



Moray Council

Wednesday, 24 May 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Council** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Wednesday, 24 May 2023** 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 Items 14 and 15 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. **Minutes**
 - 4a. **Minute of Meeting of Moray Council on 2 February 2023** 7 - 22
 - 4b. **Minute of Special Meeting of Moray Council on 1 March 2023** 23 - 34
 - 4c. **Minute of Special Meeting of Moray Council on 8 March 2023** 35 - 42
5. **Notice of Motion - ScotWind Auction** 43 - 44
6. **Notice of Motion - Proposed Highly Protected Marine Areas in Scotland** 45 - 46

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|-----|--|------------------|
| 7. | Chief Social Work Officer Report 2021-22
Report by the Chief Social Work Officer | 47 - 58 |
| 8. | Closure of Inveravon Primary School Statutory Consultation Report
Report by Depute Chief Executive (Education, Communities and Organisational Development) | 59 - 206 |
| 9. | Committee Appointment Changes
Report by Depute Chief Executive (Education, Communities and Organisational Development) | 207 - 210 |
| 10. | Review of Scheme of Administration
Report by the Depute Chief Executive (Education, Communities and Organisational Development) | 211 - 238 |
| 11. | Review of Scheme of Delegation
Report by the Depute Chief Executive (Education, Communities and Organisational Development) | 239 - 316 |
| 12. | Information Reports - if called in | |
| 13. | Question Time ***
Consider any oral question on matters delegated to the Committee in terms of the Council's Scheme of Administration. | |
| 14. | Trade Union Facility Time [Para 11]
<ul style="list-style-type: none"> • Information relating to any consultations or negotiations in connection with any labour relations; | |
| 15. | Refugee Resettlement and Asylum Support [Para 3 and 5]
<ul style="list-style-type: none"> • Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority; • Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement; | |

Watching the Meeting

You can watch the webcast live by going to:

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

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

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

Information Reports - Not for Discussion at this Meeting

Any member wishing to call in a noting or information report from one meeting shall give notice to Committee Services at least 48 hours before the meeting for which the report is published. The Notice shall be countersigned by one other elected member and shall explain the reason for call in including any action sought.

Information Report - Moray Growth Deal Annual Report

**317 -
358**

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

Information Report - Approved Minutes of Moray

**359 -
364**

Integration Joint Board

Report by Chief Officer, Health and Social Care Moray

* **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

Moray Council

SEDERUNT

Councillor Kathleen Robertson (Chair)
Councillor Donald Gatt (Depute Chair)

Councillor James Allan (Member)
Councillor Peter Bloomfield (Member)
Councillor Neil Cameron (Member)
Councillor Tracy Colyer (Member)
Councillor Theresa Coull (Member)
Councillor John Cowe (Member)
Councillor John Divers (Member)
Councillor Amber Dunbar (Member)
Councillor Jérémie Fernandes (Member)
Councillor David Gordon (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Scott Lawrence (Member)
Councillor Graham Leadbitter (Member)
Councillor Marc Macrae (Member)
Councillor Paul McBain (Member)
Councillor Neil McLennan (Member)
Councillor Shona Morrison (Member)
Councillor Bridget Mustard (Member)
Councillor Derek Ross (Member)
Councillor John Stuart (Member)
Councillor Draeyk Van Der Horn (Member)
Councillor Sonya Warren (Member)
Councillor Ben Williams (Member)

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

Minute of Meeting of the Moray Council

Thursday, 2 February 2023

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Economic Growth and Development, Chief Financial Officer, Head of Education, Head of Housing and Property, Housing Strategy and Development Manager, Interim Planning and Strategy Lead and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 21 and the Councillors' Code of Conduct, Councillor Robertson declared that the Conservative Group had reached a group decision on Item 12 of the agenda relating the Early Learning and Childcare – Sustainable Rate.

The Council noted that there were no other declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Member's interests in respect of any item on the agenda.

3. Suspension of Standing Orders

In terms of Standing Order 85 the Chair sought agreement to suspend standing order 77 to adjourn the meeting for lunch and resume at 3.00pm to allow members to attend a funeral.

This was unanimously agreed.

4. Tribute

The Council joined the Chair in expressing their condolences to the family of the late Mrs Anita Milne who had sadly died.

In leading the tribute, Councillor Macrae said that Mrs Milne was hugely respected for all the work she did across the voluntary sector in Moray.

5. Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the meeting for Items 20 - 23 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.

Para number of the minute	Para Number of Schedule 7a
20	Para 6 Information relating to the financial or business affairs of any particular person(s)
21	Para 6 Information relating to the financial or business affairs of any particular person(s)
22	Para 8 and 9 Information on proposed terms and/or expenditure to be incurred by the Authority

6. Minutes of meeting of Moray Council on 7 December 2022

The minute of the meeting of Moray Council dated 7 December 2022 was submitted and approved.

7. Minutes of meeting of Appeals Committee on 18 January 2023

The minute of the meeting of the Appeals Committee dated 18 January 2023 was submitted and approved.

8. Notice of Motion - Dick Bequest Trust

In terms of Standing Order 35(a) there was submitted a Notice of Motion By Councillor Fernandes, seconded by Councillor Stuart in the following terms:

Dick Bequest Trust

Council understands that recent research has demonstrated that the Dick Bequest fund is 'derived from the exploitation and misery of enslaved Africans'.

Council further understands that academics and historians recommend that Moray Council refuse to appoint trustees to the fund.

- i) Council acknowledges that the University of Aberdeen and the Society of Writers to HM Signet have refused to appoint new trustees and that an Aberdeenshire Council appointee has refused to take up

his role.

- ii) Council recognises that it is time to sever ties with the Dick Bequest.
- iii) Council revokes its appointment to the board of the Dick Bequest Trust.
- iv) Council instructs officers to communicate to the board of the Dick Bequest Trust that the Council no longer wishes to appoint a Governor to the board and reiterate their request that the Scheme be wound up.

Councillor McLennan confirmed that he had submitted his resignation to the Trust.

In response, Councillor Fernandes confirmed that this would mean recommendation (iii) was not required.

Councillor Mustard sought clarification on whether the Council was permitted not to appoint a representative.

In response, The Head of Governance, Strategy and Performance added that he had spoken to the Trust solicitors and they had confirmed that the Trust had a full complement of Governors so therefore if the Council chose not to appoint, it would not stop the Trust from operating. He further added that the Trust would still be listed as an outside body of the Council but noted that this Council did not wish to appoint a representative.

Following consideration the Council agreed to:

- i) Council acknowledges that the University of Aberdeen and the Society of Writers to HM Signet have refused to appoint new trustees and that an Aberdeenshire Council appointee has refused to take up his role.
- ii) Council recognises that it is time to sever ties with the Dick Bequest.
- iii) Council instructs officers to communicate to the board of the Dick Bequest Trust that the Council no longer wishes to appoint a governor to the board and reiterate their request that the Scheme be wound up.

9. Notice of Motion - Nature Emergency Declaration

In terms of Standing Order 35(a) there was submitted a Notice of Motion By Councillor Van Der Horn, seconded by Councillor Harris in the following terms:

Motion on Moray's Nature Emergency Declaration
Council:

- 1) Notes the body of evidence which outlines the alarming extent of the global nature and biodiversity crisis.

- 2) Recognises the inherent value of nature as an integral part of culture and society, as well as its crucial importance for our health, wellbeing, and economy.
- 3) Additionally, recognises the key role nature has to play in meeting climate targets, and for climate adaptation and resilience.

Further, Council:

- 4) Welcomes the revised national [Scottish Biodiversity Strategy](#) and forthcoming statutory targets for public bodies, including local authorities, required to meet the challenges of the nature crisis
- 5) Welcomes the [Kunming-Montreal Global Biodiversity Framework \(GBF\)](#) agreed at COP15 in December 2022 and celebrates the role played by the [Edinburgh Process](#) as part of this
- 6) Recognises the key role subnational governments and local communities will play in realising delivery of the GBF, notes the leading role Moray has taken by supporting the [Climate and Ecology Bill](#), signing the [Edinburgh Declaration](#) and the [Glasgow Food and Climate Declaration](#).

Therefore, Council agrees:

- 7) To declare a Nature Emergency, akin and alongside the Council's declaration of a Climate Emergency in 2019 recognising the current state of nature, its inherent value in society and the crucial role its recovery and restoration will play in realising climate targets

Further, Council requests a report to this Council within 3 cycles which:

- 8) Outlines how existing Council strategies such as the North East Scotland Local Biodiversity Action Plan, Climate Strategy, and woodland strategy align with the GBF and Scottish Biodiversity Strategy, and notes any changes to existing strategies required to deliver against these.
- 9) Provide an update on the North East Scotland Local Biodiversity Action Plan, including specific consideration to:

An [ecological coherence approach](#) to effectively identify and target actions required to tackle the nature emergency and deliver against the various strategies listed above, including through the further development of the region's Nature Network as defined and outlined in the Scottish Biodiversity Strategy to 2045.

Adopt a partnership approach, including working with project partners, to maximise opportunity for delivery of the strategies listed above, and taking learning from the partnership model developed as part of the 2030 Climate Strategy work

Councillor Macrae proposed that the Council agree recommendations 1 – 9 and add an additional recommendation:

- 10) The Council Leader to write to Cosla highlighting points 1 – 9 of the motion and the importance of nature alongside climate here in Moray and to seek

increased resourcing from the Scottish Government to allow the Council to engage with these objectives whilst still delivering the statutory service, to facilitate collegiate working across all 32 local authorities and all council groups regardless of any political allegiance.

Councillors Van Der Horn and Harris were happy to accept the additional recommendation and Council agreed the Notice of Motion as stated.

10. Written Questions **

In terms of Standing Order 36 Councillor Keith submitted a written question in the following terms and the Council's response thereto:

Given the fact that Duffus Road, Elgin:

Is a Priority 1 route for gritting in adverse weather conditions

Is a busy road for commuting from outlying towns

Is a bus route

Has seen a steady increase in usage with new housing at Hamilton Gardens

Is experiencing traffic congestion linked the usage of the Moray Council run Beechbrae Education Centre which is getting worse

Means that Moray Council has an obligation to act to mitigate the evident problems.

In light of these facts can Council be advised as to what instructions have been issued to staff at the Beechbrae Education Centre by the Chief Executive advising them not to organise further training seminar events at the centre given the level of disruption to residents and danger to road users in general caused by the level of on street parking at this Moray Council facility.

RESPONSE

It is appreciated that there has been concerns about a high level of parking demand from users of the Beechbrae facility during school strike days as school support staff were invited to attend training at this location. The Chief Executive asked the teams to request attendees at the training event on the strike day (19 January) to car-share and find alternative locations to park where possible. The teams have also been asked to consider the best location for any future training events where a large number of attendees would be expected.

In terms of road safety concerns, the width of Duffus Road at this location is sufficient for current usage including on-street parking associated with the Beechbrae facility. There has been on-street parking on Duffus Road associated with the Beechbrae facility for a significant number of years. There have in the past been requests for parking restrictions to be placed on Duffus Road to prevent parking.

The introduction of parking restrictions would have two consequences:

Vehicles would be displaced onto neighbouring side roads, leading to issues for the residents of those roads if vehicles parked too close to driveways, etc.

The vehicles parked on Duffus Road act as traffic calming and assist in slowing down vehicle speeds. The removal of parking would mean that there would be no

requirement for vehicles to slow down to pass the parked vehicles and would lead to increased vehicle speeds. The speed of traffic on Duffus Road has been raised as a concern previously by local road users. However, surveys undertaken at this location have found no evidence of excessive speeds. The latest survey, carried out in March 2022, shows that the average speed of traffic travelling towards Beechbrae is 27.9mph and towards Morriston Road is 28.7mph.

11. Progress Update to the Scheme of Integration

A report by the Chief Officer, Health and Social Care Moray asked the Council to approve the amendments to the Integration Scheme to reflect the decision to delegate Children and Families and Justice Social Work Services to Moray Integration Joint Board (MIJB)

The Interim Strategy and Planning Lead updated Council on a further change to the Integration Scheme which recognises the Director of Public health role within the Scheme of Integration at paragraph 9.6.2 on page 29 of the Integration Scheme to read as follows:

Directors of Public Health, Medical Directors and Executive Nursing Directors are ministerial appointments made through health boards to oversee systems of professional and clinical governance within the Health Board.

The change will also amend the second bullet point of paragraph 9.6.4 on page 29/30 of the Integration Scheme to read as follows:

The Director of Public Health, the Executive Nurse Director and Medical Director will continue to have professional managerial responsibility.

Councillor McLennan raised concerns about the separate professional frameworks and whistle blowing policies which would be used within the Moray Integration Joint Board and moved to add to additional recommendations as follows:

Council Leader to write to Cosla to ask them to consider how different regulations align and how any gaps can be closed; and

Council Leader to write to Cosla to consider if the Independent National Whistle Blower Office for NHS could be usefully rolled out to all Local Authorities.

This was seconded by Councillor Warren.

Following consideration and as there was no one otherwise minded, the Council:

- i) approved the amendments to the Integration Scheme;
- ii) agreed to submit the Integration Scheme to the Scottish Government for final approval;
- iii) agreed the implementation of the transition of the statutory responsibility of Children's Services from Moray Council to the Moray Integration Joint Board following the final Government approval;
- iv) Council Leader to write to Cosla to ask them to consider how different regulations align and how any gaps can be closed; and

- v) Council Leader to write to Cosla to consider if the Independent National Whistle Blower Office for NHS could be usefully rolled out to all Local Authorities.

12. Capital Strategy

A report by the Depute Chief Executive (Economy Environment and Finance) asked Council to approve the amended Capital Strategy presented in draft as Appendix 1 to the report.

Councillor Mustard sought an update on the standards of the Council's assets and requested a report back to Council to review the standards as this had not been updated since 2014.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) advised that a report will be presented to Education, Children's and Leisure Services Committee at the April Committee.

Councillor Mustard expressed concern that not all Members sit on the Committee and it is difficult to know what has been agreed at the individual Committees.

The Depute Chief Executive (Economy, Environment and Finance) added that there is a lot of information that sits behind the Asset Management data and a briefing for Members could be held to go into the information in more detail to then allow Officers to provide further information for Members should they wish.

Following further consideration the Council approved the amended Capital Strategy as set out in Appendix 1.

13. Use of Capital Receipts to Fund Transformation

A report by the Depute Chief Executive (Economy, Environment and Finance) requested Council's approval to use capital receipts to fund a specified range of transformation or service redesign projects, in the terms permitted by Scottish Government as set out in the Local Government Finance Circular No 4/2019.

Following consideration the Council agreed to:

- i) approve the use of capital receipts to fund expenditure estimated at £396,000 in 2022/23 on the Improvement and Modernisation Programme, Digital Services and review of Early Learning and Childcare, as set out in section 4 of this report; and
- ii) note that annual recurring savings of at least £4,483,000 are projected to be achieved from this and the last four years' investment of capital receipts.

14. Smarter Working Project - Outline Business Case

A report by the Depute Chief Executive (Economy, Environment and Finance) provided an update on progress with the Smarter Working project and the outline business case.

Councillor Mustard raised a point of order, under Standing Order 34 in relation to a minuted decision of the Council not being altered or revoked within 6 months of its approval.

Whilst Councillor Mustard acknowledged that it was an update report, the report was seeking approval for 3 recommendations and she believed the information requested at the meeting of Moray Council on 28 September 2022 would inform those decisions. At that time it was agreed that 6 months would be needed to be able to collect the information required. Further information was requested on financial implications, which are included, the progress of the project and the Equality Impact Assessment (EIA) which is not included. Progress is mainly focusing on the governance and provides no information on what was raised at the meeting on 28 September 2022.

Given what had been said Councillor Mustard sought clarification on whether the Council should be considering the report given that the 6 month period for decisions being made were still valid.

The Depute Chief Executive (Economy, Environment and Finance) clarified that the 2 projects (Office Review and Flexible Working Policy) have been subsumed into the Smarter Working Project and it was hoped that within the outline business case, Officers have provided an update on how the Council are going to provide staff with the spatial accommodation and equipment to allow them to work flexibly and to a hybrid pattern. A briefing was provided to members on progress with the policy and it is unfortunate that if there were any issues with information around flexible working it was not raised as further information could have been included in the report. With regards to the EIA, the Council's Equalities Officer had advised that this did not need to be completed until the service engagement process has been carried out.

She further added that any delay in agreeing the report would have an impact on the Council's ability to begin to deliver the project, which would in turn delay savings being generated by the project and also the duration of the Project Officer's contract.

The Head of Governance, Strategy and Performance sought a short adjournment to discuss the matter with the report author to determine whether it was changing a decision previously made or whether there was latitude within the last decision for the recommendations in the report.

On the resumption of the meeting, Councillor Robertson advised that following the advice from the Head of Governance, Strategy and Performance and in discussion with Councillor Mustard, she was of the view not to accept the grounds for the point of order and consideration of the paper would take place.

Following lengthy consideration, Councillor McBain expressed concern that Members did not have enough information before them to agree the recommendations and moved to defer the report until the next meeting on 8 March 2023 when further information is available. This was seconded by Councillor Warren.

Councillor Leadbitter, seconded by Councillor Coull proposed agreeing the recommendations as printed in the report.

On the division there voted:

For the motion (12)	Councillors McBain, Warren, Bloomfield, Colyer, Cowe, Dunbar, Gatt Gordon, McLennan, Mustard, Robertson and Ross
For the Amendment (13)	Councillors Leadbitter, Coull, Allan, Cameron, Divers, Fernandes, Harris, Keith, Lawrence, Morrison, Stuart, Van Der Horn and Williams
Abstain (1)	Councillor Macrae

Accordingly the Amendment became the finding of the meeting and Council agreed:

- i) notes the outline business case at Appendix 1 to this report;
- ii) notes the proposal for adoption of standards and principles across the HQ campus in Appendix 1 and 2 of the Outline Business Case pages 44 to 51;
- iii) notes the indicative savings identified at 4.13, to be confirmed in the Full Business Case;
- iv) the request for a total of £15.5k budget to provide essential equipment to facilitate hybrid meetings as described in 4.15 and 4.16;
- v) the request for extension of contract for the senior project officer as set out in 4.18;
- vi) approves the request for funding of additional temporary staff as set out in 4.19; and
- vii) note the discussions that are underway to establish the long term position of other office accommodation and updates on progress will be incorporated into the Full Business Case.

15. Corporate Plan Review Progress

A report by the Depute Chief Executive (Education, Communities and Organisational Development) provided an update on preparations in readiness for a review and update of the Corporate Plan following the local government election in May 2022.

Following consideration it is recommended that the Council reviews and notes the progress made on preparations in readiness for a review and update of the Corporate Plan.

16. Moray Growth Deal Procurement Requirement To Achieve Full Business Case Approval For Projects

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to approve expenditure, including the appointment of external consultants, necessary to progress Council led Moray Growth Deal (MGD) projects and the preparation of Full Business Case (FBC) for approval by the United Kingdom (UK) and Scottish Governments.

Following consideration the Council agreed to:

- i) note the development of full business case and delivery of projects within the Moray Growth Deal will require some procurement of consultants in excess of the £25k limit within the Council's procurement procedure; and
- ii) approve procurement of consultants within approved project budgets but in excess of the £25k limit for the purpose of developing the full business cases and delivery of the Moray Growth Deal projects being progressed by the Council (Bus Revolution, Cultural Quarter, Housing Mix Delivery and Early Years STEM).

17. Order of Business

In terms of Standing Order 29, the Chair sought approval from Council to amend the order of the agenda and to take Items 14, 15, 17, 18 and 19 first being mindful of the time and getting through more items of the agenda before adjourning the meeting for the extended lunch and to come back to items 12, 13 and 16 following the resumption of the meeting.

This was unanimously agreed.

18. Workforce Arrangements for King Charles III Coronation

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked Council to agree to allocate an additional day of annual leave to all employees on the day of the Bank Holiday on Monday 8 May 2023 to mark the celebration of His Majesty's Coronation which is to be held on Saturday 6 May 2023.

Following consideration the Council agreed:

- i) to allocate an additional day of annual leave for all employees, fixed to 8 May 2023 (pro-rata for part-time employees); and
- ii) for those employees unable to take annual leave on 8 May 2023 because they do not work that day or for service reasons, can take the extra day annual leave on an alternative date agreed with their service management.

19. Changes to Calendar of Meetings

A report by the Depute Chief Executive (Education, Communities and Organisational Development) sought approval from the Council to make changes to the meeting calendar with regards to when Education, Children's and Leisure Services Committee falls within the Committee cycle.

Following consideration the Council agreed to change with effect from July 2023, when Education, Children's and Leisure Services Committee falls within the Committee cycle going forward.

20. Freedom of Moray [Para 6]

A report by the Chief Executive invited the Council to consider conferring the Freedom of Moray and if so decided to authorise officers of the Council to make necessary arrangement.

Following consideration the Council agreed:

- i) To admit the recipient as detailed in para 4.4 as an Honorary Freeman of Moray; and
- ii) To remit to the Chief Executive in consultation with the Civic Leader and the Council Leader to arrange for a commemorative scroll to be prepared and for arrangements to be made for the Freedom to be formally awarded.

21. Pension Guarantor [Para 6]

A report by the Depute Chief Executive (Economy, Environment and Finance) requested that the Council agree to act as guarantor along with Aberdeen City Council and Aberdeenshire Council to the North East Scotland Pension Fund for a Social Care provider which delivers services on behalf of the Council.

Following consideration the Council agreed to act as guarantor for the pension liabilities as detailed in section 4 with North East Scotland Pension Fund.

22. Moray Affordable Housing Programme - Property Acquisition [Para 8 and 9]

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to agree to purchase residential properties in Elgin for use as affordable housing.

Following consideration the Council agreed to:

- i) purchase the properties detailed at Section 5, at a purchase price which does not exceed the District Valuer's valuation; and
- ii) remit the Legal Services Manager to conclude the purchase of the properties.

23. Resumption of Meeting

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

APOLOGIES

Councillor Neil Cameron and Councillor Paul McBain

ALSO IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Governance, Strategy and Performance, Head of Education, Head of Education Resources and Communities and Tracey Sutherland, Committee Services Officer.

24. Moray Education Early Learning and Childcare - Sustainable Rate Update

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to consider the recommendation from the Education, Children's and Leisure Services Committee on 14 December 2022 to increase the sustainable rate by 5% and the allocation of budget to meet this cost.

Following consideration the Council agreed to:

- i) consider and note the process followed to set the current ELC sustainable rate for funded hours;
- ii) note the recommendation from Education, Children's and Leisure Services Committee on 14 December 2022 to increase the sustainable rate by 5% backdated to April 2022 in line with the pay award to Local Government employees, taking account of the information now available in Appendix 1; and
- iii) allocate additional budget to meet ongoing annual costs of £395k per annum (variable based on uptake) and funding for backdating to April 2022 if this date is agreed.

25. Review of Additional Support Needs - Staffing

A report by the Depute Chief Executive (Education, Communities and Organisational Development) asked the Council to approve the recommendation from the Education, Children's and Leisure Services Committee regarding the continuation of temporary staffing of the Additional Support Needs Service while the review of the service is ongoing.

Following consideration the Council agreed the recommendation from the Education, Children's and Leisure Services Committee to extend the temporary post of Education Support Officer (ASN) for a further period of two years at a cost of up to £140,566 from earmarked reserves for Council priorities.

26. Question Time ***

Under reference to para 16 of the minute of the meeting of 7 December 2022 Councillor Robertson sought an update on the distribution of the monies to Moray Food Bank and warm banks.

In response the Deputy Chief Executive (Education, Communities and Organisational Development) confirmed that Officers are working to put in place a process for applications and grants available but due to staff sickness, the work had been delayed.

Councillor Coull sought clarification on where organisations can note interest in claiming money.

The Deputy Chief Executive (Education, Communities and Organisational Development) agreed to circulate the information to Councillors following the meeting.

Under reference to para 10 of the minute of the meeting of 7 December 2022 Councillor Divers thanked Councillor Bloomfield, Chair of Police and Fire Committee for writing to the Minister for Community Safety.

Under reference to para 25 of the minute of the meeting of 7 December 2022, Councillor Warren sought an update on the CCTV rollout.

In response the Deputy Chief Executive (Economy, Environment and Finance) confirmed that the cables for Lossiemouth and Forres had been laid. An attempt had been made to complete the work for Buckie and Keith but this had been impacted by the recent bad weather and the next appointment BT had not attended.

Councillor Warren asked whether the Council could put any pressure on BT.

In response Councillor Robertson confirmed that she would be happy, in collaboration with the Deputy Chief Executive (Economy, Environment and Finance) to draft a letter to BT.

Under reference to para 25 of the minute of the meeting of 7 December 2022, Councillor Warren thanked the Chief Executive for circulating the costs to the Council of Operation Unicorn but sought clarification on whether there were any indirect costs.

In response, the Chief Executive confirmed that the information was a full account and there were no indirect costs.

Councillor Warren asked whether letters of thanks could be written to the various communities who worked alongside the Council for the period of Operation Unicorn.

The Chief Executive, undertook to take this on.

Under reference to para 25 of the minute of the meeting of 7 December 2022, Councillor McLennan sought confirmation that the number of times schools are closed due to maintenance issues is accurately recorded.

In response, the Deputy Chief Executive (Education, Communities and Organisational) development gave assurance that this was happening.

Under reference to paragraph 25 of the minute of the meeting of 7 December 2022, Councillor McLennan sought clarifications on the mitigations put in place for Strep A and are there still live mitigations in place.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) said she would need to come back to Councillor McLennan as she did not have any information currently available.

Councillor Keith stated that he understood all 32 Council Leaders in Scotland had asked for £1billion more in funding from the Scottish Government with Moray's share of that being around £18-20m, however only £38m new money has been identified for the whole of Scotland and asked the Chair whether she agreed that the unilateral action by the Scottish Government to ignore the request from local government is an impediment to partnership working the Scottish Government.

In response Councillor Robertson confirmed that all Scottish Council Leaders were disappointed in the settlement that had been received from the Scottish Government and regular meetings are being held between Cosla and the Scottish Government to try and find a solution over the flexibilities of the settlement. She further added that this year's settlement was disappointing and has not manifested in helping the Council in being able to provide the services and guarantee jobs going forward. It is hoped that the letters from the 32 local authorities will add pressure to hopefully obtaining a better deal.

Councillor Warren sought clarification on the costs and implications of the current avian flu outbreak.

In response, the Depute Chief Executive (Economy, Environment and Finance) stated that she did not have any information on costs at hand but a comprehensive response had been given at a previous meeting and she would re-circulate the information to Councillors.

Councillor Warren raised concern about videos which are circulating on social media of young people fighting in the Council's schools and felt it was unacceptable for the schools to be left to deal with this on their own and sought clarification on what support partner organisations are providing.

The Depute Chief Executive (Education, Communities and Organisational Development) said that she was not aware of any incidents but confirmed that she would discuss with Councillor Warren following the meeting. However, she did assure Council that if it was a one off incident there would be no Social Work intervention however if it was ongoing other agencies would become involved.

Councillor Gatt raised concern about Elected Members accessing a public Wi-Fi network when in the Council Building, given it is widely considered that public Wi-Fi is not secure.

In response, the Depute Chief Executive (Education, Communities and Organisational Development) agreed to raise Councillor Gatt's concerns with the ICT service but sought to assure him that the Wi-Fi would have the necessary security arrangements to be used by Councillors.

Councillor Leadbitter asked whether the Council Leader was able to discuss the disappointment of Moray not obtaining any funding through the Levelling Up Fund, when she met the Prime Minister recently.

In response, Councillor Robertson confirmed that the meeting was purely a meet and greet for the Prime Minister to meet local politicians and any discussion about the Levelling Up Fund would have taken place between Moray's MP and the Prime Minister.

Councillor McLennan requested whether a report could be written for Council on the number of Notices of Motion and Written Questions that have been submitted since May 2022, by whom and whether they were accepted onto the requested agenda.

In response, the Head of Governance, Strategy and Performance confirmed that he is in the process of drafting guidance Notices of Motion which he felt would be a better way of dealing with them than a report back to Council. He further added that the guidance is based on the Council's Standing Orders which is only covered by a few lines so is open to interpretation and he is aware that this has caused friction between Officers and Councillors and acknowledged that there is a balance to be struck and was happy to circulate the guidance to Councillors.

Minute of Special Meeting of the Moray Council

Wednesday, 1 March 2023

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

APOLOGIES

No apologies were submitted.

IN ATTENDANCE

Also in attendance at the above meeting were the Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Chief Financial Officer, Head of Governance, Strategy and Performance, Head of Housing and Property and Tracey Sutherland, Committee Services Officer.

1. Chair

The meeting was chaired by Councillor Kathleen Robertson.

2. Declaration of Group Decisions and Members Interests *

In terms of Standing Order 20 and the Councillors' Code of Conduct, Councillors Robertson, Leadbitter, and Keith declared that their respective groups had discussed Items 4 and 6 of the agenda at length and no whip on voting had been given.

Councillors Cowe and Ross also declared that they had discussed the budget at length.

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

3. Tribute to Former Councillor

The Council joined the Chair in expressing their condolences to the family of the former Councillor Ronnie Sim.

In leading the tribute, Councillor Keith confirmed that this was the 8th anniversary of the former Councillor's passing and thanked the Chair for allowing him to acknowledge the date and the work that Councillor Sim had done in his time as Councillor for the Cathedral Ward in Elgin.

4. Accounting for Service Concessions

A report by the Depute Chief Executive (Economy, Environment and Finance) provided the Council with information on the changes permitted to how local authorities account for the repayment of debt on service concession arrangements and request approval of the Council revising its methodology for accounting accordingly.

Following consideration the Council agreed to approve:

- i) the implementation of the option in the guidance on service concessions to revise the accounting methodology as detailed in section 4, resulting in recurring savings of £1.2million and a retrospective benefit of £11.2 million to be approved; and
- ii) the saving from the retrospective benefit be ear-marked for loads charges associated with school new build/refurbishments as set out in paragraph 4.8.

5. 2023-24 Budget 2023-26 Financial Plan

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to set the level of Council Tax for 2023/24, to agree the Council's revenue and capital budgets for 2023/24 and to consider the Council's Financial Plan for 2023 to 2026.

