5.3 **Red rating**

A red status highlights areas where there is low level of confidence in estimated expenditure. The following have been identified by budget managers as having a red status:

Project	Projected Expenditure 2021/22 £000s
Land and Buildings	
Early Learning Childcare Expansion	2,453
Libraries and Leisure – swimming pool refurbishment	-
Vehicles, Plant and Equipment	
Vehicle and Plant Replacement Programme	3,045
TOTAL	5,498

- 5.4 Capital spend to enable the expansion of Early Learning and Childcare is almost complete. However final costs for works in Keith are yet to be established – additional costs were incurred because of ground conditions on site which became apparent after works had commenced. The final remaining project, which is yet to commence, is refurbishment of nursery accommodation in Aberlour Primary School and cost estimates for this are being developed. Given the current state of the construction market it may be deemed prudent to delay the work until a later stage and consideration to delay the works is being made by the Early Learning and Childcare Board and will be reported to Education, Children's and Leisure Services Committee. Work on swimming pools is dependent on conditions surveys, which are to be carried out later this year, thereafter feasibility studies, business cases and design work. There will be costs incurred to undertake the conditions surveys. The lead time for purchase of vehicles is very long due to issues with the supply of small components to complete vehicles. There is therefore a high

degree of uncertainty as to when vehicles will be delivered and hence costs incurred.

5.5 **Amber rating**

An amber rating of confidence to spend budget highlights areas where there are issues impacting on the ability to project spend, generally indicating factors outwith the budget manager's control. The Covid-19 pandemic restrictions on contractors working practices have resulted in an increase in costs of construction. The impact of Brexit and other market forces has also been an increase in the cost of material and equipment and we are experiencing procurement delays due to poor responses to tenders and delays in the supply of materials. Other factors creating uncertainties are noted below, mainly staff capacity, response to safety issues and service requirements. The following have been identified by budget managers as having an amber status:

Budget heading	Capital Plan 2021/22 £000s	Projected Expenditure 2021/22 £000s	Projected Variance 2021/22 £000s
Land & Buildings			
School BB Works (17 projects)	4,655	4,372	283
Findrassie Primary School	498	150	348
Cemetery Provision in Moray	80	80	-
Parks & Open Space Infrastructure	21	100	(79)
Infrastructure			
Road Safety Provision	247	247	-
Cycling, Walking, Safer Streets (CWSS)	421	421	-
Road Improvements – Drainage Works	460	460	-
Street Lighting – Replacement Columns and Lights	550	550	-
Shougle Bridge	240	240	-
Wards Road Junction Improvements	250	250	-
Findochty Pontoons	600	600	-
Vehicles, Plant & Equipment			
Orchard Road Signals	28	28	-
Chemical Waste Disposal Points	170	170	-
Children's Play Areas	235	135	100
Schools ICT Strategy	239	239	-
Telephony/Contact Centre System	183	183	-
TOTAL	8,877	8,225	652

- 5.6 The majority of the Schools BB work programme is the phased work begun under the Make Do and Mend criteria, which was to address elements of schools in Condition D that have the possibility of failing. The scope of each of the projects is developed in consultation with the school and the contractor. The reactive nature of the Schools BB programme means that individual project costs do vary during the year and this is kept under regular review.

Planned spend on Findrassie Primary School in 2021/22 is for consultation on the design brief and initial design work. There is a degree of uncertainty as to how far this will be completed within the financial year due to delays in the recruitment of key posts and the time required to arrange the consultation process. The timing of spend on cemeteries has also been varied from that originally planned due to negotiations on the acquisition of land being started earlier. These discussions are currently still ongoing so costs are not known at the current time. As reported to Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021 it is now planned to defer all but essential work on lands and parks to meet health and safety requirements. The budget was adjusted to reflect the estimate of necessary works at that stage but some urgent health and safety works have now been identified as detailed in paragraph 5.19 of this report. There is no guarantee that further urgent works will not be required.

- 5.7 Given the relationship between active travel and road safety, there is a degree of cross-over in terms of scope and funding eligibility between the Road Safety and Cycling, Walking, Safer Streets (CWSS) budgets. Therefore, given the ring-fenced nature of CWSS, projects are being carefully considered to maximise utilisation of the CWSS funding. Drainage works are planned to be carried out after the majority of roads capital spend has taken place and are therefore vulnerable to an early onset of cold weather, as the teams would then be reallocated to gritting. Street lighting column replacement has been classed as amber because of the capacity of staff to undertake work on both Street Lighting projects. Shougle Bridge is rated amber because of potential delays – negotiations with landowners are currently underway; Findochty pontoons because of delays getting the requisite Marine Scotland licence – work has commenced on site and is anticipated to complete in November.
- 5.8 Works at Orchard Road traffic signals are to be undertaken along with work to resolve drainage issues at the site. Initial work has commenced on this project, materials have been ordered and it is scheduled to begin in the current financial year, subject to lead in times for the supply of materials and the severity of the winter, with a planned completion date of summer 2022. There were minor delays to Phase 1 of the installation of chemical waste disposal points but phase 2 has been progressing well. The status of this project has been kept at amber due to issues regarding signage design which are still to be resolved. Play area upgrade design is being carried out in conjunction with local communities using Participatory Budgeted (PB) and delays in the lead-in times for the delivery of equipment means the level of spend is uncertain at this time and will be updated following the procurement exercise when more information will be available. Work under the schools ICT strategy commenced slightly later in the year than in previous years as the budget is a carry forward from previous years and consequently not approved until 30 June 2021. Telephony requirements are changing due to staff working from home and the revised requirements are unlikely to be established until staff return to office working.
- 5.9 A summary of the projected variances as September 2021 from the current approved capital programme, summarised in **APPENDIX 1**, is set out below:

Description	Ref	Underspend/ (Overspend) £000s
Land and Buildings		
Schools BB Works	5.10	283
Lossiemouth High School	5.11	750
Findrassie Primary School	5.12	48
Artificial Turf Pitches	5.13	480
Early Learning Childcare Expansion	5.14	(1,568)
Refurbishment & Upgrade of Swimming Pools	5.15	300
Economic Recovery Plan – Forres Industrial Estate	5.16	735
Economic Recovery Plan – Speyside Industrial Estate	5.16	485
Moycroft	5.17	(130)
Parks & Open Spaces Infrastructure	5.18	(79)
Infrastructure		
Timber Traffic Structural Works	5.19	500
A95 Meikle Cantlay Landslip	5.20	(15)
Vehicles, Plant & Equipment		
Moray Leisure Centre Combined Heat and Plant	5.21	(3)
Vehicle and Plant Replacement Programme	5.22	527
Upgrade Recycling Centres	5.23	(20)
Children's Play Areas	5.24	100
TOTAL		2,950

Land and Buildings

- 5.10 **Schools BB Projects** – Works to replace the heating system at Burghead Primary School were postponed pending discussions with a local distillery to establish if waste heat from the facility could be used at the school. Those discussions were concluded in October 2021 and use of waste heat is not an option and the heating option appraisal has been updated accordingly. This is the main reason for the projected overall underspend on the BB programme of works. A reserve list of projects is being examined to ascertain if any of those could be undertaken to fully utilise the approved budget.
- 5.11 **Lossiemouth High School** – A previously reported to Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021, the projected underspend is a result of timing differences. During 2020/21, budget was carried forward to 2021/22 based on the planned programme of works at that point. However, works were able to progress quicker than anticipated which created an overspend in 2020/21 and a projected underspend in 2021/22. These two variances cancel each other out. Under the terms of the contract, the contractor was entitled to recover reasonable costs due to the delays experienced following Covid-19 government restrictions. Negotiations on these additional costs have concluded between the Council and hub North Scotland. The Scottish Government have been contacted to request assistance with the additional costs with full evidence of costs claimed being provided to assist their determination. The outcome of this will be reported when Scottish Government have responded. At present no response has been received.

- 5.12 **Findrassie Primary School** – Stakeholder consultation on the project within the Elgin Academy ASG started in August 2021. Initial consultations will engage with both educational and community users and is programmed to complete in November 2021. Procurement options are being evaluated with the Scottish Procurement Alliance and Hubco North. The time required to recruit the Project Manager (Learning Estate) and arrange the consultation process will delay expenditure on professional fees during 2021/22 from that budgeted.
- 5.13 **Artificial Turf Pitches** – It had originally been proposed to resurface the 3G pitch at Buckie in the current financial year, with either Keith or Speyside being resurfaced in 2022/23, as well as contributing to the cost of the new pitch in Forres. These proposals were the subject of a report to the Education, Communities and Organisational Development Committee on 11th August 2021 (paragraph 12 of the minute refers). However, decision was deferred to a future committee meeting. It is therefore recommended that £50,000 budget for a new artificial turf pitch in Forres is deferred to 2022/23. The budget for resurfacing and rejuvenating pitches is also recommended to be deferred to 2022/23 but reduced from £430,000 to £300,000 and also to increase the budget in future years based on updated anticipated costs. The proposed increase of £145,000 would result in increased loans principal repayment costs of £14,500 for the estimated life of the asset (10 years) and an initial interest charge at current interest rates of £570 in the first year, reducing over the length of the loan.
- 5.14 **Early Learning Childcare Expansion** – Most projects have been completed but there remains uncertainty over the cost of works in Keith, where additional work above that originally anticipated was incurred due to the condition of drainage (which was not apparent until work had commenced) and work related to roads access. Final costs are being calculated. The current estimated overspend of £1,568,000 will be partially offset by additional grant funding of £670,000 transferred from revenue grant. The cost of refurbishment of the nursery accommodation at Aberlour Primary School is being revised and given the current issues for the construction industry may be delayed until the market settles down.
- 5.15 **Refurbishment and Upgrade of Swimming Pools** – The scope of works to be carried out under this heading are dependent on the outcome of condition surveys, which will be undertaken later in the current financial year. It is recommended that the budget of £300,000, which was for design and preparatory work, be deferred to 2022/23.
- 5.16 **Economic Recovery Plan Industrial Estates** – Most of the budget for the Economic Recovery projects originally planned for 2021/22 is now planned to be spent in future years due to the large amount of pre-purchase/construction consultation, negotiation, investigation and design/pricing work that is required. It is recommended that the spend profile is amended across 2021/22, 2022/23 and 2023/24, with some initial design and preparatory work being undertaken in 2021/22.
- 5.17 **Moycroft** – The estimate of spend is based on the best information available at the current time. Scottish Water and Covid disruption costs are still to be confirmed, and a final invoice from the contractor has yet to be received, all of

which could vary the estimates up or down. Work on the cycle path has been delayed due to issues in the wider construction industry and due to difficulties in getting firms to tender for work. The work is still required and the department is in regular dialogue with the contractor with regards to the timing of the work.

- 5.18 **Parks & Opens Spaces Infrastructure** – This budget will be used to fund essential health and safety works. During the course of the second quarter of the year additional works to those identified in quarter one have emerged. As part of the quarter 1 monitoring report £179,000 was deferred to 2022/23 and it is recommended that £79,000 of that sum is brought back to 2021/22 to cover the cost of these works.

Infrastructure

- 5.19 **Timber Traffic Structural Works** – This budget is intended to be used as match-funding for bids to the Strategic Timber Transport Scheme (STTS). The Council's application to the Strategic Timber Transport Scheme (STTS) was unsuccessful. The reason given by STTS was that the planned projects were not strategic large improvement schemes. It is requested that the underspend of £500,000 be carried forward to 2022/23 to enable projects to be developed that will meet the STTS guidelines aimed at more strategic resurfacing projects.
- 5.20 **Meikle Cantlay Landslip** – When the work for this project was originally tendered, only one tender was received, and it was significantly higher than originally forecast. Other suppliers did not submit a tender due to having large volumes of other works and no capacity to deliver the project and the budget was therefore deferred to 2022/23. Traffic at the area of the landslip is being managed by traffic lights but this is causing significant delays in travel times at this relatively major section of the Council's road networks. The plan is to re-tender for this work in the last quarter of the current financial and it is requested that the budget be increased by £507,000 to £1,200,000 which is based on the tender that was received, with £15,000 to be included in the current year to allow for early design and preparatory work to be undertaken. The impact of this increased capital budget on the Council's revenue budget would be to increase loans charges annually by £12,675 for 40 years plus £7,338 interest at the current rate of interest in year 1, diminishing over the loan period if the interest rate remains at its current low level. Design options are being looked at with a view to containing costs.

Vehicles, Plant and Equipment

- 5.21 **Moray Leisure Centre Combined Heat and Plant** – The costs incurred are for the final part of this project to connect the new heating system to the Building Maintenance System (BMS).
- 5.22 **Vehicle and Plant Replacement Programme** – During the pandemic the production of semiconductors moved towards laptops, tablets and smart phones due to the demand for homeworking. The automotive industry were still being supplied with semiconductors but supply was already under pressure when one factory was hit by a flood and the other by fire, so worldwide supply effectively stopped. Orders have been placed for vehicles

but it is not known when they will be delivered. It is therefore requested that the projected underspend of £527,000 be carried forward to 2022/23.

- 5.23 **Upgrade Recycling Centres** – This budget was earmarked for upgrades at Gollachy Household Waste Recycling Centre (HWRC). In the quarter 1 monitoring report to Economic Growth, Housing and Environmental Sustainability Committee on 24 August 2021 (paragraph 7 of the minute refers) this budget was deferred until market conditions in the construction industry improve. Since then immediately required works have been identified which are considered unavoidable. These include the installation of CCTV and new fencing as a result of break-ins at the site. It is therefore recommended to bring forward £20,000 from 2022/23 to cover these costs.
- 5.24 **Children’s Play Areas** – The budget for this heading is profiled to deliver two play site upgrades per year at a cost of £50,000 each with the remaining budget to cover other priority replacements. It is therefore recommended to reduce the budget in the current year which had been augmented by carry forward from 2019/20 of £100,000 to reflect this level of planned works. Funding of £92,000 has been notified by the Scottish Government to fund playground replacements as announced in the Programme for Government and this will reduce the Council’s borrowing requirement for spend on playground replacement in 2022/23, as the lead-in time following the funding announcement was insufficient to deliver further replacements in this financial year. Scottish Government are expected to announce funding for play area upgrades across the lifetime of the current government and it is unclear as yet what expectations / conditions and reporting requirements will accompany that funding.

6. **AMENDMENTS TO CAPITAL PLAN**

- 6.1 The following amendments to the capital plan are recommended:

Amendments	Para	2021/22 £000s	2022/23 £000s	2023/24 £000s
Land & Buildings				
Findrassie Primary School	5.5	(300)	300	
New artificial turf pitches	5.13	(50)	50	-
Resurface & rejuvenate artificial turf pitches	5.13	(430)	300	275
Refurbishment & upgrade swimming pools	5.15	(300)	300	-
Economic Recovery Plan – Forres Industrial Estate	5.16	(735)	(220)	955
Economic Recovery Plan – Speyside Industrial Estate	5.16	(485)	185	300
Parks and Open Space Infrastructure	5.18	79	(79)	-
Nature Restoration Fund	6.2	101	-	-
Infrastructure				
Timber Traffic Structural Works	5.19	(500)	500	-
A95 Meikle Cantlay Landslip	5.20	15	492	-
Local Bridge Maintenance – grant	6.3	972	343	

Amendments	Para	2021/22 £000s	2022/23 £000s	2023/24 £000s
funded				
Vehicles, Plant and Equipment				
Vehicle and Plant Replacement Programme	5.22	(527)	527	-
Upgrade Recycling Centres	5.24	20	(20)	-
Children's Play Areas	5.25	(100)	-	-
Funding				
Grant funding	5.14	(670)	-	-
	5.25	(92)	-	
	6.2	(101)	-	
	6.3	(972)	(343)	
TOTAL		(4,075)	2,335	1,530

- 6.2 **Nature Restoration Fund** – The Scottish Government has committed to provide funding to support projects that will deliver nature restoration and safeguard wildlife. Moray Council's share of this funding is £101,000 and this will be paid as part of our General Capital Grant. Discussions are currently ongoing between officers in Lands and Parks and Development Services to identify a programme of works with proposals to be reported to a future meeting of Economic Development & Infrastructure Committee.
- 6.3 Scottish Government announced a bid fund for maintenance of bridges of local importance in February 2021, and the results of this have recently been announced. Moray will receive funding of £972,000 in 2021/22 and £343,000 in 2022/23 to carry out works on the following bridges: A941/50 Dykeside bridge, A941/90 Black Water bridge, U82H/10 Aldunie bridge, U117/10 Bridge of Slateford, U118/10 Shougle bridge, U142.5E/10,20,30 Knockando bridges. The bridges section of the Capital Plan will require to be amended to reflect this award, as the timing of bridges projects will need to be changed.

7. **RISK AND EMERGING ISSUES**

- 7.1 Budget managers have been requested to identify any specific areas of risk for the projects in the capital plan for which they are responsible.
- 7.2 As reported to Economic Growth, Housing and Environmental Sustainability Committee on 24 August (paragraph 7 of the minute refers) a risk to the capital plan is an increase in the cost of materials and scarcity of many materials which are key for the construction industry. Scotland Excel have informed the Council of unavoidable increases to costs on four of their frameworks and some key materials such as concrete, wood and steel are currently difficult to source and costlier if they are available. This is partly a world-wide reaction to the pandemic, and partly due to Brexit. The construction industry is also over-heated and some recent procurement exercises have stalled. The Northern Strategic Territory Partnering Board are also monitoring market volatility.
- 7.3 The Council is still seeking to establish whether the Scottish Government will contribute to the additional costs due to Covid-19 in respect of both the

Lossiemouth High School and Linkwood Primary School new build projects. Should the Council have to bear either all or a proportion of these costs, it would be necessary to consider the options available to meet the additional costs and these options would depend on the funding gap the Council had to address. The Scottish Government have acknowledged receipt of our documentation and have confirmed they are currently reviewing the claim.

- 7.4 There is a risk that contract inflation might increase the eventual cost of projects in future years of the capital plan and a risk that any deferment of projects relating to asset condition might result in element failure, potentially incurring unbudgeted costs.
- 7.5 The main risk for the vehicle replacement programme is manufacturers failing to deliver to agreed timescales and this risk is heightened at this time due to the shortage of semi-conductors.
- 7.6 Projects can be subject to risks which are outwith the direct control of the Council, such as poor weather conditions.
- 7.7 Lack of staff resources and staff turnover can impact on project timescales and other emerging work priorities can impact in scheduled works and this is reflected in delays where work planned to be out-sourced is being brought in-house as a result of poor response to tender requests.
- 7.8 There is a risk that time-limited funding is not spent within time-frame and that the Council therefore loses the opportunity to improve or create assets at no or reduced cost to the Council.
- 7.9 Looking to the future there is a need to invest significantly to meet the challenges posed by the Climate Change Strategy. At present likely costs are unknown and therefore there is a risk regarding affordability within the tight timeframe envisaged for this.
- 7.10 No other project risks have been specifically identified by budget managers.

8. SUMMARY OF IMPLICATIONS

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

Effective budget management is an essential component of delivery of Council priorities on a sustainable basis.

The capital plan is one of the vehicles through which the Council's priorities can be delivered. The approved capital plan for 2021/22 and the outline ten year plan incorporates measures designed to address the LOIP priorities of building a better future for our children and young people, empowering and connecting communities and developing a diverse, inclusive and sustainable economy.

(b) Policy and Legal

There are no policy or legal implications arising directly from this report.

(c) Financial implications

The financial implications are highlighted within the report and **APPENDICES 1 and 2** to the report.

When the Council approved the budget for 2021/22 on 3 March 2021 (paragraph 3 of the Minute refers) it balanced only by using one-off financial flexibilities. The indicative 3 year budget showed a likely requirement to continue to make significant savings in future years. All financial decisions must be made in this context and only essential additional expenditure should be agreed in the course of the year. In making this determination the committee should consider whether the financial risk to the Council of incurring additional expenditure outweighs the risk to the Council of not incurring that expenditure, as set out in the risk section below and whether a decision on funding could reasonably be deferred until the budget for future years is approved.

The impact of the proposed increased capital budgets for the Meikle Cantlay Landslip and rejuvenation of artificial turf pitches on the Council's revenue budget would be to increase loans charges annually by £27,175 plus £7,908 interest at the current rate of interest in year 1, diminishing over the loan period if the interest rate remains at its current low level.

(d) Risk Implications

Budget managers are aware of their responsibilities for managing budget allocations and approval for variance will be sought from Council in line with the financial regulations. Risks specific to items within the capital plan are highlighted in paragraph 7 of this report.

(e) Staffing Implications

There are no staffing implications arising directly from this report

(f) Property

There are no property implications arising directly from this report.

(g) Equalities/Socio Economic Impact

There are no equalities issues arising from this report

(h) Consultations

All capital budget managers have been consulted in the development of estimated actuals as part of the preparation of this report. Members of the Asset Management Working Group, all Heads of Service and the Corporate Management Team have been consulted and any comments incorporated in the report.

9. CONCLUSION

9.1 Capital expenditure in the second quarter of the year amounts to £12,406,000 to the end of September 2021.

9.2 Capital expenditure is currently projected to be £3,064,000 lower than the approved capital plan for 2021/22 but with a high degree of uncertainty due to current construction market volatility and other external factors.

9.3 Amendments to the Capital Plan amounting to a decrease of £4,075,000 (after taking into account additional funding) in 2021/22, an increase of £2,335,000 in 2022/23 and an increase of £1,530,000 in 2023/24 are recommended.

Author of Report: Laurie Milne, Senior Accountant
Background Papers:
Ref: LM/LJC

Moray Council Capital Programme 2020/21
As at 30th September 2021

	Capital Plan 2021/22 £000	Actual £000	Projected Expenditure				Total Projected Expenditure £000
			Q1 £000	Q2 £000	Q3 £000	Q4 £000	
Land and Buildings							
Children and Young People's Services Committee	11,730	4,739	1,364	3,920	2,985	2,498	10,767
Economic Development and Infrastructure Committee	18,743	4,509	2,828	2,897	5,856	6,151	17,732
Policy and Resources Committee	237	46	1	0	117	119	237
Infrastructure							
Economic Development and Infrastructure Committee	10,220	2,468	736	2,348	3,750	2,901	9,735
Vehicles Plant and Equipment							
Children and Young People's Services Committee	114	65	50	8	32	27	117
Economic Development and Infrastructure Committee	4,192	499	317	828	1,090	1,350	3,585
Policy and Resources Committee	1,292	80	23	24	532	713	1,292
	46,528	12,406	5,319	10,025	14,362	13,759	43,465
Funding							
Prudential Borrowing	33,130	8,166					
General Capital Grant (exc PSHG and CYPA)	8,224	3,315					
Other Grants & Contributions	2,032	925					
CFCR - ELC Expansion	1,625						
CWSS	420						
Elgin Transport Strategy	372						
Town Centre Initiative Fund	725						
	46,528	12,406	0	0	0	0	0

Major Capital Projects spanning more than 1 financial year (as at 30 September 2021)

APPENDIX 2

Description	Approved Total Budget	Total Expenditure in previous financial years	Current Budget 2021-22	Actual spend 2021-22	Remaining Budget 2020-21	Project Life Spend to 31/03/21	Projected Future Years Budget Required	Estimated Final Cost	Projected Variance
	£000	£000	£000	£000	£000	£000	£000	£000	£000
New Lossiemouth High School	43,000	39,923	3,827	354	2,723	40,277	0	43,000	0
Early Years Learning & Childcare	7,143	7,513	885	1,623	800	9,136	0	9,936	-2,793
LED Street lighting replacement programme	5,000	3,860	257	0	257	3,860	883	5,000	0
NESS Energy from Waste	27,224	14,343	10,784	4,011	6,773	18,354	2,097	27,224	0
Total	82,367	65,639	15,753	5,988	10,553	71,627	2,980	85,160	-2,793



REPORT TO: CORPORATE COMMITTEE ON TUESDAY 30 NOVEMBER 2021

SUBJECT: PERFORMANCE REPORT (FINANCIAL SERVICES) – PERIOD TO SEPTEMBER 2021

BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)

1. REASON FOR REPORT

- 1.1 To inform the Committee of the performance of the service for the period to 30 September 2021.
- 1.2 This report is submitted to Council in terms of Section III (A) (4) of the Council's Scheme of Administration to monitor performance of the services within the Committee's remit in accordance with the Council's performance management framework.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) scrutinises and notes performance in the areas of Service Planning, Service Performance and other related data to the end of September 2021; and**
- (ii) notes the actions being taken to improve performance where required.**

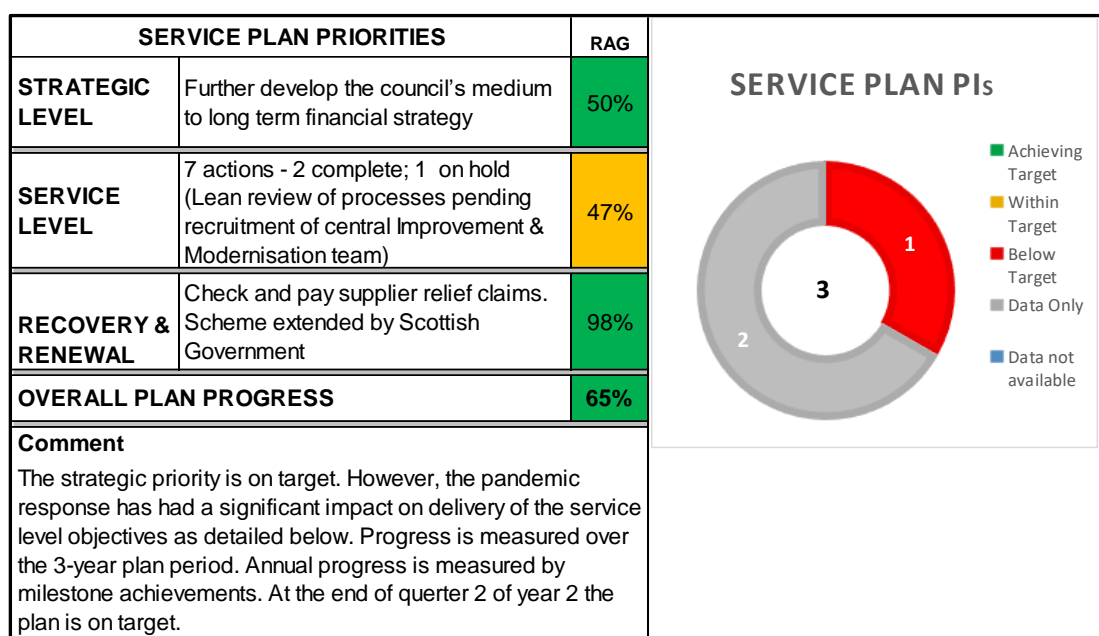
3. BACKGROUND

- 3.1 On 7 August 2019, the Moray Council, approved a revised Performance Management Framework for services (para 5 of the minute refers).

4. SERVICE PLANNING

- 4.1 Each service plan sets out the planned strategic and service level priorities and outcomes it intends to deliver in the coming year aligning closely with financial planning, corporate and community planning partnership strategic priorities. This report provides an interim update on progress on the service plan, key outcomes and performance indicators. Committee is invited to review progress to secure assurance that is satisfactory and to provide scrutiny and further direction where performance requires attention.

- 4.2 The narrative included is by exception, however links to backing tables for all [Service Plan Actions](#) and [Performance Indicators](#) are provided.



Strategic Outcomes - successes

- 4.3 A report on the council's medium to long-term financial strategy was presented to the Moray Council at their meeting on 15 September 2021 (agenda item 18 refers) at which it was approved (**ACTION** FIN20-22.Strat-4.1).

Strategic Outcomes – challenges and actions to support

- 4.4 There are no other Strategic Outcomes in the Service Plan.

Service Level Outcomes - successes

- 4.5 The overall financial profile for the Growth Deal has been discussed with Scottish Government (SG) officers with a view to developing a profile which is acceptable to SG and which allows the council to manage its risk regarding the timing of funding. (**ACTION** FIN20-22.Serv-5.6).
- 4.6 The revised Procurement Strategy incorporating Community Wealth Building was approved at the meeting of the Economic Growth, Housing and Environmental Sustainability Committee on 8 June 2021. (**ACTION** FIN20-22.Serv-5.4a).
- 4.7 The Procurement Strategy to support the Council's Climate Change Strategy was approved at the meeting of the Economic Growth, Housing and Environmental Sustainability Committee held on 8th June 2021. (**ACTION** FIN20-22.Serv-5.4b).

Service Level Outcomes – challenges and actions to support

- 4.8 Implementation of mainstream Participatory Budgeting, which was significantly impacted by the response to the Covid-19 pandemic is progressing. MyAccount is now linked to Consul and has undergone initial testing. The first PB exercise using this version of Consul was carried out on the Rothes Play Park Equipment PB exercise. This was successfully run during Quarter 2 and the community were given the option of 2 tenders on which to vote. Work now continues on the other 3 remaining parks and the

finance team are identifying other areas on which PB can be implemented. Meetings have been held with officers on climate change, community wealth building and HRA. Despite the good work being done there still a long way to go before the target of identifying 1% of the budget is achieved (**ACTION** FIN20-22.Serv-5.2 **PI** FS214).

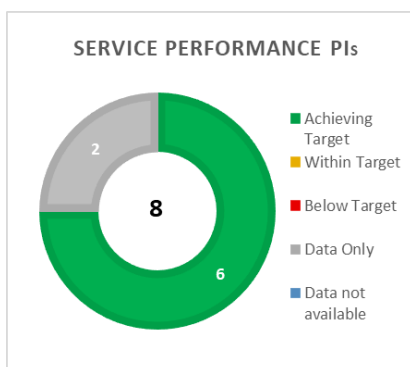
- 4.9 Progression with the Lean review of processes is awaiting the appointment of staff into improvement and modernisation posts approved by Council on 12 May 2021 (item 13 of the Minute refers). (**ACTION** FIN20-22.Serv-5.5).

Recovery and Renewal - successes

- 4.10 The Payments team continue to check and pay all supplier relief. 188 claims have been received and paid to date (£2.31M) with approximately 77 claims not yet having been received. Supplier Relief has been officially extended until the end of October with the expectation that it will continue in some form until March 2022, with claims expected to be received after that date. (**ACTION** FIN20-22.Recovery-6.1).

5. SERVICE PERFORMANCE

- 5.1 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management. Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance significantly below comparators will be reported to this committee for member scrutiny.
- 5.2 Reporting is by exception, however links to backing tables for all Service [Performance Indicators](#) are provided.



Operational Indicators - successes

- 5.4 Financial Services continues to deliver the necessary level of support to elected members, senior officers and budget managers. (**PIs** FS001, FS008, FS101)
- 5.5 As at September 2021, 55.3% of current year council tax has been received, slightly ahead of target.

Operational Indicators - challenges and actions to support

- 5.6 There were no below target indicator result in the reporting period.

6. OTHER PERFORMANCE RELATED DATA

Complaints & MP/MSP Enquiries

- 6.1 In line with the Performance Management Framework, complaints are reviewed quarterly by departmental management in terms of time taken to respond, outcome and learning points. Links to backing tables for all [Service Complaints](#) is provided.
- 6.2 In the reporting period, 15 complaints were closed, 7 in quarter 2, all were dealt with as Frontline stage complaints. Two complaints were upheld, 4 partially upheld and the remaining 9 not upheld.
- 6.3 Those upheld or partially upheld related to a number of service areas and varied in type mainly between process/procedure and council tax.
- 6.4 The service has resolved 11 MP/MSP enquiries so far during this financial year, all relating to Taxation Services; 5 to Council Tax matters.