The Chair advised members of her intention to go through the speeches in order of political group size, so the Administration Group followed by the SNP, Labour Group, Councillor Van Der Horn and then Councillor McLennan. She further added that in light of the paperwork circulated to members before the meeting in regards to Councillor McLennan's amendment, she invited the Monitoring Officer to provide some advice to the Council.

The Monitoring Officer advised that the proposed amendment to the budget from Councillor McLennan was received late in terms of the budget setting protocol. This combined with its complexities had not given Officers sufficient time to give due consideration to its terms as a whole. He had marked up a copy of the amendment to highlight his concerns in terms of competency which was circulated to Members prior to the meeting. These included being at the inappropriate Committee and using the budget setting process to seek actions which would normally require Service Committee consideration or notice of motion, the lack of fair notice and insufficient or unverified information. The number of outstanding concerns on competency gave him concerns about the integrity of the amendment as a whole and his recommendation to the Chair was that she considered ruling the amendment as not competent for the reasons stated.

The Chair sought a short adjournment and sought further advice from the Monitoring Officer.

On the resumption of the meeting the Chair, based on the advice given by the Monitoring Officer, was minded to declare the amendment as a whole from Councillor McLennan as not competent and sought views from the Council in terms of Standing

Order 49(c) and whether Members felt they had sufficient information before them to come to a reasoned and balanced decision on this particular amendment.

Councillor Bloomfield stated that having read the amendment and listened to the advice of the Monitoring Officer he was in agreement with the advice given and that the amendment was incompetent.

Councillor McLennan sought clarification on whether the amendment will be published with the comments provided by the Monitoring Officer. He further sought clarification on whether the amendments not marked could be considered by the Council.

In response, the Monitoring Officer clarified that Councillor McLennan's budget amendment had been published as part of the papers and did not propose publishing the marked up copy which was circulated to members prior to the meeting.

He further added that it is open to any member to raise any issues at a meeting with regards to the reports in front of them. If the issue was a new issue and not one that had already been commented on then it would be considered on its merits.

The Chief Executive confirmed that the recommendation from the Monitoring Officer was that the amendment in its entirety was deemed incompetent and the Chair was seeking, in terms of the relevant Standing Order a view from the Council.

The Chair then advised, having listened to the advice from the Monitoring Officer and Chief Executive, she was ruling that Councillor McLennan's amendment was not competent in terms of Standing Order 49(c).

Before introducing the Administration Group Budget, the Chair wished to thank the Depute Chief Executive (Economy, Environment and Finance) and the Chief Financial Officer in particular who had overall responsibility for preparing the budget. She further thanked the Heads of Service who worked hard to provide detail against their budget areas. She also wished to thank the elected members who participated in the Budget Sharing protocol and the Political Group Leaders meetings.

The Chair said that the previous Council was criticised for not agreeing a collegiate approach to the budget setting and financial processes. Over the past few months, elected members, had all been involved in budget discussions both collegiately and through individual political parties. Today there were a number of amendments to the budget which she hoped showed that all parties had been well informed and involved in the process to enable meaningful contributions and hoped that this approach would continue in 2024-25 when difficult budget decisions would be faced.

The Chair further added that the approval earlier in the meeting of service concessions allows the Council to plan for the anticipated spend on the Council's learning estate, in particular the pending LEIP projects to replace Buckie High School and Forres Academy. The additional budget pressures for the reduction in brown bin charges and the sustainable rate for early learning and childcare, both agreed at previous meetings to support the local community.

The budget proposes a 5% increase in Council Tax which is in common with many other local authorities. £300k is proposed to be set aside for roads maintenance. £4.4m worth of savings have been identified over the year. Covid reserves provide the opportunity to provide temporary funding to allow the Council to take a measured and considered approach to transforming services to address the projected savings for 2024-25.

Following the Chair's introduction, she moved that the Council approve:

- (i) An increase of 5% on Council Tax for 2023/24;
- (ii) Provision of £9,598,000 for budget pressures as listed in APPENDIX 2;
- (iii) Service developments totalling £704,000 as described in paragraph 4.14;
- (iv) Savings totalling £1,677,000 as listed in APPENDIX 3;
- (v) Budgeted expenditure of £260,130,000 for 2023/24;
- (vi) Indicative budgets for 2024/25 and 2025/26 as set out in APPENDIX 1;
- (vii) Capital expenditure of £59,186,000 for 2023/2024 as set out in the indicative ten year Capital Plan in APPENDIX 4;
- (viii) Funding for Moray Integration Joint Board (MIJB) to increase by Moray's share of the £100 million still undistributed in 2023/24 compared to 2022/23, less £412,000 per the settlement letter from Scottish Government;
- (ix) Use of ear-marked reserves totalling £1,613,000 for transformation, £759,000 for Moray Growth Deal cash flow and of £14,768,000 from Covid reserves to balance the budget; and
- (x) An increase of up to 27% in temporary accommodation charges to mitigate the budgetary impact as detailed in paragraph 5.7 as there has not been an uprating since 2015.

It was further recommended that the Council noted:

- (i) There will be conditions placed on the Council in terms of the settlement letter from the Depute First Minister and that these are still the subject of on-going communications;
- (ii) Projected additional savings requirements of £18,741,000 in 2024/25 and £756,000 in 2025/26; and
- (iii) A review of services is underway and will be the basis for community engagement on proposals to bring the Council's budget back into balance for 2024/25;

This was seconded by Councillor Gatt.

The Chair then invited Councillor Leadbitter, Co-Leader of the SNP group to introduce their amendment.

Councillor Leadbitter, seconded by Councillor Stuart, introduced the SNP budget amendment.

N.B. - 2 years in the table to reflect any partial savings in 23/24 that convert to full year in 24/25.

SERVICE INVESTMENT - NEW SPEND

N.B. All items recurring, unless otherwise stated.

Item	2023/24 (000's)
Moray Women's Aid – Provide additional grant funding to support staffing levels to cope with a large increase in demand and need for overnight support.	25
Fuel Poverty Grant - Introduce a short-term grant scheme for people in fuel poverty – one off spend in 23/24.	100
Youth Workers - Increase Detached Youth Worker provision across Moray.	125
Community Wardens - Increase Community Wardens by a further 2 FTE recognising significant pressure on the service due to increased neighbour disputes and anti-social behaviour. This would also enable support for Youth Work Services and Community Policing at targeted times.	70
Climate Change	
LHEES Officer - Reinstate LHEES Officer to ensure capacity is retained within the Climate Change Team to deliver the agreed Action Plan.	50
Green Building Review - To ensure we are going down the most Environmentally and economically effective routes to contribute to the Climate Change Action Plan and energy savings. Would be required for 2 consecutive years.	50

ADDITIONAL SAVINGS / INCOME

Item	2023/24 (000's)	2024/25 (000's)
Corporate		
Vacancy Management - Increase target to 7%, reflecting ongoing recruitment challenges.	300	
Economic Development & Infrastructure Services		
Electric vehicle charging - Increased rate for EV charge points in chargeable car parks. Increase our rapid charge rate, which is currently less than many providers are charging. Introduce a time limit on chargers and introduce and overstay rate to encourage turnover in usage and increase availability of charge points.	4	3

* Noting that the 100k Fuel Poverty Grant is a one off grant for 2023/24 to mitigate current Cost of Living pressures for households, any remaining difference will be funded from the Council's Covid Reserve.

The Chair invited Councillor Keith, Leader of the Labour Group to introduce their amendment.

Councillor Keith, seconded by Councillor Divers proposed an amendment as detailed:

1. A donation of £5,000 to assist local efforts for the relief of suffering in Turkey/Syria.
2. A further donation of £20,000 to Moray Foodbank.
3. £15,000 for each ward (Total £120,000) to be spent by elected members for that ward in consultation with each other to address minor works/concerns.
4. Increase budget for road safety matters by £50,000.
5. Establishment of an Education Investment Fund for schools of £500,000 to address pressures in schools arising from the impact of Covid by providing short term funding in support of the Council's objective of improving attainment. Detailed proposals to address this to be the subject of a report for agreement.
6. Reinstatement of the Employee Assistance Programme funding.

Items 1-5 all non-recurring, for 2023/24 only, 1-6 to be funded from Covid reserves.

The Chair invited Councillor Van Der Horn to introduce his amendment.

Councillor Van Der Horn, seconded by Councillor Fernandes proposed the amendment as detailed:

- i) Allocate £500,000 from the Covid reserve to help deliver and build upon the Moray Food Growing Strategy 2019 and reflect Moray's biodiversity, food and societal resilience, with an additional £50,000 p.a. to fund a temporary post that will deliver the action plan within its lifespan to year end 2025. This will increase capacity to apply for funding applications as well forwarding items listed in the action plan: such as a therapeutic garden, expansion of food growing areas for Moray Schools as part of Active Schools and develop food growing training sites across Moray.
- ii) Allocate £50,000 from transformation reserves to commission a team from an external organisation to work with staff across the council to help transform (through personal growth and development) wellbeing and relationships at work, in order to strengthen and improve the council's working environment.

The Monitoring Officer sought agreement from Councillor Van Der Horn to remove the reference to Active Schools, as he had received information from a colleague that confirmed the Active Schools initiative is part funded by SportScotland and there was no agreement that Active Schools could participate in the food growing initiative.

In response, Councillor Van Der Horn confirmed that he was happy to remove the reference.

Having heard all the amendments, the Chair invited the Chief Financial Officer to provide some financial guidance on what has been proposed.

In response, the Chief Financial Officer confirmed that in regards to the amendments put forward, Officers had been able to give advice and comment on those individually and thought it was important before they were debated, that as Section 95 Officer, she gave some advice collectively and looking at the accumulative approach, as across the amendments there was a clear trend of increased spend and although some Members had recognised in their speeches the difficult situation in which the Council found itself, it was incumbent to remind Members that the Council was looking at a structural deficit of £15million in the coming year and projecting to find savings of £20million in the following financial year.

She further added that, it was a very significant sum to find and that it will be a challenge for the Council and in that context, as the Section 95 Officer, had to advise that proposals to increase expenditure which was not designed to create efficiencies or control costs for the future was not prudent and in some cases sought to use funding from reserves, which decreases the Council's resilience to cope with future cuts and to spread them out over a longer more palatable timeframe and if the proposals were made to increase recurring expenditure it would raise the bar for the future. The advice given was to set the context of the debate.

The Chair advised the Council that she was going to open up the debate from the floor to any Councillors who had not already spoken.

Councillor Ross thanked the Conservative Group for the collegiate working that had been carried out in preparing the budget. He further added that himself and Councillor Cowe had been kept informed the whole way through the process.

He further raised concerns about the consistent cutting of funding being received by the Council and was sure that no Councillor was elected to cut job and services within Moray. He urged all Local Authorities in CoSLA to work together and campaign together for a re-boot of Council allocations.

Councillor Cowe, having listened to the debate thus far, added that the proposed budget could be seen as bold for saving all services in the hope of a bigger grant next year or it could be called bland for not taking the necessary steps now to cushion what lies ahead. Continuing to draw on reserves is unsustainable and further burdens are continually being put on the Council.

Councillor Warren welcomed the proposed investment at the Gollachy Recycling Centre as she felt it was important that the Council promotes and encourages recycling. She further added that she hoped Councillors would support the Community Warden and Youth Worker amendments.

Councillor McLennan sought clarification on recommendation (ix) of the report where Members were being asked to approve the use of ear-marked reserves, and whether Members had enough information on the spend to be able to agree the recommendation.

In response, the Chief Financial Officer confirmed that the balance of the money was previously set aside by the Council to fund its transformation project and it was intended, as with the detail in the capital plan, would be reported back to Service Committees but the detail and the use of the money would be reported to Moray Council for agreement before any money is spent.

Councillor Allan thanked the Depute Chief Executive (Economy, Environment and Finance) and the Chief Financial Officer for taking time to discuss his queries on the budget. He also thanked all the staff for dedication and commitment to the Council.

The Chair thanked all Members and advised that rooms had been allocated to the groups to allow further discussion and proposed an adjournment to allow all members to discuss what has been proposed.

On the resumption of the meeting the Chair asked if there were any changes to the proposed amendments previously tabled. She further added that a change was proposed to the Administration Group motion, as in consultation with the Administration and Labour Group the 6 amendments proposed by the Labour Group would now be included as part of the proposed budget. This was seconded by Councillor Keith. This change resulted in the original motion being withdrawn.

The Chair then gave all proposers and seconders the opportunity to sum up their proposals and advised on how the various proposals would be voted on. The amendments by the SNP and Councillor Van Der Horn would be voted on first with the successful amendment then being voted on against the motion.

As part of his summing up, Councillor Leadbitter clarified an issue raised by Councillor Ross earlier regarding the role of the President of CoSLA.

On the division there voted:

For Amendment 1 – SNP (9)	Councillors Leadbitter, Stuart, Cameron, Coull, Fernandes, Harris, Lawrence, Morrison and Warren
For Amendment 2 - Councillor Van Der Horn (1)	Councillor Van Der Horn
Abstain (16)	Councillors Allan, Bloomfield, Colyer, Cowe, Divers, Dunbar, Gatt, Gordon, Keith, Macrae, McBain, McLennan, Mustard, Robertson, Ross and Williams

Accordingly Amendment 1 became the finding of the meeting and would now be voted on against the motion.

On the division there voted:

For the Motion (15)	Councillors Robertson, Keith, Allan, Bloomfield, Cowe, Colyer, Divers, Dunbar, Gatt, Gordon, Macrae, McBain, Mustard, Ross and Williams
For the Amendment (10)	Councillors Leadbitter, Stuart, Cameron, Coull, Fernandes, Harris, Lawrence, Morrison, Van Der Horn and Warren
Abstain (1)	Councillor McLennan

Accordingly the motion became the finding of the meeting and the Council agreed:

- (i) An increase of 5% on Council Tax for 2023/24;
- (ii) Provision of £9,598,000 for budget pressures as listed in APPENDIX 2;
- (iii) Service developments totalling £704,000 as described in paragraph 4.14;
- (iv) Savings totalling £1,677,000 as listed in APPENDIX 3;
- (v) Budgeted expenditure of £260,130,000 for 2023/24;
- (vi) Indicative budgets for 2024/25 and 2025/26 as set out in APPENDIX 1;
- (vii) Capital expenditure of £59,186,000 for 2023/2024 as set out in the indicative ten year Capital Plan in APPENDIX 4;
- (viii) Funding for Moray Integration Joint Board (MIJB) to increase by Moray's share of the £100 million still undistributed in 2023/24 compared to 2022/23, less £412,000 per the settlement letter from Scottish Government;
- (ix) Use of ear-marked reserves totalling £1,613,000 for transformation, £759,000 for Moray Growth Deal cash flow and of £14,768,000 from Covid reserves to balance the budget;
- (x) An increase of up to 27% in temporary accommodation charges to mitigate the budgetary impact as detailed in paragraph 5.7 as there has not been an uprating since 2015;
- (xi) A donation of £5,000 to assist local efforts for the relief of suffering in Turkey/Syria;
- (xii) A further donation of £20,000 to Moray Foodbank;
- (xiii) £15,000 for each ward (Total £120,000) to be spent by elected members for that ward in consultation with each other to address minor works/concerns;
- (xiv) Increase budget for road safety matters by £50,000;
- (xv) Establishment of an Education Investment Fund for schools of £500,000 to address pressures in schools arising from the impact of Covid by providing short term funding in support of the Council's objective of improving attainment. Detailed proposals to address this to be the subject of a report for agreement; and
- (xvi) Reinstatement of the Employee Assistance Programme funding.

Items (xi) – (xvi) all non-recurring, for 2023/24 only, (xi) – (xvi) to be funded from Covid reserves.

It was further recommended that the Council noted:

- (xvii) There will be conditions placed on the Council in terms of the settlement letter from the Depute First Minister and that these are still the subject of on-going communications;

- (xviii) Projected additional savings requirements of £18,741,000 in 2024/25 and £756,000 in 2025/26; and
- (xix) A review of services is underway and will be the basis for community engagement on proposals to bring the Council's budget back into balance for 2024/25.

6. Treasury Management Prudential Indicators

A report by the Depute Chief Executive (Economy, Environment and Finance) asked Members to approve the Treasury Management Strategy and the Investment Strategy for 2023/24 and to approve the indicators which will be used to measure the Council's performance in capital investment decisions.

Following consideration the Council agreed to:

- i) approve the Treasury Management Strategy Statement for 2023/24;
- ii) approve the Investment Strategy for 2023/24 in Appendix 1;
- iii) approve the Prudential Indicators and Limits for 2023/24 in Appendix 3; and
- iv) note the indicative Prudential Indicators and limits for 2024/25 and 2025/26.

7. Housing Revenue Account Annual Budget 2023-24

A report by the Depute Chief Executive (Economy, Environment and Finance) presented details of the proposed Housing Revenue Account (HRA) Budget Proposal for 2023/24 for approval.

The Chair advised Members that following the receipt of the proposed amendment from Councillor McLennan the Monitoring Officer would provide some advice.

The Monitoring Officer referred to the amendment circulated to Members prior to the meeting and expressed concern that the amendments would be something that would normally be raised at the Service Committee and not as part of the budget setting process so for that reason the advice was that the amendments are not competent and it would be for the Chair to determine the issue. He further added that there would be means for Councillor McLennan to raise the issues at the Housing and Community Safety Committee.

On the basis of the advice given, the Chair sought views from the Council in terms of Standing Order 49(c) on whether they have sufficient information before them to come to a reasoned and balanced decision on this particular amendment.

As no members wished to make any further comment, and taking on board the advice given by the Monitoring Officer, the Chair deemed the amendment submitted by Councillor McLennan is not competent in terms of Standing Order 49(c).

The Chair moved the recommendations in the report. This was seconded by Councillor Dunbar as Chair of the Housing and Community Safety Committee.

Councillor Keith asked whether rolling out solar panels to the Council's housing stock would assist in making the houses as energy efficient as possible. He had discussed

this previously with the Head of Housing and Property who had indicated that air source heat pumps were also being used to improve energy efficiency. Councillor Keith proposed allocating some of the EESH funding to run a trial in a variety of locations where properties are fitted with solar panels and air source heat pumps to explore the energy efficiency.

The Monitoring Officer, on the basis of fairness and on the position already outlined regarding Councillor McLennan's amendment, suggested that the issue raised by Councillor Keith is something that could be determined at the Housing and Community Safety Committee and not directly related to the budget setting process and Councillor Keith may wish to raise himself at the Service Committee.

In response, Councillor Keith confirmed that he would be happy to accept the advice of the Monitoring Officer and would raise the suggestion through the Service Committee.

In confirming that there were no other comments and there was no one otherwise minded the Council agreed:

- i) to note material changes since the Housing Business Plan 2022 Review and the forth coming rent restructure, as detailed in sections 3 and 4;
- ii) the proposed HRA budget for 2023/24 (Appendix I) and Housing Investment Plan (Appendix II), including the level of HRA reserves in line with the Housing Reserves Policy as detailed in paragraph 7.13;
- iii) to note the results of the consultation with tenants on options for the 2023/24 rent increase as detailed in section 6;
- iv) Council house rents increase of 3.5% for 2023/24;
- v) that garage site rents are increased by 8.5% (this is a two yearly increase);
- vi) that grass cutting charges are increased by 3.5%;
- vii) provision of £150k for service developments, as detailed in paragraph 8.18; and
- viii) to note the three year projection to 2025/26 (Appendix III).

Minute of Special Meeting of Moray Council

Wednesday, 08 March 2023

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

PRESENT

Councillor James Allan, Councillor Peter Bloomfield, Councillor Neil Cameron, Councillor Tracy Colyer, Councillor Theresa Coull, Councillor John Cowe, Councillor John Divers, Councillor Amber Dunbar, Councillor Jérémie Fernandes, Councillor Donald Gatt, Councillor David Gordon, Councillor Juli Harris, Councillor Sandy Keith, Councillor Scott Lawrence, Councillor Graham Leadbitter, Councillor Marc Macrae, Councillor Paul McBain, Councillor Neil McLennan, Councillor Shona Morrison, Councillor Bridget Mustard, Councillor Kathleen Robertson, Councillor Derek Ross, Councillor John Stuart, Councillor Draeyk Van Der Horn, Councillor Sonya Warren, Councillor Ben Williams

IN ATTENDANCE

Chief Executive, Depute Chief Executive (Economy, Environment and Finance), Depute Chief Executive (Education, Communities and Organisational Development), Head of Environmental and Commercial Services, Chief Financial Officer, Head of Governance, Strategy and Performance and Mrs L Rowan, Committee Services Officer as Clerk to the Council.

1 Chair

Councillor Robertson chaired the meeting.

2 Retirement

The Chair acknowledged that this was the last meeting of Moray Council before Mrs Moira Patrick, Democratic Services Manager retires. She stated that Mrs Patrick had worked with the Council for the last 29 years and will be retiring at the end of March. She acknowledged the role of the Democratic Services Manager and how she had worked closely with prospective Councillors in the run up to each election and then with those elected following the election and that, over her time, will have seen many happy Councillors come and go.

The Council joined the Chair in wishing Mrs Patrick a long, happy and well deserved retirement.

3 International Women's Day

The Chair acknowledged that the day of the Council meeting is International Women's Day which celebrates the achievements of women and promotes an inclusive society where differences are valued and suggested that the Council take a minute to recognise the achievements the women are making to the

council. The Chair stated that, with the predominance of a female workforce, women are contributing to the delivery of our services every day and that the Council should also take a moment to recognise Moray as leading women's development having both the first female council leader, COSLA president and Convener. She further acknowledged that, while there are great achievements, the Council should continue to pursue gender equity needs as part of our council and society.

4 Order of Business

The Chair sought the agreement of the Council to vary the order of business and take items 6 "Discretionary Non-Domestic Rates Relief" and 9 "Moray Growth Deal - Full Business Case - Bus Revolution" as the first 2 substantive items of business to allow some Members to attend the funeral of the late Mr Mike McKay.

5 Condolences

The Council joined the Chair in expressing their condolences to the family of Mr Mike McKay following his passing. The Chair stated that Mr McKay was a valued member of the Public Transport Team and that his outgoing personality, sense of humour and vast experience would be sorely missed.

6 Declaration of Group Decisions and Members Interests

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

In terms of Item 6 "Discretionary Non-Domestic Rates Relief" Councillor Warren stated that she is a member of British Legion Scotland however, having taken advice from the Monitoring Officer, was content that she could consider and take part in the debate of this item. Councillor Bloomfield stated that he was the Armed Forces and Veterans Champion however following advice from the Monitoring Officer, was content that he could consider and take part in the debate of this item. Councillor Coull stated that she is a member of the British Legion Scotland Keith Branch and, having taken advice from the Monitoring Officer, stated that she would leave the meeting and take no part in the decision. Councillor McLennan stated that he had Honorary Status with the Army Cadets and, following advice from the Monitoring Officer, stated that he would step out of the meeting during consideration of this item and take no part in the decision.

In relation to Item 6 "Moray Growth Deal Annual Report", Councillor Williams declared an interest having a close family member who works at HIE and after receiving advice from the Monitoring Officer, stated that he would not take part in the consideration of this item.

There were no further declarations of Member's interests in respect of any item on the agenda.

7 Resolution

The meeting resolved that in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, the public and media representatives be excluded from the following item 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.

Para number of the minute	Para Number of Schedule 7a
14	Para 1 - Staffing Matters

8 Discretionary Non Domestic Rates Relief

Councillors Coull and McLennan, having declared an interest in this time, left the meeting at this juncture and took no part in its consideration.

A report by the Depute Chief Executive (Economy, Environment and Finance) asked the Council to consider the Council's policy for awarding discretionary relief of Non-Domestic Rates.

Having considered the report, the Chair moved that the Council agree the recommendations as printed. This was seconded by Councillor Gatt.

Councillor Lawrence highlighted the organisations mentioned in the report who had already benefited from non-domestic rates relief and acknowledged the valuable contribution they make to communities in Moray. He expressed concern that by withdrawing the non-domestic rates relief, there was a risk that these organisations would not be able to continue and moved that the Council continue to offer non-domestic rates relief to all organisations referred to in the report. This was seconded by Councillor Leadbitter.

On a division there voted:

For the Motion (13):	Councillor Robertson, Gatt, Allan, Bloomfield, Colyer, Cowe, Dunbar, Gordon, Keith, Macrae, Mustard, McBain and Ross
For the Amendment (10):	Councillor Laurence, Leadbitter, Cameron, Divers, Fernandes, Harris, Morrison, Stuart, Van Der Horn and Warren
Abstentions (1):	Councillor Williams

Accordingly, the Motion became the finding of the Council and it was agreed that:

- (i) discretionary Non Domestic Rate relief is rescinded, with the following exceptions: buildings used by organisations to directly deliver services on behalf of the Council, as described in paragraphs 3.6 to 3.8 of the report; land or buildings used by small, local based charities, as defined in paragraph 3.9 of the report;
- (ii) qualifying organisations must apply for other NDR reliefs when these are available prior to applying for discretionary NDR; and
- (iii) authority is delegated to the Chief Financial Officer to approve applications from charities as described in paragraph 3.19 of the report, and to approve

applications which fall within the policy approved by members from organisations not recognised as charities where the purpose of the organisation falls with the 16 charitable purposes and the organisation delivers public benefit as defined in the Charity Test as outlined in paragraph 3.20 of the report.

Councillor Coull and McLennan re-joined the meeting at this juncture.

9 Moray Growth Deal - Full Business Case - Bus Revolution

A report by the Depute Chief Executive (Economy, Environment and Finance) informed the Council of the progress of the Moray Growth Deal, specifically the Full Business Case for Bus Revolution.

The report was widely welcomed by the Council and the Service was commended for the work that had been undertaken to bring the project forward.

Following consideration, the Council agreed to:

- (i) approve the full business case for the Bus Revolution project v1.4 as summarised in the report and contained in Appendix 1;
- (ii) delegate authority to the Depute Chief Executive (Economy, Environment and Finance) to make final changes that may be required from Government feedback and agree the final version of the Full Business Case; and
- (iii) delegate authority to the Depute Chief Executive (Economy, Environment and Finance) or such other signatory as may be required to accept the grant for the project in line with the terms of the Moray Growth Deal.

10 Corporate Overview of Council Priorities

Councillors Allan, Bloomfield and McBain left the meeting at this juncture.

A report by the Chief Executive provided the Council with a high level indicative assessment of current Council priorities, service pressures and risk.

During discussion surrounding the "Council's Strategic Framework" as mentioned in the first recommendation in the report, it was noted that this consisted of 3 documents, namely the Corporate Plan, the Short to Medium Term Financial Strategy and the Recovery and Renewal Strategic Framework and it was asked if the recommendation could be amended to reflect this.

In response, the Chief Executive explained that the term "Strategic Framework" was a shorter version of referring to the Corporate Plan, the Short to Medium Term Financial Strategy and the Recovery and Renewal Strategic Framework however had no issue with the recommendation being amended accordingly.

During further discussion, the Chief Executive made reference to a Route Map with key dates in June, September, December 2023 and February/March 2024 where critical decisions will have to be made as the Council puts it's Corporate Plan in

place and it was queried whether this Route Map could be shared with Elected Members.

In response, the Chief Executive advised that this was a working document however agreed to share this with Elected Members following the meeting.

Thereafter, the Council agreed to note:

- (i) the Council's Strategic Framework made up of the Corporate Plan; Short to Medium Term Financial Strategy; and the Recovery and Renewal Strategic Framework;
- (ii) the priorities and pressures as set out in this report and the Appendix to this report;
- (iii) the key factors and messages as set out in Section 3 of this report;
- (iv) the interdependencies of significant service pressures with the achievement of the Council's strategic plans and priorities and the delivery of Best Value;
- (v) in order to maintain an appropriate balance of risk to iv) above, the need for moderation in the approach to prioritisation and the allocation of available resources; and
- (vi) that the Route Map to May 2024 would be circulated to Elected Members following the meeting.

11 Revenue Budget Monitoring to 31 December 2022

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Committee of the revenue budget monitoring position to 31 December 2022 and of the current estimated out-turn for 2022-23.

Following consideration, the Council agreed to note:

- (i) the budget monitoring position of £1,244,000 under budget for 2022/23 as at 31 December 2022;
- (ii) that this position consists of an underspend on Devolved School budgets of £1,098,000, an over achievement on Sport and Leisure income of £268,000, an overspend on Social Care services delivered on behalf of the Moray Integration Joint Board (MIJB) of £1,043,000, and an underspend on other services of £921,000;
- (iii) movement of £5,080,000 in the General Revenue Grant, as detailed in paragraph 3.4 of the report;
- (iv) the current estimated out-turn for 2022/23 of an underspend of £11,967,000 which includes a loans pool holiday, reducing expenditure by £7,583,000, along with further underspends of £4,384,000;
- (v) Included in that underspend is budget pressures totalling £2,581,000 which are projected to slip into next year and will result in an increase in Council

reserves for 2022/23 but will be required in 2023/24;

- (vi) the emerging budget pressures noted in paragraph 6.1 of the report; and
- (vii) an additional £2,007,000 funding for the pay award coming as capital grant.

12 Capital Plan 2022-23

A report by the Depute Chief Executive (Economy, Environment and Finance) advised the Council of expenditure to 31 December 2022 under the capital plan for financial year 2022/23 and of estimates of projected expenditure profiled into quarters.

Following consideration, the Council agreed:

- (i) to note expenditure to 31 December 2022 of £16,682,000;
- (ii) to note the current projected expenditure of £36,236,000 for 2022/23 profiled into quarters, as set out in Appendix 1 of the report;
- (iii) to note the projected overall expenditure for projects spanning more than one financial year, as set out in Appendix 2 of the report; and
- (iv) to approve amendments to the 2022/23 and 2023/24 capital plan as detailed in paragraph 6.1 of the report.

13 Moray Growth Deal - Annual Report

Councillor Williams, having declared an interest in this item, left the meeting at this juncture.

A report by the Depute Chief Executive (Economy, Environment and Finance) advised that each year, the Moray Growth Deal is required to produce an annual report providing an overview of work undertaken, with a look ahead to the year ahead and that the report introduced the first draft report, covering the period 20 December 2021 to 31 December 2022.

The Chair, having considered the report, moved that the Council agree the recommendations as printed in the report.

Councillor Leadbitter welcomed the report and acknowledged the work undertaken in conjunction with partners, the Scottish Government and the UK Government and proposed a further recommendation that the Council agree to reaffirm the Council's strong commitment to working with the UK and Scottish Governments and public, private and third sector partners to deliver the Moray Growth Deal.