Other Performance (not included within Service Plan)

- 6.5 Following the abandonment of an effective and well-tested recovery timetable due to the impact of the COVID-19 pandemic, Taxation Services has returned to running Council Tax recovery processes on a regular basis. This has meant that Council Tax debtors have again been reminded promptly of Council Tax arrears. Those who have not made payment of these arrears or have not sought the team's assistance to reschedule their instalments have had their debts passed on the council's firm of Sheriff's Officers for enforcement. The resumption of prompt recovery measures has resulted in Council Tax payment levels largely returning to pre-pandemic levels.

Consultation and Engagement

- 6.6 Procurement training has been undertaken once more, albeit virtually, with 2 cohorts being completed in May and September, spreading the word on all things procurement which will include the focus on climate, fair work and community wealth building.

7. SUMMARY OF IMPLICATIONS

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

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

(b) Policy and Legal

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not required as this report is to inform the Committee on performance.

(h) Consultations

The Head of Financial Services, Depute Chief Executive (Economy, Environment and Finance), and Service Managers have been consulted with any comments received incorporated into this report.

8. CONCLUSION

- 8.1 As at September 2021, 2 Service Plan outcomes have been completed. The due date for Supplier Relief has been changed to take into account the number of applications, and the action is progressing to meet the revised deadline. None of the other outcomes were planned to have been completed and, overall, the plan is 65% complete and on target for completion as planned by the end of March 2022.**

Author of Report:

Carl Bennett, Research & Information Officer

Background Papers:

Held by Author

Ref:

SPMAN-1293228629-611



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

**SUBJECT: COMMUNITY ASSET TRANSFER REQUEST (2015 ACT):
FISHERMEN'S HALL, BUCKIE**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To invite the Committee to consider an asset transfer request made under Part 5 of the Community Empowerment (Scotland) Act 2015 in respect of the Fishermen's Hall, North Pringle Street, Buckie.
- 1.2 This report is submitted to Committee in terms of Sections III(B)(20) and III(B)(32) of the Council's Scheme of Administration relating to the management of Common Good Property and the consideration of all Community Asset Transfer requests respectively.

2. RECOMMENDATION

2.1 It is recommended that the Committee:

- (i) approve the request to transfer ownership of the Fishermen's Hall, North Pringle Street, Buckie, to the Fishermen's Hall Trust subject to the terms and conditions set out in paragraph 5.1 of this report;**
- (ii) authorise the Legal Services Manager to apply to the Sheriff Court for consent to transfer the property to the Trust; and**
- (iii) note that, if approved and unless otherwise agreed with the Trust, it will have 6 months from the date of the Council's Decision Notice to submit a formal offer to purchase the property, failing which the agreement will have no further effect and the statutory asset transfer process will end.**

3. BACKGROUND

- 3.1 On 14 February 2018, the Council agreed savings relating to town halls and community centres as part of its budget process. The decision was to secure community asset transfers (CAT) or, failing which, to close the facilities.
- 3.2 On 11 April 2018, the Council approved transitional arrangements aimed at enabling successful transfers of seven of its town halls and community

centres (para 6 of the Minute refers). These arrangements included entering into short term leases at nominal rents with viable groups. On 1 July 2018, the Fishermen's Hall Trust (the Trust) took entry to the Fishermen's Hall in accordance with these arrangements.

- 3.3 On 12 March 2020, the Trust submitted an asset transfer request under Part 5 of the Community Empowerment (Scotland) Act 2015 (the Act) for the free transfer of ownership of the Fishermen's Hall as shown in **Appendix 1**. As a direct consequence of the restrictions brought in later that month to combat the COVID-19 pandemic, the request was placed on hold. On 15 July 2021, the Trust provided supplementary information in order to restart the CAT process. The updated information addressed COVID-19 risks.
- 3.4 The request was the subject of an 8-week statutory consultation, details of which were published on the Council's website. The redacted asset transfer submissions, representations and responses are available on the Council's Committee Management System under the reference CAT/ATR/068 at <https://moray.cmis.uk.com/moray/CouncilandGovernance/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/1798/Committee/46/SelectedTab/Documents/Default.aspx>.

4. ASSESSMENT

- 4.1 The Trust is a registered Scottish Charity (SC048459), whose governing documents meet the criteria to be designated as a community-controlled body able to request a transfer of ownership under the Act.
- 4.2 The Trust was formed to benefit the community of Buckie and District with the following purpose:
- ‘To provide and advance the accessibility of recreational facilities by owning, managing and maintaining the Fishermen's Hall, Buckie.’
- 4.3 In September 2019, following a joint instruction from the Council and the Trust, the District Valuer (DV) assessed the market value of the Council's interest in the property as £35,000. However, the Estates Manager considers this valuation to be flawed and estimates that the current market value of the property is £96,250. The higher figure has been used in relation to the assessment of this CAT request.
- 4.4 CAT requests are assessed by officers in relation to three main areas: the community body's governance and financial management arrangements; the Best Value characteristics of its proposal; and whether the related benefits represent value for money. An acceptable assessment in all three areas is necessary for an asset transfer request to be recommended for approval.

Governance and Financial Management

- 4.5 The Trust's governance and financial management arrangements are considered strong and sustainable.
- ##### **Best Value Characteristics**
- 4.6 Best Value characteristics are in evidence in the proposal.

Projected Benefits

- 4.7 The projected benefits of the proposal are demonstrated well and are considered to represent value for money.

Overall Assessment

- 4.8 Further details of the assessment for this asset transfer request are shown in **Appendix 2**.
- 4.9 Although a concern was raised as part of the public consultation exercise regarding bookings and communications, the Trust is recruiting a Hall Coordinator to take on responsibility for this.
- 4.10 No reasonable grounds were identified for refusing the request.

5. ASSET TRANSFER TERMS

- 5.1 If the recommendations are agreed, the following terms would apply to the transfer:
- (i) Subjects – the asset to be transferred comprises the Fishermen's Hall, 16 North Pringle Street, Buckie, as shown in **Appendix 1**.
 - (ii) Price – the price payable would be £nil.
 - (iii) Contamination – the Council is to transfer the property "with information" in terms of Contaminated Land legislation with the Fishermen's Hall Trust indemnifying the Council against any future claims relating to contaminated land. A desktop study by the Council's Environmental Health Section concluded that there are no contamination constraints affecting this property.
 - (iv) Fees/Expenses – each party to meet its own legal expenses in the processing of the transaction, including legal expenses and surveyors fees; and,
 - (v) Other Terms – any other detailed terms agreed with the Council's Legal Services Manager and Estates Manager.

6. SUMMARY OF IMPLICATIONS

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

Where a property is held on a Common Good title, the interests of the inhabitants of the former burgh take precedence over the Council's Corporate Plan and 10 Year Plan (LOIP). Nevertheless, transferring assets to the community supports the 10 Year Plan aim of creating more resilient and sustainable communities and is consistent with the Corporate Plan value of promoting community empowerment as a means of supporting communities to take on more responsibility.

(b) Policy and Legal

On 21 March 2017, the Policy and Resources Committee approved the following policy statement (paragraph 5 of the Minute refers):

"Moray Council recognises the important role that the transfer of property assets can play in empowering communities and strengthening their resilience. Where appropriate, the Council will use the transfer of assets to give more control to communities and local people, inspire them to find local solutions to community needs, and as a means of helping

communities become more sustainable in the long term. In determining all asset transfer requests, the Council will have regard to the guidance provided by the Scottish Government in relation to asset transfer requests made under Part 5 of the Community Empowerment (Scotland) Act 2015, whether or not such requests are made under the provisions contained in the Act.”

Section 82(5) of the Community Empowerment (Scotland) Act 2015 requires the Council to agree to any asset transfer request made under Part 5 of the Act unless there are reasonable grounds for refusing it. Section 82(7) requires the Council to include the reasons for its decision in its Decision Notice. The community body has a right under section 86 to ask the Council to review its decision where the request is refused or agreed subject to material terms and conditions that differ to a significant extent from those specified in its request.

In administering Common Good assets, the Council is required by section 15(4) of the Local Government etc. (Scotland) Act 1994 to have regard to the interests of the inhabitants of the area to which the Common Good related prior to 16 May 1975. As the subject property is a potentially inalienable Common Good asset, the Council must also obtain the consent of the Sheriff Court in terms of Section 75(2) of the Local Government (Scotland) Act 1973 before it can be transferred. Decisions relating to assets transferred to the community at less than market value must comply with the Disposal of Land by Local Authorities (Scotland) Regulations 2010, which require the Council to be satisfied that the proposed transfer is reasonable and that the disposal is likely to contribute to the promotion or improvement within Moray of any of the following purposes:

- a) Economic Development,
- b) Regeneration,
- c) Public Health,
- d) Social Wellbeing, or
- e) Environmental Wellbeing.

Reasonableness in this context is taken to imply that the requested discount is the minimum necessary to allow the project to proceed and that it is commensurate with the likely benefits of the project.

(c) Financial Implications

The initial lease of the Fishermen’s Hall to the Trust provided a continuation of service to the Buckie community while enabling the Council to achieve an annual saving of £47,000 in operating costs. Approval of the CAT request would secure the future of this service. The Estates Manager estimates the market value of the Fishermen’s Hall to be £96,250. Due to the property’s specialist nature and current volatility in construction costs this estimate carries a higher degree of risk than normal. A sale of the property for this sum would generate a capital receipt that could be invested to provide the Buckie Common Good Fund with an annual income of £1,511. A sale at the lower figure of £35,000 would provide the fund an annual income of £550.

The Trust has requested that the property be transferred for nil consideration, involving a disposal at significantly less than the best price that could reasonably be obtained. Nevertheless, based on the higher estimate of market value, the projected benefits of the proposal are considered sufficient to justify the discount sought.

(d) Risk Implications

The Trust's submissions include a clearly laid out risk matrix that addresses the probability and likelihood of a range of risks together with details of how they intend mitigating these.

The risk of the Trust failing is considered low. However, in the event of its dissolution, its constitution provides that any remaining assets would transfer to another suitable community body or charity that has purposes closely resembling those of the Trust.

The impact of COVID-19 on property markets and thus the estimate of value for this property are currently unclear. As such, the estimate of value provided is subject to material valuation uncertainty.

Consequently, a higher degree of caution should be attached to the estimate of value than would normally be the case.

There is a low risk of the presence of State Aid as the proposed service is considered to be local and, therefore, unlikely to affect intra-community trade among EU member states.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

The property implications are as detailed in this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required as agreeing to the asset transfer request would have no adverse impact on service delivery. The proposals are projected to have a positive socio-economic impact.

(h) Consultations

The Depute Chief Executive (Economy, Environment and Finance), Chief Financial Officer, Head of Economic Growth and Development, Head of Education Resources and Communities, Legal Services Manager, Estates Manager, P. Connor Principal Accountant, Community Learning and Engagement Manager, L. Robinson Committee Services Officer, and Equal Opportunities Officer have been consulted and their comments incorporated in the report.

The Ward Members, Councillors Cowie, Eagle and Warren, are aware of the proposal and may make their views known at Committee.

7. CONCLUSION

7.1 The proposed transfer contributes to the priorities set out in the Council's Corporate Plan and the Local Outcomes Improvement Plan.

7.2 The strength of the Trust's overall business case is considered strong.

That is,

- (a) Its governance and financial management arrangements are sound and sustainable,**
- (b) Best Value characteristics are in evidence in the proposal, and**
- (c) The projected benefits are demonstrated well and represent value for money.**

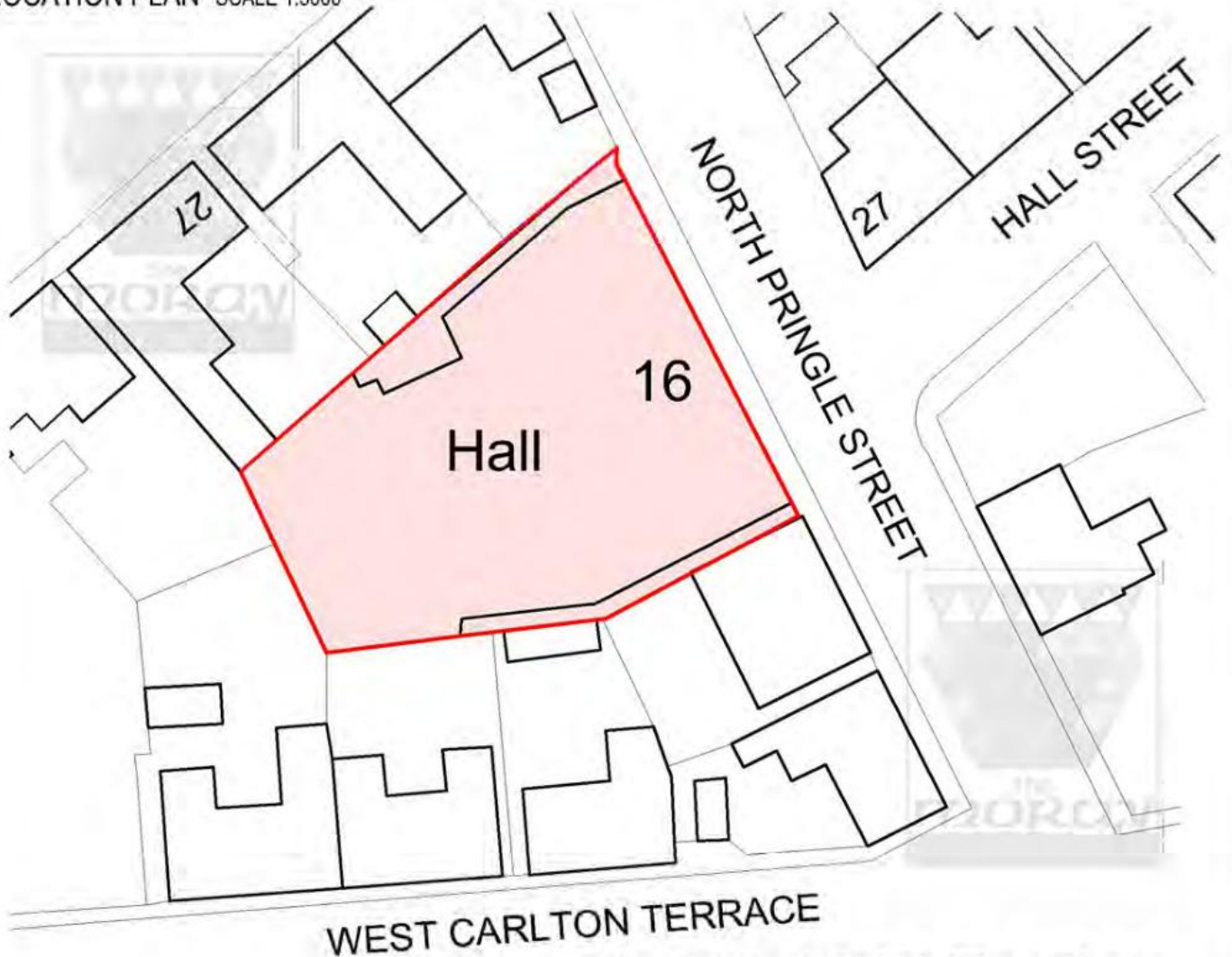
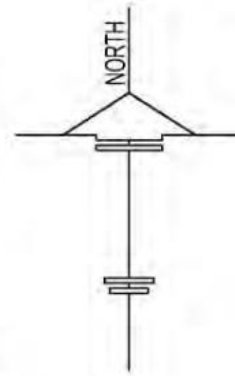
7.3 No reasonable grounds have been identified for refusing the request.

Author of Report:	Andrew Gray, Asset Management Coordinator
Background Papers:	Held by author
Ref:	CAT/ATR/068(2015 ACT)

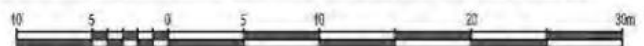
APPENDIX I



LOCATION PLAN SCALE 1:5000



Area shaded in red extending to 850 sq. m or thereby



Drawing title

Fishermen's Hall, 16 North Pringle Street, Buckie



Scale	1:500	Date	Oct. 2021
Drawn By	CP	Deed Pack	BU3
Drawing Number	R \ MC \ B \ 342		

Housing & Property Services
Estates

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The Moray Council
Council Office, High Street, Elgin IV30 1BX
Telephone: 0300 1234566

CAT/ATR/068 – FISHERMEN’S HALL, NORTH PRINGLE STREET, BUCKIE – CAT REQUEST ASSESSMENT

Table 1. BEST VALUE CHARACTERISTICS

THEME	SUMMARY	INFORMATION REQUIREMENTS	ASSESSMENT	
Vision and Leadership	An organisation will have in place a clear vision and plan for what it will do to contribute to the delivery of improved outcomes. This may be linked to one or more local or national priorities, e.g. Local Outcomes Improvement Plan (LOIP) or Scottish Government’s National Outcomes.	A clear plan for achieving the intended outcomes, ideally showing links to local or national priorities. Members of the community transfer body would also show that they have the relevant skills and experience to deliver the intended objectives.	Proposal supports the LOIP aim of creating more resilient and sustainable communities and is likely to lead to an enhanced service provision over the next 5 years, creating a stronger community spirit. Trust members have a wide range of relevant skills and experience.	Strong
Effective Partnerships	An organisation will show how it, and its partnerships, provides a collaborative approach to the challenges that communities face.	The detail of any partnerships in place to help ensure successful delivery of the intended benefits. Community support is vital and can be shown through a variety of metrics such as surveys, consultations or ballots.	The Trust has strong links with both user and other community groups, including working with others to tackle social isolation. It has carried out extensive community consultation through a variety of means in accordance with the National Standards for community engagement.	Strong
Governance and Accountability	An organisation will be able to demonstrate structures, policies and leadership behaviours that support the application of good standards of governance and accountability.	An outline to illustrate that the appropriate structures and policies are in place to help ensure success in the longer-term.	The Trust’s governance and financial management arrangements are considered strong and sustainable. The trust has achieved the Keystone Award.	Strong
Use of Resources	An organisation will show how its effective management of all resources (including staff, assets, and information) is contributing to the delivery of specific outcomes highlighted in the Local Outcomes Improvement Plan (LOIP) or the National Outcomes.	Explanation of how the body’s current and future resources will be used as part of a medium to long term plan (5-10 years). This could include the numbers of employees or volunteers and the maintenance of any asset. This could include the group’s funding requirements and the sources of funding already in place.	The Keystone standard requires organisations to demonstrate that they can meet the legal and regulatory requirements for running buildings, including governance, managing money and resources, and working with others.	Strong

THEME	SUMMARY	INFORMATION REQUIREMENTS	ASSESSMENT	
Performance Management	An organisation will ensure that robust arrangements are in place to monitor the achievement of its desired outcomes as well as any reporting arrangements.	Outline the way in which a community transfer body will be able to monitor the achievement of its objectives, whether that is recording volunteers' time or the amount of benefit achieved as part of the overarching vision. To demonstrate openness and transparency it will be important to report performance to the community.	The Trust recognises the need to communicate its plans and performance to the wider community. The recruitment of additional staff, including a Hall Coordinator will allow the trustees to focus on future development and communication.	Moderate
Sustainability	An organisation will demonstrate an effective use of resources in the short-term and an informed prioritisation of the use of resources in the longer-term in order to contribute to sustainable development. The goal of Sustainable Development is to enable all people to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.	There are five broad principles of sustainability: promoting good governance; living within environmental limits; achieving a sustainable economy; ensuring a stronger healthier society; and, using sound science responsibly. A community body could demonstrate how its future funding or self-financing arrangements are to be achieved. A proposal could include any positive impact on the natural environment.	Proposal supports the creation of more resilient and sustainable communities. Proposed investment in energy efficient heating and lighting systems over the next 5 years is likely to lead to a reduced carbon footprint. The business case sets out a clear plan for the future, including the Trust's path to financial sustainability.	Strong
Equalities	An organisation will demonstrate that consideration of equality issues is embedded in its vision and strategic direction and throughout all of its work.	The community transfer body should establish that the different groups within the community have had their different needs taken into account. Any request should include where a proposal may be reducing inequalities of outcome from socio-economic disadvantage.	Equalities has been considered as part of the proposal with a primary focus on age, disability and, less explicitly, on pregnancy, maternity and sex. Engaging with new user groups will provide opportunities to consider other protected characteristics. The trust aims to support poorer families by providing services at low cost.	Moderate

Table 2. PROJECTED BENEFITS (in relation to an ESTIMATED DISCOUNT of £96,250)

BENEFIT	EXAMPLE	ASSESSMENT	
Financial	Reduction in public sector costs or enhancement of provision due to the proposal.	Initial lease maintained service provision, while enabling the Council to achieve an annual saving of £47,000 in operating costs. Proposal is likely to enhance services provided to the community at no cost to the Council.	Very Strong
Quantitative Outcomes	Contribution towards local or national priorities, e.g. improved standards of healthcare, contribution towards alleviating homelessness, supporting local employment.	Proposed investment in energy efficient heating and lighting systems over the next 5 years is likely to lead to a reduced carbon footprint.	Moderate
Qualitative Outcomes	Improved community cohesion, enhanced local services, etc.	Proposal supports the Local Outcomes Improvement Plan aim of creating more resilient and sustainable communities and is likely to lead to an enhanced service provision over the next 5 years, creating a stronger community spirit.	Strong

Table 3. OVERALL ASSESSMENT

FACTOR	OVERALL ASSESSMENT		
Governance	Governance and financial management arrangements are strong and sustainable.	Strong	●
Best Value	Best Value characteristics are in evidence in the proposal.	Strong	●
Projected Benefits	Related projected benefits are demonstrated well and represent value for money.	Strong	●

Note. All factors must be assessed as either Amber ● or Green ● for the requested transfer to be recommended for approval (with or without conditions).



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

SUBJECT: PERFORMANCE REPORT (HUMAN RESOURCES, INFORMATION COMMUNICATIONS TECHNOLOGY AND ORGANISATIONAL DEVELOPMENT) – PERIOD TO SEPTEMBER 2021

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

1. REASON FOR REPORT

1.1 To inform the Committee of the performance of the service for the period to September 2021.

1.2 This report is submitted to Committee in terms of Section III (A) (4) of the Council's Scheme of Administration in relation to monitoring performance in accordance with the Council's Performance Management Framework.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- i) scrutinises and notes performance in the areas of Service Planning, Service Performance and other related data to the end of September 2021; and**
- ii) notes the actions being taken to improve performance where required.**

3. BACKGROUND

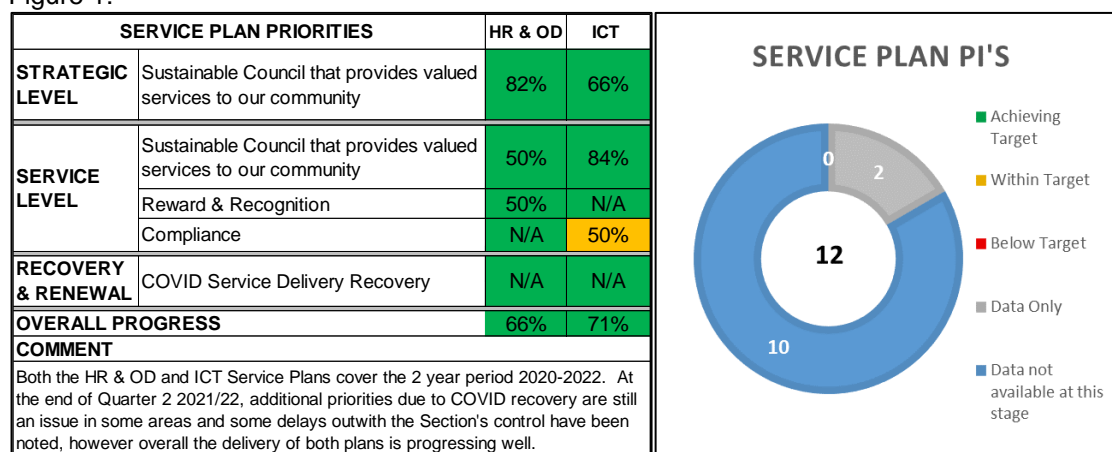
3.1 On 7 August 2019, the Council, approved a revised Performance Management Framework for services (para 5 of the minute refers).

4. SERVICE PLANNING

4.1 Each service plan sets out the planned strategic and service level priorities and outcomes it intends to deliver in the coming year aligning closely with financial planning, corporate and community planning partnership strategic priorities. This report provides an interim update on progress on the service plan, key outcomes and performance indicators. Committee is invited to review progress to secure assurance that is satisfactory and to provide scrutiny and further direction where performance requires attention.

- 4.2 The narrative included is by exception, however links to backing tables for all [Service Plan Actions](#) and [Service Plan Performance Indicators](#) are provided.

Figure 1:



Strategic Outcomes - successes

- 4.3 Work has progressed in enhancing leadership development with approval recently given for investment in a number of training opportunities. Modules covering a range of subjects including GDPR, Equalities and Leading in Complexity will be launched on the Learning Management System once content is finalised during quarter 3. Hybrid working resources have also been developed to support individuals and managers with the current mix of home and office working. Although this blended approach to learning will require a Learning Management System with more functionality, work is now underway with Procurement to address this. (Action HR&OD20-22 Strat 4.3, 4.3b)
- 4.4 Implementing the elected member development strategy to support strategic and corporate roles is complete. A calendar of learning activity and development opportunities is in place, covering both Moray Council's corporate needs and the issues raised in the Best Value Audit. A self-reflection appraisal document has been created with biannual one to one sessions arranged to further support elected members. (Action HR&OD20-22 Strat 4.4)

Strategic Outcomes – challenges and actions to support

- 4.5 It was anticipated that training in relation to Outcome Based Planning would be available by the end of September 2021, final amendments to the content resulted in slight slippage, however, this work is now complete and the module will be launched on the Learning Management System in November 2021. (Action HR&OD20-22 Strat 4.3a)
- 4.6 Training on effective scrutiny of performance for elected members is nearing implementation, albeit out with target timescale of September 2021. Work has been completed on questioning techniques for effective scrutiny and the Scrutiny Guidance document updated. A training workshop for elected members, to be delivered in conjunction with the Improvement Service, is scheduled to take place early December 2021. (Action HR&OD20-22 Strat 4.4a)
- 4.7 Extending the availability and improving access to online Children's Social Work Services has not progressed this year with work remaining at 80%

complete. A business case was submitted as planned by ICT in quarter 4 last year, testing of the NHS 'Near Me (Attend Anywhere)' application with a number teams in adult social care and Speyside High also took place, thereafter changes within Children's Service management have contributed to delays and ICT involvement is on hold until the opportunity to proceed presents. (Action ICT20-22 Strat 4.3)

Service Level Outcomes - successes

- 4.8 The Digital Champions initiative launched in September as an approach to supporting a digital future, volunteers from the workforce are being recruited to help support fellow colleagues to learn digital skills, gain digital confidence and get digitally active. Development of an e-learning module is complete and available through the Learning Management System to support staff utilise MS Teams to its full potential. (Action HR&OD20-22 Serv 5.5)

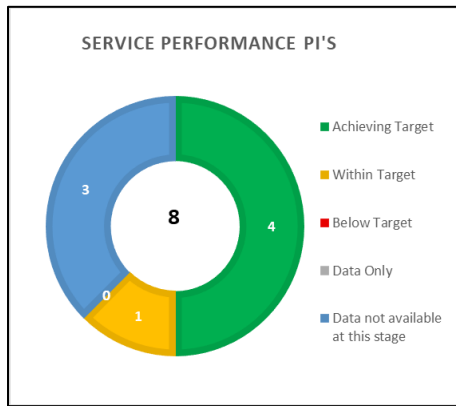
Service Level Outcomes – challenges and actions to support

- 4.9 Progress around compliance to achieve cyber essentials plus accreditation for the corporate network remains ongoing. Contract renewals for antivirus, encryption software, firewalls and web filtering are complete. The service is in discussion with a supplier to organise site checks for accreditation with recruitment of additional in-house resource helping to accelerate this work. Solutions to raise awareness of cyber security is underway with provider demonstrations and discussions. The Cabinet Office have advised that there will be latitude on timescales for Public Sector Network submissions due to the pandemic and their limited capacity for assessment. (Action ICT20-22.Serv 5.1a)
- 4.10 Implementation of MS Teams in an enterprise environment has taken longer than anticipated. All 1,300 laptop users can now access the software, however work continues to migrate some initial trial accounts and rollout to fixed users. Security work to protect Teams accounts from unauthorised external access is complete and a dedicated project team will enable implementation of the wider aspects of Microsoft 365 suite. (Action ICT20-22 Serv 5.4)
- 4.11 Development of a draft Schools Strategy, now aligned with Transformation, requires wider officer involvement, therefore will progress out with the original due date. ICT continue to work with colleagues in Education on revised proposals and emerging issues reported by schools. (Action ICT20-22 Serv 5.5)

5. SERVICE PERFORMANCE

- 5.1 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management. Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance below comparators will be reported to this committee for member scrutiny.
- 5.2 Report is by exception, however links to backing tables for all [Service Performance Indicators](#) is provided.

Figure 2:



Operational Indicators - successes

- 5.3 Indicators relating to payroll accuracy and the availability of the Moray Council website, continue to exceed target. (PIs FS111, FS112, FICT174)
- 5.4 At the end of September 2021, work on the ICT Action Plan, undertaken alongside essential upgrades built up during the pandemic, is ahead of schedule. (PI FICT173 ICT)

Operational Indicators - challenges and actions to support

- 5.5 Nothing to report.

6. OTHER PERFORMANCE RELATED DATA

Complaints & MP/MSP Enquiries

- 6.1 In line with the Performance Management Framework, complaints are reviewed quarterly by departmental management in terms of time taken to respond, outcome and learning points. Links to backing tables for all [Service Complaints](#) are provided.
- 6.2 During the first half of 2021/22, HR, ICT and OD received and closed three complaints; one at frontline (upheld) and two at the investigative stage (one partially upheld and one closed as resolution). One investigative complaint was received during quarter 2 and was subject to an authorised extension.
- 6.3 Only one MP/MSP enquiry has been received since April and was resolved within target timescales.

Other Performance (not included within Service Plan)

- 6.4 Nothing to report.

Case Studies

- 6.5 Nothing to report.

Consultation and Engagement

- 6.6 The Mental Health and Wellbeing Survey, aimed at collecting information from across the workforce on the impact of COVID both personally and

professionally, was live from mid-June to early July 2021 and achieved a return rate of 25%. Headline results were analysed in late August and identified key themes and achievements along with areas for development that will inform future working practices. Analysis reports will be presented to both CMT and the Culture Working Group with an Employee Booklet available thereafter. Departmental summaries will also be shared with Senior Management Teams to identify areas of action that will feed into service planning processes.

7. SUMMARY OF IMPLICATIONS

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

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

(b) Policy and Legal

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not required as this report is to inform the Committee on performance.

(h) Consultations

The Head of HR, ICT & Organisational Development, Depute Chief Executive (Education, Communities & OD), Service Managers, Legal Services, the Equal Opportunities Officer, and Lindsey Robinson, Committee Services Officer have been consulted with any comments received incorporated into this report.

8. CONCLUSION

- 8.1 At the end of September 2021, the HR & OD plan is 66% complete with the ICT plan at 71%. COVID recovery has continued to have an impact in some areas while delays have also been faced due to some external issues out-with the Section's control. Work has however been progressed where possible with five Service Plan actions now complete and a further two due to be finalised during quarter 3 2021/22.**

Author of Report:
Background Papers:
Ref:

Suzanne Wilson, Research & Information Officer
Held by Author
SPMAN-1656699058-39



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

SUBJECT: PERFORMANCE REPORT (GOVERNANCE, STRATEGY AND PERFORMANCE) – PERIOD TO SEPTEMBER 2021.

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

1. REASON FOR REPORT

- 1.1 To inform the Committee of the performance of the service for the period to 30 September 2021.
- 1.2 This report is submitted to the Committee in terms of section III (A) (4) of the Council's Scheme of Administration in relation to monitoring performance in accordance with the Council's Performance Management Framework.