The Chair agreed to incorporate this recommendation into her motion.

There being no-one otherwise minded, the Council agreed to:

- (i) note the draft annual report;

- (ii) reaffirm the Council's strong commitment to working with the UK and Scottish Governments and public, private and third sector partners to deliver the Moray Growth Deal; and
- (iii) delegate authority for the Depute Chief Executive (Economy, Environment and Finance) to approve a final iteration of the report, following engagement with key stakeholders and the Scottish and UK Governments. This will then be submitted to a future Moray Council meeting for noting.

14 Short to Medium Term Financial Plan [Para 1]

A report by the Depute Chief Executive (Economy, Environment and Finance) as the Council to consider the recommended budget savings detailed within the report.

Following consideration, the Council agreed to approve the savings set out in paragraphs 5.3 to 5.9 and summarised in paragraph 5.10 of the report, totalling £49,000 recurring savings and £84,000 one-off savings, subject to consultation on the proposal at paragraph 5.7 of the report which will be either reported back to Council or implemented, as set out in paragraph 6(e) of the report.



NOTICE OF MOTION TO MORAY COUNCIL ON WEDNESDAY 24 MAY 2023

Notice of Motion: ScotWind auction

The Council notes the findings of the report 'ScotWind - One Year On' by Dr Craig Dalzell of Common Weal, in particular the finding that the ScotWind auction appears to have undervalued Scottish offshore wind rights by placing a maximum ceiling on bids, possibly underselling rights by billions of pounds.^[1]

The Council notes that ScotWind leaseholders who fail to deliver local supply chain commitments (valued in billions of pounds) face a maximum fine of £250,000.^[2]

The Council recognises the vital role that offshore wind and its associated supply chain could have in the future economy of Moray.

The Council resolves that the Leader of the Council write to the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy calling for an urgent inquiry into the ScotWind leasing process, with particular focus on improvements that can be made for any future leasing rounds, and the means by which maximum public benefit can be obtained through the current round as the projects move beyond the options phase.

PROPOSED BY COUNCILLOR KEITH

SECONDED BY COUNCILLOR COWE

^[1] <https://commonweal.scot/wp-content/uploads/2023/02/Scotwind-One-Year-On-v2.pdf>

^[2] <https://www.crownestatescotland.com/resources/documents/supply-chain-development-statement-summary>



NOTICE OF MOTION TO MORAY COUNCIL ON WEDNESDAY 24 MAY 2023

Proposed Highly Protected Marine Areas in Scotland

To ask that Council recognises

- The importance of the fishing industry to many Scottish coastal communities
- That fishermen are already subject to terrible spatial squeeze pressures, further reductions of the area available to them for fishing could drive many out of business.
- If fishermen are driven out of business this would be a colossal blow to coastal communities that are already struggling with the present cost of living crisis.
- Coastal communities must be involved in any determination on what form HPMA's take and where they may be situated.
- Any proposal should follow an agreed process alongside the local community and fishing industry, involving an evidence gathering phase, an analysis phase and a piloting phase before any proposal should go ahead.

Council notes that with climate change we are already seeing fish stocks moving north. This means that any proposals should be flexible, either shadowing the fish as they move or subject to regular, yearly, updates so they do not end up closing parts of the sea for no purpose. (Science Daily, 18 January 2022, link below)

To request that the Council Leader write to the Scottish Government seeking a reconsideration on the proposals by the SNP and Green Party to impose 10% of Scotland's waters as Highly Protected Marine Areas without full and proper scientific backing for their proposals, or proper consultation with local communities and the fishing industry.

<https://www.sciencedaily.com/releases/2022/01/220118094137.htm>

PROPOSED BY COUNCILLOR MACRAE

SECONDED BY COUNCILLOR WILLIAMS



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

**SUBJECT: ANNUAL REPORT OF THE CHIEF SOCIAL WORK OFFICER
2021-22**

BY: CHIEF SOCIAL WORK OFFICER

1. REASON FOR REPORT

- 1.1 To inform the Council of the annual report of the Chief Social Work Officer (CSWO) on the statutory work undertaken on the Council's behalf during the period 1 April 2021 to 31 March 2023 inclusive.
- 1.2 This report is submitted to Council in terms of Section III (A) (4) of the Council's Scheme of Administration relating to monitoring 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 the Council consider and note the contents of this report.**

3. BACKGROUND

- 3.1 In compliance with their statutory functions under the Social Work (Scotland) Act 1968, all local authorities have a CSWO. For a number of years CSWOs have produced Annual Reports about social work services which are provided for relevant committees, full Council and Integration Joint Boards.
- 3.2 The Office of the Chief Social Work Adviser in the Scottish Government (OCSWA) collates an overview Summary Report based on the key content of the reports from all local authorities in Scotland. This summary would
 - Be of value to CSWOs and also support the CSWA in their role of raising the profile and highlighting the value and contribution of social work services; and
 - Be a useful addition to the set of information available to aid understanding of quality and performance in social work services across Scotland.
- 3.3 The Council's Social Work Services require to support and protect people of all ages as well as contributing to community safety by reducing offending and

managing the risk posted by known offenders. Social Work has to manage this together with the implications of significant demographic change and financial constraint whilst fulfilling a widening array of legal obligations and duties.

- 3.4 The annual report is attached at **APPENDIX 1**. This report was completed but not formally presented to the IJB by the previous Chief Social Work Officer. The current Chief Social Work Officer is now formally presenting this report.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP)) and Moray Integrated Joint Board Strategic Plan “Partners in Care 2022 – 2032”

This report is in line with the Moray 2026 Plan – healthier citizens, ambitious and confident young people, adults living healthier, sustainable independent lives safeguarded from harm and Council priority 4 – More of our children have a better start in life and are ready to succeed.

(b) Policy and Legal

The service referred to in this report fall within the scope of a number of important pieces of legislation including:

- Social Work (Scotland) Act 1968
- The Adult Support & Protection (Scotland) Act 2007
- The Community Care & Health (Scotland) Act 2002
- The Children (Scotland) Act 1995
- The Joint Inspection of Children’s Services & Inspection of Social Work Services (Scotland) Act 2006
- Adoption and Children (Scotland) Act 2007
- Looked After Children (Scotland) Regulations 2009
- The Public Bodies (Joint Working) (Scotland) Act 2014
- Children & Young People (Scotland) Act 2014

Significant policies and white papers that relate to these services include:

- Changing Lives, the Future of Unpaid Care in Scotland (2006)
- Delivery for Health (2005)
- All our Futures: Planning for a Scotland with an Ageing Population (2007)
- Better Health, Better Care: Action Plan for a Healthier Scotland (2007)
- Better Outcomes for Older People: Framework for Joint Services (2005)
- National Guidance for Child Protection in Scotland, The Scottish Government 2014

(c) Financial implications

There are no direct financial implications arising from this report. Future priorities will be addressed within the context of the financial planning process.

(d) Risk Implications

There are no risk implications associated with or arising from this report.

(e) Staffing Implications

There are no staffing implications directly relating to this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

There are no issues directly arising from this report.

(h) Climate Change and Biodiversity Impacts

There are no issues directly arising from this report.

(i) Consultations

The following have been consulted in the preparation of this report:
Simon Bokor-Ingram Chief Officer Health and Social Care Integration,
Aileen Scott, Legal Services Manager and Tracey Sutherland,
Committee Services Officer who are all in agreement with the content of
this report relating to their service area.

5. CONCLUSION

5.1 This report shows that Social Work, like other areas of health and social care are experiencing pressures.

Author of Report:	Tracy Stephen, Chief Social Work Officer/Head of Service
Background Papers:	Attached at Appendix 1
Ref:	SPMAN-305227695-74
	SPMAN-305227695-73

Annual Report by Local Authority Chief Social Work Officer for 2021-2022

1. Governance and Accountability

The governance and accountability arrangements remained unchanged through 2021/22. The planning for the delegation of children's social work to the Integrated Joint Board continued but was not concluded.

Internally the quality of social work is assured by Practice Governance meetings. Any issues are reported to the Clinical and Care Governance Committee of the IJB for adults and Council Committee for children's services. Posts of Consultant Social Work Practitioner are well established in both adult and children's services. Consultants work with line managers to support social work in complex cases, model best practice and set practice standards in their respective areas. Consultants also undertake practice audits in Adult social work.

Both adult and children's social work were subject of an internal Carefirst Audit.

A revised governance structure for Learning Disability (LD) services was established through a LD Transformation Board; all projects, proposals and areas of tension relating to LD are discussed and actions agreed.

Within Health and Social Care Moray the CSWO is part of the Senior Management Team that meets on a weekly basis. During 2021/22 this has included the Head of Children and Justice Social Work.

The CSWO also meets weekly with social work leaders in adult services.

2. Service Quality and Performance

Adult Services

The critical areas of quality and performance in adult services relate to the further period of Covid pandemic and the consequences of this, experienced through 2021/22. These can be summarised as:

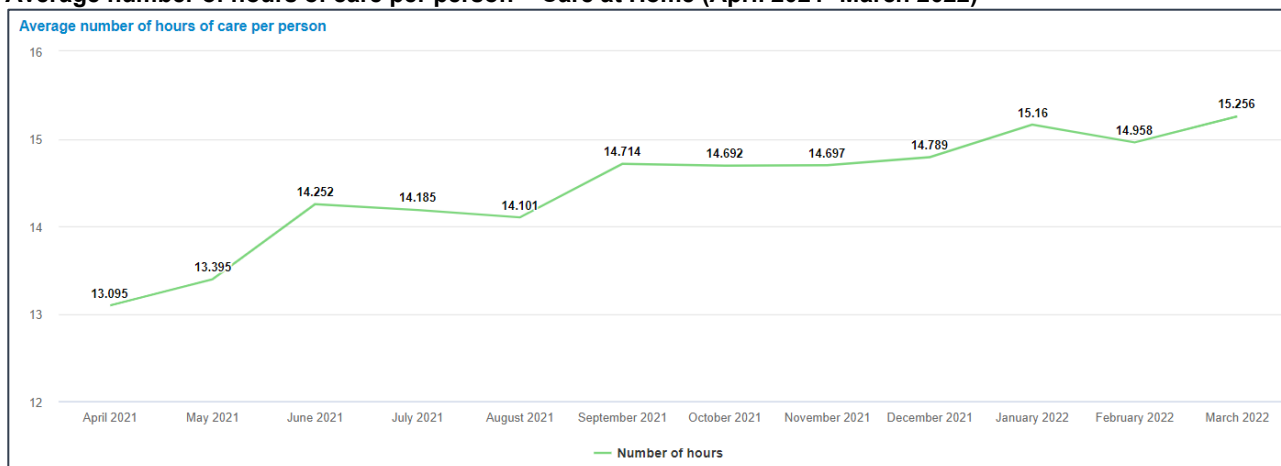
- Waiting lists for assessment, and care services post assessment
- Increase in complex and urgent situations requiring significant social work time to resolve, including adult support and protection issues.
- Pressure on care at home services, resulting in unmet need.
- Staff stress as a consequence of demand and capacity issues.

There are 6 categories of unmet need that are routinely monitored that provide an overview of the number of people waiting for a social care assessment, a package of care, or a statutory social care review. Additionally, the number of hours of care not yet provided are also monitored. A weekly summary of trends is provided for managers. Overall, the level of unmet need is much higher than it was before the pandemic, and there is nothing to suggest that unmet need will be back to more typical values in the near future. The 6 categories are:

- Number of people waiting for a social care assessment - The number of people waiting for a social care assessment overall has been static at between 140 and 150.
- Number of people assessed and waiting for a package of care - The number of people waiting for a package of care was on average 150. Approximately 85% of people are waiting in the community and the other 15% are in hospital. The numbers appear to be static.

- Number of people in receipt of a care package and waiting for a statutory social care review - While lower than the number waiting for a review last summer there is no clear indication that the numbers waiting for a social care review reduced significantly
- Number of hours of care yet to be provided for individuals in hospital - The number of hours not yet provided for people in hospital varies weekly, but has gradually risen over time from 226 hours in August to over 450 hours in March
- Number of hours of care yet to be provided for individuals in the community - There was variance throughout the year on numbers of hours required although there was a significant increase for people in the community from 266 hours in August to 778 hours at the end of January. During this time the average number of hours of care provided to individuals by the Care at Home team rose by 17% from 13.1 to 15.3 hours
- Number of hours of care assessed as needed and not provided for those in receipt of a care package - Since the start of February the number of hours of care not delivered to residents receiving a care package has risen steadily from 385 to 417 hours. This figure is much higher than in September 2021 when for 4 weeks this figure was consistently below 250 hours.

Average number of hours of care per person – Care at Home (April 2021- March 2022)



The continuing levels of unmet need noted above has contributed to high numbers of patients facing delays in being discharged from hospital.

With the LD service there were a number of overdue reviews, including Guardianship reviews.

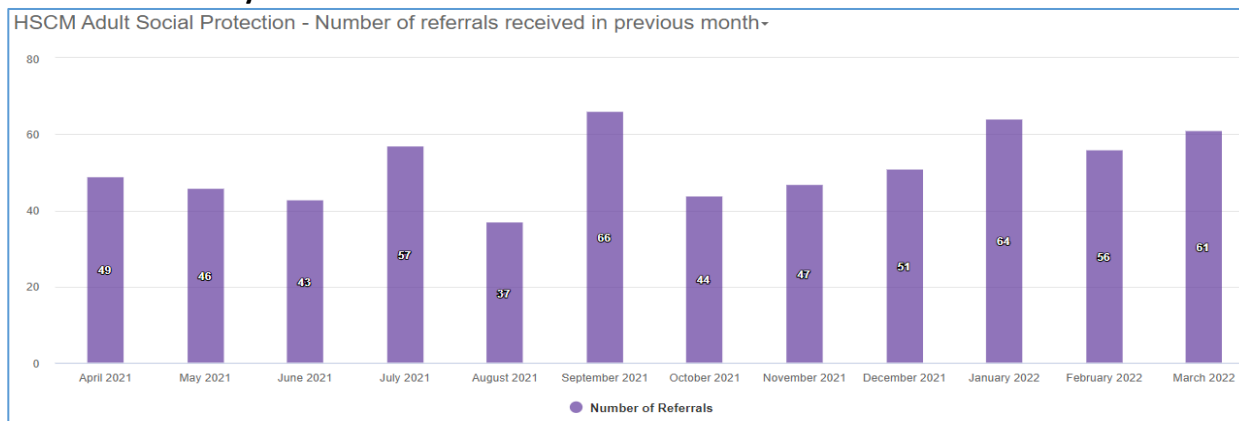
The complexity of situations facing social care, and carers in particular, is evidenced by the following table:

	Emotional wellbeing impacted (% of ACSPs completed)	Mental health impacted (% of ACSPs completed)	Physical health impacted (% of ACSPs completed)
End Mar 21	44	38	35
End Mar 22	83	60	46

That clearly shows a significant increase in the numbers of carers reporting impact on their emotional wellbeing, in particular, but across all 3 measures.

Another indication of increasing complexity is that, during the year 1st April 2021 to 31st March 2022, 557 referrals were received in Moray to the Access Social Work Team. This is an average of 50 referrals per month. It is apparent that a significant number of referrals come from Police Scotland, and relatively few are received from families, the local authority or the NHS. An increasing number of referrals are being received from our Care Homes. Whilst very small numbers have progressed to Investigation, it is indicative of the stress felt by Care Homes, and symptomatic of the increased complexity of individuals residing within the environment, leading to added pressure upon service staff.

Number of monthly ASP referrals



The introduction of Initial Referral Discussions in December 2021 allowed for increased collaboration with partners and open discussion with relevant professionals. Feedback from Social Workers has been generally positive.

Children's Services

There was significant activity in relation to practice governance within children's services to bring together findings from complaints, with family feedback and casefile audits. There was a new Service Manager in post allowing the development of processes within children's and justice services to more closely align commissioning, quality assurance and policy development. There has been an auditing exercise which will be ongoing and the learning from complaints alongside this will form the basis of learning needs analysis. There have been some challenges with children's services with regards recruitment and Placement services in particular was and is functioning with low staff numbers.

A new Service Manager was also recruited to support the Corporate Parenting agenda and to progress transitions planning and children with disabilities.

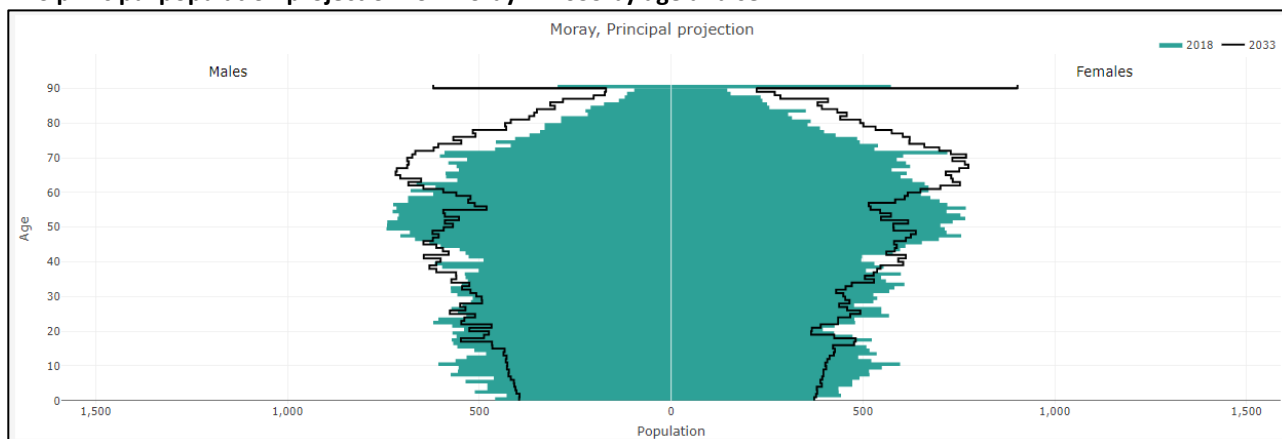
A new model for social work support has been created and plans were put in place to have a dedicated Children with Disability pod as a test of change.

Referrals for support into the children and family team steadily increased and need centres around families experiencing financial hardship alongside poor parental mental health, domestic violence and substance misuse by parents.

3. Financial Pressures

The demographic changes continue to contribute to the financial pressures experienced. Records of Scotland principal population projection for Moray and is based on 2018 data.

NRS principal population projection for Moray in 2033 by age and sex



Financial pressures are high in the Learning Disability service in particular. The service is £1.4m overspent for the last financial year; this is likely to continue into this financial year. New housing projects have been initially more expensive, especially during the settling in period. The use of smart technology is permitting the staffing of these projects to be tailored to each tenant. Day service use increased following lockdown and this is being monitored. Alternative 'day activity' approach was put in place but there will be a period of transition from building-based services to more community activities.

For children and families social work additional funding was granted to support families experiencing challenges with fuel and food costs, which was welcome support to families in need. Children's social work were able to make further savings, going forward this is unlikely to remain the status quo as services are in increasing demand.

COVID-19 enabled us to look at our external care at home resources through the work of our remobilisation meetings. This involved collaboration with those individuals who had had their services paused due to the closure of building based day services. Many individuals stressed a desire not to return to formal day support, opting for a more person centred approach in their own communities. In order to effectively deliver supports in a more person centred approach, in conjunction with our external contracts coming to the retendering date for older people's day services, a project proposal was agreed in order to utilise the funds from these contracts to support individuals in their own community. This approach has aligned itself with the Self-Directed Support (SDS) Standards introduced in March 2021 and also key recommendations within the Adult Social Care Review. This proposal was not a cost saving exercise, but one to ensure that we can deliver outcomes to individuals in a person centred and meaningful way for them, taking a strength and asset based approach.

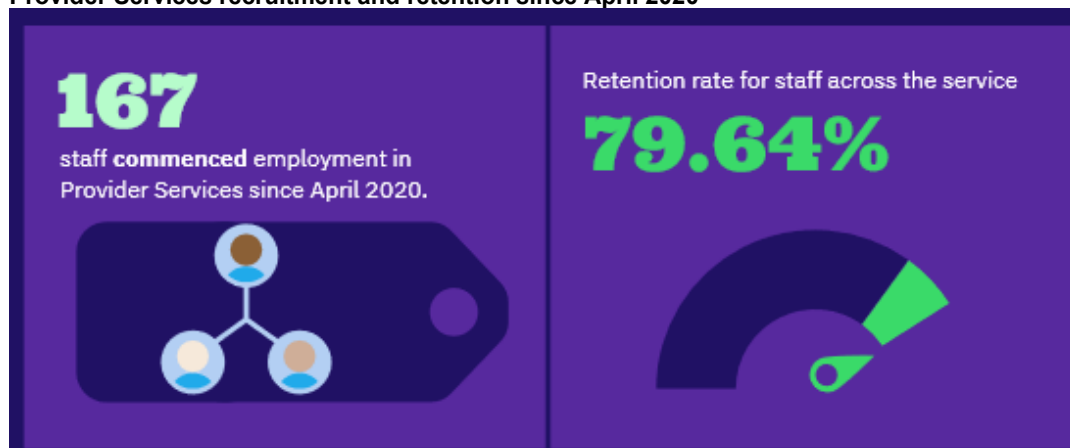
4. Workforce

Workforce Planning – staffing and recruitment issues

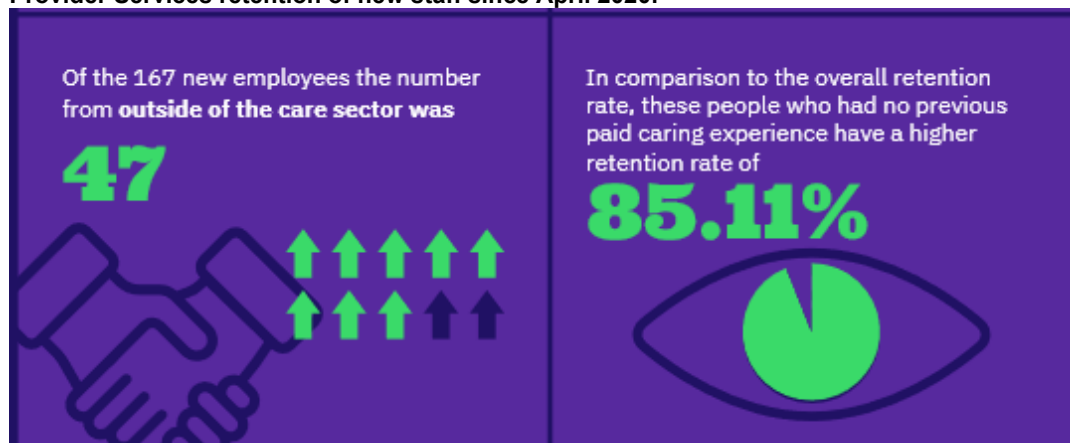
There was higher than usual staff absence rates amongst both council and NHS employed staff over the winter period (Figure 3). Moray Council staff absences have averaged 6.6% since May 2020, which is above the national average of 5.9%. However, for the week ending 28 January 2022, the latest data published by SOLACE, the figure for Moray rose to 10%.

A recruitment cell was established and has worked closely with Moray Council Human Resources team to bring people into HSCM. Since April 2020 167 staff have been recruited into Provider Services, of which 47 were new to the care sector and the retention rate for staff over that period is close to 80%. The retention rate for the new employees is over 85%.

Provider Services recruitment and retention since April 2020



Provider Services retention of new staff since April 2020:



Workforce Development

As at February 2020 there were 15 MHOs practicing in Moray (14.6FTE). 13.6 of these work in the daytime and 1 MHO is working out of hours. This number has been relatively stable over time but the number of staff members who are no longer on the Mental Health Act rota has reduced due to promotion which has created a strain on the service. In addition, MHO retirements in the out of hours service created a problem with availability of MHOs necessitating the use of EDCs without MHO consent.

There have been no newly qualified MHOs since 2019 and difficult in attracting social workers to the role was impacted by Covid. The 2021/22 intake of 2 candidates will increase the number of MHOs in the out of hours service and in the Mental Health Team.

The numbers of referrals to the MHO service for guardianship assessment has increased by 23% on 2020/21 and by 90% on the year 2019/20. Since the pandemic Moray has operated a waiting list for guardianship reports and this list has been growing rather than reducing.

The Scottish Government MHO capacity building funding allocated to local authorities resulted in a new workforce plan and consultation exercise. The funding was used to recruit a temporary Advanced Practitioner dedicated to MHO, focusing on Adults with Incapacity working alongside the dedicated MHO and focusing on Mental Health Act work. Since most of the MHOs work in the Mental Health Team a 0.5FTE social work was recruited to the team to increase capacity.

To enable the delivery of supports with a greater community focus, and harnessing the power of our communities, which has strengthened during Covid, a Day Opportunities test of change commenced, initially supporting those individuals who had expressed a desire not to return to formal building-based day supports. In order to achieve this, SDS Enabler roles were created to support having good conversations, listening to supporting individuals to be at the centre of how their support is delivered. Through removing care management from social work, freeing them from time and task, would not only give back valuable practitioner time but enable them to spend more time with the people they support. The SDS Enabler role is to take the agreed personal outcome and support the translation of this into a deliverable. This allows for the time required to build the community networks, to test things out and sometimes to break the outcome down into smaller, more achievable goals that can be built on over the coming weeks and months. The role of the SDS Enabler is to be the conduit between the individual and their community, whilst collaborating and support social work to achieve positive outcomes. The test of change has now become embedded in mainstream practice with the posts now permanent and the team added to, enabling demand from teams to be met. Through Day Opportunities, greater links have been created with the communities and the resources within them, through taking this approach individuals can be connected and supported to engage in the groups in their community. Support workers are linked to the Day Opportunities to support confidence building of individuals who may be apprehensive of returning to their community following periods of isolation, with a view to supporting the community connection enabling the support workers to step back.

Health and Social Care Moray are one of three test sites for the SDS standards, working alongside colleagues in Edinburgh and Shetland to try out the standards and explore what this means in practice for the wider system. Knowledge sharing is key to the test site, both with the two other partnership areas but also through attendance at the National SDS Collaboration and the Social Work Scotland Community of Practice. Taking a focused look at the SDS Standards, through the lens of worker autonomy, we have been able to challenge and question our current practice and processes, pulling together the wider parts of the system to start the catalyst for change.

Over the past year, a number of activities and service changes to Adult Support and Protection have taken place. These have included:

- New Consultant Practitioner for Adult Support and Protection
- Introduction of a new post for advanced practitioner for Adult Support and Protection
- Revised Operational Guidance
- Introduction of Initial Referral Discussions
- Council Officer Forums
- Increased Training activities and training plan
- Introduction of Quality Assurance Activities and involvement of front line practitioners
- Joint Inspection of Adult Support and Protection

The above activities and changes were undertaken at a time of considerable strain on the workforce due to the crisis in social care, lifting of covid-19 restrictions and increase of stress and distress within communities.

This change has also allowed for increased knowledge, skills and involvement for practitioners. With the introduction of IRDs, our Advanced Practitioner Social Worker have been supported to undertake the role of Chair. This has strengthened governance of Adult Support and Protection and increased Social Work presence as Lead Agency, as well as strengthened multi-disciplinary relations with our Partners.

This year has seen an increase in training and development, awareness sessions and visibility of Adult Support and Protection across adult Social Work. A multi-agency interactive session brought together partners from across Adult Services and partners to the years' summary of Adult Protection Activity using SLIDO technology, and was very well received by participants and attendees, it is hoped that further sessions will take place at the end of this year.

The Joint Inspection of Adult Support and Protection took place from February 2022. Whilst increased activity has taken place, and more structure and process introduced progress has been slow since the consultation exercise in 2019.

Presently a consultant practitioner for adult support and protection and an advanced practitioner support Adult Support and protection. Across adult services, there are approximately 40-trained Council Officers. It remains a challenge to facilitate adult support and protection activity and to adhere to timeframes due to the changing day-to-day priorities of social work practitioners, increase in complexities of cases and increase in stress and distress experienced across communities. The advent of the IRD process has assisted in focussing adult support and protection work and needs time to embed across the partnership. However, it remains the case that capacity is an issue across the breadth of Adult Social Work within the current post pandemic climate.

The workforce in children's services has faced a number of challenges this year. There have been a number of staff leaving their positions, with many moving elsewhere in the system and pressures have arisen in pockets across the service. The workforce have remained extraordinarily busy and a number of key changes to practice have been absorbed by staff working at higher than usual caseloads. There continues to be a number of critical training and development needs that will be addressed in the forthcoming years alongside a restructure of the practice model and potential delegation to the IJB.



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: LEARNING ESTATE – CLOSURE OF INVERAVON PRIMARY SCHOOL STATUTORY CONSULTATION REPORT

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

1. REASON FOR REPORT

- 1.1 The report provides an update on the statutory consultation on the closure of Inveravon Primary School and seeks approval from Council of the recommendation for closure.
- 1.2 This report is submitted to the Council in terms of Section III (D) (7) of the Council's Scheme of Administration to consider the closure of schools and other educational establishments under the control of the Council as Education Authority.

2. RECOMMENDATION

2.1 It is recommended that the Council:

- (i) consider and note the formal consultation report attached as Appendix 1 regarding the closure of Inveravon Primary School;**
- (ii) approve the recommendation to close Inveravon Primary School and re-assign its catchment area to Knockando, Aberlour and Glenlivet primary schools; and**
- (iii) authorise, in accordance with School (Consultation)(Scotland) Act 2010, Council Officers to inform Scottish Ministers of the decision to close Inveravon Primary School and reassignment of its catchment area.**

3. DECISION MAKING

- 3.1 The Schools (Consultation) (Scotland) Act 2010 requires that local authorities undertake a formal consultation process whenever changes are proposed to the location or catchment area of a school; or when a school is being considered for closure.

- 3.2 At its meeting of 24 August 2022, the Education, Children's and Leisure Services Committee (para 13 of the minute refers) approved the launch of a statutory consultation into the permanent closure of Inveravon Primary School.
- 3.3 The consultation proposed that the education provision at Inveravon Primary School, which is currently mothballed, should be discontinued and that the catchment area should be reassigned to Knockando, Aberlour and Glenlivet primary schools.
- 3.4 At the end of the consultation period all written submissions, along with the minutes of the public meeting, were provided to Education Scotland. Both Education Scotland and officers within the Council's Education Resources and Communities Service have written a report on the consultation. The officer consultation report is attached as **Appendix 1**. The Education Scotland report is contained within **Appendix 1 as Appendix I** to the consultation report.
- 3.5 At its meeting of 19 April 2023 the Education, Children's and Leisure Services Committee (para 17 of draft minute refers), after taking account of the consultation report, agreed to recommend to Moray Council the closure Inveravon Primary School and reassignment of its catchment area to Knockando, Aberlour and Glenlivet primary schools.