2. RECOMMENDATION

2.1 It is recommended that Committee:

- (i) **scrutinises and notes performance in the areas of Service Planning, Service Performance and other related data to the end of September 2021; and**
- (ii) **note the actions being taken to improve performance where required.**

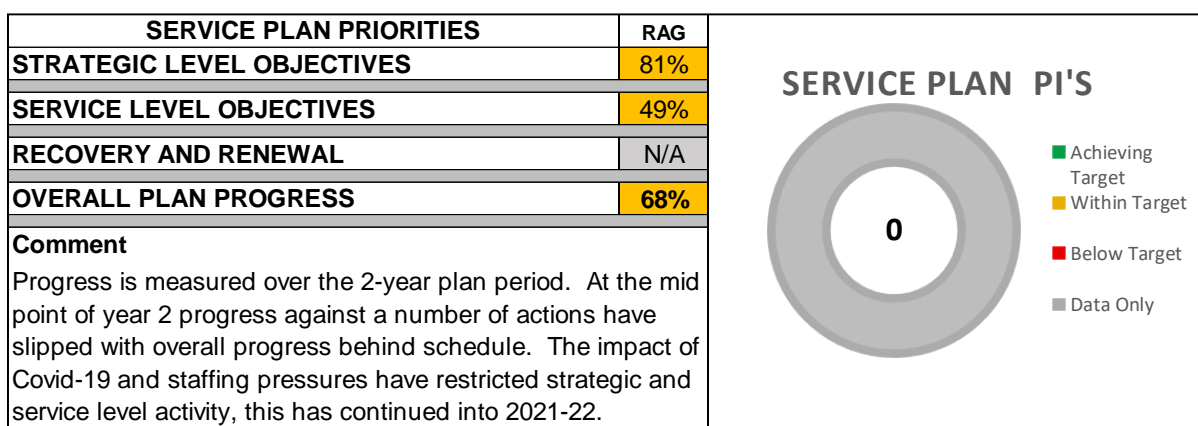
3. BACKGROUND

- 3.1 On 7 August 2019, the Moray Council, approved a revised Performance Management Framework for services (para 5 of the minute refers).

4. SERVICE PLANNING

- 4.1 Each service plan sets out the planned strategic and service level priorities and outcomes it intends to deliver in the coming year aligning closely with financial planning, corporate and community planning partnership strategic priorities. This report provides an interim update on progress on the service plan, key outcomes and performance indicators. Committee is invited to review progress to secure assurance that is satisfactory and to provide scrutiny and further direction where performance requires attention.

- 4.2 The narrative included is by exception, however links to backing tables for all [Service Plan Actions](#) is provided.



- 4.3 As reported to the Education, Communities and Organisational Development Committee on the 26 May (para 17 of the Minute refers), there continues to be significant impact on services ability to progress strategic and service plan activity while maintaining operational level work as a result of the Council Covid-19 response. Many services are continuing to deal with changes in their day to day activities to meet the additional demands that have resulted from dealing with Covid-19 for example Track and Trace calls and Pandemic Support Payments.

Strategic Outcomes – successes

- 4.4 One full calendar year of revised performance reporting has now been achieved. Actions to seek continuous improvement and refinement of reporting under the Performance Management Framework will be incorporated in future service reporting. (GSP20-22.Strat-4.2a-d)
- 4.5 The Community Planning Board approved the Delivery Framework on the 28 April (para 3 of the Minute refers), with the four Local Outcome Improvement Plan (LOIP) priorities reviewed and refined. The Community Planning Outcome Group (CPOG) agreed, in September 2021, for Pentana to be used for future quarterly performance reporting against LOIP actions and performance indicators. (GSP20-22.Strat-4.4a-c)

Strategic Outcomes – challenges and actions to support

- 4.6 The Governance Review aim was to streamline processes including reviews of committee structures, schemes of delegation and reporting to committees. The review has largely been completed, the only outstanding actions are for further clarification on the role of the Audit and Scrutiny Committee and consideration of consultation on a proposed sub-committee for Children's Services. A report will go to Full Council on 10 November with proposals for both. (GSP20-22.Strat-4.1)
- 4.7 Each CPOG meeting will apply a focus to a single LOIP priority whereby the Priority Lead will submit an extended report on their particular priority. Work will continue on the development of underlying milestones and refinement of the delivery framework indicators with partners. (GSP20-22.Strat-4.4d)
- 4.8 Following limited progress during the pandemic around the Modernisation and Improvement activities to redesign customer contact (while Access points remained closed and staff being redeployed to cover email and call handling

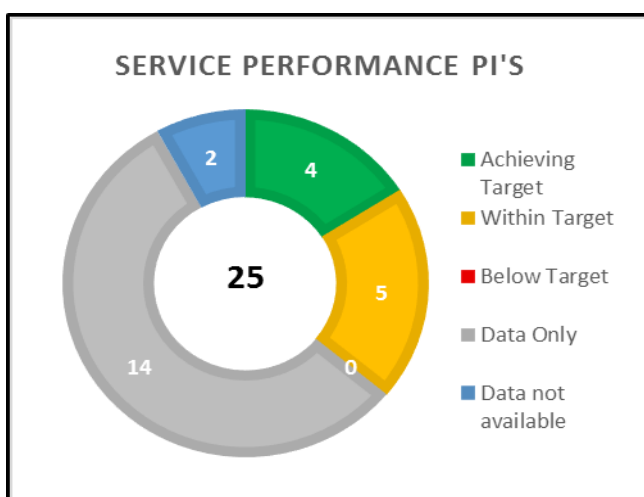
duties) a report was submitted to this Committee on 12 October 2021 to agree principles for redesign of front facing customer services. (GSP20-22.Strat-4.5a-c)

Service Level Outcomes – challenges and actions to support

- 4.9 The development of Council Benefits and Council Tax e-forms has slipped against original timescales due to the significant additional and continuing pressures on staff on the pandemic response. Initial development of the e-forms has begun with a skeleton e-form specification submitted to ICT. Further progress is dependent on ICT resources which continue to be diverted during the Covid-19 response. As a result, the due date for these actions have been extended to April 2022 but this date may need to be further reviewed. (GSP20-22.Serv-5.1a-b)
- 4.10 The Education, Communities and Organisational Development Committee approved the revised Model Complaints Handling Procedure on the 31 March (para 11 of the Minute refers). Accompanying training for staff in the new complaints system has been restricted due to the impact of Covid-19. At the Complaints Administrators meeting on the 20 October officers were asked to identify staff within their departments who require training, with training to be scheduled from the 15 November. Alternatives to face to face training will be utilised (GSP20-22.Serv-5.2b)
- 4.11 An update on the work on remote Committee meetings was submitted to the Full Council on 15 September (item 3.7 of the Agenda refers). Agreement to continue online meetings until December 2021 and review in January 2022. As a result the due date of this action will be amended accordingly. (CSP20-22.Serv-5.4a)
- 4.12 In reviewing where Business Continuity fits with the Council's risk management process steps have been taken to include Business Continuity as an Internal Audit management function. Discussions are taking place over the staffing resources are now required. (GSP20-22.Serv-5.5)
- 4.13 The increase of services using SharePoint as their primary document management system has not been progressed in 2021/22. The Customer Development Manager is now in place and resources of the team are under active consideration. However, the team remain focused on Covid-19 phone contacts taking test and protect calls with a "care and maintenance" role for existing SharePoint builds. Business cases / project mandates will be required for bringing new services onto SharePoint, with staff resourcing requiring to be identified. (GSP20-22.Serv-5.7)

5. SERVICE PERFORMANCE

- 5.1 In line with the Performance Management Framework, operational performance is reviewed quarterly by departmental management. Areas performing well and/or areas subject to a decreasing trend or where benchmarking results show performance significantly below comparators will be reported to this committee for member scrutiny.
- 5.2 Report is by exception, however links to backing tables for all [Service Performance Indicators](#) are provided.



Operational Indicators - successes

- 5.3 Many people that had never claimed benefits or sought money advice before found themselves in difficult financial circumstances, having been furloughed or lost jobs, contacted services for the first time. Benefit Services and Money Advice Moray teams have worked throughout the pandemic so that support from Housing Benefit, Council Tax Reduction, Free School Meals, Clothing Grants, Educational Maintenance Allowance, Scottish Welfare Fund, Discretionary Housing Payments and Money Advice was still available to those in need. Additional pandemic support was made available through the Flexible Food Fund and Family Pandemic Payments.
- 5.4 It is estimated that over £1 million of welfare benefits have been secured for clients in each of the last two years, an increase from the previous two year period. In the 6 months to September 2021, an estimated £400k has been achieved for clients. The team also developed the Flexible Food Fund to enable government pandemic funding to reach those in challenging financial circumstances. They assess circumstances and provide monetary payments, with just under £500,000 allocated in 2020/21 and a further £158,000 distributed in this reporting year. (ENVDV217)
- 5.5 Pandemic Support payments evidence an increasing trend. Self-Isolation Support Grants, introduced from October 2020, offer a grant of £500 to support low income workers who are asked to self-isolate by Test and Protect and would lose income as a result. Between April and September 2021, over 160 grants were awarded with a total of £80k allocated. Similarly Family Pandemic Payment total £238k in the same reporting period increasing support from £100 to £160 per child. (ENVDV283, CPS074)
- 5.6 There has been an increase in applications for Scottish Welfare Fund and Discretionary Housing Payments during the pandemic. In 2020/21 Scottish Welfare Fund (Crisis Grants and Community Care Grants) payments increased by £84,100 from the previous year to £478,873, while payments in the first half of 2021/22 total £332,400. The percentage of application awards has remained around 60%. Discretionary Housing Payments have seen a similar rise, with awards increasing by £92,200 to £562,149 in 2020/21. In the first half of this reporting year a total of £538,500 has been allocated – almost £50,000 on the same period last year. (ENVDV281, ENVDV282).

- 5.7 Housing benefit processing performance exceeded targets in the period to September 2021. The average processing time for new housing benefit claims was 20.4 days against a target of 21 days, while change of circumstances in housing claims were processed in an average of 5.2 days against a target of 6 days.

6. OTHER PERFORMANCE RELATED DATA

Complaints & MP/MSP Enquiries

- 6.1 In line with the Performance Management Framework, complaints are reviewed quarterly by departmental management in terms of time taken to respond, outcome and learning points. Links to backing tables for all [Service Complaints](#) is provided.
- 6.2 A total of 21 complaints were received during the first half of 2021-22, 11 of which were in quarter 2. The number of complaints is up by 200% on those received during the first half of 2020-21 (7). This seems to reflect a lower number of complaints during the height of the pandemic and a backlog/return to normal more recently.
- 6.3 All of the 20 complaints closed were at frontline stage. Of these 2 (10%) were upheld, five (25%) partially upheld and 13 (65%) were not upheld. The average time taken to resolve frontline complaints was 5 days, with 12 (60%) of frontline complaints closed within the 5 working day timescale. None of the overdue complaints were granted an authorised extension.
- 6.4 Complaints range across services and the seven upheld or part upheld relate mainly to process/procedure. There appears to be no obvious service wide learning, instead corrective actions were put in place for each.
- 6.5 A total of 14 MSP enquiries have been received and closed during the first half of 2021-22. On average MSP enquiries took four days to be resolved.
- Other Performance (not included within Service Plan)**
- 6.6 The impacts of the latest lockdown were detailed in the report, Covid Related Pressures and Service Prioritisation (para 9 of the Minute refers), presented to Council on 10 March 2021. The Service's contribution to the immediate and ongoing pandemic response is referenced in that report.

Case Studies

- 6.7 The Low Income Pandemic Payment (LIPP) scheme was put in place by Scottish Government with its administration being delegated to Scottish local authorities. Staff in Benefits and Taxation teams had to identify and to make contact with almost 6,000 persons eligible for a payment of £130 and gather bank details so that LIPP payments could be made in accordance with the government's schedule. The Scheme remains live and overall award totals will be included in quarter 4 reporting.
- 6.8 Licensing has had to adapt and overcome in order to continue the service and assist licence holders and businesses to continue trading throughout. Licence holders were kept updated with changes to the law and restrictions, the life of various licences was extended, open ended occasional licences for outdoor spaces were introduced, use of occasional and other licences for unlicensed areas was increased, a value for money alcohol licence variation process to

add off-sales where none existed was put in place and work with taxis undertaken to keep them operating during a period when vehicle testing was not available. Efforts continue in recovery to maintain the flow of business through application processing, review of delegated decisions and providing opportunity for online remote hearings.

Consultation and Engagement

- 6.9 Committee Services have carried out a survey of elected members on the use of the online meeting system. Comments were fed back to provider and some improvements are being made to the system as a result.

7. SUMMARY OF IMPLICATIONS

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

Performance measurement is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in both the Corporate Plan and the LOIP.

(b) Policy and Legal

The Council has a statutory requirement to publish a range of information that will demonstrate that it is securing best value and assist in comparing performance both over time and between authorities where appropriate.

(c) Financial implications

None.

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment is not required as this report is to inform the Committee on performance.

(h) Consultations

The Head of Governance, Strategy and Performance , Depute Chief Executive (Education, Communities and Organisational Development), Service Managers, Legal Services, the Equal Opportunities Officer, and Lindsey Robinson, Committee Services Officer have been consulted with any comments received incorporated into this report.

8. CONCLUSION

- 8.1 **The impact of the Covid-19 pandemic has been felt across the service, with significant changes to workloads in prioritising the council response to the pandemic. There is some slippage against strategic and**

service level actions however overall, delivery of the Service Plan is 68% complete. These actions will be further considered as to how they are taken forward.

Author of Report:	Neil Stables, Research & Information Officer
Background Papers:	Held by Author
Ref:	SPMAN-2045703626-116



REPORT TO: CORPORATE COMMITTEE ON 30 NOVEMBER 2021

SUBJECT: EQUALITY OUTCOMES

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

1. REASON FOR REPORT

- 1.1 The Committee is asked to approve the publication of the Equality Outcomes Progress Report 2017-2021, the Mainstreaming Report 2021 and the Equality Outcomes for 2021-2025.
- 1.2 This report is submitted to Committee in terms of Section III (C) (41) of the Council's Scheme of Administration relating to the review of Council wide policy and objective in relation to cross cutting issues which do not fall within the remit of service committees such as equalities.

2. RECOMMENDATION

- 2.1 **It is recommended that the Committee approve the publication of the Equality Outcomes Progress Report 2017-2021, Mainstreaming Report 2021 and the Equality Outcomes for 2021-2025.**

3. BACKGROUND

- 3.1 Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 Moray Council must publish its equality outcomes once every 4 years. The duty applies to the entire Council as well as to the Education Authority and Moray Licensing Board. Previous equality outcomes were published in 2013 and 2017. Draft outcomes for 2021 were published with the caveat that they were subject to council approval.
- 3.2 The general equality duty requires public authorities, in the exercise of their functions, to have due regard to the need to: eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010; advance equality of opportunity between people who share a relevant protected characteristic and those who do not, and foster good relations between people who share a protected characteristic and those who do not.
- 3.3 The relevant protected characteristics are: age, race, disability, sex, pregnancy and maternity, sexual orientation, religion and/or belief, gender reassignment. The protected characteristic of marriage and civil partnership is relevant only in relation to employment.

- 3.4 The specific duties are separate from the Fairer Scotland Duty (sometimes referred to as socio-economic duty). Outcomes related to socio-economic differences are therefore not included in the equality outcomes, unless there is a strong link with a protected characteristic, for example the gender and ethnicity pay gaps.
- 3.5 The purpose of the equality outcomes is to assist the Council in meeting its general equality duty. The report (**Appendices 1 and 2**) gives an overview of progress against previous equality outcomes and proposes new outcomes for the next 4 years. It gives an overview of the relevance of each outcome to the various protected characteristics. It is proposed that progress on the outcomes will be incorporated in the performance reporting cycle. These reports will replace the biennial progress reports.
- 3.6 Draft Equality Outcomes were discussed at the Leadership Forum on 14 September 2021 with the following additional themes identified. Although all currently feature within existing Service Planning arrangements, further work will be undertaken within the Equality and Diversity Corporate Advisory Forum to define the specific actions relating to protected groupings to add them as new outcomes.
- Poverty
 - Climate change
 - Digital services
 - Accessible travel
- 3.7 The mainstreaming report (**Appendix 3**) gives an overview of the extent to which equal opportunities have been mainstreamed in the council's day-to-day business, a calculation of the gender pay gap within the workforce of the council and the gender pay gap within Moray's education authority. It is proposed that future mainstreaming reports will include the ethnicity pay gap and disability pay gap, insofar as it is possible to calculate this given the high level of non-response to equality questionnaires.
- 3.8 Equality Impact Assessments are an important tool in meeting the general public sector equality duties. In Scotland there is also a specific duty: *where and to the extent required to fulfil the general equality duty, assess the impact of applying a proposed new or revised policy or practice against the needs of the general equality duty*. For this reason a considerable section in the mainstreaming report is about Moray Council's practice of carrying out equality impact assessments.
- 3.9 The Equality and Human Rights Commission's guidance recognises that equality outcomes reflect a dynamic reality and it is perfectly acceptable to change them in the course of the 4-year cycle, provided this is based on evidence and/or consultation with affected groups.

4. SUMMARY OF IMPLICATIONS

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

The outcomes are aligned with the Corporate Plan outcomes in relation to - Our people: Provide opportunities for people to the 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, and Our future: Drive development to create a vibrant economy of the future.

(b) Policy and Legal

Under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 Moray Council must publish its equality outcomes once every 4 years. The outcomes are aimed at assisting the council with meeting its obligations under the general public sector equality duty as defined in section 149 of the Equality Act 2010.

(c) Financial implications

There are no financial implications arising from this report.

(d) Risk Implications

There are no risks arising from this report.

(e) Staffing Implications

Actions arising from this report will be carried out by existing staff.

(f) Property

Reasonable adjustments to council property are considered on a case-by-case basis.

(g) Equalities/Socio Economic Impact

The specific duty applies only to the protected characteristics of age, sex, pregnancy and maternity, race, disability, religion and/or belief, sexual orientation and gender reassignment. It does not apply to socio-economic inequalities.

(h) Consultations

The Acting Quality Improvement Officer for Education, Traffic Engineer, Senior HR Advisor, Community Justice Co-ordinator, Property Resources Manager, Strategy and Performance Manager and the Head of Legal and Democratic Services have been consulted on this report. A leadership forum was held on 14 September 2021 which was attended by senior managers from all council services and their feedback has been incorporated into the equality outcomes.

5. CONCLUSION

5.1 The Committee is asked to approve the publication of the Equality Outcomes Progress Report 2017-2021, Mainstreaming Report 2021 and the Equality Outcomes for 2021-2025.

Author of Report: Don Toonen, Equal Opportunities Officer

Background Papers:

Ref: SPMAN-2045703626-118 / SPMAN-2045703626-119 /
SPMAN-2045703626-121 / SPMAN-2045703626-120

MORAY JOINT EQUALITY OUTCOMES
PROGRESS REPORT 2017 – 2021
NEW OUTCOMES 2021 – 2025

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اگر آپ کو مورے کونسل سے کسی دیگر زبان یا صورت میں معلومات درکار ہوں مثلاً "بریلے، آڈیو ٹیپ یا بڑے حروف، تو مہربانی فرما کر رابطہ فرمائیں:



Equal Opportunities Officer, Governance Strategy & Performance, High Street, Elgin, IV30 1BX



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equalopportunities@moray.gov.uk

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Chief Executive's foreword

Moray Council is committed to the principle of equality of opportunity. We recognise our responsibilities as a community leader, service provider and employer to encourage the fair treatment of all individuals and to tackle social inclusion. Moray is a diverse community where people have different needs depending on a range of factors such as where they live, how old they are, or their employment and family circumstances.

The council provides a range of services, often to the most vulnerable members of the community. In addition to delivering these, we have made a commitment to addressing particular areas of inequality that have been identified in Moray. These are our 'equality outcomes'.

The council is required to publish these equality outcomes every four years. The last report was published in April 2015. This report gives the outcomes for the full reporting cycle. It is proposed that future reports on equality outcomes will be collated as part of Moray Council's mainstream performance reporting.

Roddy Burns
Chief Executive

Introduction

This is the third Equality Outcomes report for Moray Council, Moray Council Education Authority and Moray Licensing Board. The report will give an overview of main issues for Moray as identified by the Local Outcomes Improvement Plan (LOIP 2016-2026).

The report will then report on progress against the outcomes from the second Equality Outcomes report before moving on to the outcomes for 2021-2025. The report will end with some recommendations about mainstreaming Moray's equality outcomes over the next 4 years.

Legal Framework

Under the Equality Act 2010, public authorities have a general public sector equality duty. The duty is, in everything that a public authority does, to have due regard to the need to

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act
- Promote equality of opportunity, even if this means treating some groups more favourably than others
- Foster good relations between groups that share a protected characteristic and those who don't.

The Scottish Government has the authority to set regulations that can support or complement the Equality Act. Under this authority it passed the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012. These specific duties include a duty to set equality outcomes every 4 years and to report on progress every 2 years. These outcomes should

- Enable public authorities to better perform the general duty
- If the outcomes don't seek to further the needs of every protected characteristic, public authorities must publish reasons for this
- Follow reasonable steps to involve people from equality groups
- Be based on consideration of relevant evidence.

Having the duty to publish equality outcomes should encourage public authorities to consider and tackle the significant inequalities within its jurisdiction. Moray Council should publish a set of equality outcomes for each of the three authorities:

- Outcomes for Moray Council
- Outcomes for Moray Council as an education authority
- Outcomes for Moray Licensing Board

With the last two sets of equality outcomes, themes were shared across the three authorities. For example: bullying is a theme that can affect the workforce across the three authorities, it can affect vulnerable adults and it can affect school children. However, in practice this led to difficulties in terms of reporting, ownership of the

outcomes as well as identifying to which authority particular outcomes can be attributed.

It is therefore proposed that the new sets of outcomes for 2021 – 2025 are disaggregated per local authority and that lead officers will be identified who will have responsibility for reporting on outcomes. It is also recommended that these outcomes, once approved, will be included in performance reporting cycles.

LOIP Data

Moray's Local Outcome Improvement Plan for 2016-2026 identifies the following issues for Moray:

- above average percentages of older people, particularly in the more rural and coastal areas which creates challenges in relation to service delivery and access and social isolation
- low wage economy and reliance on a small number of industries impacting on our economic diversity
- influence of the MOD on population dynamics and reliance upon it for jobs increasing our reliance on this industry for our economic sustainability
- an outward migration of young people leaving school for higher education and a poor rate of return in later years
- variation in outcome for young people in relation to attainment and post-school destination impacting on their choices for their future
- variation in outcome for smaller communities within Moray – particularly prominent in Elgin but also evident in other areas and a town/rural divide seems to emerge
- our geography / rurality and subsequent access issues such as delivery of and access to services and social isolation
- the impact of Public Sector financial constraints

Many of these issues are more relevant to the Fairer Scotland Duty but an important consequence of the Moray's economic context is that it has one of the highest gender pay gaps in Scotland.

Moray has a below Scottish average proportion of minority ethnic groups. As a result, the protected characteristic of race has been somewhat overlooked in Moray.

It has, however, been recognised that this could result in unknown and unintended negative consequences on the grounds of race and therefore promoting racial equality will be incorporated in the outcomes for 2021 – 2025.

Equality Outcomes 2017

There were 5 themes to [Moray's equality outcomes for 2017](#). The outcomes run across the various services and departments. Although it made sense to have an integrated approach toward making it difficult to report separately on the outcomes for Moray Council, Moray Council Education and Moray Licensing Board.

The 5 themes are:

1. Bullying
2. Domestic Violence
3. Access to Streets
4. Gender pay gap
5. Support Syrian refugees in Moray with their process of integration in Moray

1. Bullying

Bullying has been addressed within Moray in various forms. In previous reports we have outlined the approach taken by Adult protection and Moray Community Safety Hub.

Within Education a Survey was held in 2015 which established a baseline, guidance on dealing with bullying incidents was drafted and a health and wellbeing survey was undertaken.

Survey findings indicated that incident reporting using the Equality Incident Monitoring Forms (EIMF) captured only a small part of the total number of incidents.

What was significant was that following the 2015 survey and discussions with head teachers and depute heads about the survey, the number of reported incidents doubled and remained consistently higher than previous years. Guidance for building better relationships in the schools has been drafted and is set to be implemented by the autumn of 2021. Using this guidance, schools will revise their own policies and bring these in line with the UNCRC Promise and the Rights of the Child. At the moment 29 primary schools in Moray have a Rights Respecting Schools Award: 16 at Bronze, 8 at Silver and 5 at Gold. All 8 secondary schools have a Rights Respecting Schools Award: 5 Bronze and 3 Silver.

Within Moray Council, tackling bullying is a major focus of the Workforce Culture working group. The Workforce Culture working group is made up of councillors, officers and trade union representatives. Together they produce and implement a work plan to create a positive workforce culture where morale is good, people are proud to work for the Council and would recommend it to others.

To help achieve this, the group has set eight outcomes:

1. All employees and councillors are aware of the standards of behaviour required
2. Positive behaviour is demonstrated from the top of the organisation
3. There is an environment of mutual respect across all services and levels
4. Employees are listened to and believe they are being heard and that action will be taken
5. There is trust between employees, managers, trade unions and councillors
6. Reduced bullying and harassment and more positive working environment
7. Workloads are manageable. No employee faces undue pressure because of an unreasonable workload
8. Managers are enabled and encouraged to manage workforce positively

The group reports back to councillors on a regular basis with updates on how the action plan is progressing, and how the outcomes are being measured. The latest update can be found at the [Policy and Resources Committee](#). During 2020 it was agreed that the workplace culture and engagement work was now recognised as mainstream work / business as usual. The Culture Working Group now only meet twice a year and will continue to have oversight of the workforce culture action plan and progress against this plan.

A range of documents to assist workers and managers with creating a positive working environment have been published on the Council's Interchange.

The employee survey 2019 showed a reduction in the number of employees subject to bullying and harassment.

A key focus for previous years has been the number of employees subject to unacceptable behaviour/bullying in the workplace, this has positively decreased from 16% to 14%. Employees reporting being subject to harassment has also decreased from 11% to 10%. (2019 Employee Survey Headlines)

2. Domestic Violence

Domestic violence is reported to committee through the Community Safety & Antisocial Behaviour Strategy Performance reports

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	%diff 2012/13 – 2020/21
Domestic Abuse Incidents	636	657	746	721	747	710	783	819	913*	44%

* Unofficial result

Incidents of domestic violence shows an upward trend, most significantly in the recent pandemic lockdown periods in 2020.

A new community safety strategy is currently being developed, mainstreaming this issue within Moray. A Violence Against Women partnership has been developed and work by the Police and partner agencies continues to support victims. The partnership held a conference in November 2020 VAW Conference. The theme of the day was coercive control and the implications of the Domestic Abuse (Scotland) Act 2018. Speakers included Anne Marie Hicks, the National Procurator Fiscal for Domestic Abuse, and Joanna McLaughlin, the National Coordinator for Violence against Women and Girls. Ryan Hart also gave a harrowing account of his own experience – his mother and sister were killed by his controlling father in 2016. Moray Licensing Board has been promoting social responsibility among its licensees. This culminated in an event in February 2020 which raised awareness about dealing with incidents, including sexual harassment.

3. Access to Streets

Following community engagement activities around 2017 it was anticipated that the information gathered in the community street audits could be used to develop an online tool that could assist street users finding their way around Moray more easily by identifying obstacles. Lack of funding and technical issues, however, have meant that this can no longer be pursued. There has, however, been a growing awareness of disability issues among Moray Council's traffic engineers, resulting in better engagement and consultation as part of the decision making process, for example in the [Elgin Transport Strategy](#).

During the financial year 2019/20, there were 36 dropped kerbs installed and 52 in 2018/19 to improve access.

Accessible toilets play an important role in improving access to streets for elderly, women and disabled people. Over the years, closure of public toilets featured regularly in savings proposals for Moray Council. Such considerations have resulted in preventing closure of a number of facilities as well as a range of mitigating actions to alleviate the impact. The Council has supported a number of Community Asset Transfers which led to community groups successfully continuing and indeed improving the facilities.

Another initiative is the Comfort Scheme which was started in 2016 by the Elgin Business Improvement District (BID). Delivered in partnership with local businesses who provide visitors access to clean toilet facilities in convenient locations, during normal opening hours, with no purchase required. Many of the premises offer disabled access and baby change facilities. Working in conjunction with the national 'Use our Loos' Scheme, which is sponsored by bleach makers, Domestos and the British Toilet Association, the Comfort Scheme is now available at more locations throughout Moray, with facilities in Aberlour, Burghead, Buckie, Cullen, Fochabers, Forres, Garmouth, Keith and Lossiemouth. Further information on the facilities can be accessed via the [Use Our Loos](#) link.

4. Gender pay gap

The gender pay gap has been identified as one of the major issues facing Moray. For this reason, tackling the gender pay gap has been incorporated into various projects proposed under the [Moray Growth Deal Heads of Terms Agreement](#).

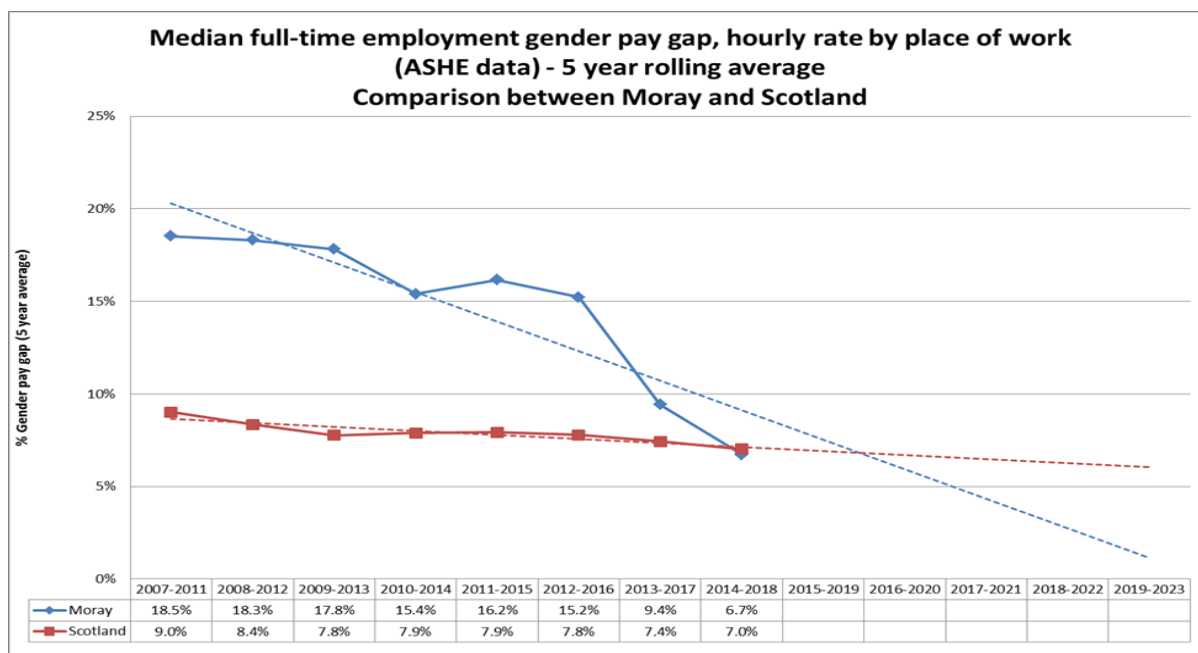
Moray Community Planning Partnership has employment as a priority and in particular to increase participation, skill and pay levels with reduced gender inequality through targeted approaches to those furthest from the job market, pathways to higher skilled employment, choices for the young workforce and apprenticeships at all levels, progress highlights include -

- Employability Consortium collaboration with New Elgin Locality Planning Group to identify locality actions to address barriers to work and in-work poverty
- Moray Pathways website launched in April 2019 and employability and training hub launched at the Inkwell
- Employability and Skills Group established to deliver the Skills Investment Plan
- Scottish Apprenticeship week event held in March 2019
- Early Learning and Childcare on track to deliver increased provision of 1140 hours in all setting by August 2021
- Nineteen employers noting interest in Moray Employer Recruitment Incentive (MERI) Scheme resulting in 11 employers taking participants attracting £72k of grant funding
- Kickstart Scheme launched

Figure 1 shows how the gender pay gap has changed in Moray between 2002 and 2019. It shows that it fluctuates sharply from year on year. There is a downward trend if looked at as 5-year rolling average but this is significantly influenced by the drop in 2014.