4. DISCUSSION

- 4.1 The statutory consultation on the permanent closure of Inveravon Primary School discussed several options that had been considered for changes to the school catchment area, with three main options considered to be viable. These were to rezone the whole catchment area to Knockando Primary School; to reassign the catchment area between Knockando and Aberlour primary schools; to reassign the catchment area between Knockando, Aberlour and Glenlivet primary schools.
- 4.2 The statutory consultation took place between 29 August 2022 to 7 October 2022, which covered the required minimum of 30 days term time consultation.
- 4.3 In support of the statutory consultation process two in person public meetings were held on 27 September 2022; one at Inveravon Church at 1.30pm and the second at Speyside High School Community Centre at 7pm. A further online meeting was held on 28 September 2022 at 7pm. Records of these meetings are at **Appendices B, C and D**.
- 4.4 Parental feedback that was provided during the earlier public engagement is at **Appendix E**.
- 4.5 Pupils at Knockando, Aberlour and Glenlivet primary schools were consulted on the closure proposal and their responses have been collated at **Appendix F**.

- 4.6 An online survey was made available to all consultees during the consultation period and 33 completed the survey. The online survey report is at **Appendix H**.
- 4.7 Five written representations were received to the consultation.
- 4.8 Officers within Education have carefully considered all of the responses to the consultation and have made a recommendation in **Appendix 1** (paragraph 14.1) to this report. The recommendation supports the majority community view and gives maximum parental choice. The recommendation is that the Council should adopt the proposal to permanently close Inveravon Primary School and re-assign its catchment area between Knockando, Aberlour and Glenlivet primary schools. Children would also continue to receive school transport to their catchment school where eligible.
- 4.9 Free school transport would continue to be provided to Knockando for all Inveravon catchment pupils currently attending this school. Free school transport would be extended to current Inveravon catchment pupils that attend Aberlour Primary School . All existing primary aged pupils would continue their education at their current schools.

5. NEXT STEPS – DECISION TO CLOSE

- 5.1 Following a closure decision by Council, notification must be made to Scottish Government ministers within six days of decision with copies of the consultation proposal, report and all relevant documentation on the consultation including the evidence around the pre-consultation stage.
- 5.2 At the same time the Council will publish a notice on its website that the Scottish Ministers have been notified. The notice will make clear the opportunity to make representations to Ministers, where the representations are to be sent and the deadline for submitting them – which is 3 weeks from the decision.
- 5.3 Given Inveravon Primary School is a rural school, the Council must also publish a notice on its website of its decision to implement the proposal and why it is satisfied that implementation is the most appropriate response to the reasons for formulating the proposal (section 11A(3) of the Schools (Consultation)(Scotland) 2010 Act), and send notice to Scottish Government Ministers with its notification of the decision.
- 5.4 There is a 3 week period from the date of the decision for members of the public to make representations to Scottish Government Ministers. Ministers then have a further 5 week period to decide whether the decision should be called in. During this 8 week period the Council must not proceed further with closure.
- 5.5 If Ministers call in a call in a closure proposal, it is referred to the Convener of the School Closure Panels. The Convener must within the period of 7 days starting from the day on which the call in notice is issued constitute a Schools Closure Review Panel.

5.6 The Panel will consider whether the Council, as the Education Authority, has failed in a significant regard to comply with the requirement imposed in it by (or under) the School (Consultation)(Scotland) Act 2010 so far as they are relevant to the proposal, or has failed to take proper account of a material consideration relevant to its decision to implement the proposal. In determining the proposal, the Panel may:

- refuse consent to the proposal;
- refuse consent and remit it to the Council for a fresh decision; or
- grant consent to the proposal, either subject to conditions, or unconditionally.

5.7 The Panel must notify the Council of its decision within 8 weeks from the when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the Council that a decision has been delayed. A decision by the Panel may be appealed by the Council or a relevant consultee to the sheriff on a point of law.

5.8 Once notification is received from the Scottish Government or the School Closure Review Panel then implementation for the school closure can proceed.

5.9 The process can take up to 23 weeks to conclude from the date of decision.

6. NEXT STEPS – DECISION NOT TO CLOSE

6.1 If the School Closure Review Panel refuses consent to the closure proposal, or, following publication of its Consultation Report, the Council decides not to implement the closure proposal, the Council cannot publish a further closure proposal in relation to the school for 5 years, unless there is a significant change in the school's circumstances.

6.2 The 5 year period starts on the day on which the decision was made.

7. SUMMARY OF IMPLICATIONS

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

This report supports the LOIP outcomes:

Building a better future for children and young people in Moray:

- Healthier Children: children get the healthiest start in life and are supported to achieve the best possible mental health and wellbeing and there is equity for vulnerable groups.

And the aims of the Corporate Plan to:

- Improve health and wellbeing for the people of Moray.

(b) Policy and Legal

The Schools (Consultation) (Scotland) Act 2010 has been referred to and adhered to throughout the statutory consultation process and

this adherence will continue with respect to decisions on the future of Inveravon Primary School.

The Schools (Scotland)(Consultation) Act 2010 requires that prior to any final decision on school closure the report needs to have been in the public domain for a minimum of 3 weeks. To meet this requirement a copy of the Consultation Report was made available on the Moray Council website on 12 April 2023. At the same time a copy of the full Consultation Report was also made available to Education Scotland.

Although no formal title deeds have been discovered, all estate information indicates that the school building is on land that was gifted for educational use by Ballindalloch Estate over a century ago. The expectation is that should the final decision be to close the school, the land, and by inference the building, will revert to Ballindalloch Estate ownership.

The local authority purchased an area of land (0.305 acres) to extend the subjects in 1926 and accordingly Moray Council retain title to that upon closure. Given the location of this small area of land within the main school site it is on its own deemed to have no intrinsic value. In the event of approval to close Inveravon Primary School action would be initiated to transfer ownership of this area of land to the Ballindalloch Estate.

(c) Financial implications

A decision to close the school would realise an annual saving of £45,175 (following the 3 year cash conserved salary period).

A re-opening of the school would require a full remediation of the site, and significant capital works to the building over future years to achieve the Moray Learning Estate Strategy aim and Scottish Government mandate for all schools to be an overall Condition B status or better. The cost of upgrade has been estimated to be over £206k to support reopening with a further investment of over £130k over the next 5 years. This capital sum is not within the current capital plan.

In the event of the closure of Inveravon Primary School, and rezoning of the catchment to adjacent schools in the Speyside ASG, there would be an increase in costs for school transport provision for those children who would now be entitled to Council-provided transport to Aberlour Primary School. The increase is not expected to be significant expected should be managed within the value of the current Speyside ASG transport contracts and revenue savings resulting from a school closure.

(d) Risk implications

There are no risks associated with this report.

(e) Staffing implications

Inveravon Primary School is currently in a paired Head Teacher arrangement with Knockando Primary School. In the event of

Inveravon Primary School closing the implications on Knockando based Teaching Staff are as per table below.

	FTE (during mothballing)	FTE (post closure)
Head Teacher	1.0 (SP4)	1.0 (SP2)
Principal Teacher	1.0	
Head Teacher Relief		0.46
Class Teacher	1.0	1.0
McCrone	0.28	0.28
Total	3.28	2.72

The Head Teacher would move to SP2 from SP4 – cash conserved for 3 years. The Principal Teacher would need to be redeployed and potentially cash conserved for 3 years.

There are no non-teaching staffing implications should Inveravon Primary School close.

(f) Property Impact

Whilst the school has been mothballed, the state of the building has been maintained as wind and water tight. The building has been drained down and regular janitor inspections conducted and any issues, e.g. water ingress, have been addressed. This minimal care and maintenance regime will continue during and to conclusion of the statutory process.

(g) Equalities/Socio Economic Impact

An Equality Impact Assessment (EIA) is a statutory requirement on the Council to assess the policies and practices necessary to meet the requirements of anti-discrimination and equalities legislation. It also affords an opportunity for the Council to consider the impact on the education service. An assessment has been carried out, as part of the options appraisal process for Inveravon Primary School.

The main impact for children in the P1-7 age group is the length of journey from Inveravon to either Knockando, Aberlour or Glenlivet primary schools; however, as Inveravon Primary School has been mothballed since July 2017, the majority of the current pupils are already making the journey to either Knockando or Aberlour. Should there be future journeys to Glenlivet these would be of a similar distance and duration.

Under the Equality Act 2010 education providers must not treat disabled pupils less favourably and should take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. Any existing arrangements in place for pupils with additional support needs within the schools affected will continue. As discussed in **Appendix 1** Section 10.28 Aberlour Primary School is the enhanced provision hub for the Speyside ASG, and as such is fully adapted to meet the requirements of pupils with a range of additional support needs.

(h) Climate Change and Biodiversity Impacts

A carbon assessment of Inveravon Primary and Knockando Primary, where the majority of pupils moved to at the time of mothballing, has been undertaken by the Moray Council Climate Team.

Overall the carbon impact per pupil is substantially lower at Knockando – and that includes the pupils on the school roll from the Inveravon catchment from Aug 2017. The reopening of Inveravon Primary School would therefore significantly increase carbon emissions in the future, outweighing any additional transport emissions associated with longer pupil journeys. A closure of Inveravon Primary School is therefore predicted to lead to carbon savings.

(i) Consultations

Senior Officers in Education, Education Resources and Communities, the Head of Environmental and Commercial Services, the Head of Legal and Democratic Services, the Head of HR, ICT & OD, the Chief Financial Officer, the Equal Opportunities Officer, members of the Learning Estate Programme Board and Tracey Sutherland, Committee Services Officer have all been consulted and are in agreement with the contents of this report as regards their respective responsibilities.

8. CONCLUSION

- 8.1 The Council is requested to consider the Consultation Report at Appendix 1 and approve the recommendation herein to close Inveravon Primary School and reassignment of its catchment area to Knockando, Aberlour and Glenlivet primary schools.**
- 8.2 In accordance with School (Consultation)(Scotland) Act 2010, the Council is to required notify Scottish Government ministers within 6 days of the decision to close Inveravon Primary School and provide copies of the consultation proposal, report and all relevant document on the consultation process.**

Author of Report: Andy Hall (Programme Manager (Learning Estate))
Appendices:

1. Consultation Report - Closure of Inveravon Primary School

Sub Appendices:

Appendix A	Closure of Inveravon Primary School Consultation Proposal
Appendix A1	Options Appraisal
Appendix A2	Public Engagement Comments/Suggestions
Appendix A3	Financial Template
Appendix B	Public Meeting Record – Inveravon Church (27 September 2022)
Appendix C	Public Meeting Record – Speyside High School (27 September 2022)

Appendix D	Public Meeting Record (28 September 2022)
Appendix E	Parental Feedback
Appendix F	Pupil Engagement
Appendix G	Online Survey Responses
Appendix H	Online Survey Summary Report
Appendix I	Education Scotland Report

Ref: SPMAN-9425411-222 / SPMAN-9425411-209 / SPMAN-9425411-210
 SPMAN-9425411-211 / SPMAN-9425411-212 / SPMAN-9425411-213
 SPMAN-9425411-214 / SPMAN-9425411-215 / SPMAN-9425411-216
 SPMAN-9425411-217 / SPMAN-9425411-218 / SPMAN-9425411-219
 SPMAN-9425411-220 / SPMAN-9425411-221



Appendix 1

**CONSULTATION REPORT REGARDING
THE CLOSURE OF INVERAVON PRIMARY
SCHOOL**

April 2023

**This Consultation Report has been issued by Moray Council in
accordance with the Schools (Consultation) (Scotland) Act
2010 (as amended)**

**If you have difficulty reading this document please contact
Learning Estates Team on 01343 563374**

Contents

1. Introduction
2. The Consultation Process
3. The Proposal
4. Educational Benefits Statement
5. Public Engagement
6. Written Responses
7. Moray Council Response to Written and Oral Representations
8. Education Scotland Report
9. Alleged Omissions or Inaccuracies and Additional Information
10. Compliance with Section 9(1) of the Schools (Consultation) (Scotland) Act 2010
11. Compliance with Sections 11A to 13 of the Schools (Consultation) (Scotland) Act 2010
12. Representations to Scottish Ministers in terms of Section 15 of the Schools (Consultation) (Scotland) Act 2010
13. Conclusion
14. Recommendation

Appendices:

Appendix A	Closure of Inveravon Primary School Consultation Document
Appendix A1	Options Appraisal
Appendix A2	Public Engagement Comments/Suggestions
Appendix A3	Financial Template
Appendix B	In person Public Meeting Record – Inveravon Church (27 September 2022)
Appendix C	In person Public Meeting Record – Speyside High School (27 September 2022)
Appendix D	Virtual Public Meeting Record (28 September 2022)
Appendix E	Parental Feedback
Appendix F	Pupil Engagement

Appendix G	Online Survey Responses
Appendix H	Online Survey Summary Report
Appendix I	Education Scotland Report

1. Introduction

- 1.1 This report has been prepared following a consultation on the proposal to discontinue education at Inveravon School, which is currently mothballed, and reassign its catchment area to that of either Knockando, Glenlivet or Aberlour primary schools or a combination of these.
- 1.2 This report has been prepared in accordance with the Schools (Consultation) (Scotland) Act 2010 on the above proposal. The objective of this report is to:
- Provide a record of the total number and a summary of written and oral responses received during the statutory consultation period;
 - Provide a statement of the Council's response to those written and oral representations;
 - Provide the full text of Education Scotland's report and a statement of the Council's response to this report;
 - Provide a statement on how the Council reviewed the above proposal following the representations received during the statutory consultation period;
 - Provide details of any omission from, or inaccuracy in, the proposal document and state how the Council acted on it;
 - State how the Council has obeyed Section 12 of the Schools (Consultation) (Scotland) Act 2010 when reviewing the above proposals; and
 - Provide officer conclusions and recommendation.

2. The Consultation Process

- 2.1 The requirement for consulting on a relevant proposal relating to schools is set out in the Schools (Consultation) (Scotland) Act 2010.
- 2.2 At its meeting on 24 August 2022 the Education, Children's and Leisure Services Committee authorised a statutory consultation regarding the closure of Inveravon Primary School.
- 2.3 The proposal document made clear to consultees that the consultation period would run from 29 August 2022 until 7 October 2022. This more than adequately covered the required minimum of 30 days term time required for consultation.
- 2.4 On 29 August 2022 copies of the proposal document were made available to:
- Parent Councils of Knockando, Aberlour and Glenlivet Primary Schools;
 - Parents of the pupils at Knockando, Aberlour and Glenlivet Primary Schools;

- Pupils at Knockando, Aberlour and Glenlivet Primary Schools;
- Parents of pre-school age children living within the Inveravon catchment;
- Staff at Knockando, Aberlour and Glenlivet Primary Schools;
- Trade union representatives;
- Speyside Community Council;
- Glenlivet and Inveravon Community Association;
- Tomintoul and Glenlivet Development Trust;
- Education Scotland; and
- Inveravon Primary School catchment residents

2.5 A copy of the document was also made available at:

- Aberlour Library;
- Knockando Primary School;
- Aberlour Primary School;
- Glenlivet Primary School;
- Glenlivet Medical Practice;
- Ballindalloch Post Office;
- Community Centre, Speyside High School; and
- Elgin Library

2.6 A copy of the document was also available on request from Moray Council Learning Estates Team.

2.7 The proposal document was also published on the Council website:
http://www.moray.gov.uk/moray_standard/page_139703.html

2.8 Communication regarding the consultation was published on the Council's newsroom and social media platforms on 24 August 2022 when a news release was issued. It was further promoted on social media platforms on 8 September 2022.

2.9 The consultation was also advertised in the Press & Journal and Northern Scot newspapers on 9 September 2022.

2.10 An online survey was available throughout the consultation period.

2.11 The consultees were also given the option to submit their comments on the proposal via email to LearningEstate@moray.gov.uk or posted to Community Support Officer (Learning Estate), Elgin Council Offices. High Street Elgin IV30 1BX

2.12 Two face-to-face public meetings were held during the consultation period. The first was held at 1:30pm on Tuesday 27 September 2022 at Inveravon Church, Ballindalloch AB37 9BA. A further public meeting was held at 7pm on Tuesday 27 September at Speyside High School, Mary Avenue, Aberlour AB38 9QU.

- 2.13 An online public meeting was held on Wednesday 28 September. Anyone wishing to attend this meeting was able to register their interest by emailing learningestate@moray.gov.uk.
- 2.14 Education Scotland received a copy of the proposal document and attended both public meetings.
- 2.15 At the end of the consultation period, Education Scotland were provided with all documentation relating to the consultation. They also visited Inveravon Primary School, Knockando Primary School and Speyside High School, which included discussions with parents and pupils. Following their visit and a review of relevant documentation, Education Scotland issued a report on the educational aspects of the proposal. The report is covered in more detail within Section 8 of this report.
- 2.16 Adhering to the statutory requirement this consultation report was published on the Moray Council's website on 12 April 2023, in preparation for the Education, Children and Leisure Services Committee on 19 April 2023, and more than three weeks, the minimum time required, prior to when the Council is expected to take the decision on whether to implement the proposal

3. The Proposal

- 3.1 The proposal document, included as **Appendix A** to this report, was issued to those individuals and bodies listed under 'Distribution' within the proposal document. The Proposal Document was also published on the Council website at:
http://www.moray.gov.uk/moray_standard/page_98109.html#Closure%20of%20Inveravon%20Primary%20School
- 3.2 The proposal on which the consultation took place was:
- To close Inveravon Primary School, currently mothballed, and re-assign its catchment area to either Knockando Primary School, a combination of the Knockando and Aberlour primary schools or a combination of Knockando, Aberlour and Glenlivet primary schools.***
- 3.3 The schools that could be impacted by this proposal are;
- Inveravon Primary School
 - Knockando Primary School
 - Aberlour Primary School
 - Glenlivet Primary School
- 3.4 The proposal was advanced for the following reasons:
- At the start of the 2016/17 session the Inveravon Primary School roll was 13 pupils;

- During the build up to the closing months of the 2016/17 session the school roll had declined, leading to no children enrolled for the 2017/18 session at the end of June 2017;
- It was noted that a number of children within catchment were electing to move to Knockando Primary School;
- In August 2017, due to no children attending the school for the start of the new 2017/18 session, the Education Service was left with no alternative but to take the decision to not open the school and in September 2017, the school was mothballed;
- No parents had chosen to enrol their children at Inveravon Primary School for the 2017/18, 2018/19, 2019/20, 2020/21, 2021/22 or 2022/23 sessions; and,
- Although the number of primary school children in the Inveravon Primary School catchment totalled 15 for the 2022/23 session those families who have formally indicated their choice did not wish to send their children to Inveravon Primary School as they have settled elsewhere.

3.5 An update report on the position at Inveravon School was given to the Education, Children and Leisure Services Committee on 24th November 2021. The Committee agreed to the preparation of an options appraisal regarding the future of Inveravon Primary School.

3.6 A follow up report was submitted to the Education, Children and Leisure Services Committee on 24th August 2022 seeking approval to undertake a statutory consultation on the closure of Inveravon Primary School in accordance with the Schools (Consultation) (Scotland) Act 2010.

3.7 The Education, Children's and Leisure Services Committee agreed to :

- (i) Authorise a statutory consultation with local stakeholders (Parent Councils, parents, pupils, staff and the local community) on the proposal to close Inveravon Primary School; and,
- (ii) To receive a further report on the outcome of the consultation in January 2023.

Due to insufficient time and resource the Moray Learning Estate team were unable to complete the consultation analysis and draft the Consultation Report for December 2022 to support Committee meeting in January 2023.

4. Educational Benefits Statement

4.1 In 2009, the Scottish Government set out its Vision for the Future School Estate in Scotland, in 'Building Better Schools: Investing in Scotland's Future'.

4.2 In September 2019, this was updated with Scotland's Learning Estate Strategy 'Connecting People, Places and Learning', which was developed by Scottish Government and COSLA. This contains ten guiding principles. Local Authorities are required to take account of these principles in planning changes to their school estate, namely:

- Learning environments should support and facilitate excellent joined up learning and teaching to meet the needs of all learners;
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transition for all learners;
- The learning estate should be well-managed and maintained, making the best of existing resources, maximising occupancy and representing and delivering best value;
- The condition and suitability of learning environments should support and enhance their function;
- Learning environments should serve the wider community and where appropriate be integrated with the delivery of other public services in line with the place principle;
- Learning environments should be greener, more sustainable, allow safe and accessible routes for walking, cycling and wheeling and be digitally enabled;
- Outdoor learning and the use of outdoor learning environments should be maximised;
- Good consultation about learning environments, direct engagement with learners and communities about their needs and experiences, and an involvement in decision making processes should lead to better outcomes for all;
- Collaboration across the learning estate, and collaboration with partners in localities, should support maximising its full potential;
- Investment in Scotland's learning estate should contribute towards improving learning outcomes and support sustainable and inclusive economic growth.

4.3 In May 2016, Moray Council approved the 'Schools for the Future': A policy for Sustainable Schools' in order to monitor schools provision in Moray and ensure provision continues to meet the needs of learners, parents and the community and enable the Council to meet its requirements to ensure best value, as per the Local Government Scotland Act 2003. This policy contributes to the aim of ensuring all children and young people in Moray have equality of opportunity in terms of access to educational provision and facilities.

4.4 Within this policy, Moray Council set criteria and indicators in determining an optimum quality education experience which include provision of accommodation as reported to Children and Young People's Services Committee for:

- The range of curricular and wider school activities available for children to enable them to achieve in a range of activities for personal and wider achievement (e.g. physical education, music, art, drama);
- The ability of the school to cater for children with Additional Support Needs;
- The school's ability to provide access to a suitably broad and balanced curriculum;
- The quality of the physical environment for learning and teaching
 - Condition - minimum standard B
 - Suitability - minimum standard B
- No more than two composite year groups in a single classroom at primary school level.

- A minimum of four teachers at a primary school. This recognises both the needs of pupils and the demands on teachers; and.
 - Ideally, at least seven classrooms (one for each year group).
- 4.5 Key statutory requirements are further subsumed including delivery of 2 hours minimum Physical Education as part of National standards, compliance with statutory legislation in relation to school accommodation and Additional Support Needs, UNCRC and overall extent of on-site accommodation and facilities (including required general purpose spaces, play and social spaces, staff rest areas and outdoor spaces).
- 4.6 Moray's vision and strategic direction for all involved in Moray Education as set out in our Education Strategic Plan and Priorities 2020-2023 – *improving outcomes for all Moray's children and young people* – is underpinned by the core entitlements of Curriculum for Excellence in order to ensure all children and young people maximise development in the four capacities: Successful Learners, Confident Individuals, Effective Contributors and Responsible Citizens. This stems from Early Learning and Childcare, across the Broad General Education and through into the Senior Phase, working across our system to ensure our learners progress to positive and sustained post-school destinations. Underpinned by our Council values of Fair, Ambitious, Improving and Responsive *we are ambitious to achieve excellence together* in benefit of all Moray's children and young people.
- 4.7 In order to deliver on our Education strategic vision and priorities, all Moray schools thus work towards:
- *Improving outcomes for all:* help improve levels of children and young people's achievements and broaden the range of opportunities for young people to develop their skills;
 - *Curriculum:* provide a quality curriculum and create positive environments for effective learning and teaching matched to the needs of learners;
 - *Learning, teaching and assessment:* create the conditions for greater personalisation and choice for children and young people with improved continuity and progression in their learning; create more opportunities for children and young people to participate in well-judged paired and group activities;
 - *Supporting all learners:* develop a supportive ethos where children and young people's learning, personal, social, health and emotional needs address the care and welfare of children and young people and their personal and social development.
 - *Leadership at all levels:* strong, sustainable schools providing quality education and access to the full curriculum are central to the achievement of this vision and delivering these entitlements.
- 4.8 As further educational context, *Curriculum for Excellence* guides us to achieve transformation in education in Scotland by providing a coherent, more flexible and enriched curriculum from 3 to 18 firmly focused on the needs of the child and young person and designed to enable them to become successful learners, confident individuals, responsible citizens and effective contributors. All children and young people are entitled to experience:

- a coherent curriculum from 3 to 18;
- a broad general education, including well planned experiences and outcomes across all the curriculum areas. This should include understanding of the world and Scotland's place in it and understanding of the environment;
- a senior phase which provides opportunities for study for qualifications and other planned opportunities for developing the four capacities;
- opportunities for developing skills for learning, skills for life and skills for work;
- opportunities to achieve to the highest levels they can through appropriate personal support and challenge; and,
- opportunities to move into positive and sustained destinations beyond school;

4.9 Educational benefits are considered below for pupils in respect of options previously outlined in this proposal document.

4.10 In December 2020, Moray Council approved the approach to the Moray Learning Estate Strategy, setting out the vision of providing a sustainable education service aiming for excellence. As well as improving condition and suitability as noted in para 4.4 above, among wider outcomes this strategy aims to ensure our learning estate enriches the learner journey and supports curricular delivery noting the quality of learning environment as having direct impact on learning and achievement of children and young people.

4.11 Ensuring all young people develop in the four Curriculum for Excellence capacities through the learner entitlements in para 4.8 above would prove more challenging if Inveravon Primary School were to reopen with a reduced number of pupils across the Primary age range. This would also place discrete pressures on staff, for example in planning for a wide range of needs, year groups and abilities, in developing the curriculum and managing educational change. As a result, multi-stage composite classes can prove challenging to recruit teachers compared with larger schools where classes have single or few stage composite arrangements.

4.12 Pupils attending schools within the Speyside Associated Schools Group in closest proximity to Inveravon Primary School; Aberlour, Glenlivet and Knockando Primary Schools, regularly work in pairs and groups on shared learning tasks and cooperative learning activities. A school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake if Inveravon Primary School re-opened would mean that groups would be curtailed in size restricting activities to those of a paired nature, with little to no flexibility in change or rotation of participants in pairings or groupings. Pupils could be spread multi-stage across P1 to P7, and while benefitting cross-stage working, this may result in reduced peer challenge in learning or potential for sibling pairing/groups. The variety of skills, knowledge and wider experiences brought to the groups would be further restricted by roll size and may result in gender imbalances and inequity in provision of a full programme of wider school activities.

4.13 In comparison as the smallest school based on the three named closest to Inveravon Primary School, Glenlivet Primary School operates within a pairing

under a shared Head Teacher, school roll projections over the next five years remain near to 20 children on roll, with partnership approaches in place with the paired school; Tomintoul Primary School. This includes joined projects and staff professional and collegiate development activities while both schools retain their own unique identities. Children have regular opportunities to self and peer assess in each school as well as work in stage and cross stage pairings and groups.

- 4.14 In Aberlour and Knockando Primary Schools, children have regular opportunities to work in cooperative learning groups, on paired and in group activities with five and three classes formed in each school respectively. This further supports discussions and debate with a range of viewpoints and background of learners contributing to such activities. Class organisation within each school offers a blend of individual, group and class learning and teaching over the session.
- 4.15 The reopening of Inveravon would prove more restricted for children to develop skills for learning, life and work with fewer or no opportunities to work with others of a similar age and stage, which is not possible in a school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake. Pupils may miss opportunities to develop wider skills for life in particular with limited immersion and interaction with a wide range of peers, where levels of attendance and participation may also impact further on this.
- 4.16 In Knockando, a skills framework has been developed following refresh of the school's Curriculum Rationale. This promotes equity of opportunity, supporting successes and achievement of all pupils within the formal and informal curriculum. Children use learning logs to reflect on skills development. In Glenlivet, curricular programmes that support sustained development of skills for learning, life and work have been developed where STEM (Science, Technology, Engineering and Maths), and the Career Education Standards/Career Management Skills are specific within the school's skills development pathway and staff continually look for ways to ensure children are challenged and motivated in learning. As the largest school in the Associated Schools Group, children at Aberlour Primary School benefit from wider skills development and transferability through various community projects and whole-school initiatives supported by partners including Primary Engineer, Christmas Enterprise, DYW initiatives and Moray Primary Science. Aberlour Primary School's Skills Progression "Skills for Stars" lead to weekly OSCARS which link to profiling and the Moray Skills Pathway.
- 4.17 Collaboration with wider staff in order to ensure a coherent and progressive curriculum can prove more difficult in a school with low roll size. As noted with Glenlivet Primary School paired with Tomintoul Primary School, a progressive curriculum differentiated to meet the needs of each child with a focus on engaging and active learning experiences is in place with opportunities for personalisation and choice across the four contexts for learning. Rich contexts for learning including the outdoor areas are embraced with child-led developments.
- 4.18 In Aberlour Primary School, the curriculum supports children to develop in the four capacities with planned inter-disciplinary learning for transfer of skills and knowledge with commitment to active learning and purposeful play. At

Knockando Primary School, there is a focus on skills development and building on prior learning through cohesive learner pathways making best use of the outdoors and local context. Children are increasingly benefitting from a range of play contexts that are adult-led, adult-guided or child-initiated. Pupils are developing social skills for sharing, co-operation, turn-taking, listening and organising through play. At Glenlivet Primary School, children have 'independent learning time' each day with child-led and adult-led play. A dedicated outdoor space supports development of a range of play and skills-based activities.

- 4.19 Strong partnerships across the Speyside Associated Schools Group exist with previous joint working on moderation, Numeracy, HWB policy and wider curriculum development. Each school values community and wider partnerships for supporting the Developing the Young Workforce agenda and ensuring children are prepared for the future world of work and employability. At Glenlivet Primary School, partnership working further supports skills development and curriculum enrichment where involvement in partnership projects enables pupils to build confidence and take increasing responsibility for their own learning – for example, learning for sustainability, science, expressive arts and literacy. Key partnerships with Tomintoul and Glenlivet Landscape, Crown Estates, Spey Fishery Board and Glenlivet Wildlife group have supported this.
- 4.20 In Knockando Primary School, a range of partners and local employers including Tamdhu Distillery, Knockando Estate, Knockando Athletics Club and the Shieling Project offer opportunities to learn and be active outdoors. Pupils at Aberlour Primary School have opportunities to engage with local employers and parents as employees for future employability and pathway opportunities, alongside working closely with partner agencies as the Enhanced Provision School for the Associated Schools Group. Schools in the Associated Schools Group also collaborate, including a week's residential stay at Abernethy Outdoor Centre for wider outdoor pursuit experience, team building and transition support.
- 4.21 Larger schools provide greater opportunities for pupil leadership and involvement in the ethos and wider life of the school as well as provision of a wider range of clubs and extra-curricular activities. At Aberlour Primary School, P7 House Captains and P6 Vice-Captains are elected each year to lead 'houses', pupil voice activities and inter-house challenges including sporting events, as well as contribute to whole school change initiatives. Community groups include Eco-schools, Rights Respecting Schools group (successful in achieving 'Gold' status), philanthropic and community engagement activities. Staff led a range of clubs and activities for all children including Bikeability, Running, Languages, Outdoor Learning, Choir, Nurture, Craft, Netball, Gardening and Leadership. P7 Play Leaders further develop their leadership skills through the 'Playground Squad', leading play activities and supporting lunchtime interaction sessions for younger pupils.
- 4.22 Play leaders at Knockando Primary School have been working with Active Schools to support play and lunchtime interactions and activities for younger pupils. This ensures that all pupils feel included at playtimes and lunchtimes and for the P6 and P7 pupils involved, this is further developing skills of leadership, organisation and problem solving. Other opportunities include Pupil Council, Global Citizenship, Community groups and wider pupil projects to enhance the

school and local community. Lunchtime clubs include Club Doodle, Netball Club, Book Club and Gardening Club where pupils also engage in dance/performance, athletics and wider Moray Badge participation.

- 4.23 At Glenlivet Primary School, child-led developments have led to enhancements to school grounds and cross-pollination investigation led to bee-keeping at the school. Real-life scientific and environment studies including Citizen Science research, the Big Wasp survey and RSPB Bird Watch further promote curiosity among learners, where a range of Monday clubs are also offered including Health club, STEM club and Rights Respecting School club led by the pupils. Through 'Glenlivet Go Getters' (Pupil Council) all children make a significant contribution to school leadership of change and views are taken on board. Bronze 'Rights Committed' accreditation has been achieved at Glenlivet with the school currently working towards Rights Respecting Schools' Silver 'Rights Aware' accreditation.
- 4.24 The range of interactions offered by all schools and the leadership and wider skills development opportunities presented strengthen capacity to work with others as part of a team, problem solve, make decisions and increase confidence in learners. As part of a peer group of a sufficient size, social interaction will enable further development of skills for learning life and work and build self-efficacy and esteem. A school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake severely restricts opportunities for team sports, meaningful pupil leadership opportunities, clubs and other active recreational activities.
- 4.25 Aberlour, Glenlivet and Knockando Primary Schools are established as caring, nurturing and inclusive environments for learning. Aberlour Primary School as the largest Primary School in the Speyside Associated Schools Group holds Gold Rights Respecting Schools status and through their positive relationships policy, aim to ensure all in the learning community are committed to the school vision – 'we show respect and have fun so we can learn from everyone'. Pupil achievements are regularly celebrated and 'OSCARS' (Our School Can Achieve Results) focused on the four CfE capacities in para 4.8 above, are awarded to pupils in recognition of their positive contribution and achievements in learning.
- 4.26 Knockando Primary School is a caring and inclusive school, where staff work hard to get to know pupils and families well, supporting individual needs. A relational and restorative approach is taken to positive relationship management where the school is on the journey to Gold Rights Respecting School status. The school's Positive Relationship Policy has been developed and shared with the school community with a focus on inclusion, safeguarding, mental and emotional wellbeing and accessing supports.
- 4.27 Glenlivet Primary School has a very caring, nurturing and inclusive ethos with a strong community identity due to the unique school location. Individual reflective portfolios and learning logs support children to reflect on their learning against the four capacities and development of skills. Regular reflection against the school's 'Smarts' is undertaken by children to understand aspects of their own wellbeing. Staff actively promote inclusion and equity for all children and due to the size of school and one large multi-composite class, pupils are grouped by ability as opposed to stage, strengthening pace and challenge in learning. In

collaboration with all children, Glenlivet Primary School has developed a new Positive Relationships Policy reflecting the United Nations Convention on the Rights of the Child (UNCRC).

- 4.28 Aberlour Primary School has the Primary Enhanced Provision base for children with Additional Support Needs for the Associated Schools Group. Most children attend for part of the time, also attending mainstream classes. 'The Rainbow Room' provides specialist support for identified young people and support on group and one-to-one basis. Multi-agency links are in place with key partners including Health, Social Work and 3rd sector.
- 4.29 At Knockando Primary School, class teachers support all children where required with support assistant input for targeted need. Currently the Head Teacher in class contact time supports in provision of additional Support for Learning Teacher time, ensuring all children are supported as part of Moray's approach to staged intervention. In Glenlivet Primary School, there is effective planning to meet the needs of all learners, with clear progression pathways and universal/targeted interventions where necessary. A Support for Learning teacher works with identified pupils over two days per week with Pupil Support Assistant time for targeted needs.
- 4.30 All schools within Speyside Associated Schools Group benefit from their location in an area of outstanding natural beauty with access to extensive grounds and countryside. As a town school, Aberlour Primary School is in close proximity to Speyside High School as the local secondary school, with access to a range of external areas including a playing field, outdoor garden area and hard-standing playground/parking area. The school currently houses a local authority and partner nursery. The school is within walking distance of the secondary school's swimming pool, community sport facilities and multi-use games area.
- 4.31 The catchment of Knockando Primary School enjoys large grounds with easy access to woodland, fields, burns and wildlife supporting outdoor learning contexts. During snowy weather, the hill next to the school is used as a sledge/ski run. The school is well resourced with outdoor playing fields and play areas and additional multi-use spaces. With extensive outdoor areas or within close proximity to wider facilities in the case of Aberlour Primary School, opportunities for team sports and game-based activities can be maximised with a number of pupils on the roll of all three schools enabling such activities. Larger staffing complement and parent body further increases the likelihood of interested adults leading a broader range of activities. Glenlivet Primary School pupils regularly use the woods located behind the school for outdoor learning. A community play park organised by the Go Getters funded by Pupil Equity Funding and other community monies (Paul's Hill Windfarm and the Glenlivet and Inveravon Community Association) is used by children during school time and is available for community use out with school times.
- 4.32 Aberlour, Glenlivet and Knockando Primary Schools are committed to the 1+2 languages agenda. French is offered across all three schools with the addition of German in P5-P7. This provides the opportunity to work as a whole class and in small groups or pairings in participatory learning activities. Emphasis is on the spoken word and opportunities are planned through enjoyable activities such as group and class games, role-play and songs. Delivery of language learning

would be restricted within the multi-stage context of a school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake. At Glenlivet Primary School, to meet the needs of current children in school, British Sign Language (BSL) will be delivered as a third language this coming year instead of German.

- 4.33 Aberlour, Glenlivet and Knockando Primary Schools benefit from a very small amount of Pupil Equity Funding and use this creatively to support identified children, with interventions reaching further than those where impact is directed. Aberlour Primary School focus in on Literacy interventions, Numeracy and HWB approaches. Glenlivet Primary School have identified gaps in Health and Wellbeing and run a successful Breakfast club, improving engagement in learning. In order to support Health and Wellbeing for all, swimming lessons have been provided where half of the school had never swam, building confidence in swimming, team working and wider mental, physical and social wellbeing effects. Knockando Primary School has supported literacy, numeracy and Health and Wellbeing with the purchase of various learning supports including additional Pupil Support Assistant hours for targeted support and Health and Wellbeing inputs.
- 4.34 Schools also look outwards and seek to source additional supports and wider experiences for children. Heritage Lottery Funding supported Glenlivet Primary School in a four year programme with a group of artists, significantly developing children's artistic and digital technology skills. Although this project has now finished, a legacy of skills and equipment remain which Glenlivet continues to make use of for learning and teaching.
- 4.35 Aberlour, Glenlivet and Knockando Primary Schools all have Parent Councils formed who meet regularly throughout the year. Aberlour Primary School Parent Council represent the views and interests of parents and pupils and support school improvement where there are currently ten parent members. Glenlivet Primary School regularly engages with parents and a supportive Parent Council take an active role in driving forward school improvement. There is a very strong sense of community with the school vision 'success for all' understood by all. Sustainable partnerships with parents and wider community further enrich the curriculum and children are supported to take an active part in the school and wider community.
- 4.36 At Knockando, an active and supportive Parent Council fundraise for school trips and activities and also contribute to bringing in specialists to enhance the curriculum with dance, sport, music, drama and outdoor education. Parents may also use their individual skills to support learners through 'Activity Afternoons'. If Inveravon were to re-open then there would be potential for a Parent Council to operate. However, with a small pupil cohort there would be a limited number of families able to participate – particularly where sibling groups may feature – resulting in greater reliance on a few individuals to support the school in this way.
- 4.37 Aberlour, Glenlivet and Knockando Primary Schools are central establishments within their respective communities with strong links to other organisations including local churches. Effective transition programmes and links with other Associated School Group schools including Speyside High School as the local secondary school are in place. Working in collaboration across the Associated

Schools Group, Head Teachers and schools ensure all children continue to access a wide range of experiences and activities, ensuring location does not detract from opportunities available. Glenlivet, Knockando, Tomintoul and Craigellachie Primary Schools also work in partnership to organise transition events throughout the year for Primary 7 pupils, to support team building and wider skills development in advance of secondary transition.

- 4.38 Section 3 of the Standards in Scotland's Schools etc Act 2000 requires local authorities to endeavour to raise standards and secure improvement in the quality of school education provided in our schools for all learners. It is Moray Council's view that the pupils from the Inveravon catchment derive educational benefits from their current attendance at other larger neighbouring schools. Formalising the current arrangements would provide a number of such benefits, judged against both the Moray and National criteria set out above.
- 4.39 As all pupils from the Inveravon Primary School catchment currently attend Knockando Primary School or Aberlour Primary School depending on current zoning arrangements or parental choice, no adverse effects for those pupils are expected to arise from the permanent closure of Inveravon Primary School.

5 Public Engagement

Public Meetings

- 5.1 All parents/carers and stakeholders were invited to discuss the proposal at one of the two public meetings, or a third online meeting which were scheduled to be held during the consultation period.
- 5.2 The first meeting was held at Inveravon Church on the afternoon of 27 September 2022 and chaired by Programme Manager, Learning Estate. It was attended by 11 members of the community. The minutes of the meeting are attached as **Appendix B**.
- 5.3 A second meeting was held at Speyside High School on the evening of 27 September 2022 and chaired by Programme Manager, Learning Estate. It was attended by 2 members of the community, who had both attended the earlier meeting. A record of the meeting is at **Appendix C**.
- 5.4 A third online meeting was planned for the evening of 28th September 2022. It was attended by 1 member of the community. A record of the meeting is at **Appendix D**.
- 5.5 During the meetings there were questions and comments regarding
- The status of the school leading up to the 2016/17 session
 - The process that led to the decision to mothball the school
 - The fall in school roll leading up the end of the 2016/17 session
 - The community consultation up to and following the mothballing decision
 - Maintenance of the grounds at Inveravon Primary School

Discussion with Parents (Inveravon Catchment)

- 5.6 At the time of the consultation 15 (fifteen) children of primary school age resided in Inveravon Primary School catchment area. All parents/carers of Inveravon catchment children were offered the opportunity to provide comments on the future of the school. During pre-engagement and statutory consultation parents/carers responded and all indicated a preference to continue to send their children to their current school rather than Inveravon Primary School, should it reopen. A collated record of the parent/carer comments received is at **Appendix E**.

Discussion with Pupils

- 5.7 As part of the consultation process, Head Teachers at Knockando, Aberlour and Glenlivet Schools discussed the proposal regarding the closure of Inveravon Primary School with their respective pupils.
- 5.8 Knockando Primary School has 11 children from the Inveravon Primary School catchment on its current school roll, Aberlour has 4 children from Inveravon catchment and Glenlivet has no children from the Inveravon catchment.
- 5.9 A full breakdown of the pupil responses is at **Appendix F**. Within the responses a minority of children expressed an interest in the school reopening. Of these almost all expressed their preference to remain at their current school if Inveravon Primary School did reopen.

Online Survey

- 5.10 During the consultation period parents/carers, stakeholders and community members were invited to take part in an online survey to express their opinion on the proposal. The survey provided a summary of the proposal regarding the closure of Inveravon Primary School. Participants were also given the opportunity to leave comments regarding the proposal.
- 5.11 A total of 33 people completed the online survey and a collation of their direct responses is provided at **Appendix G**. An analysis of the online survey is at **Appendix H**. The analysis of the responses highlighted that 40% (13) of respondents resided within the Inveravon Primary School catchment, 44% (16) of respondents were equally split between Glenlivet and Aberlour catchment and the remaining 16% (4) resided in the Knockando catchment. The high level outcome from the online survey was that 13 supported closure of the school, 14 disagreed and 6 did not respond to the specific closure question. Of the 16 parents that completed the online survey, 11 supported the proposal and 5 disagreed.

Staff Engagement

- 5.20 As Inveravon Primary School has not been operational since August 2017 and mothballed since September 2017, teaching staff that were employed at the

school have been employed at other establishments. Staff at Knockando Primary School and Aberlour School were given the opportunity to discuss the proposal with Education Scotland but none chose to do so.

6 Written Responses

- 6.1 During the consultation period between 29 August 2022 and 7 October 2022 representations were invited from statutory consultees and interested parties.
- 6.2 Officers received 5 written communications. Three responses were received from individuals in the community. One of these individuals was a parent of a child who was at Inveravon Primary school just prior to mothballing. Two of the responses were from local community groups, the Speyside Area Forum and Glenlivet and Inveravon Community Association.
- 6.3 None of the written responses supported the proposal.

7 Moray Council Response to Written and Oral Representations

- 7.1 The comments received during the consultation period fall into a number of themes. These have been carefully considered and the Council responses to these are provided below.

Statutory Consultation has not been robust, open and transparent

- 7.2 A comment was received that the '*consultation process has not been pursued with due diligence, especially in establishing the desired qualities for openness and transparency*'
- 7.3 Moray Council do not agree with the assertion that the consultation process has not been robust, open and transparent. A number of public engagement events were completed prior to the 24 August 2022 Education, Children's and Leisure Services Committee report seeking approval to undertake a statutory consultation regarding the closure of Inveravon Primary School in accordance with the School (Consultation)(Scotland) Act 2010.
- 7.4 At these pre-consultation meetings the next steps in the mothballing process were discussed and members of the community were able to ask questions and contribute future options for consideration. In addition to these public meetings, suggestion boxes were positioned around the catchment to allow any interested party to comment on the future of the school. Indeed, the majority of Inveravon Primary School catchment parent/carer responses were received through this approach. This engagement information is contained within the consultation proposal document at **Appendix A**.
- 7.5 This consultation process has followed the process set out in the Schools (Consultation)(Scotland) Act 2010 in engaging with all interested parties and providing every opportunity for community engagement. This Consultation Report is now made available to all interested parties to review prior to a Council decision on the future of Inveravon Primary School planned for 24 May 2023. Legislation allows for any person to make representations to Scottish Ministers

within three weeks of the Council taking their final decision to implement a closure proposal. The detail on the how to do this is at Para 12.5.

Reduction in School Roll

- 7.6 A number of comments made reference to the school roll during the 2016/2017 academic year. An example comment was that the *‘official timeline of recorded individual pupil departures and enrolments had been reduced to a crude assertion that parents unanimously transferred their children to other schools for educational reasons in August 2017’*.
- 7.7 The Council has maintained throughout that the decision to mothball the school was the result of a school roll that fell throughout the 2016/2017 academic year. Although the detail of this was not available at the public consultation, subsequent analysis of the August 2016 to June 2017 school roll clearly shows that the roll fell from 13 to zero during this timeframe.
- 7.8 The school roll on 21 September 2016 was 13, with the breakdown by gender and year group shown below.

P1		P2		P3		P4		P5		P6		P7		Total	
Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
2	0	2	1	3	0	1	0	1	1	0	2	0	0	9	4

SEEMIS data over the period December 2016 to June 2017 shows a gradual decrease in school roll. Detail of this is set out below.

22 December 2016	1 x placing request to Knockando Primary School
14 March 2017	1 x placing request to Craigellachie Primary School. Reason given “more pupils to make transition easier for secondary school”
31 March 2017	1 x pupil move to school out with Moray
24 April 2017	1 x placing request to Knockando Primary School – no reason given. Initially refused but later accepted (12 June 2017) due to class numbers
17 May 2017	2 x pupils move to school out with Moray
1 June 2017	2 x placing requests to Knockando. Reasons given - “school is too small - would benefit from being in bigger school with more children of their own age” and “school is too small - behind with their work - benefit from being in bigger school with more children”
12 Jun 2017	1 x placing request to Craigellachie Primary school reason given “moving house to Dufftown - pupil has attended Craigellachie before and has peers at the school”
15 Jun 2017	1 x placing request to Knockando Primary School – no reason given
20 Jun 2017	2 x placing requests to Knockando Primary School. Reasons given for both is that if they stayed they would be the only pupil.

30 Jun 2017

1 x pupil move to school out with Moray.

Other than the 2 x placing requests received on 20 June 2017 the reasons provided for leaving Inveravon Primary school were educational ones.

The situation was that the school had a roll of zero at the end of the 2016/2017 academic session.

School Mothballing Process

- 7.9 Several comments were received during the consultation period questioning the mothballing process that Moray Council undertook and the lack of documentary evidence as to what was formally communicated to Inveravon Primary School parents prior to this.
- 7.10 Moray Council acknowledge that no documentary evidence has been discovered between the parents/carers of those children still at Inveravon Primary regarding the decision at the end of June 2017 that the school would not reopen for the 2017/18 academic session. However, correspondence between council officers during this period provides an insight into decisions and points towards a rapidly changing situation as a number of placing requests were received from parents/carers in June 2017 resulting in a school roll of zero for the start of the 2017/18 academic session. Although during the public engagements and later consultation public meetings on the future of Inveravon Primary School it has been stated by the Moray Council consultation team that there may have been letters/emails between the Council and/or school in May and June 2017 that could not now be found, it would appear that there was little if any formal correspondence during the critical run up to end of year (June 2016) period as the Education Service at that stage had no intention to not open Inveravon Primary School at the start of the 2017/2018 academic session.
- 7.11 Email correspondence dated 15 Jun 2017 between Education (Head of Schools and Curriculum Development) and Legal Services requested advice following receipt of placing requests from the parents/carers of the remaining 2 children on the school roll requesting a move to Knockando for start of 2017/2018 academic session. The email states that *"the roll at Inveravon primary has been dropping of late to the point that the last 2 remaining children will move to Knockando, effectively 'mothballing' the school. This has happened very quickly with parents, unfortunately, informing teaching staff yesterday"*
- 7.12 Email correspondence dated 19 Jun 2017 between Human Resources and Education to discuss a visit to discuss the impact on school staff with a forecast school roll of zero for the start of the 2017/2018 academic session.
- 7.13 Letter dated 27 June 2017 between Education Services and Principal Teacher informing them of compulsory transfer to Aberlour Primary School at start of 2017/2018 academic session as result of zero school roll at Inveravon Primary School.

- 7.14 Email correspondence dated 27 June 2017 between Human Resources and Head Teacher, Inveravon Primary school detailing the redeployment of other staff at the school for the 2017/2018 academic session.
- 7.15 Email dated 3 July 2017 between Public Relations and Education seeking approval for press release that stated *“given the low numbers at the school the remaining parents decided to seek placings at Knockando Primary. The council has accommodated these requests and provided transport. Staff have been redeployed within the school system locally. A report will be submitted to councillors early in the next session setting out options for the school’s future”*
- 7.16 Due to the zero school roll at Inveravon Primary School for 2017/2018 academic session the Moray Council’s Children and Young People’s Services Committee agreed on 23 August 2017 for a consultation to proceed with respect to the mothballing of Inveravon Primary School. A consultation event was held at Inveravon Primary School on Monday 25th September at 7pm to discuss the mothballing.
- 7.17 The report to the Children and Young People’s Services Committee on August 2017 records that in May 2017 the Head of Schools and Curriculum Development and the Business Support Team Manager met with parents and staff of both Inveravon and Knockando primary schools to answer concerns over falling school roll at Inveravon Primary school and stated that *“parents were assured that as long as there were pupils on the roll at Inveravon there would be no decision to mothball or otherwise”*.

Proposal to close the school is financially driven

- 7.18 A number of written and oral comments during both the engagement and the follow up statutory consultation stated that Moray Council were seeking to close Inveravon Primary School for financial reasons. The Council do not agree with this opinion and argue that the closure proposal is based on school roll and educational benefit.
- 8.1 During both the pre-consultation engagement and the consultation the majority view of parents/carers within the Inveravon Primary School catchment was that if the school were to reopen they would not move their children from their current schools. A similar response from children from Knockando, Aberlour and Glenlivet primary schools was that they would not wish to leave their current schools should Inveravon Primary School reopen.
- 8.2 Education Scotland back up the education benefits statement and their report highlights that children currently benefit from working with larger peer groups aligned to their age and stage. Their report also concluded that the predicted school roll in the wider area makes it unlikely that all four primary schools affected by this report could be sustained.

Staff changes during 2016 and 2017

- 7.19 A number of comments were received during the consultation period, although not from parents, that the staff changes that took place during the 12 months leading up to the mothballing of the school were somehow engineered by the Council and resulted in a “weakening of the school’s teaching provision” which “significantly damaged its educational efficacy”. A request was made to provide more detail over the staffing changes.
- 7.20 The Council refute the assertion that staffing changes at Inveravon Primary School were engineered. Teaching staff leave for a number of reasons such as career progression or seeking out new challenges. Moray Council cannot stop career development or staff desire to move on, but do work to support schools where this may have happened with backfill and new appointments. Schools may wish to keep teachers they hold in high regard but this is out with the local authority control and down to individual staff wishes. The Council continue to support recruitment to posts and staff professional development but at times have a limited supply available. The following paragraphs provide more specific detail that is requested on the circumstances of staff changes at Inveravon Primary School in 2016 as requested during consultation.
- 7.21 On 5 May 2016 Education Services informed Inveravon Primary School parents/carers that the Head Teacher had been appointed, following the standard recruitment process, to become Head Teacher for Linkwood Primary School, a new 450 place primary school that was at that time in construction. An acting Head Teacher position was advertised and while the process for recruiting for a permanent Head Teacher was underway the appointment of an Acting Head Teacher for Inveravon Primary School was made on 29 June 2016.
- 7.22 In May 2016, the Inveravon Primary School Principal Teacher, after another recruitment process, was appointed Head Teacher at Botriphnie/Newmill and a replacement Principal Teacher appointed.
- 7.23 In 19 December 2016 the process for recruitment of permanent position Head Teacher at Knockando and Inveravon was unsuccessful in finding a long term suitable candidate to appoint. The Acting Head Teacher remained in post while the recruitment process was reset.

School building condition

- 7.24 A number of comments were made that the condition of the school had been allowed to decline during the period that it has been mothballed. One such comment is that *‘we note that certain elements of the condition of the building have deteriorated from condition C to D during the time of indecision by Moray Council. In essence the failure to maintain the building essentially means the building is no longer ‘fit for purpose’ as an educational establishment’*
- 7.25 At the meeting to discuss the school mothballing in September 2017 it was explained that the school building would be maintained in a wind and water tight condition – which Moray Council have done. During this same period, due to budget constraints, Moray Council has had to prioritise building maintenance across the school estate and focus on building fabric and services that had a

high risk of closure to an operational school. This policy of 'make-do-and mend' implemented a regime of affordable controlled management of those condition factors that had fallen from Condition C (Poor) to Condition D (Bad), as defined within the Scottish Governments Condition Core Fact guidance, and had a high closure risk if not addressed.

- 7.26 A full condition survey of Inveravon Primary School was completed in 2022 and graded the overall school Condition as C (42.27%). Within that overall grading a number of factors were identified as Condition D. A comparison between the survey conducted in June 2022 and the previous one in April 2013 is set out in the table below.

	Roofs	Floors	Ceilings	Externals	Internals	Sanitary	Mechanical	Electrical	Decoration	FFE	Externals	Outdoor Sports	Overall	Grading
Weight (%)	15	7	1	20	7	5	14	11	2	5	10	3		
April 2013	B	B	B	B	B	B	D	D	B	B	C	N/A	59.54%	C
June 2022	C	D	C	C	B	C	D	D	C	B	D	N/A	42.27%	C

- 7.27 During the 9 year interval between condition surveys although a number of areas have declined from B to C, and in one case B to D, this managed deterioration repeats a similar pattern to other schools in Moray, schools that have not been mothballed for nearly 6 years. This is not an ideal situation, but as previously explained is as a result of the 'make-do-and-mend' approach which has been applied across the school estate.

School inspection reports not being made public

- 7.28 One written respondent made reference to the lack of access to school inspection reports and that *"appropriate detailed documentation has not been put into the public domain to allow interested parties to track the apparent educational decline of Inveravon Primary School in 5 years from a position of outstanding excellence"*
- 7.29 Inveravon Primary School was last inspected by Education Scotland in November 2011 with the report published in January 2012. The public report was shared with parents/carers. The evaluation for Inveravon Primary School were, against the three important quality indicators, as follows:

Learners' experiences	excellent
Improvements in performance	very good
Meeting learning needs	very good

No other formal inspections were undertaken by Education Scotland between 2011 and 2017. Although Quality Improvement Officers have provided support to Inveravon Primary School to continue to improve they did not undertake any formal inspections and therefore there is no additional documentation available to publish in the public domain.

- 7.30 The premise in the written response that there was an “*apparent educational decline*” at Inveravon Primary School between 2012-2017 is not evidenced and is therefore only an opinion that is not supported by Moray Council.
- 7.31 The decision to mothball the school and the current proposal for school closure does not question the past educational performance of Inveravon but rather reflects the situation in June 2017 – when the school roll fell to zero - and the current situation where parents/carers in catchment, who have expressed an opinion, have no desire to move their children to Inveravon if the school were to reopen.

Status of School Website

- 7.32 A number of oral and written responses made reference to the fact that the link to the Inveravon Primary School website was removed from the Moray Council website at or just before mothballing in September 2017, therefore depriving potential parents/carers from identifying Inveravon as their primary school of choice.
- 7.33 The Council acknowledge that the website link should not have been removed from the Council website and have apologised for this at pre-consultation and consultation public meetings. It was an honest error by the Council officers at the time and nothing more. As soon as the Moray Learning Estate team were made aware of this the website was updated and the school reinstated on the school list..
- 7.34 The Council accept that as a result of the website not being available some prospective parents in the local area may have not been aware of the school situation. However, the Council do not believe that awareness of the school situation would have only been through the website. The dual Inveravon/Knockando Head Teacher remains extant and they were aware of the status, the Parent Council at Knockando are also aware (a number of members have been and are Inveravon residents) and it is assumed that within a small community the situation with the ‘local’ school would be shared by word of mouth.
- 7.35 Whether an active website would or would not have made new Inveravon catchment parents/carers aware of the option to request to send their children to Inveravon Primary School, and potentially resulted in a viable school roll at some stage over the last 5 academic sessions, cannot be proven either way.

Status of Parent Council funded school assets

- 7.36 A number of oral and written comments made reference to the removal from the school site of items that had been purchased by the parent council without permission and described the actions “as the council’s wanton ‘vandalism’ of the amenities in the school grounds following mothballing”.

- 7.37 This issue was first raised at a meeting with the community on 25th October 2017 and subsequently in an MP Enquiry. A verbal response was provided to the meeting and a written response to the MP from the then Head of Lifelong Learning, Culture and Sport dated 26 October 2017.
- 7.38 The letter stated that the equipment had been removed by a janitor who was on site to collect materials that were not to be left on site while the school was mothballed and to supervise a team of young people undertaking ground maintenance tasks as part of their community service orders. The janitor noted the outdoor equipment and decided this could be put to good use elsewhere. Despite permission to remove the equipment being denied by the Education Resource Manager at the time he went ahead with removal.
- 7.39 In the letter responding to the MP enquiry it was stated that Moray Council did offer at the community meeting on 25 October 2017 to return the equipment and reinstate the ground to its original condition. Although the equipment was returned to the site, it is unclear why it was not reinstated as the Moray consultation team can find no further correspondence on the issue. The dismantled equipment is currently stored inside the school building.
- 7.40 It was noted in the letter that the equipment had been gifted to the school by the Parent Council. However, once the equipment had been gifted to the school it became the property of the school and therefore Moray Council.
- 7.41 Should the decision be to close the school there is an extant request from a Glenlivet community group to move and install the outdoor equipment within the grounds of Glenlivet Primary School. The Council are supportive of this request.

Full rezoning to Glenlivet

- 7.42 A number of written comments made reference that in the event of a closure of Inveravon Primary School that there was no option to fully rezone the Inveravon catchment to Glenlivet Primary School. It has been stated that *"the fact that the rezoning options for the children of Inveravon precludes them from going to Glenlivet Primary School (the other school within our parish) is most concerning. Some Inveravon children will have to travel further to school each day and in winter especially, the B9008 to Glenlivet is kept in reasonable condition, whilst the B9102 is much more likely to be closed with drifting snow"*
- 7.43 During the 2016/17 school roll decline no placing requests were received to transfer children to Glenlivet Primary School. Currently none of the parents/carers and children (currently 15) living within the current Inveravon Primary School catchment attend Glenlivet. The parent/carer feedback received during engagement and consultation is that if Inveravon Primary School were to reopen then they would not choose to send their children there. It is the opinion of Moray Council that the same position would be taken should the Inveravon Primary School catchment be fully rezoned to Glenlivet Primary School.
- 7.44 All Inveravon Primary School catchment children have been travelling to both Knockando (free transport) and Aberlour (private arrangements) primary schools since August 2017 without any issues notified.

- 7.45 With any of the closure options proposed parents/carers within the Inveravon Primary catchment are still able to submit a placing request to send their children to Glenlivet Primary School and provided there a suitable places available then this is highly likely to be accepted. However, they would not be eligible for free transport.