Figure 1: Moray Full-time median gender pay gap 2002 - 2019



Because of the fluctuations it is prudent to keep reducing the gender pay gap as an outcome for Moray Council for the period of 2021-2025, especially in the light of the projects that will be implemented under the Moray Growth Deal such as promoting the uptake and career progression of women in STEM subjects as well as one of the overall aims of the Moray Growth Deal to address the low wage economy in Moray.

5. Support Syrian refugees in Moray with their process of integration in Moray

Upon the families' arrival in Moray there was a support package involving a range of service providers including Moray Council, NHS Grampian, Police Scotland, Scottish fire and Rescue Service, Moray Third Sector Interface and Jobcentre Plus.

A welcome pack was put together with information from all the involved services and a series of training sessions to give important information about living in the UK. ESOL services were involved in supporting the families in learning to speak English. This has now been taken up by Moray College.

The outcome was to support the families to achieve British citizenship by the end of their 5-year period. This was understood to secure their right to remain in this country. However, this process can be started a year after they have been granted indefinite leave to remain. At the time of writing this report, it has become clear that the families have been successful in applying for indefinite leave to remain with support from Moray Council's Education and Social Care. It is therefore not necessary to carry this outcome forward to the next 4 years.

Mainstreaming the Equality Outcomes

The equality outcomes cut across services within Moray Council, making it a challenge to collect and disseminate data centrally. The Equal Opportunity Officer will liaise with the Research and Information Officers to ensure that the outcomes are captured within the cyclical performance reporting mechanisms. This means that from 2021 on, progress on the equality outcomes will be captured every 6 months.

Leadership Forum 14 September 2021

The draft Equality Outcomes were discussed with all the Council's senior managers at an online forum on 14 September 2021. The aim of the forum was to ensure that there was ownership of the equality outcomes across all of the Council's services and to start putting reporting mechanisms in place.

The discussions showed that there was a willingness to embrace the proposed equality outcomes. It was clear that the COVID-19 pandemic had increased awareness among staff across all the services about underlying inequalities in Moray.

As a result, some new themes and outcomes were proposed. These new proposals will be discussed within the Equality and Diversity Corporate Advisory Forum – the Council's internal equality group – from the end of 2021 onwards. The forum will have a wide representation of council services and will monitor progress towards the outcomes and propose new outcomes when appropriate.

A summary of the draft equality outcomes and the proposed outcomes/actions that came out of the Leadership Forum can be found in appendix 2.

PROPOSED EQUALITY OUTCOMES 2021 – 2025

APPENDIX 2

Corporate Plan Outcome	Actions	Measures	General Duty being addressed	What are the key protected characteristics	Lead / (Timescales)	Evidence for link to General Duty and protected characteristics
Our people: Provide opportunities for people to the 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	1. Bullying ○ Educational Services to implement an anti-bullying policy ○ Carry out annual surveys in schools to monitor effectiveness of anti-bullying approach over next 4 years	Reduction in incidents reported	Eliminate discrimination, harassment and victimisation Advance equality of opportunity Foster good relations	Age, Disability, Gender Re-assignment, Pregnancy and Maternity Race, Religion or Belief, Sex, Sexual Orientation	Head of Education (Autumn 2021) (March 2025)	Evidence shows that children with protected characteristics are more likely to be the subject of bullying behaviour.
Our people: Provide opportunities for people to the 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	2. Domestic Violence ○ Children and Families intervene at the earliest opportunity to minimise the impact of domestic abuse on children, young people and parents ○ Moray Council to liaise with Police Scotland through the Moray Community Safety Hub to identify what	% of Children registered on the CPR as a result of Domestic Abuse	Eliminate discrimination, harassment and victimisation Advance equality of opportunity Foster good relations	Disability, Gender Re-assignment, Pregnancy and Maternity, Sex, Sexual Orientation	Interim Head of Children's Service (March 2023) Head of Development Services (March 2025)	Whilst domestic violence tends to be directed at women, there is evidence that people with other protected characteristics such as disabled, trans and certain religious groups are at heightened risk.

PROPOSED EQUALITY OUTCOMES 2021 – 2025

APPENDIX 2

Corporate Plan Outcome	Actions	Measures	General Duty being addressed	What are the key protected characteristics	Lead / (Timescales)	Evidence for link to General Duty and protected characteristics
	<p>lessons can be learned</p> <ul style="list-style-type: none"> ○ Liaise with Education to explore ways to support pupils who experience domestic violence ○ Moray Licensing Board to continue promoting social responsibility among its license holders 				<p>Head of Education (March 2025)</p> <p>Head of G,S&P (March 2025)</p>	
Our people: Provide opportunities for people to the 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	<p>3. Housing</p> <ul style="list-style-type: none"> ○ Assess and respond to the housing needs of older people in partnership with IJB ○ Increase supply of ambulant disabled housing - Local Housing Strategy (LHS) ○ Adequate supply of appropriate housing for people 	30% of affordable houses continue to be delivered to amenity standard	Promote equality of opportunity	Age, Disability, Race	<p>Head of Housing & Property (March 2022)</p> <p>(March 2024)</p> <p>(March 2024)</p>	The Housing Needs and Demand Assessment 2017 identifies that the housing needs for groups protected on the grounds of age, disability and race are not being adequately met.

PROPOSED EQUALITY OUTCOMES 2021 – 2025

APPENDIX 2

Corporate Plan Outcome	Actions	Measures	General Duty being addressed	What are the key protected characteristics	Lead / (Timescales)	Evidence for link to General Duty and protected characteristics
	<p>with learning disabilities (LHS)</p> <ul style="list-style-type: none"> Gypsies / travellers have access to appropriate short and long terms accommodation to meet their needs (LHS) 	<p>Reduce number of unauthorised encampments</p> <p>Reduce average length (days) of unauthorised encampments</p>			(March 2024)	
Our future: Drive development to create a vibrant economy of the future	<p>4. Inclusive Economic Growth</p> <ul style="list-style-type: none"> Develop a collaborative approach to employability including approaches targeted at those furthest from the workplace Pursue the Cultural Quarter and other Moray Growth Deal projects led by the Council 	<p>Reduction in the gender pay gap</p> <p>Increase in 16-29 year olds living and working in Moray (10-15 year programme) (EG&D SP)</p>	<p>Eliminate discrimination</p> <p>Promote equality of opportunity</p> <p>Foster good relations</p>	Pregnancy and Maternity, Sex	<p>Head of Development Services (March 2022)</p> <p>Depute Chief Executive Economy, Environment and Finance</p>	Evidence shows a lack of employment opportunities for younger women in Moray.
Creating a sustainable council – Developing workforce:	<p>5. Ethnicity</p> <ul style="list-style-type: none"> Examine workforce data to identify any ethnicity pay gap 	Reduction in ethnicity pay gap	Eliminate discrimination, harassment and victimisation	Race	Head of HR & ICT (March 2025)	These outcomes have been proposed following the recommendations of the Scottish

PROPOSED EQUALITY OUTCOMES 2021 – 2025

APPENDIX 2

Corporate Plan Outcome	Actions	Measures	General Duty being addressed	What are the key protected characteristics	Lead / (Timescales)	Evidence for link to General Duty and protected characteristics
Increased diversity in the workforce	<ul style="list-style-type: none"> ○ Examine workforce data for bias against ethnic minorities in job application process ○ Review and our assess our current practice against the Scottish Government recruitment toolkit to identify improvements in our recruitment practices ○ Engage with minority groups in Moray to identify policies, practices and procedures that lead to poorer outcomes for ethnic minorities ○ Moray Licensing Board to explore and mitigate the language barriers that exist for licence applicants whose first 		Advance equality of opportunity Foster good relations		<p>(March 2025)</p> <p>(March 2025)</p> <p>(March 2025)</p> <p>Head of G,S&P (March 2025)</p>	Government's Equality and Human Rights Committee's findings on ethnicity and employment which shows that for some minority ethnic groups that attainment and pay gap is increasing.

PROPOSED EQUALITY OUTCOMES 2021 – 2025

APPENDIX 2

Corporate Plan Outcome	Actions	Measures	General Duty being addressed	What are the key protected characteristics	Lead / (Timescales)	Evidence for link to General Duty and protected characteristics
	language is not English.					

Moray Council mainstreaming report 2021

Introduction

The work in relation to equal opportunities within Moray Council has been dominated for a number of years by the budget setting process. As the council has been facing increasingly challenging saving targets, the process for carrying out equality impact assessments (EIAs) was reviewed during 2018 to take account of the new Fairer Scotland Duty (also known as socio-economic duty) which came into force in April of 2018.

Since then a great deal of work has been done around implementing the Fairer Scotland Duty in Moray at various strategic levels.

The [Corporate Plan 2024](#) sets out the strategic direction for the council based on 4 principles: Equalities, Empowering, Environment, Enterprising. The Council's commitments are summarised under the acronym FAIR:

- *Fair: tackle inequalities and tailor services*
- *Ambitious: promote Moray and make it better for the most vulnerable*
- *Improving: drive improvement and invest in the future*
- *Responsive: involve and listen to communities*

A substantial part of the Corporate Plan is underpinned by data from the Moray 10-year Local Outcomes Improvement Plan ([LOIP](#)). This has led to a change in focus in the Council's priorities towards those individuals and groups in our society who experience the most disadvantage and discrimination. The impact of this prioritisation may be less resources for lower priority services.

Many actions arising from this shift in priority will support the Council in its Fairer Scotland Duty. This duty is separate from the duty to set equality outcomes, although there will inevitably be an overlap. Some of the equality outcomes will contribute to the Fairer Scotland Duty and vice versa. Where relevant the overlap will be highlighted in the respective reports. It is important however that reporting on the two duties is done separately.

Revised EIA process

The form and guidance has been amended to include the socio-economic duty and to make the process more user friendly and transparent. In addition, there were training events for managers who have responsibility for budget proposals between 12 June and 28 June 2018. A separate briefing for SMT/CMT was given on 18 June and elected members were briefed on 8 August 2018.

The new EIA form is set out in three sections.

Section 1 is an initial screening to help decide if a proposal needs an EIA. If it is decided that an EIA is not needed, the rationale for this will need to be given in this section and should also be included in the committee report. For example: the proposal does not affect people. The form can then be signed off at this section and no further assessment is needed.

Section 2 is the actual equality impact assessment. The process follows a logical sequence to assist officers in using available evidence in order to determine who might be affected and how they will be affected either in a positive or a negative way. If there are negative impacts, officers will be asked to think about how these can be mitigated.

If the negative impacts cannot be fully mitigated, the form will direct officers to identify a justification for going ahead with the proposals.

Section 3 gives the conclusion of the EIA which can be one of 4 possible outcomes:

Outcome 1: No major change required when the EIA has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

Outcome 2: Adjustments to remove barriers identified by the EIA or to better promote equality

Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunities to promote equality. In this case, the justification should be included in the EIA and should be in line with the duty to have 'due regard'.

During 2020, the form was further revised, following feedback from the Scottish Government, advising Moray Council to explicitly make reference in the form to the elements of the general public sector equality duty. The form now contains information about relevance to the need to eliminate discrimination and other conduct prohibited by the Equality Act 2010, the need to promote equality of opportunity and the need to foster good relations.

Overall, the process of carrying out EIAs has become a well-established practice by Moray Council officers across the various services.

Training

All elected members have received training on the Equality Act and Human Rights legislation.

The council's online training module on the Equality Act has been passed by more than 1,000 officers.

By the end of 2020 a new module was added to the online training platform, covering human rights and children's rights legislation, linked to the Health and Social Care Standards.

Up until the 3rd quarter of 2019/20 8-12 additional face-face training sessions per year were held. Some of these were annual events, for example training on equalities and human rights for teaching staff as part of their leadership training or for foster families and staff of the Fostering and Adoption Team.

COVID-19

Like every other authority, Moray faced the challenge of continuing service provision during lockdown.

In partnership with the providers of face-to-face interpretation and with the BSL interpreters, Moray Council was able to continue providing a service for those whose first language wasn't English. This was done by extending provision for telephone interpretation as well as video interpretation using ICT. In addition, translation of COVID-19 information was made available in written form and through video. With support from the Moray Deaf Club, the information was further provided to BSL users who don't have access to mobile phones or computers.

There was no face-to-face training on equality, diversity and human rights during this period. Instead, Moray produced a video on human rights, children's rights and Scotland's Health and Social Care Standards.

Mainstreaming Equality Outcomes

Over the next 4 years, Moray Council will be working towards mainstreaming progress reports on equality outcomes through its performance reporting procedures. This will mean that individual services will take ownership of ensuring that data on equality outcomes are collated and disseminated on time. The Equal Opportunities officer will liaise with the Research and Information Officers to set this up.

MORAY COUNCIL EQUALITY WORKFORCE MONITORING REPORT 2020 - 2021

Introduction

This is the Moray Council's Equality Workforce Monitoring Report for 2020/2021. We produce this to show that the 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 2020 to 31 March 2021.

It is important to note that the impact of the global pandemic will have resulted in changes to the workforce data particularly in regards to recruitment, disciplinary and grievance data as these HR operational duties were placed on hold for a proportion of the year to allow our focus to be on providing a response and recovery to Covid-19.

Background

As an employer the Moray Council is required to collect equalities monitoring data and publish it on an annual 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, 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 2021

Within Moray Council we have 5595 employees covering a wide range of services and delivering many roles including manual workers, administration, professional posts and managers. This includes 1310 teaching staff and high numbers 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 that has been identified in the calculations below.

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: 1984 posts which equates to 35% of our total workforce are women in Grade 3 posts or below, in comparison to 293 men which equates to 5% of men who hold Grade 3 posts or below
- We are compliant with the principles of equal pay
- Our 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:

2020-2021			
	No of posts	Mean hourly rate	Mean pay gap
Teaching Staff			
Male	238	24.20834334	3.21%
Female	1074	23.43123304	
	1312		
Non-teaching			
Male	1009	13.95270541	12.96%
Female	3274	12.144548	
	4283		
ALL STAFF			
Male	1247	15.91007656	6.14%
Female	4348	14.93247342	
	5595		

2. Median pay gap

Staff Category	No of Posts	Median Hourly rate	Median Pay Gap
Teaching			
Male	238	£22.7538	
Female	1074	£22.7538	
Total	1312		
			0.0%
Non Teaching			
Male	1009	£11.29	
Female	3274	£10.19	
Total		£1.10	
			9.74%
ALL STAFF			
Male	1247	£13.66	
Female	4348	£11.29	
Total	5595	£2.37	
			17.35%

Looking at the above calculation, it is important to consider when comparing this to other authorities that we may not be like for like in terms of the services we deliver and the composition of our workforce. For example, some authorities have arm's length or external organisations delivering cleaning, catering, care at home, roads, grounds and leisure services. There are challenges in offering suitable career paths for lower paid frontline jobs which are traditionally held by women (e.g. cleaners) which contributes 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 e.g. our SNCT staff are employed in professional posts which generally are paid at a higher level through national bargaining arrangements. These posts make up 23% of our workforce of which 19% of those are female which will have a positive impact on the gender pay gap. In comparison 35% of our female workers are on SJC terms and conditions and hold Grade 3 or below posts, most of which are part time which impacts negatively on the overall gender pay gap. The grades of all SJC posts are determined locally.