Community support for a school ignored

- 7.46 There were a number of oral and written comments that opined that the community support for the school was ignored by the Council during mothballing, public engagement and consultation.
- 7.47 The strong support for the school by a small but dedicated community group has been and is acknowledged. If there was a viable school roll at Inveravon Primary School (and current policy is that operational viability is reviewed if a school roll falls below 15) then re-opening the school would be a serious consideration. However, there is no desire by parents/carers within the Inveravon catchment to move their children to Inveravon Primary School were it to reopen. A school cannot reopen if it has no pupils, no matter if there is a community desire for it to do so.
- 7.48 The expectation is that the land ownership, and by inference the school building, will transfer to Ballindalloch Estate in the event of school closure. The Education Scotland report states that *“should the proposal (to close the school) be approved it will be important for Moray Council, Ballindalloch Estate and community organisations to work together to find an appropriate use for the site and building”*. The Council acknowledge and agree that this would be the next step should the school close. If this is the outcome then the community use options proposed during public engagement and consultation have been collated and will be shared with Ballindalloch Estate in order to facilitate any early discussions on future use.

8 Education Scotland Report

- 8.3 In line with the Schools (Consultation) (Scotland) Act 2010, a report was produced by Education Scotland on the educational aspects of the proposal. The full report is attached as **Appendix I**.
- 8.4 The report from Education Scotland was prepared by His Majesty’s Inspectors of Education (HMIs) in accordance with the terms of the Schools (Consultation)(Scotland) Act 2010. The purpose of the Education Scotland report is to provide an independent and impartial consideration of Moray Council’s proposal to close Inveravon Primary School.
- 8.5 HMIs considered:
- the likely effects of the proposal for children and young people who live in the catchment area of the school;
 - any other likely effects of the proposal;

- how the council intends to minimise or avoid any adverse effects that may arise from the proposal;
- the educational benefits the council believes will result from implementation of the proposal, and the council's reasons for coming to these beliefs;
- any reasonable alternatives to the closure of Inveravon Primary School; and
- the likely effect on the local community and different travelling arrangements with the proposal to close a rural school.

8.6 In preparing their report, HMIs undertook the following activities:

- attended both public consultation meetings held on 27 September 2022;
- considered all relevant documentation provided by Moray Council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and,
- visited Inveravon Primary School, Knockando Primary School, Aberlour Primary School and Glenlivet Primary School with the intent to view the schools and discuss the proposal to close Inveravon Primary School with relevant consultees.

8.7 Education Scotland are of the view that there are sound reasons for Moray Council to consider the long term viability of Inveravon Primary School. HMIs agree that the proposal by Moray Council will result in educational benefits for children in the Inveravon Primary School catchment area. They state that the proposal provides clarity for the parents and for staff in neighbouring schools that children have attended since 2017 and addresses the future education provision in the area.

8.8 The report highlighted that children currently benefit from working with larger peer groups aligned to their age and stage.

8.9 The report concluded that the predicted school roll in the wider area makes it unlikely that all four primary schools affected by this report could be sustained.

8.10 Education Scotland noted that parents/carers are fairly evenly split between Option 1, all of the catchment area allocated to Knockando Primary School and Option 3 where it is split across the three neighbouring primary schools.

8.11 Education Scotland recognise that the mothballing and proposed closure of Inveravon Primary School is a loss to the community. They highlighted the importance of Moray Council working with Ballindalloch Estate, who land ownership will revert to in event of school closure, and the local community to explore options for both the school building and land, should the proposal be approved.

8.12 The Council welcomes the Education Scotland report and accepts its findings. In response to the findings within the report, Moray Council's response is as follows:

- The Council has acknowledged the community concern about the future of the land and school building. Should the proposal go ahead the importance of Moray Council, Ballindalloch Estate and community groups and organisations to work together to find an appropriate use for the site and buildings is recognised.
- The Council accept that there is a view that the mothballing process was poorly handled. Para 7.10 provides more detail around the rapidly changing situation leading up to the school not opening in August 2017 and subsequently mothballing in September 2017 which we believe mitigates this view. In order to avoid any future confusion in terms of actions and communications around any future mothballing Moray Council have recently implemented a more robust process.

9 **Alleged Omissions or Inaccuracies and Additional Information**

- 9.1 Section (10)(3) of the 2010 Act also places a requirement on the Council to provide details of any inaccuracies or omission within the proposal document which has either been raised by the consultees or identified by the Council itself.
- 9.2 This section of the 2010 Act also requires the Council to provide a statement on the action taken in respect of the inaccuracy or omission, or, if no action was taken, to state that fact and why.
- 9.3 Officers are required to publish its response to representations made during the consultation period within its final Consultation Report.
- 9.4 There were no areas identified by consultees as being inaccurate or omitted from the proposal document during the consultation period.

10 **Compliance with Section 9(1) of the Schools (Consultation) (Scotland) Act 2010**

- 10.1 Section 9(1) of the Schools (Consultation) (Scotland) Act 2010 states that:

After the Education Authority has received HMIE's report, the Authority is to review the relevant proposal having regard (in particular) to

- (i) written representations received by the Authority (from any person) during the consultation period,
- (ii) oral representations made to it (by any person) at the public meeting,
- (iii) HMIs report

- 10.2 The feedback from the consultation, and all the questions and comments raised, were considered in detail by officers. Data and factual information was checked where required and advice and input was sought from other Council Services where needed to consider the issues raised. This ensured that the Council met the requirements to review the proposal under section 9(1) of the 2010 Act.

- 10.3 Officers of the Education Service and Education Resources and Community Service have listened to the points made at the public meeting and have considered equally carefully the written representations received.
- 10.4 The Education Service's position (as the Education Authority) is set out in Section 4 of this report.
- 10.5 The educational benefits were reviewed in respect of the Education Scotland report and representations made. Factors included in the Education Scotland report or representations made regarding any aspect of the educational benefits were considered.
- 10.6 There were no aspects included in the representations made which provided a different conclusion in relation to the rural school factors.

11 Compliance with Sections 11A to 13 of the Schools (Consultation) (Scotland) Act 2010

- 11.1 Inveravon Primary School is a remote rural school, therefore the Schools (Consultation) (Scotland) Act 2010 requires the Authority to have special regard to the following factors:

- (a) the likely effect on the local community in consequence of the proposal,
- (b) the likely effect caused by any different travelling arrangements that may be required in consequence of the proposal.

- 11.2 As Inveravon Primary School is a rural school, special regard was paid to the rural school factors.

Likely Effect on the local community

- 11.3 Inveravon Primary School has not operated as a school since August 2017. The Council recognises that Inveravon Primary School was a sustainable learning community prior to the school roll falling to zero at the start of the 2017/18 session. It is also acknowledged that the uncertainty surrounding the future opening of the school has impacted on the community and it is hoped that this statutory consultation will give clarity to the community and a sense of certainty regarding the future of their children's education.
- 11.4 During the engagement and consultation process surrounding the future of Inveravon Primary School full endeavours have been made to ensure all residents within the catchment area have been communicated and consulted with to ensure that the impact on the community is understood by officers.
- 11.5 Prior to launching the statutory element of the consultation, opportunities were made available to all members of the community to either suggest ways to make the school viable again or alternative uses for the building that would benefit the community.

- 11.6 There were no suggestions from the engagement and consultation that could be seen as ways of ensuring a viable future school.
- 11.7 The alternative uses proposed during engagement and consultation will be shared with the Ballindalloch Estate, to whom the land ownership, and by inference the building, will transfer in the event of the school closure, for them to consider as future community use options.

Likely effect caused by different travel arrangements

- 11.6 Since 2017 free transport has been provided to those children in the Inveravon Primary School catchment who attend Knockando Primary School. During this same timeframe no transport has been provided to those children in the catchment who attend Aberlour Primary School.
- 11.7 The rezoning proposals in both Option 2 and 3 to this closure proposal see free transportation now available to both Aberlour and Glenlivet primary schools within their respective extended catchments. This will immediately benefit children in and around the Marypark area who attend Aberlour Primary School.

12 Representations to Scottish Ministers in terms of Section 15 of the Schools (Consultation) (Scotland) Act 2010

- 12.1 If the Authority makes a final decision to implement the proposal, it will require to notify Scottish Ministers of that decision and provide them with a copy of the proposal document and consultation report. This must be done within six working days of the decision. Scottish Ministers have an eight-week period from the date of the final decision to decide if they will call-in the proposal.
- 12.2 Within the first three weeks of that eight-week period, Scottish Ministers will take account of any relevant representations made to them. Until the outcome of the eight-week call-in process is known, the Authority cannot proceed to implement the proposal.
- 12.3 If Scottish Ministers call-in the proposal, they must refer the proposal to the Convener of the School Closure Review Panels who may refuse to consent to the proposal or grant their consent to the proposal subject to conditions or unconditionally.
- 12.4 It should be noted that the legislations allows for any person to make representations to Scottish Ministers within three weeks of the Council taking their final decision to implement a closure proposal. Moray Council expect the decision on whether or not to implement this closure proposal at its meeting on 24 May 2023. If the decision is taken to implement the closure proposal, any representations to Scottish Ministers, therefore, in this context need to be with the Ministers within three weeks of this date. Therefore, any representations must be made to Scottish Ministers by 14 June 2023.
- 12.5 Anyone wishing to make representation to Scottish Ministers during the three week period referred to above should do so by email to schoolclosure@gov.scot or in writing to:

The Scottish Government
School Infrastructure Unit
2A (South) Victoria Quay
Edinburgh EH6 6QQ.

13. Conclusion

- 13.1 In review of the oral and written submissions to the formal consultation and survey results, it is clear that there is stakeholder support for the proposal to close Inveravon Primary School.
- 13.2 Officers have carefully considered the opportunities, issues and challenges identified by stakeholders during both the informal engagement and formal consultation processes.
- 13.3 The Council now has the following options:
- Adopt the proposal to close the school; or
 - Amend the proposal in a minor way; or
 - Amend the proposal significantly and undertake a further consultation exercise on a new proposal; or
 - Withdraw the proposal and maintain the status quo.

Each option is discussed below.

Adopt the Proposal

- 13.4 If the Council chooses to adopt the proposal and close Inveravon Primary School on a permanent basis then one of the three options for Inveravon Primary School, outlined in the proposal document, would need to be chosen.
- 13.5 The most popular option amongst participants was Option 3, to close Inveravon School and split the current catchment between Knockando (the majority area), Aberlour and Glenlivet. This option was supported by 14 (51%) of the 27 participants who responded to this question of the online survey. The option was discounted by 9 (33%) of the 27 participants who responded to the question in the online survey. The Council position is that this Option would most align with the current parental choices to send their children to either Aberlour or Knockando primary schools.
- 13.6 If the Council adopts the proposal, it would be on the basis that it aligns with the wishes of the majority of current parents/carers in the Inveravon Primary School catchment AND that the educational benefits set out in the proposal document would materialise and a period of uncertainty for the community would come to an end. Children will have access to greater learning opportunities and experiences and increased socialisation through being part of a larger school. Opportunities to participate in peer support, classroom learning, learning groups across stages and between classes and opportunities to engage in lunchtime, after school and team events will be increased. The primary schools of

Knockando, Aberlour and Glenlivet have the capacity to accommodate additional children. The proposal will assist the Council to deliver 'Best Value' through making more efficient and effective use of its resources.

Amend the proposal in a minor way and adopt

- 13.7 During the consultation period no suggestions were received from stakeholders that would require a minor amendment to the proposal.

Amend the proposal significantly and undertake a further consultation exercise on a new proposal

- 13.8 The Schools (Consultation) (Scotland) Act 2010 requires that changes to the school estate are subject to rigorous statutory consultation. Any significant amendments to the proposal would require a full consultation with pupils, parent/carers and the wider community of all affected by the proposed schools.
- 13.9 Allowing for appropriate governance the process can take in the region of nine months to complete.
- 13.10 This is considered to be unreasonable to go through another lengthy statutory process. The uncertainty surrounding the future of the school has significantly impacted on the community and it is hoped that this statutory consultation to close Inveravon Primary School will give clarity to the community and a sense of certainty regarding their children's education.
- 13.11 Having reviewed the Education Scotland report and feedback from consultees, officers concluded that the basis of the original proposal continues to be the most appropriate conclusion for Inveravon Primary School.

Withdraw the proposal and maintain the status quo

- 13.12 This option would be to continue to mothball Inveravon Primary. Maintaining the status quo would continue the uncertainty for the community. The school would remain mothballed and the building would continue to draw on Council revenue finances and require additional significant capital investment in the future to be upgraded to Condition B status.
- 13.13 Withdrawing the proposal, the Council would be failing to recognise or respond to the educational and social benefits for Inveravon catchment children. Education Scotland has recognised the proposal has the potential to deliver overall educational benefits for the children within the Inveravon catchment area. Children are currently benefitting from working with larger peer groups closely aligned to their age and stage.

14. Recommendation(s)

- 14.1 The recommendation of officers is that the Council should adopt the proposal to permanently close Inveravon Primary School and re-assign**

its catchment area between Knockando, Aberlour and Glenlivet primary schools. Children would also continue to receive school transport to their catchment school where eligible.

Appendix A



Proposal Document

Closure of Inveravon Primary School

Consultation open 29th August 2022 to 7th October 2022

MORAY COUNCIL IS PROPOSING, SUBJECT TO THE OUTCOME OF THE STATUTORY CONSULTATION PROCESS:

- **To discontinue education at Inveravon Primary School, which is currently mothballed and re-assign its catchment area to that of Knockando and Glenlivet**
- **The proposal would apply to the primary school stages (P1-P7) of education in Inveravon, as there is no pre-school education provided at the school.**
- **The proposed changes, if approved, will take place immediately after the conclusion of the statutory process relating to school closures.**

This document has been issued by Moray Council in accordance with the Schools (Consultation) (Scotland) Act 2010 as amended. The Act requires that changes to the school estate, including the proposed closure of a school, are subject to rigorous statutory consultation.

The schools affected by this proposal are:

- Inveravon Primary School
- Knockando Primary School
- Aberlour Primary School
- Glenlivet Primary School

DISTRIBUTION

A copy of this document is available on the Moray Council website: http://www.moray.gov.uk/moray_standard/page_105407.html or by emailing learningestate@moray.gov.uk

This document will be made available to:

- Parent Councils of the schools listed above
- Parents of the pupils at the schools listed above
- Pupils at the schools listed above
- Parents of pre-school age children living within the Inveravon catchment
- Staff at the schools listed above
- Trade union representatives of the above staff
- Speyside Community Council
- Inveravon Community Association
- Knockando Community Association
- Glenlivet and Tomintoul Development Trust
- Education Scotland

- Inveravon catchment residents

Read copies of this document is also available at:

- Aberlour Library
- Knockando Primary School
- Aberlour Primary School
- Glenlivet Primary School
- Glenlivet Medical Practice
- Ballindalloch Post Office
- Community Centre, Speyside High School
- Elgin Central Library

1. Legislative Background

- 1.1. The proposal is advanced within the context of all applicable legislation. Amongst other duties, education authorities are required to secure adequate and efficient provision of school education (S.1 of the Education Act 1980); and to endeavour to secure improvement in the quality of school education in schools that are managed by them (S.3 of the Standards in Scotland's Schools Act 2000).
- 1.2. Inveravon Primary School is classed as remote rural school within the terms of the Schools (Consultation) (Scotland) Act 2010 and the Council has had regard to the provisions of that Act, in particular the heightened consideration to be given to rural school closures. In terms of that Act, S7 requires a public meeting to be held as part of the consultation process.

2. Introduction

- 2.1. Moray Council strives to allocate its resources in a way that ensures the quality of all of its services. It attaches particular importance to providing the best possible educational experience for all of the pupils in its schools.
- 2.2. This proposal document is focussed upon Inveravon Primary School, located within Speyside area of Moray, and part of the Speyside Associated School Group.
- 2.3. This proposal document contains several maps. PDF copies of all maps will be available on the Moray Council website at the address given on page 34 of this document. Printed copies of the maps will also be available on request in each of the schools affected by the consultation and at Aberlour Library.

The consultation will run from Monday 29 August 2022 until Friday 7 October. Two public meetings will be held on Tuesday 27 September 2022 at Speyside High School between 7pm and 8pm and Inveravon Church between 1.30pm and 2.30pm. An online meeting will be held on Wednesday 28 September 2022 between 7pm and 8pm.

- 2.4. The consultation process for this proposal is set out in detail in Section 17 of this document.

3. Reason for Proposal

- 3.1. This proposal is being advanced for the following reasons:
 - No children have attended Inveravon Primary School since the end of session 2016/17, when the school was mothballed. The decision to mothball was taken as no pupils were enrolled from Aug 17.

- No parents have chosen to enrol their children at Inveravon Primary School for the 2017/18, 2018/19, 2019/20, 2020/21, 2021/22 or 2022/23 sessions.
 - Although the number of primary school children in the Inveravon Primary School catchment totals 15 for the 2022/23 session those families who have formally indicated their choice (9 in total) do not wish to send their children to Inveravon Primary School as they have settled elsewhere.
 - A school roll of fewer than 15 pupils provides significant impediments to the successful implementation of a Curriculum for Excellence.
 - A school roll of fewer than 15 pupils hampers social interaction opportunities for children, who conversely benefit from attending larger schools amongst more children of their own age.
 - The Council has explored alternatives in arriving at this proposal, explained further below.
 - Alternative uses of the school building are restricted as the land is owned by the Ballindalloch Estate and was gifted to Moray Council more than a hundred years ago. The 'deeds' state that in the event of the site not being used for the education of children the land shall be returned to the Estate
- 3.2. The current proposal follows informal discussions between Moray Council officials; local elected members, the community council and community members. Informal meetings with the community were held as follows:
- Community engagement session (virtual) - Wednesday 9 February 2022
 - Community engagement session (virtual) - Tuesday 8 March 2022
 - Community engagement session at Speyside High School – Tuesday 8 March 2022
- 3.3. Letters were sent to every property within the catchment area to inform residents of the meetings in February 2022, with other contact details if they were unable to attend.
- 3.4. In addition to the engagement session's comments boxes were made available in locations around the Inveravon catchment as well as in Glenlivet, Knockando and Aberlour, and an online comments page was open on the Moray Council website from 16 February 2022 to gather views from all residents and people could telephone or email the Learning Estate team.
- 3.5. Despite a small uptake in numbers, these sessions proved useful and a number of suggestions were made over the course of the sessions for use of the school building – albeit with the understanding that should the school close these would need to be pursued with the Ballindalloch Estate.

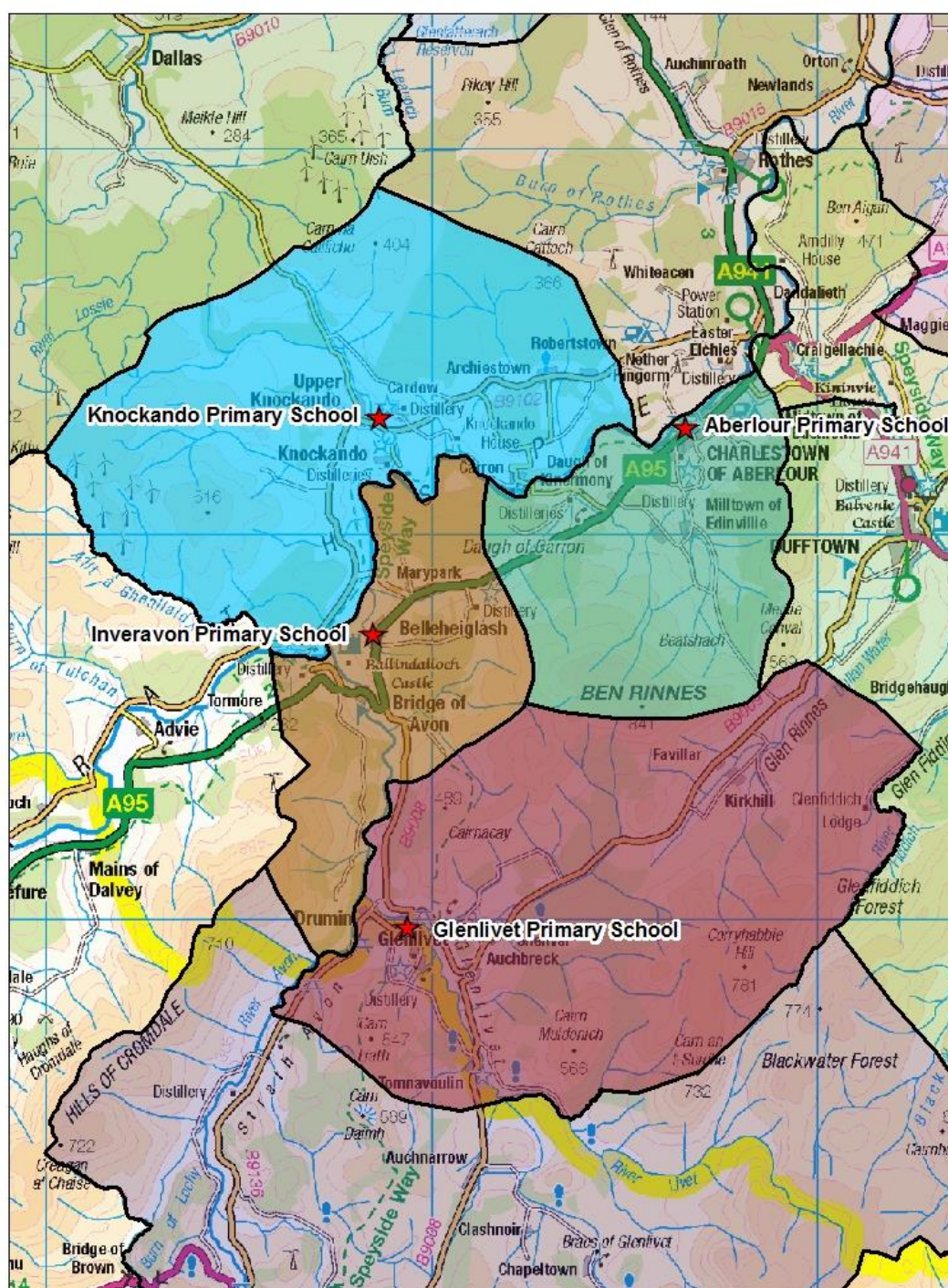
4. Examination of Alternatives

- 4.1. In bringing forward this proposal for closure, the Council must have special regard to any viable alternatives to closure. The alternatives to closure would be:
- to re-open Inveravon Primary School with its current catchment area or;
 - to continue with the current “mothballing” arrangement.
- 4.2. During the community engagement sessions, officers sought suggestions of alternatives to closure, although it was made clear that where the suggestion was not education related Moray Council could only note these and would forward these onto the Ballindalloch Estate for consideration as the land (and by inference the school building) would be returned to them in the event of a closure decision. The suggestions included:
- Community space for activities
 - Outdoor activity centre
 - Community cafe
 - Rural business centre
 - Residential property
- 4.3. As none of them involve the building operating as a primary school for local pupils, they would not be a viable alternative to closure.
- 4.4. In the event of a school closure being approved, consideration is required of the most appropriate way to re-zone the school catchment area. Further discussion of this is included in Section 7 of this report.
- 4.5. The detail of the Council's consideration of the alternatives is set out throughout this proposal paper and the Options Appraisal.

5. Inveravon Primary School

- 5.1. During the build up to the closing months of the 2017/18 session it was noted that a number of children on the school roll were electing to move to Knockando and Aberlour primary schools.
- 5.2. In August 2017, due to no children attending the school from the start of the new 2017/18 session, the Education Service was left with no alternative but to take the decision to mothball Inveravon.
- 5.3. The Speyside Associated School group consists of 8 primary schools, Aberlour, Craigellachie, Glenlivet, Inveravon, Knockando, Mortlach, Rothes and Tomintoul. Each of these schools is in the catchment for Speyside High School in Aberlour.

- 5.4. Inveravon Primary School was built in the early 20th century. The school is non-denominational and serves properties within the rural area of the Ballindalloch Estate. It is located by the A95 just north of the Bridge of Avon 6.5 miles from Aberlour.
- 5.5. Inveravon Primary School catchment is bordered by Aberlour, Glenlivet, Knockando and Tomintoul schools within the Moray Learning Estate. It is also bordered to the west by Granttown Primary School in the Highlands Council area. Map 1 below shows the catchment area for Inveravon Primary School and the neighbouring schools.



Map 1 – Catchment area for Inveravon Primary School and surrounding schools

- 5.6. As mentioned in 1.2 under the Scottish Government Guidelines Inveravon primary school is classed as a remote rural school – that is it serves a population of less than 3,000 and is more than 30 minutes' drive from a settlement of 10,000 or more.
- 5.7. Inveravon Primary School has a functional capacity of 50 pupils. It is a single storey building with two classrooms, kitchen, hall, resources room, library reception/staff room. The hall doubles as both a dining room and indoor PE area. The school has a servery kitchen which served meals that were prepared at Aberlour Primary and delivered to Inveravon Primary School on a daily basis. The outside areas consists of a small concrete play area on the north aspect of the building which extends to adjacent grassed area.
- 5.8. Inveravon Primary School delivered primary education from P1-P7. There is no nursery on site and local children often attended Knockando or Aberlour nursery. The school did not operate a breakfast club or after school club outwith school hours.
- 5.9. When the school was last in operation, it was managed with a paired head teacher arrangement with Knockando Primary School. If the school were to re-open with one class, the staffing entitlements (Full Time Equivalent (FTE)) could be as follows:
- Head Teacher - 0.5 FTE
 - Principal Teacher - 1 FTE
 - McCrone support - 0.12 FTE
 - Pupil Support Assistant - 25 hours
 - Senior Catering Assistant -10 hours
 - Playground assistance - 7 hours
 - Lunchtime supervisor – 7.5hours

This would be dependent upon actual school roll and in line with the Moray Devolved School Management Scheme staffing formula.

- 5.10. In addition, any ASN teaching and pupil support staff would be allocated to the school in accordance with an annual assessment of need across the Speyside Associated Schools Group.
- 5.11. Every local authority in Scotland is required to grade their schools for condition and suitability. The grades range from A to D for each category with the following values:
- A: Good - Performing well and operating efficiently (the school buildings and grounds support the delivery of services to children and communities)

- B: Satisfactory - Performing adequately but with minor problems (the school buildings and grounds support the delivery of services to children and communities);
- C: Poor - Showing major problems and/or not operating adequately (the school buildings require continuous repair and does show signs of age/the school buildings and grounds impede the delivery of activities that are needed for children and communities in the school)
- D: Bad – Economic life expired and/or risk of Failure (the school buildings and grounds do not support the delivery of services to children and communities).

5.12. Inveravon Primary School was assessed as B for suitability and C for condition prior to mothballing. A more recent condition survey in June 2022 has assessed the overall condition remains at C although a number of elements are condition D. A breakdown of the condition elements is shown in the table below.

Roofs	Floors and Stairs	Ceilings	Ext Walls, Windows and Doors	Int Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Int Fixtures, Furniture and Fittings	External Areas	Outdoor Sports Facilities	Overall Score	Condition Category
C	D	C	C	B	C	D	D	C	B	D	N/A	42.27%	C

Table 1. Core Condition Assessment (Overall and Individual Elements)

5.13. There is no current Education Scotland Inspection report available for Inveravon Primary School. The last report HMIE Inspection Report was January 2012.

6. Details of Proposal

- 6.1. The Council proposes that Inveravon Primary School should be closed on a permanent basis. This would be with immediate effect from the completion of the consultation process. The Council also proposes that all existing primary aged pupils should continue their education at the schools they are currently attending. If the proposals are implemented any siblings of these current pupils would be able to join their brother/sister(s) at the same school.
- 6.2. The school catchment area would be reassigned to one of the neighbouring primary schools. Discussion of these options is set out in Section 7.
- **Option 1** - Close Inveravon Primary School and rezone to Knockando Primary School.

- **Option 2** - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School.
- **Option 3** - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools.

Discounted options and alternatives to closure:

- **Option 4** - Close Inveravon Primary School and rezone with Aberlour Primary School.
- **Option 5** - Close Inveravon Primary School and rezone with Glenlivet Primary School.
- **Alternative 1** - Re-open Inveravon Primary School.
- **Alternative 2** - Continuation of mothballing Inveravon Primary School

Details of the Council's consideration of the alternatives is set out in Section 8 and the discounted options in Section 9.

- 6.3. The options identified above would have a minor impact on the rolls of the schools affected. Table 1 below details the current roll and capacity of these schools over the next five years as per the Moray Council School Roll Forecast, using the census taken in September 2021.

School	Suitability Rating	Condition Rating	Functional Capacity	Current Roll (Sep 21)	2022/ 2023	2023/ 2024	2024/ 2025	2025/ 2026
Inveravon	B	C	50					
Knockando	B	C	75	46	47	51	57	56
Aberlour	B	B	183	116	111	111	117	119
Glenlivet	B	C	42	20	19	18	18	18

Table 2. School Roll Forecast

- 6.4. Birth rate data included in previous school roll forecasts, indicate that within the Inveravon catchment area there are around seven that would be expected to attend Inveravon School within the next three years. These pupils could be accommodated at either Knockando, Aberlour or Glenlivet primary schools.
- 6.5. Alternative uses for the building will be further explored with the community during the consultation period and beyond. Although in the event of closure the land and school building will be 'returned' to the Ballindalloch Estate, officers will seek to support individuals and community groups in ensuring any potential alternative uses suggested are forwarded to the Ballindalloch Estate for consideration.
- 6.6. It is important that this proposal does not have a negative impact upon any children currently attending schools affected by this proposal and that they have continuity in their education.

7. Options Assessment

- 7.1. Officers applied an objective methodology to the assessment of the options which are discussed in Appendix A.

7.2. Together with each school's baseline score and outcome of the options appraisal matrix, other aspects that were taken into account for the overall recommendations were:

- Transport
- Outcome of surveys representing the views of the Inveravon School catchment parents and wider Inveravon community
- Views of parents and public expressed during engagement sessions
- Financial qualitative information
- Viability and timescale for option to be completed

7.3. Table 3 below shows the Options final rankings. Option 1, close Inveravon Primary School has the highest ranking although Option 2 and 3 also score highly and warrant consideration during the statutory consultation.

Options	Final Ranking
Option 1 - Close Inveravon Primary School and rezone to Knockando Primary School.	1
Option 2 - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School.	2
Option 3 - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools.	3

Table 3 – Outcome of options appraisal

7.4. **Option 1 - Close Inveravon Primary School and rezone to Knockando Primary School**

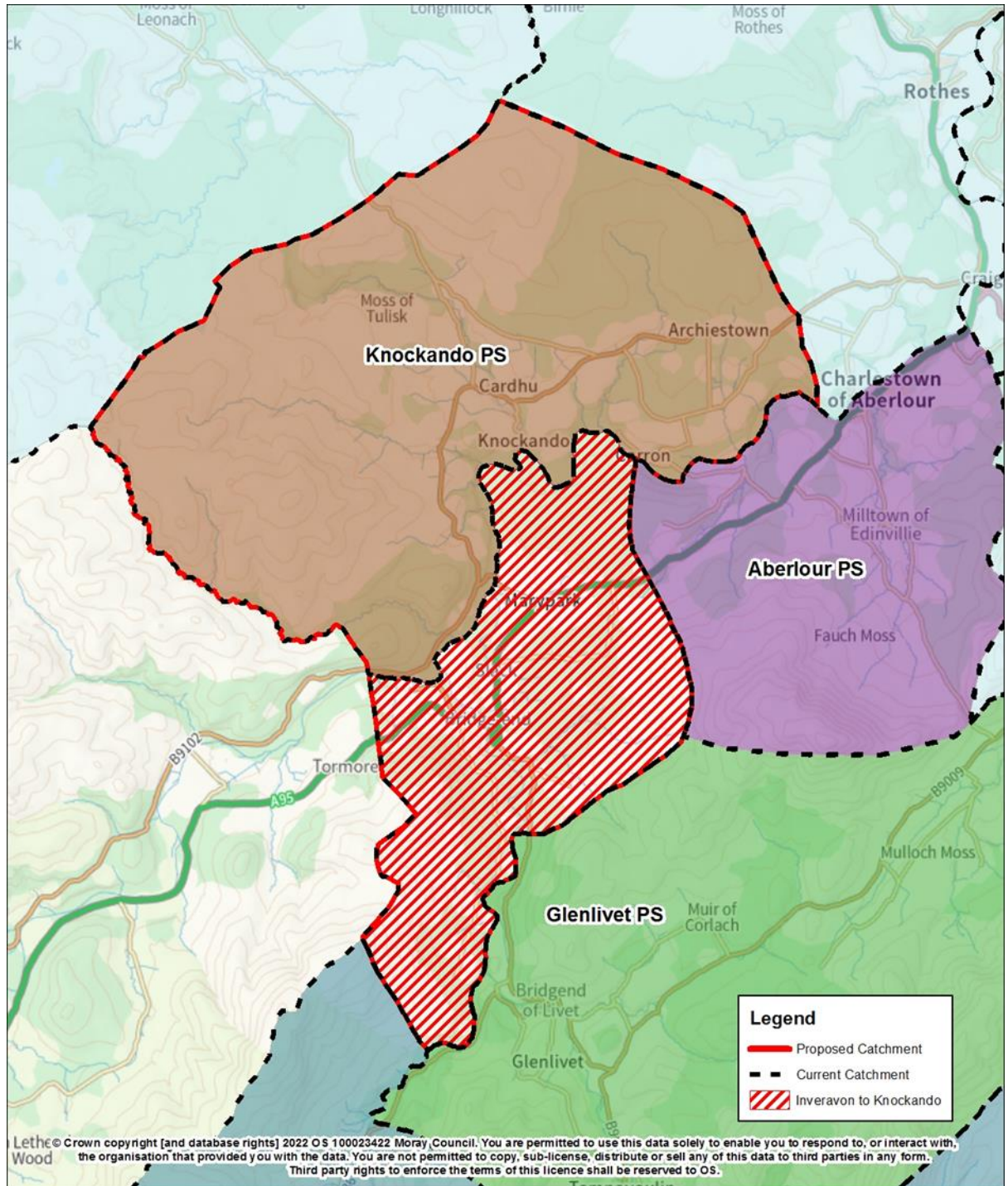
7.4.1 The proposed catchment for this area for this option is shown below in Map 2.

7.4.2 Knockando Primary School is a multi-building school. The main school building was built in the early 1900's with additional two buildings, a gym hall built in and a dining room and additional classroom constructed in 1960s. It is situated in the rural area of Knockando, 9.8 miles west of Aberlour and some 6.6 miles from Inveravon Primary School by road. During the period of mothballing Knockando Primary School has been the designated schools for pupils in the Inveravon catchment area and has a shared head teacher with Inveravon Primary School. The school is non-denominational and is classed as "remote rural" school according to Scottish Government classification.

7.4.3 The school offers both primary education from P1-P7 and a partner operated nursery on site. Accommodation consists of three classrooms for school age children and one for nursery, a games hall used for PE and a dining block with both dining room and classroom area. The main building has multiple general-purpose rooms, library, Head Teacher office, school office and staff room. The

school has a servery which is designed to provide meals prepared at Rothies Primary School and delivered to the school on a daily basis. The outside areas are a concrete area with a small tarmac playground and grassed playing field area.

- 7.4.4 Knockando Primary School has a functional capacity of 75 pupils and a current roll of 46 P1-P7 pupils (September 2021). These are distributed across 3 classes. The school roll forecast suggests pupil numbers will see a small increase to a max of 58 in 2026. This represents a 58% use of capacity.



Map 2 – Proposed catchment area with rezoning Inveravon to Knockando Primary School

7.4.5 The class structure for the 2021/22 session is shown in Table 4 below

Stage	Class structure
P1/2	9/8
P3/4/5	5/7/4
P6/7	7/6

Table 4 – Knockando Primary School Class Structure on Census Day

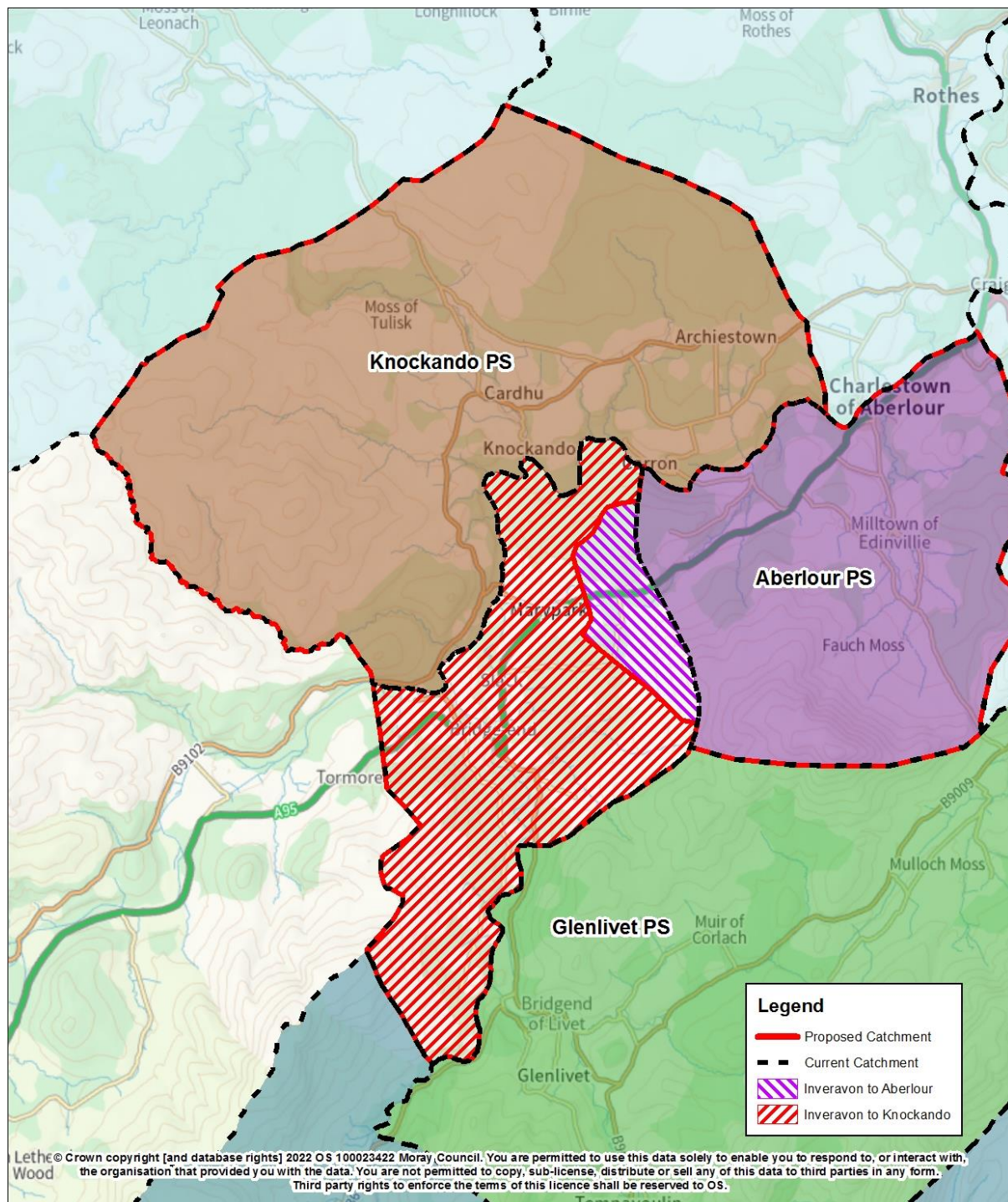
7.4.6 On census day, there were 14 children from out of zone (including pupils from Inveravon) who were attending Knockando Primary and 6 children who were zoned for Knockando who were attending elsewhere.

7.4.7 Knockando Primary School is currently assessed as B (81.9%) for Suitability (satisfactory – performing well but with minor problems) and C for Condition (satisfactory – performing adequately but showing minor deterioration).

7.4.8 There are pupils from the Inveravon catchment area currently attending Knockando School who are transported to school within current transport contracts. With the permanent closure of Inveravon Primary School this number would remain unchanged.

7.5. **Option 2 - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School**

7.5.1. The proposed catchment for this area for this option is shown below in Map 3



Map 3 – Proposed catchment area with rezoning Inveravon to Knockando and Aberlour primary schools

7.5.2. Information on Knockando Primary School remains as per Section 7.4

7.5.3. The main Aberlour Primary School building was built in 1897. It is situated in the centre of Aberlour to the south of the A95, 15 miles south of Elgin and is 6.6 miles from Inveravon Primary School by road. During mothballing a small number of pupils from the Inveravon catchment have been on the Aberlour Primary School roll. The school is non-denominational and is classed as “accessible rural” school according to Scottish Government classification.

7.5.4. The school offers both primary education from P1-P7 and both a council and partner operated nursery. Accommodation consists of eight classrooms for school aged children, a shared dining room/PE hall, multiple general-purpose rooms, a library, Head Teacher office, school office, staff room and kitchen. Aberlour Primary School also hosts the Primary Enhanced Provision base for children with Additional Support Needs for the Speyside Associated Schools Group. The outside areas are a concrete area with a tarmac playground and small grassed play area with access to larger grass playing field across a residential access road.

7.5.5. Aberlour Primary School has a functional capacity of 183 pupils and a current roll of 116 P1-P7 pupils (September 2021). These are distributed across 6 classes. The school roll forecast suggests pupil numbers will remain steady over the next five years – with a max of 120 in 2027 before falling to 114. This represents a 58% use of capacity.

7.5.6. The class structure for the 2021/22 session is shown in Table 5 below

Stage	Class structure
P1	19
P2/3	12/7
P3/4/5	9/7/4
P4/5	7/11
P6	18
P7	22

Table 5 – Aberlour Primary School Class Structure

7.5.7. On census day, there were 31 children from out of zone who were attending Aberlour Primary and 3 children who were zoned for Aberlour who were attending elsewhere.

7.5.8. Aberlour Primary School is currently assessed as A (88.9%) for Suitability (satisfactory – performing well but with minor problems) and C for Condition (satisfactory – performing adequately but showing minor deterioration).

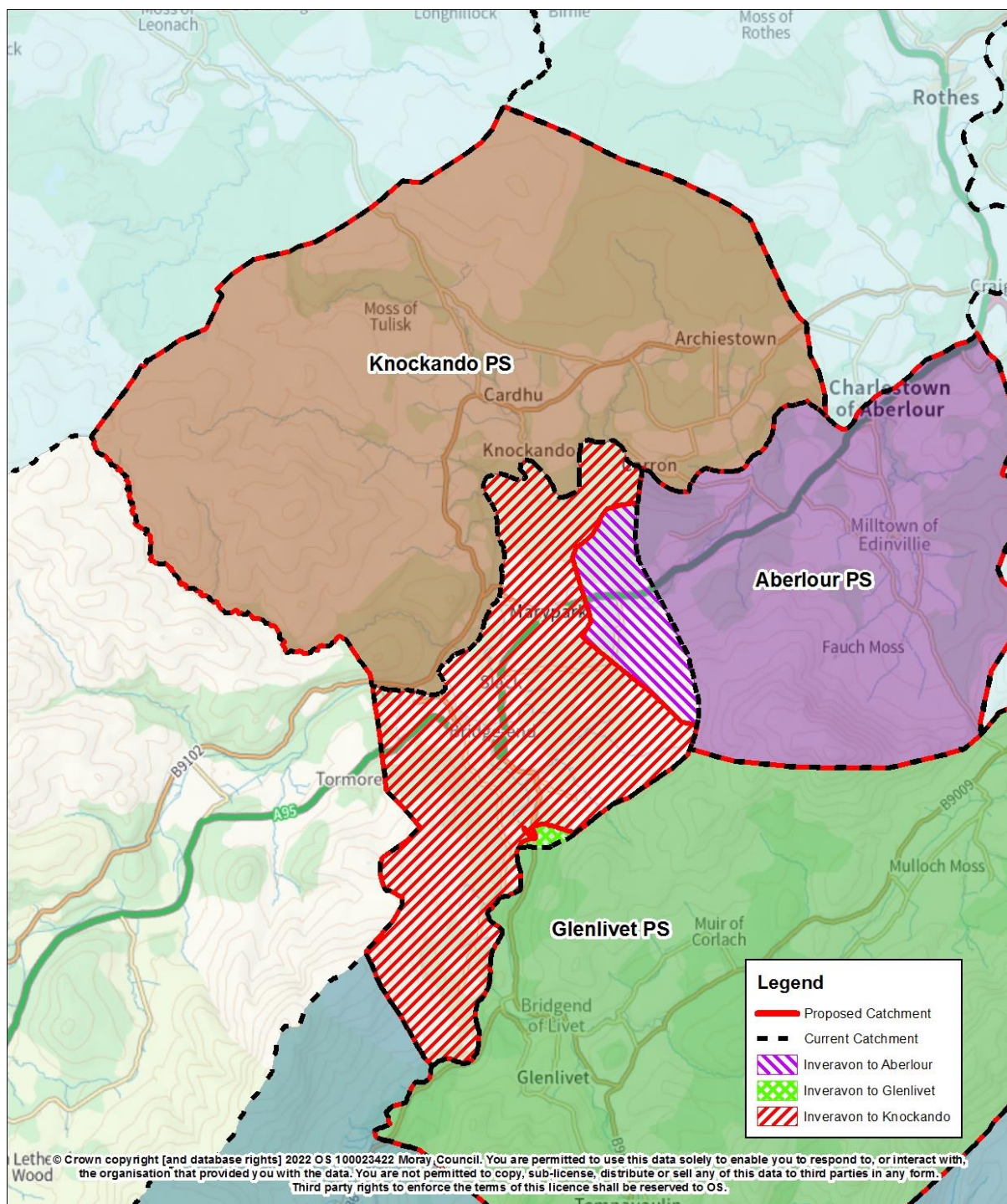
7.5.9. There are a small number of pupils from the Inveravon catchment area who currently attend Aberlour Primary School who do not have an entitlement to council provided school transport. With this option the permanent closure of Inveravon Primary School would likely see a small increase in the number of children entitled to council provided school transport to Aberlour Primary.

7.6. **Option 3 - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools**

7.6.1 The proposed catchment for this area for this option is shown below in Map 4

7.6.2 Information on Knockando and Aberlour primary schools remains as per Sections 7.4 and 7.5.

- 7.6.3 The main Glenlivet Primary School building was built in 1900. It is situated in the rural community of Glenlivet to the south of the A95, 12 miles south-west of Aberlour and is 5.6 miles from Inveravon Primary School by road. The school is non-denominational and is classed as “remote rural” school according to Scottish Government classification.
- 7.6.4 The school offers primary education from P1-P7. Accommodation consists of two classrooms for school age children, a shared dining room/PE hall, a library and office/staff room. The school has a servery which is designed to provide meals prepared at Aberlour Primary School and delivered to the school on a daily basis. The outside areas are a mix of small tarmac and grass play areas.
- 7.6.5 Glenlivet Primary has a functional capacity of 47 pupils and a current roll of 20 P1-P7 pupils (September 2021). These are distributed across 2 classes. The school roll forecast suggests pupil numbers will remain steady over the next five years – with a max of 21 in 2027. This represents a 44% use of capacity.



7.6.3 The class structure for the 2021/22 session is shown in Table 4 below

Stage	Class structure
P1-4	4/1/2/3
P5-7	3/4/4

Table 6 – Glenlivet Primary School Class Structure

- 7.6.4. On census day, there were 0 children from out of zone who were attending Glenlivet Primary and 4 children who were zoned for Glenlivet who were attending elsewhere.
- 7.6.5. Glenlivet Primary School is currently assessed as B (81.6%) for Suitability (satisfactory – performing well but with minor problems) and C for Condition (satisfactory – performing adequately but showing minor deterioration).
- 7.6.6 There are a number of pupils from the Inveravon catchment area currently attending Glenlivet Primary School. With this option the permanent closure of Inveravon Primary School would see a small increase in the number of children entitled to council provided school transport to either Knockando, Aberlouror Glenlivet.

8. Alternatives to the Proposal

- 8.1. In bringing forward this proposal for closure, the Council must have special regard to any viable alternatives to closure.
- 8.2. The detail of the Council's consideration of the alternatives is set out below.
- 8.3. Re-open Inveravon Primary School with Current Catchment Area
- 8.3.1 There are currently 15 children of P1-7 age living within the catchment area of Inveravon School (SEEMIS extract December 2021). These children all attend other schools in the area, having submitted successful out of zone placing requests to attend other schools.
- 8.3.2 There are only 12 new houses either allocated within the local development plan or with approved planning permission within the Inveravon School catchment area. The site is constrained and no development has yet taken place, therefore it cannot be guaranteed that new housing will generate any primary aged pupils in the near future.
- 8.3.3 If the school were to re-open, the pupils that reside within Inveravon, who enrol at the school, would have a slightly shorter journey time than they do at present.
- 8.3.4 Reopening of the school would require full remediation of the site, and significant capital works to the building to achieve overall Condition B status. The cost of this has been estimated to be over £206k to support reopening and a further investment of over £130k over the next 5 years. This capital sum is not within the current capital plan and would need to be approved as an additional spend by elected members if Inveravon Primary School were to be reinstated.

8.4 Continuation of “Mothballing” Inveravon Primary School

- 8.4.1 Although it would be possible to continue with the current mothballing arrangement, Moray Council does not consider that would represent the best option for the community or taxpayer. Mothballing would mean the continuation of the current lack of clarity regarding the future status of the school. The Council would also be responsible for the costs of maintaining a mothballed building.
- 8.4.2 Scottish Government guidance relating to the mothballing of schools makes it clear that mothballing is a temporary measure and should not be used to undermine the requirements to undertake a statutory school closure consultation. Inveravon Primary School will have been mothballed for 5 years at the time this report is submitted.
- 8.4.3 As previously stated Inveravon School has not been operational since August 2017. During this period pupils have been either attending Knockando or Aberlour Primary Schools. This has been a significant period of uncertainty for families, a continuation of mothballing does not provide clarity to the situation.

9 Discounted Options

- 9.1 The detail of the Council's consideration of the discounted options is set out below:
 - 9.1.1 Option 4 - Close Inveravon Primary School and rezone with Aberlour Primary School. Although some children within the current Inveravon catchment do attend Aberlour Primary, and this would remain a parental choice in the future no matter the outcome of the statutory process, the majority of current parents have elected to send their children to Knockando. The reasons for this relate to a smaller school and less distance to travel for the majority of children. There was no parental support for this full rezoning option.
 - 9.1.2 Option 5 - Close Inveravon Primary School and rezone with Glenlivet Primary School. Due to the topographical area – especially the location of school in relation to the rivers Spey, Avon and Livet and their respective road crossing this creates excess travel distances between much of the Inveravon catchment and Glenlivet Primary School. These roads are also predominantly rural B roads which experience disruption during the winter months. There was no parental support for this full rezoning option.

10. Education Benefits Statement

- 10.1. In 2009, the Scottish Government set out its Vision for the Future School Estate in Scotland, in ‘Building Better Schools: Investing in Scotland’s Future’.
- 10.2. In September 2019, this was updated with Scotland’s Learning Estate Strategy ‘Connecting People, Places and Learning’ which was developed by

Scottish Government and COSLA. This contains ten guiding principles. Local Authorities are required to take account of these principles in planning changes to their school estate, namely:

- Learning environments should support and facilitate excellent joined up learning and teaching to meet the needs of all learners;
- Learning environments should support the wellbeing of all learners, meet varying needs to support inclusion and support transition for all learners;
- The learning estate should be well-managed and maintained, making the best of existing resources, maximising occupancy and representing and delivering best value;
- The condition and suitability of learning environments should support and enhance their function;
- Learning environments should serve the wider community and where appropriate be integrated with the delivery of other public services in line with the place principle;
- Learning environments should be greener, more sustainable, allow safe and accessible routes for walking, cycling and wheeling and be digitally enabled;
- Outdoor learning and the use of outdoor learning environments should be maximised;
- Good consultation about learning environments, direct engagement with learners and communities about their needs and experiences, and an involvement in decision making processes should lead to better outcomes for all;
- Collaboration across the learning estate, and collaboration with partners in localities, should support maximising its full potential;
- Investment in Scotland's learning estate should contribute towards improving learning outcomes and support sustainable and inclusive economic growth.

10.3. In May 2016, Moray Council approved the 'Schools for the Future': A policy for Sustainable Schools' in order to monitor schools provision in Moray and ensure provision continues to meet the needs of learners, parents and the community and enable the Council to meet its requirements to ensure best value, as per the Local Government Scotland Act 2003. This policy contributes to the aim of ensuring all children and young people in Moray have equality of opportunity in terms of access to educational provision and facilities.

- 10.4. Within this policy, Moray Council set criteria and indicators in determining optimum quality education experience which include provision of accommodation as reported to Children and Young People's Services Committee for:
- The range of curricular and wider school activities available for children to enable them to achieve in a range of activities for personal and wider achievement (e.g. physical education, music, art, drama) ;
 - The ability of the school to cater for children with Additional Support Needs;
 - The school's ability to provide access to a suitably broad and balanced curriculum;
 - The quality of the physical environment for learning and teaching
 - Condition - minimum standard B
 - Suitability – minimum standard B
 - No more than two composite year groups in a single classroom at primary school level.
 - A minimum of four teachers at a primary school. This recognises both the needs of pupils and the demands on teachers; and.
 - Ideally, at least seven classrooms (one for each year group).
- 10.5. Key statutory requirements are further subsumed including delivery of 2 hours minimum Physical Education as part of National standards, compliance with statutory legislation in relation to school accommodation and Additional Support Needs, UNCRC and the overall extent of on-site accommodation and facilities (including required general purpose spaces, play and social spaces, staff rest areas and outdoor spaces).
- 10.6. Moray's vision and strategic direction for all involved in Moray Education as set out in our Education Strategic Plan and Priorities 2020-2023 – *improving outcomes for all Moray's children and young people* – is underpinned by the core entitlements of Curriculum for Excellence in order to ensure all children and young people maximise development in the four capacities: Successful Learners, Confident Individuals, Effective Contributors and Responsible Citizens. This stems from Early Learning and Childcare, across the Broad General Education and through into the Senior Phase, working across our system to ensure our learners progress to positive and sustained post-school destinations. Underpinned by our Council values of Fair, Ambitious, Improving and Responsive *we are ambitious to achieve excellence together* in benefit of all Moray's children and young people.

10.7. In order to deliver on our Education strategic vision and priorities, all Moray schools thus work towards:

- *Improving outcomes for all:* help improve levels of children and young people's achievements and broaden the range of opportunities for young people to develop their skills;
- *Curriculum:* provide a quality curriculum and create positive environments for effective learning and teaching matched to the needs of learners;
- *Learning, teaching and assessment:* create the conditions for greater personalisation and choice for children and young people with improved continuity and progression in their learning; create more opportunities for children and young people to participate in well-judged paired and group activities;
- *Supporting all learners:* develop a supportive ethos where children and young people's learning, personal, social, health and emotional needs address the care and welfare of children and young people and their personal and social development.
- *Leadership at all levels:* strong, sustainable schools providing quality education and access to the full curriculum are central to the achievement of this vision and delivering these entitlements.

10.8. As further educational context, *Curriculum for Excellence* guides us to achieve transformation in education in Scotland by providing a coherent, more flexible and enriched curriculum from 3 to 18 firmly focused on the needs of the child and young person and designed to enable them to become successful learners, confident individuals, responsible citizens and effective contributors. All children and young people are entitled to experience:

- a coherent curriculum from 3 to 18;
- a broad general education, including well planned experiences and outcomes across all the curriculum areas. This should include understanding of the world and Scotland's place in it and understanding of the environment;
- a senior phase which provides opportunities for study for qualifications and other planned opportunities for developing the four capacities;
- opportunities for developing skills for learning, skills for life and skills for work;
- opportunities to achieve to the highest levels they can through appropriate personal support and challenge; and,

- opportunities to move into positive and sustained destinations beyond school;
- 10.9. Educational benefits are considered below for pupils in respect of options previously outlined in this proposal document.
- 10.10. In December 2020, Moray Council approved the approach to the Moray Learning Estate Strategy, setting out the vision of providing a sustainable education service aiming for excellence. As well as improving condition and suitability as noted in 10.4 above, among wider outcomes this strategy aims to ensure our learning estate enriches the learner journey and supports curricular delivery noting the quality of learning environment as having a direct impact on learning and achievement of children and young people.
- 10.11. Ensuring all young people develop in the four Curriculum for Excellence capacities through the learner entitlements in 10.8 above would prove more challenging if Inveravon Primary School were to reopen with a reduced number of pupils across the Primary age range. This will also place discrete pressures on staff, for example in planning for a wide range of needs, year groups and abilities, in developing the curriculum and managing educational change. As a result, multi-stage composite classes can prove challenging to recruit teachers compared with larger schools where classes have single or few stage composite arrangements.
- 10.12. Pupils attending schools within the Speyside Associated Schools Group in closest proximity to Inveravon Primary School; Aberlour, Glenlivet and Knockando Primary Schools, regularly work in pairs and groups on shared learning tasks and cooperative learning activities. A school size low in pupil numbers, for example in a school of 5 or fewer children, based on potential future intake if Inveravon Primary School re-opened, would mean that groups would be curtailed in size restricting activities to those of a paired nature, with little to no flexibility in change or rotation of participants in pairings or groupings. Pupils could be spread multi-stage across P1 to P7, and while benefitting cross-stage working, this may result in reduced peer challenge in learning or potential for sibling pairing/groups. The variety of skills, knowledge and wider experiences brought to the groups would be further restricted by roll size and may result in gender imbalances and inequity in provision of a full programme of wider school activities.
- 10.13. In comparison as the smallest school based on the three named closest to Inveravon Primary School, Glenlivet Primary School operates within a pairing under a shared Head Teacher, school roll projections over the next five years remain near to 20 children on roll, with partnership approaches in place with the paired school; Tomintoul Primary School. This includes joined projects and staff professional and collegiate development activities while both schools retain their own unique identities. Children have regular opportunities to self and peer assess in each school as well as work in stage and cross stage pairings and groups.

- 10.14. In Aberlour and Knockando Primary Schools, children have regular opportunities to work in cooperative learning groups, on paired and in group activities with five and three classes formed in each school respectively. This further supports discussions and debate with a range of viewpoints and background of learners contributing to such activities. Class organisation within each school offers a blend of individual, group and class learning and teaching over the session.
- 10.15. The reopening of Inveravon would prove more restrictive for children to develop skills for learning, life and work with fewer or no opportunities to work with others of a similar age and stage, which is not possible in a school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake. Pupils may miss opportunities to develop wider skills for life in particular with limited immersion and interaction with a wide range of peers, where levels of attendance and participation may also impact further on this.
- 10.16. In Knockando, a skills framework has been developed following refresh of the school's Curriculum Rationale. This promotes equity of opportunity, supporting successes and achievement of all pupils within the formal and informal curriculum. Children use learning logs to reflect on skills development. In Glenlivet, curricular programmes that support sustained development of skills for learning, life and work have been developed where STEM (Science, Technology, Engineering and Maths), and the Career Education Standards/Career Management Skills are specific within the school's skills development pathway and staff continually look for ways to ensure children are challenged and motivated in learning. As the largest school in the Associated Schools Group, children at Aberlour Primary School benefit from wider skills development and transferability through various community projects and whole-school initiatives supported by partners including Primary Engineer, Christmas Enterprise, DYW initiatives and Moray Primary Science. Aberlour Primary School's Skills Progression "Skills for Stars" lead to weekly OSCARS (Our School Can Achieve Results) which link to profiling and the Moray Skills Pathway.
- 10.17. Collaboration with wider staff in order to ensure a coherent and progressive curriculum can prove more difficult in a school with low roll size. As noted with Glenlivet Primary School paired with Tomintoul Primary School, a progressive curriculum differentiated to meet the needs of each child with a focus on engaging and active learning experiences is in place with opportunities for personalisation and choice across the four contexts for learning. Rich contexts for learning including the outdoor areas are embraced with child-led developments.
- 10.18. In Aberlour Primary School, the curriculum supports children to develop in the four capacities with planned inter-disciplinary learning for the transfer of skills and knowledge with a commitment to active learning and purposeful play. At Knockando Primary School, there is a focus on skills development and building on prior learning through cohesive learner pathways making the best use of the outdoors and local context. Children are increasingly benefitting

from a range of play contexts that are adult-led, adult-guided or child-initiated. Pupils are developing social skills for sharing, co-operation, turn-taking, listening and organising through play. At Glenlivet Primary School, children have 'independent learning time' each day with child-led and adult-led play. A dedicated outdoor space supports development of a range of play and skills-based activities.