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 policy and projects that we undertake. It is acknowledged however that given the high numbers of the female workforce holding a significant proportion of our roles within catering, cleaning and care at home which are part time low paid roles the impact of the gender pay gap will be influenced by this dynamic.

We continue to monitor the long term impact on the pay structure arising from the living wage and other pay related issues and this action appears in the HR, ICT & OD service plan. 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 over the past 2 years from 7.59% in 2018/19 to 6.14% this year which demonstrates an improving position. An action arising from this finding is to confirm the extent to which the improvement is attributable to the series of bottom loaded national pay awards and to learn from any other factors that have influenced the position in order that these can be built upon for future improvement. This will require more detailed analysis of our workforce composition and that of our comparators.

3. Statement of Equal Pay

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

4. Departmental Segregation and Grading Information

Our Departmental Segregation table is attached as **Appendix B** and has been prepared as per example in Close the Gap guide. This captures the gender breakdown by service areas and grade. For data protection purposes where there is a group of 5 or less employees the number of employees will not be disclosed and will be replaced by an ‘*’

5. 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

Please note that the total workforce employee number differs from that detailed in section one due to a number of employees holding more than one position in the Council. It is also important to note that the workforce composition data provided applies to 34.16% of our workforce; provision of this data is not mandatory. This table captures data from 30.73% of teaching staff and 35.82 % of non-teaching staff.

RACE:	All staff		teaching staff		non-teaching	
Ethnic Minority Employees:	5595		1310		4285	
A White: (Female 77.71% Male 22.29%)						
Scottish	1359	24.29%	282	21.53%	1077	25.13%
English	390	6.97%	91	6.95%	299	6.98%
Welsh						
Irish	7	0.13%	2	0.15%	5	0.12%
Northern Irish						
Polish	6	0.11%	1	0.08%	5	0.12%
Scottish: Polish						
Any other white background	136	2.43%	26	1.98%	110	2.57%
B Mixed:						
Any mixed background	2	0.04%	0	0	2	0.05%
C Asian, Asian Scottish, Asian English, Asian Welsh or other British Asian						
Indian	1	0.02%	0	0	1	0.02%
Pakistani						
Bangladesh	1	0.02%	0	0	1	0.02%
Chinese	3	0.05%	0	0	3	0.07%
Any other Asian background	2	0.04%	0	0	2	0.05%
D: Black, Black Scottish, Black English, Black Welsh or Other Black British						
Caribbean						
African	2	0.04%	1	0.08%	1	0.02%
Any other Black background	2	0.04%	0	0	2	0.05%
E: Other Ethnic Background						
Any other background						
F: Unidentified						
Unknown (Did not answer)	3684	65.84%	907	69.27%	2777	64.81%

Appendix C provides a further copy of the 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/

Table 2 Breakdown of recruitment data

	Applied (number)	Applied (%)	Shortlisted (Number)	Shortlisted (%)	Appointed (Number)	Appointed (%)
Total	9361	100%	2069	100%	498	100%
Gender:						
Male	2303	24.60%	454	21.94%	88	17.67%
Female	6956	74.31%	1582	76.46%	398	79.92%
Disability:						
Yes	389	4.15%	94	4.54%	12	2.41%
No	8812	94.13%	1928	93.18%	475	95.38%
DNA	160	1.71%	47	2.27%	11	2.21%
Religion:						
Church of Scotland	1425	15.22%	369	17.83%	91	18.27%
Roman Catholic	480	5.13%	109	5.27%	31	6.22%
Protestant	18	0.19%	5	0.24%	1	0.20%
Other Christian	959	10.24%	210	10.15%	51	10.24%
None	5296	56.58%	1129	54.57%	268	53.82%
Other	440	4.70%	95	4.59%	28	5.62%
Prefer not to Say	743	7.94%	152	7.35%	28	5.62%
Ethnicity:						
White:	8816		1969		478	
Scottish	6287	67.16%	1433	69.26%	357	71.69%
English	515	5.50%	101	4.88%	19	3.81%
Welsh	96	1.02%	21	1.01%	7	1.40%
Irish	85	0.91%	18	0.87%	4	0.80%
Northern Irish	0	0	0	0	0	0
Polish	87	0.93%	18	0.87%	5	1.00%
Scottish: Polish	0	0	0	0	0	0
Any other	1746	18.65%	378	18.27%	86	17.27%
Mixed: Any mixed background	62	0.66%	13	0.63%	1	0.20%
Asian:	209		29		6	
Indian	30	0.32%	8	0.39%	3	0.60%
Pakistani	30	0.32%	1	0.05%	1	0.20%
Bangladeshi	5	0.05%	0	0	0	0
Chinese	59	0.63%	4	0.19%	1	0.20%

Table 3: Non Response

	Workforce	Applicants	Shortlisted Applicants
Sex	0%	0.78%	1.26%
Race	65.84%	1.11%	1.69%
Disability	74.21%	1.71%	2.27%
Religion	71.80%	7.94%	7.35%
Transgender	94.51%	1.30%	1.59%
Sexual Orientation	29.09%	1.88%	2.17%

We currently do not hold data on the other areas recommended or the 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 this is an area that has been identified for further development in terms of action planning arising from this report. It should be also be noted however that with the introduction of our HR payroll system with an emphasis on self-service functionality this includes the scope for employees to record and update their personal data, it is hoped that this will also support improved rates of data capture going forward.

Disciplinary and Grievances

The table below captures the equality data of those involved in disciplinary and grievance procedures during 2020/21. From the data available this presents no equality concerns.

	Disciplinary (number)	Disciplinary (%)
Total	7	100
Gender:		
Male	6	85.71%
Female	1	14.29%
DNA	0	0
Marital Status:		
Single	1	14.29%
Cohabiting	0	0
Married	1	14.29%
Prefer not to Say	0	0
DNA	5	71.43%
Sexual Orientation:		
Heterosexual/Straight	2	28.57%
Prefer Not to Say	0	0
DNA	5	71.43%
Transgender:		
Same as Birth	0	0
DNA	7	100%
Disability:		
Yes	0	0
No	1	14.29%
DNA	6	85.71%
Religion:		
Christian	0	0
None	2	28.57%
Prefer not to say	0	0
DNA	5	71.43%
Ethnicity:		
White:		
Scottish	0	0
English	0	0
Any other British	0	0
Prefer not to Say	0	0
DNA	7	100%

	Grievance (number)	Grievance (%)
Total	4	100
Gender:		
Male	1	25%
Female	3	75%
DNA	0	0
Marital Status:		
Single	0	0
Cohabiting	0	0
Married	3	75%
Prefer not to Say	0	0
DNA	1	25%
Sexual Orientation:		
Heterosexual/Straight	2	50%
Prefer Not to Say	0	0
DNA	2	50%
Transgender:		
Same as Birth	2	50%
DNA	2	50%
Disability:		
Yes	0	0
No	1	25%
DNA	3	75%
Religion:		
Christian	1	25%
None	1	25%
Prefer not to say	0	0
DNA	2	50%
Ethnicity:		
White:		
Scottish	1	25%
English	1	25%
Any other British	0	0
Prefer not to Say	0	0
DNA	2	50%

Leavers Information

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

Total Workforce	Number	Percentage 100%
Female	539	78.12%
Male	161	21.88%
RACE:		
Ethnic Minority Employees:	690	
A White:		
Scottish	111	16.09%
English		
Welsh		
Irish	0	0.14%
Northern Irish		
Polish		
Scottish: Polish		
Any other white background	41	5.94%
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)	537	77.83%
Disability:	Totals	Percentage
Yes	4	0.58%
No	111	16.09%
Did Not Answer	575	83.33%
Religion:		
Christian	70	10.14%

Total Workforce	Number	Percentage 100%
Not Known	551	79.86%
None	47	6.81%
Other	13	1.88%
Prefer not to say	9	1.30%
Transgender:		
Not Known	663	96.09%
NOT Same as Birth	0	0
Prefer Not to Say	1	0.14%
Same as Birth	26	3.77%
Sexual Orientation:		
Bisexual	0	0
Gay Man	2	0.29%
Gay Woman/Lesbian	0	0
Heterosexual/Straight	130	18.84%
Not Known	554	80.29%
Other	1	0.14%
Prefer not to Say	3	0.43%

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.

APPENDIX A – Equal Pay Statement

THE MORAY COUNCIL
EQUAL PAY STATEMENT
UPDATE APRIL 2019

(Reviewed every 3 years – next update due April 2022)

The Moray Council is committed to the principle of equal opportunities in employment and believes as part of that principle that male and female employees should receive equal pay for the same or broadly similar work, for work rated as equivalent and for work of equal value.

We recognise that a right to equal pay between males and females free of sex bias is enshrined within both European Community law and United Kingdom legislation.

We believe that, in eliminating sex bias in our pay system, we have sent and continue to send a positive message to our employees and the community in general. It makes good organisational sense to have a fair transparent pay system. Avoiding unfair discrimination improves morale and enhances efficiency.

The Council has worked in partnership with the recognised Trades Unions to this end and in 2006 implemented an equal pay compliant agreement on pay and conditions of service for Scottish Joint Council employees.

The Council has and will continue to:

- Identify and eliminate any unlawful practices that may impact on pay
- Take appropriate remedial action

The Council prepared an initial Equal Pay Statement in June 2008 which included a range of actions demonstrating the Council's commitment to equal pay. The statement included a commitment to review progress against these commitments every three years. The 2019 review with a summary of progress against each of the criteria, provided in italics is detailed below:-

- Develop and review employment policies ensuring equal pay compliance;-

The Council is using its established Equalities Impact Assessment (EIA) process for this purpose. A 5 year rolling calendar for policy reviews is currently in place as detailed within the HR Services Service Plan with an EIA being prepared for each policy reviewed where an impact is identified at the initial assessment stage.

- Develop a plan on longer term pay equality:-

A plan is currently in the early stages of development.

As part of the commitment to Equal Pay and recognition of the impact of traditional occupational segregation the Council implemented the nationally recognised Living Wage with effect from April 2012.

The Council has implemented the last two Living Wage increases and is committed to the principle of pay equality. This is including assessment of the impact of a national Scottish Joint Council commitment towards consolidation of the living wage.

- Complete job evaluation appeals:-

All Job Evaluation Appeals were completed in December 2007. All appellants were advised of the outcome and amended salary grades implemented as appropriate in early 2008. The Moray Council was one of the first Councils in Scotland to complete this project.

Locally developed pay protection arrangements ended with effect from 1 December 2012 the effect of which is that all Scottish Joint Council employees are now in receipt of the salary grade determined for their post.

The grade of new posts and grade reviews are determined using the national Job Evaluation scheme and updates to the scheme are implemented as they arise.

- Apply the nationally agreed job sizing arrangements for teaching staff:-

The Authority is continuing to apply the nationally agreed job sizing process as the need arises.

This still applies albeit there have been some national revisions to the scheme which are implemented as they arise.

2015 update – As above.

2019 update – As above.

- Review the pay and conditions of service for craft operatives:-

Following significant consultation and agreement Craft Operatives are now paid on SJC pay scales.

- Respond to grievances and complaints to the Council on equal pay:-

The Council deals with any such grievances and claims through recognised procedures in this regard.

2013 update - Equal pay claims all settled.

- Review progress every three years:-

The Council is scheduled to review progress every 3 years. A further update on progress will be reported in April 2022.

Human Resources

April 2019

APPENDIX C Workforce Composition including teaching staff

RACE:	All staff		teaching staff		non-teaching	
Ethnicity:	5595		1310		4285	
A White:	(Female 77.71%		Male 22.29%)			
Scottish	1359	24.29%	282	21.53%	1077	25.13%
English	390	6.97%	91	6.95%	299	6.98%
Welsh						
Irish	7	0.13%	2	0.15%	5	0.12%
Northern Irish						
Polish	6	0.11%	1	0.08%	5	0.12%
Scottish: Polish						
Any other white background	136	2.43%	26	1.98%	110	2.57%
B Mixed:						
Any mixed background	2	0.04%	0	0	2	0.05%
C Asian, Asian Scottish, Asian English, Asian Welsh or other British Asian						
Indian	1	0.02%	0	0	1	0.02%
Pakistani						
Bangladesh	1	0.02%	0	0	1	0.02%
Chinese	3	0.05%	0	0	3	0.07%
Any other Asian background	2	0.04%	0	0	2	0.05%
D: Black, Black Scottish, Black English, Black Welsh or Other Black British						
Caribbean						
African	2	0.04%	1	0.08%	1	0.02%
Any other Black background	2	0.04%	0	0	2	0.05%
E: Other Ethnic Background						
Any other background						
F: Unidentified						
Unknown (Did not answer)	3684	65.84%	907	69.27%	2777	64.81%
Disability:			Total		Percentage	
Yes			33		0.59%	
No			1410		25.20%	
Did Not Answer			4152		74.21%	
Religion:						
Christian			755		13.49%	
Not Known			4017		71.80%	
None			572		10.22%	
Other			209		3.74%	
Prefer not to say			42		0.75%	
Transgender:						
Not Known			5288		94.51%	
NOT Same as Birth			2		0.04%	
Prefer Not to Say			7		0.13%	

APPENDIX 3

Same as Birth	298	5.33%
Sexual Orientation:		
Bisexual	8	0.14%
Gay Man	11	0.20%
Gay Woman/Lesbian	12	0.21%
Heterosexual/Straight	1592	28.45%
Not Known	53	0.95%
Prefer not to Say	5	0.09%
	3914	69.96%

Department	Children's Services		Community Care		Community Care - Home Care		Envir & Commerical Services		Finance		Housing & Property		Governance Strategy & Perm		HR, ICT & OD		Economic Growth & Development		Education		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	
Grade 1			7	*			349	40											13	*	*	7	422
Grade 2					*		*	14	*	*			7	*					259	9	*	*	305
Grade 3			55	*	257	14	245	124			36	11	37	*	*		7		546	25	147	37	1550
Grade 4	*		167	48	9	*	27	133	11	5	15	14	14	*	*	*	*	*	12		14		482
Grade 5	*	*	45	7	5		45	17	*		17	*	*	*	14	*	7	*	47		44	9	272
Grade 6	61	11		*			6	32	13	*	*	*	25	*	*	*	9	*	110	15	15	5	320
Grade 7	6	*	17	6	14	*	6	8	*		8	7	10	*	*	14	11	7	45	*	6	*	183
Grade 8			14	*	*	*	7	12	*		23	22	10	*	10	7	6	9	14	*	17	11	176
Grade 9	60	9	55	8	*	*	*	16	9	*	9	9	7	*	12	14	12	11	17	*	*		266
Grade 10	22	6	13	*				*	*	*	6	6	*	*	*	*	*	5	*		*	*	84
Grade 11	7		13	*			*	8				*	*	*	*	*	*	5	*		*	*	56
Grade 12	*								*	*	*	*	*	*		*	*				*		14
Grade 13	*		*	*			*	*	*			*	*		*	*	*	*	*	*	*		24
Sheltered Placement			*	*																			4
Chief Executive														*									1
Depute Chief Executive														*									2
Chief Official	*		*					*	*			*		*	*			*	*		*		10
Craft Grade 5				*				*			*	44											49
Craft Grade 6								10				40											50
Craft Grade 7								*				*											6
Craft Apprentice Grade 5												*											3
Craft Apprentice Grade 6												*											6
Mechanic Grade 5																							0
Main Grade Teacher																			762	143	15	*	923
Principal Teacher																			159	56	*	*	222
Head/Depute Head Teacher																			88	21	*		110
Chartered Teacher																			19	*	5		28
Senior Education Psychologist																					*		*
Education Psychologist																					*		*
Principal Psychologist																						*	*
Central Education Management & Support Officers																			5	3			7
Music Instructor																			*		*	*	13
Music Instructor +3.5																							0
Grade 3 (2nd Position)																							0
Grade 4 (2nd Position)																							0
Grade 6 (2nd Position)																							0
	163	29	389	92	292	19	696	424	48	10	121	178	121	27	55	47	62	50	2102	283	299	88	5595

* less than 5 employees

Please note work continues to align employee numbers into the revised management structure