10.19. Strong partnerships across the Speyside Associated Schools Group exist with previous joint working on moderation, numeracy, health and wellbeing policy and wider curriculum development. Each school values community and wider partnerships for supporting the Developing the Young Workforce agenda and ensuring children are prepared for the future world of work and employability. At Glenlivet Primary School, partnership working further supports skills development and curriculum enrichment where involvement in partnership projects enables pupils to build confidence and take increasing responsibility for their own learning – for example, learning for sustainability, science, expressive arts and literacy. Key partnerships with Tomintoul and Glenlivet Landscape, Crown Estates, Spey Fishery Board and Glenlivet Wildlife group have supported this.

10.20. In Knockando Primary School, a range of partners and local employers including Tamdhu Distillery, Knockando Estate, Knockando Athletics Club and the Shielling Project offer opportunities to learn and be active outdoors. Pupils at Aberlour Primary School have opportunities to engage with local employers and parents as employees for future employability and pathway opportunities, alongside working closely with partner agencies as the Enhanced Provision school for the Associated Schools Group. Schools in the Associated Schools Group also collaborate, including a week's residential stay at Abernethy Outdoor Centre for wider outdoor pursuit experience, team building and transition support.

10.21. Larger schools provide greater opportunities for pupil leadership and involvement in the ethos and wider life of the school as well as provision of a wider range of clubs and extra-curricular activities. At Aberlour Primary School, P7 House Captains and P6 Vice-Captains are elected each year to lead 'houses', pupil voice activities and inter-house challenges including sporting events, and contribute to whole school change initiatives. Community groups include Eco-schools, Rights Respecting Schools group (successful in achieving 'Gold' status), philanthropic and community engagement activities. Staff lead a range of clubs and activities for all children including Bikeability, Running, Languages, Outdoor Learning, Choir, Nurture, Craft, Netball, Gardening and Leadership. P7 Play Leaders further develop their leadership skills through the 'Playground Squad', leading play activities and supporting lunchtime interaction sessions for younger pupils.

10.22. Play leaders at Knockando Primary School have been working with Active Schools to support play and lunchtime interactions and activities for younger pupils. This ensures that all pupils feel included at playtimes and lunchtimes and for the P6 and P7 pupils involved, this is further developing skills of

leadership, organisation and problem solving. Other opportunities include Pupil Council, Global Citizenship, Community groups and wider pupil projects to enhance the school and local community. Lunchtime clubs include Club Doodle, Netball Club, Book Club and Gardening Club where pupils also engage in dance/performance, athletics and wider Moray Badge participation.

- 10.23. At Glenlivet Primary School, child-led developments have led to enhancements to school grounds and a cross-pollination investigation led to bee-keeping at the school. Real-life scientific and environment studies including Citizen Science research, the Big Wasp survey and RSPB Bird Watch further promote curiosity among learners, where a range of Monday clubs are also offered including Health club, STEM club and Rights Respecting School club led by the pupils. Through 'Glenlivet Go Getters' (Pupil Council) all children make a significant contribution to school leadership of change and views are taken on board. Bronze 'Rights Committed' accreditation has been achieved at Glenlivet with the school currently working towards Rights Respecting Schools' Silver 'Rights Aware' accreditation.
- 10.24. The range of interactions offered by all schools and the leadership and wider skills development opportunities presented strengthen capacity to work with others as part of a team, problem solve, make decisions and increase confidence in learners. As part of a peer group of a sufficient size, social interaction will enable further development of skills for learning life and work and build self-efficacy and esteem. A school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake severely restricts opportunities for team sports, meaningful pupil leadership opportunities, clubs and other active recreational activities.
- 10.25. Aberlour, Glenlivet and Knockando Primary Schools are established as caring, nurturing and inclusive environments for learning. Aberlour Primary School as the largest Primary School in the Speyside Associated Schools Group holds Gold Rights Respecting Schools status and through their positive relationships policy, aim to ensure all in the learning community are committed to the school vision – 'we show respect and have fun so we can learn from everyone'. Pupil achievements are regularly celebrated and 'OSCARS' (Our School Can Achieve Results) focused on the four CfE capacities in 10.8 above, are awarded to pupils in recognition of their positive contribution and achievements in learning.
- 10.26. Knockando Primary School is a caring and inclusive school, where staff work hard to get to know pupils and families well, supporting individual needs. A relational and restorative approach is taken to positive relationship management where the school is on the journey to Gold Rights Respecting School status. The school's Positive Relationship Policy has been developed and shared with the school community with focus on inclusion, safeguarding, mental and emotional wellbeing and accessing supports.
- 10.27. Glenlivet Primary School has a very caring, nurturing and inclusive ethos with strong community identity due to unique school location. Individual reflective portfolios and learning logs support children to reflect on their learning against

the four capacities and development of skills. Regular reflection against the school's 'Smarts' is undertaken by children to understand aspects of their own wellbeing. Staff actively promote inclusion and equity for all children and due to size of school and one large multi-composite class, pupils are grouped by ability as opposed to stage, strengthening pace and challenge in learning. In collaboration with all children, Glenlivet Primary School has developed a new Positive Relationships Policy reflecting the United Nations Convention on the Rights of the Child (UNCRC).

- 10.28. Aberlour Primary School has the Primary Enhanced Provision base for children with Additional Support Needs for the Associated Schools Group. Most children attend for part of the time, also attending mainstream classes. 'The Rainbow Room' provides specialist support for identified young people and support on group and one-to-one basis. Multi-agency links are in place with key partners including Health, Social Work and 3rd sector.
- 10.29. At Knockando Primary School, class teachers support all children where required with support assistant input for targeted need. Currently the Head Teacher in class contact time supports in provision of additional Support for Learning Teacher time, ensuring all children are supported as part of Moray's approach to staged intervention. In Glenlivet Primary School, effective planning to meet the needs of all learners, with clear progression pathways and universal/targeted interventions where necessary. A Support for Learning teacher works with identified pupils over two days per week with Pupil Support Assistant time for targeted needs.
- 10.30. All schools within Speyside Associated Schools Group benefit from their location in an area of outstanding natural beauty with access to extensive grounds and countryside. As a town school, Aberlour Primary School is in close proximity to Speyside High School as the local secondary school, with access to a range of external areas including a playing field, outdoor garden area and hard-standing playground/parking area. The school currently houses a local authority and partner nursery. The school is within walking distance of the secondary school's swimming pool, community sport facilities and multi-use games area.
- 10.31. The catchment of Knockando Primary School enjoys large grounds with easy access to woodland, fields, burns and wildlife supporting outdoor learning contexts. During snowy weather, the hill next to the school is used as a sledge/ski run. The school is well resourced with outdoor playing fields and play areas and additional multi-use spaces. With extensive outdoor areas or within close proximity to wider facilities in the case of Aberlour Primary School, opportunities for team sports and game-based activities can be maximised with a number of pupils on the roll of all three schools enabling such activities. A larger staffing complement and parent body further increases the likelihood of interested adults leading a broader range of activities. Glenlivet Primary School pupils regularly use the woods located behind the school for outdoor learning. A community playpark organised by the Go Getters funded by Pupil Equity Funding and other community monies (Paul's Hill Windfarm and the Glenlivet and Inveravon Community

Association) is used by children during school time and is available for community use outwith school times.

- 10.32. Aberlour, Glenlivet and Knockando Primary Schools are committed to the 1+2 languages agenda. French is offered across all three schools with the addition of German in P5-P7. This provides the opportunity to work as a whole class and in small groups or pairings in participatory learning activities. Emphasis is on the spoken word and opportunities are planned through enjoyable activities such as group and class games, role-play and songs. Delivery of language learning would be restricted within the multi-stage context of a school size low in pupil numbers, for example in a school of 5 or fewer children based on potential future intake. At Glenlivet Primary School, to meet the needs of current children in school, British Sign Language (BSL) will be delivered as a third language this coming year instead of German.
- 10.33. Aberlour, Glenlivet and Knockando Primary Schools benefit from a very small amount of Pupil Equity Funding and use this creatively to support identified children, with interventions reaching further than those where impact is directed. Aberlour Primary School focus in on Literacy interventions, Numeracy and Health & Wellbeing approaches. Glenlivet Primary School has identified gaps in Health and Wellbeing and run a successful Breakfast club, improving engagement in learning. In order to support Health and Wellbeing for all, swimming lessons have been provided where half of the school had never swam, building confidence in swimming, team working and wider mental, physical and social wellbeing effects. Knockando Primary School has supported literacy, numeracy and Health and Wellbeing with the purchase of various learning supports including additional Pupil Support Assistant hours for targeted support and Health and Wellbeing inputs.
- 10.34. Schools also look outwards and seek to source additional supports and wider experiences for children. Heritage Lottery Funding supported Glenlivet Primary School in a four year programme with a group of artists, significantly developing children's artistic and digital technology skills. Although this project has now finished, a legacy of skills and equipment remain which Glenlivet continues to make use of for learning and teaching.
- 10.35. Aberlour, Glenlivet and Knockando Primary Schools all have Parent Councils formed who meet regularly throughout the year. Aberlour Primary School Parent Council represent the views and interests of parents and pupils and support school improvement where there are currently ten parent members. Glenlivet Primary School regularly engages with parents and a supportive Parent Council take forward an active role in driving forward school improvement. There is a very strong sense of community with the school vision 'success for all' understood by all. Sustainable partnerships with parents and the wider community further enrich the curriculum and children are supported to take an active part in the school and wider community.
- 10.36. At Knockando, an active and supportive Parent Council fundraise for school trips and activities and also contribute to bringing in specialists to enhance the curriculum with dance, sport, music, drama and outdoor education. Parents

may also use their individual skills to support learners through 'Activity Afternoons'. If Inveravon were to re-open then there would be potential for a Parent Council to operate. However, with a small pupil cohort there would be a limited number of families able to participate – particularly where sibling groups may feature – resulting in greater reliance on a few individuals to support the school in this way.

10.37. Aberlour, Glenlivet and Knockando Primary Schools are central establishments within their respective communities with strong links to other organisations including local churches. Effective transition programmes and links with other Associated School Group schools including Speyside High School as the local secondary school are in place. Working in collaboration across the Associated Schools Group, Head Teachers and schools ensure all children continue to access a wide range of experiences and activities, ensuring their location does not detract from opportunities available. Glenlivet, Knockando, Tomintoul and Craigellachie Primary Schools also work in partnership to organise transition events throughout the year for Primary 7 pupils, to support team building and wider skills development in advance of secondary transition.

10.38. Section 3 of the Standards in Scotland's Schools etc Act 2000 requires local authorities to endeavour to raise standards and secure improvement in the quality of school education provided in our schools for all learners. It is Moray Council's view that the pupils from the Inveravon catchment derive educational benefits from their current attendance at other larger neighbouring schools. Formalising the current arrangements would provide a number of such benefits, judged against both the Moray and National criteria set out above.

10.39. As all pupils from the Inveravon Primary School catchment currently attend Knockando Primary School or Aberlour Primary School depending on current zoning arrangements or parental choice, no adverse effects for those pupils are expected to arise from the permanent closure of Inveravon Primary School.

11. Effect on the Local Community

11.1. Moray Council recognise that the uncertainty surrounding the future of the school has impacted on the community and it is hoped that this statutory consultation to close Inveravon Primary School will give clarity to the community and a sense of certainty regarding their children's education.

11.2. Inveravon Primary School is situated in a rural location, with no public/community buildings close by. Inveravon Church is a short distance from the school with a limited amount of dedicated parking.

11.3. Several meetings have been held with the local community and parents in the catchment area of the school. Although attendance at these meetings was low, representatives from the Community Association raised concerns that

there would be no community space in the area such as a meeting place, picnic or play area for the community.

- 11.4. Prior to the school closing the church had occasional community use of Inveravon Primary School and there was also a badminton club that used the school hall. There has been no community use of the land or building since the school was mothballed in 2017.
- 11.5. The site is owned by the Ballindalloch Estate and was 'gifted' to Banffshire Council in early 20th century for educational use. Moray Council are currently 'custodians' of that gift and if the school is closed the land and buildings would revert back to estate ownership. Ballindalloch Estate would welcome input from the community as to sustainable options for the building and land use should the proposal to close the school be approved.
- 11.6. Tomintoul and Glenlivet Development Trust conducted some consultation with the community in April 2021 about general community priorities, including community assets. The community expressed three favoured options for the future use of the school:
 - Reinstated as a school
 - Community space for activities
 - Outdoor activity centre
- 11.7. Aberlour is the closest town, approximately 6 miles from the school, with public amenities, including a swimming pool, high school, local shops and public parks. Knockando and Glenlivet Primary School are equidistance from the school, approximately 6 miles.

12. School Transport

- 12.1. During the 2016/17 session entitled pupils were provided with transport to Inveravon Primary School at a cost of £208.34 per day. With mothballing pupils were provided transport to Knockando Primary School on existing contracts at no additional cost.
- 12.2. Three new contracts currently support ALL pupils attending Knockando Primary School at a total cost of £557.55 per day. Ten pupils within the Inveravon catchment are transported to Knockando schools.
- 12.3. The closure of Inveravon School will not impact upon the current journey times for the majority of catchment pupils as they are currently being transported to Knockando. The average travel time compared to travelling to/from Aberlour or Glenlivet primary schools would be the same as Knockando Primary School under normal conditions.

- 12.4. It is recognised that rezoning some areas of the Inveravon catchment to Aberlour or Glenlivet primary schools may increase the number of children entitled to school transport.

13. Financial Implications

- 13.1. As mentioned in Section 12 above the proposed changes could result in an increase in costs for school transport provision, which would need to be met by Moray Council. The increase is expected not to be significant and may be managed within the value of the current Speyside ASG transport contracts.
- 13.2. Further details of the financial impact of this proposal are included in the financial template provided at Appendix B. The costs provided in the template derive from 2016/17 when the school was last operational for a full session, which has been corrected for inflation to provide a forecast for 2022/23 if Inveravon Primary School was reopened. With a potential school roll of 5 this would equate to a cost of £31,415 per pupil per year against a Moray average of £7,225 per pupil per year (2019/2020 data).

14. Sustainability

- 14.1. A carbon assessment of Inveravon Primary and Knockando Primary - where the majority of pupils moved to at the time of mothballing - by the Climate Change Strategy Officer is summarised in the table below:

	Building Heat		Electricity		Water		Total
	CO2 Emissions (Tonnes)	Carbon Impact per Pupil	CO2 Emissions (Tonnes)	Carbon Impact per Pupil	CO2 Emissions (Tonnes)	Carbon Impact per Pupil	Annual CO2 Emissions (Tonnes)
Inveravon (2016/17)	27.2	3.0	3.4	0.4	0.06	0.007	30.66
Knockando (2017/18)	24.4	0.4	14.9	0.3	0.16	0.003	39.46

- 14.2. The additional school transport mileage associated with travel to and from Knockando Primary School for pupils local to Inveravon Primary School requires to be considered but as there are no fixed school transport routes - contractors are given a pupil address list and work out the most efficient route - it is therefore not possible to assess the detailed impact of the additional mileage with mothballing or closure of Inveravon Primary School.
- 14.3. Overall the carbon impact per pupil is substantially lower at Knockando – and that includes the pupils on the school roll from the Inveravon catchment from Aug 2017. The reopening of Inveravon Primary School would therefore significantly increase carbon emissions in the future, outweighing any additional transport emissions associated with longer pupil journeys. The

closure of Inveravon Primary School is therefore predicted to lead to carbon savings for Moray Council.

- 14.4. Teacher recruitment and retention is a challenge faced by many rural authorities in Scotland. Rural schools with small numbers of pupils on roll changes the teaching dynamic, requiring teachers to be highly adept in managing the curriculum, differentiation and assessment for pupils from primary 1 - 7 in one or just two classes to ensure an educational benefit is maintained. Due to the staffing complement within these establishments the opportunities for collegiate and stage partner working requires carefully planning with their paired school or others local schools within the ASG and increased use of digital resources to allow online communities, however some rural settings also have connectivity difficulties.

15. Implications for Staff

- 15.1. As a consequence of mothballing an interim teaching staff arrangements were implemented as per the table below. There were no changes to non-teaching support staff.

	FTE (before mothballing)	FTE (post mothballing)
Head Teacher	0.5	1.0
Principal Teacher	1.0	1.0
Class Teacher	1.0	1.0
McCrone	0.28	0.28
Total	2.78	3.28

- 15.2. In the event of Inveravon Primary School closing the amended teaching staff arrangement are as per table below

	FTE (during mothballing)	FTE (post closure)
Head Teacher	1.0 (SP4)	1.0 (SP2)
Principal Teacher	1.0	
Head Teacher Relief		0.46
Class Teacher	1.0	1.0
McCrone	0.28	0.28
Total	3.28	2.72

The Head Teacher would move to SP4 from SP2 – cash conserved for 3 years. The Principal Teacher would need to be redeployed and potentially cash conserved for 3 years.

16. Equal Opportunities

- 16.1. An Equality Impact Assessment (EIA) is a statutory requirement on the Council to assess the policies and practices necessary to meet the requirements of anti-discrimination and equalities legislation. It also affords an

opportunity for the Council to consider the impact on the education service. An assessment has been carried out, as part of the options appraisal process.

- 16.2. The aim of an EIA is to examine policies and practice in a structured way to make sure that adverse effects on groups with protected characteristics are avoided. It is also a tool to enable the Council to assess what positive steps it can take to promote equality of opportunity and measure the results of the actions that have been taken.
- 16.3. The main adverse effect for children in the P1-7 age group is the length of journey from Inveravon to Knockando, Aberlour or Glenlivet, however, as the school has been mothballed since July 2017, all the current pupils are already making the journey to either Knockando or Aberlour. Should there be future journeys to Glenlivet these would be of a similar distance and duration.
- 16.4. Funded school transport would be provided for all entitled P1-7 pupils attending Knockando, Aberlour or Glenlivet primary schools from the current Inveravon catchment area, if one of the proposed options is approved.
- 16.5. As part of the consultation process the Council will consult with a wide range of stakeholders, including staff, parents/carers and young people, and will address comments about equality during this consultation.
- 16.6. Under the Equality Act 2010 education providers must not treat disabled pupils less favourably and should take reasonable steps to avoid putting disabled pupils at a substantial disadvantage. Any existing arrangements in place for pupils within the schools affected with additional support needs will continue. As discussed in 10.28, Aberlour Primary School is the enhanced provision hub for the Speyside ASG, and as such is fully adapted to meet the requirements of pupils with a range of additional support needs.

17. Consultation Arrangements

- 17.1. At its meeting on 24 August 2022, Moray Council's Education, Communities and Leisure Services Committee were asked to agree that a proposal document should be issued as a basis for consultation. No decision will be taken by the Council on the proposal contained in the paper until after the end of the consultation period. The Council will then receive a report on the consultation and will reach a view on the proposal.
- 17.2. A copy of this document will be issued to all of the consultees listed on the first page of this document and it will also be published on the Council's website: http://www.moray.gov.uk/moray_standard/page_105407.html
- 17.3. Reading copies of this proposal document will be made available at Speyside High School Community Centre, Aberlour Library, Glenlivet Medical Centre, Ballindalloch Post Office, Elgin Library, Knockando Primary School, Aberlour Primary School and Glenlivet Primary School.

- 17.4. The period for consultation will run from 29 August 2022 until 7 October 2022 which adequately covers the statutory requirement period of 30 school days.
- 17.5. A face-to-face public meeting will be held at 1:30pm on Tuesday 27 September 2022 at Inveravon Church, Ballindalloch AB37 9BA. A further public meeting will be held at 7pm on Tuesday 27 September at Speyside High School, Mary Avenue, Aberlour AB38 9QU. Anyone wishing to attend the meetings are welcome.
- 17.6. An online meeting will be planned for Wednesday 28 September and anyone wishing to attend this meeting should express their interest by emailing learningestate@moray.gov.uk
- 17.7. The meetings will be convened by the Council and the Council will present the reasons for bringing forward the proposal. There will be an opportunity for questions and comments at both meetings. A minute will be taken so that comments can later be summarised and considered.
- 17.8. Opportunities will be provided for the staff working in Knockando, Aberlour and Glenlivet primary schools to discuss the proposals. Opportunities will also be arranged for impacted primary pupils at each of the schools to engage in the consultation in a manner appropriate to their age.

An online survey will be available as part of the consultation. This can be completed at the following address - http://www.moray.gov.uk/moray_standard/page_105407.html - or by scanning the QR code below:



- 17.9. The Council will also consider any written comments which should be emailed to LearningEstate@moray.gov.uk. Alternatively, any comments can be sent to **Community Support Officer (Learning Estate), HQ Room 207a, Elgin Council Offices, High Street Elgin IV30 1BX**. Comments should be received no later than 4pm on 7 October 2022.
- 17.10. A copy of this document will also be sent to Education Scotland. They will also receive a copy of any relevant written representations that are received by the Council during the consultation period. They will also receive a copy of any oral representations made at the public meeting and a copy of any other

relevant documentation. Education Scotland will then prepare a report on the educational aspects of the proposal. In preparing their report, they may visit the school and make such reasonable enquiries as they consider appropriate.

18. Consideration of Consultation Responses

- 18.1. The Council will review the proposal having regard to the Education Scotland Report, survey results, written representations that it has received, and oral representations made to it by any person at the public meeting. It will then prepare a report on the consultation. This report will be published in electronic format and will be available on the Council website. Anyone making written representations during the consultation period will be informed about the report.
- 18.2. The report will include a record of the total number of written representations made during the consultation period, a summary of the written representations and a summary of the oral representations made at the public meeting. The report will also include the Authority's response to the Education Scotland Report, a response to issues raised through any written or oral representations it has received, together with a copy of the Education Scotland Report and any other relevant information, including details of any alleged inaccuracies and how these have been handled. The report will also contain a statement explaining how the Council has complied with the requirement to review the proposal in light of the Education Scotland Report and representations (both written and oral) that it received.
- 18.3. The last section of the report will include an officer recommendation as to whether the proposals should be adopted and implemented. The Consultation Report will be published at least three weeks prior to the Council making a decision.
- 18.4. A final report on the consultation process with recommendations will be submitted to the Education, Childcare and Leisure Services Committee in January 2023.

19. Decision Making

- 19.1. The consultation report will be considered by Education, Communities and Leisure Services Committee who will be asked review and make a comment on the officer recommendation.
- 19.2. Following discussion and recommendation at the Education, Communities and Leisure Services Committee, Full Council will consider the report and be asked to approve the officer recommendation in the report. This is expected to be February 2023.
- 19.3. At the end of the consultation process, Section 15 of the Schools (Consultation) (Scotland) Act 2010 enables ministers to call-in a decision to implement the proposed closure of Inveravon Primary School.

- 19.4. Beginning on the day that the final decision is taken, the Council has a period of six working days to notify Scottish Ministers of the decision. Scottish Ministers then have a period of eight weeks from and including the date of decision to decide if they will call in the proposal. The Council must publish the fact that the Scottish Ministers have been notified and that representations can be made to the Scottish Ministers within the first three weeks of the eight-week period. The Scottish Ministers will take into account any relevant representations that were made to them by any person within the first three weeks. The Council may not proceed with the implementation of the proposal until this eight-week period has passed.
- 19.5. If the Scottish Ministers decide to call in a closure proposal, it is then referred to the Convener of the School Closure Review Panels who has a period of seven days after a call-in notice is issued to constitute a School Closure Review Panel. The Panel may decide to refuse consent to the proposal, refuse consent and remit it to the education authority for a fresh decision or grant consent to the proposal, either subject to conditions, or unconditionally. The Panel must notify the education authority of its decision within eight weeks from when the Panel was constituted or within 16 weeks if the Panel has issued a notice to the education authority that a decision has been delayed. The Council may not proceed with the implementation of the proposal until the outcome of the call-in has been notified to the Council.

20. Conclusion

- 20.1. Taking the above into account Moray Council recommends that Inveravon Primary School, currently mothballed, is closed and the catchment area re-assigned to either Knockando Primary School, a combination of the Knockando and Aberlour primary schools or a combination of Knockando, Aberlour and Glenlivet primary schools as outlined in Options 1-3 above.
- 20.2. Whichever decision is taken with respect to catchment areas, existing pupils will not be required to change schools. This will also apply to any younger siblings of such pupils, provided they remain at the same primary school.
- 20.3. This proposal paper is issued in terms of the authority's procedures to meet the relevant statutory requirements.

Appendix A - Inveravon Primary School Options Appraisal
Appendix B – Inveravon Primary School Financial Report



Appendix A1

Inveravon Primary School Options Appraisal

1. Introduction

Moray Council strives to allocate its resources in a way that ensures the quality of all its services. It attaches particular importance to providing the best possible educational experience for all pupils within its schools.

The Strategic Approach to the Learning Estate was agreed at a Special Meeting of the Moray Council on 9 October 2020 in accordance with Scotland's Learning Estate Strategy (Connecting People, Places and Learning). The Council's strategy sets out the council's aspirations for our schools using a holistic place-based approach, which will ensure that services can be delivered in an optimum way, making best use of available assets.

The Schools (Consultation) (Scotland) Act 2010 requires that educational benefits should be at the heart of any proposal to make a significant change to schools, for current and future pupils in the area.

At its meeting on 24 November 2021, the Education, Children's and Leisure Services Committee agreed to the preparation of an options appraisal regarding the future of Inveravon Primary School and supported community engagement as part of the options appraisal process to identify alternative options to consider.

2. Background / Discussion

During the 2016/2017 school session the school roll at Inveravon Primary School dropped due to a number of families moving schools for several reasons. As the school session drew to a close it was clear that there was a risk that at the start of the 2017/2018 session that the school roll would be significantly lower than the total catchment of 13. In fact, as of August 2017 the school roll was zero as all catchment children were enrolled at either Knockando or Aberlour Primary.

Due to no children attending the school for the start of the new 2017/18 session, the Education Service was left with no alternative but to mothball Inveravon Primary

School. Mothballing is a temporary closure of a school which does not in itself lead to statutory consultation. Reference is made to the report considered by the Children and Young People's Committee on 23 August 2017 where this decision was ratified.

The Primary 1 admission period for all Moray Schools takes place in January each year. No applications to Inveravon Primary School have been received since the school was mothballed.

The deadline for submitting out of zone placing requests is March each year. There have been no applications received for pupils wishing to attend Inveravon Primary School through the placing requests process over the last three years.

As there continues to be no expectation of pupils enrolling at Inveravon Primary School, the school remains mothballed.

3. Community Engagement

The Learning Estates Team conducted the following engagements with the wider Inveravon community to keep them fully informed and to explore potential options for the future of Inveravon Primary School.

- Wednesday 9 February 2022 – A virtual community engagement session facilitated by MS Teams.
- Tuesday 8 March 2022 - A virtual community engagement session facilitated by MS Teams.
- Tuesday 8 March 2022 - Community engagement session at Speyside High School
- February to June – A comments form was provided – both online and mailed to parents within catchment – to allow community stakeholders to provide informal comments and suggestions on the future of Inveravon Primary School. This has been available since 16 February 2022 to 28 June 2022.

A summary of all comments gathered during and following the meetings and the online survey is at Appendix A to this report.

4. Options Appraisal

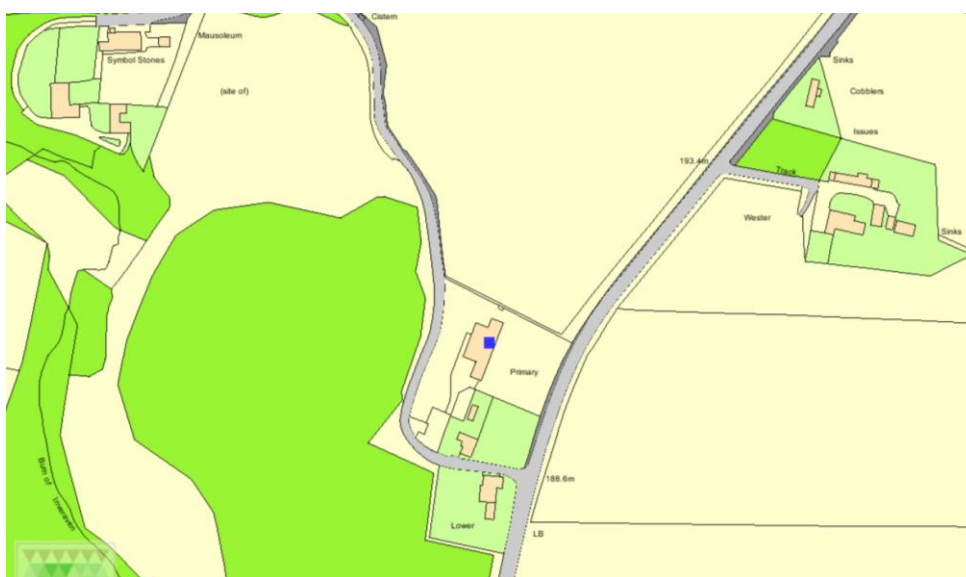
An options appraisal has been undertaken to consider the future of Inveravon Primary School to ensure the best educational and wellbeing benefits for Inveravon children. The appraisal considered the current mothballing and the schools the families had chosen to attend prior to and during mothballing.

4.1 Inveravon Primary School

The majority of the Inveravon Primary School was 'gifted' to the Council by the Ballindalloch Estate in 1910 as a site for a school. A further area of land was purchased by the Council in 1926 to increase the available land for outdoor play. In the event of a school closure the land, and by implication the school building would be returned to the Ballindalloch Estate. The plot of land purchased is deemed of having no value in isolation and it is proposed that this is gifted to Ballindalloch Estate at no cost in the event of school closure.

Inveravon Primary School was built in the early 20th century. The school is non-denominational and serves properties within the rural area of the Ballindalloch Estate. It is located by the A95 just north of the Bridge of Inveravon 6.5 miles from Aberlour.

Inveravon Primary School has a functional capacity of 50 pupils. It is a single storey building with two classrooms, kitchen, hall, resources room, library reception/staff room. The hall doubles as both a dining room and indoor PE area. The school floorplan is attached as Appendix B and a map of the school ground and its surrounding amenities is shown in Map 1 below.



Map 1 – Inveravon Primary School

The school has a servery kitchen which served meals that were prepared at Aberlour Primary and delivered to Inveravon Primary School on a daily basis.

The outside areas consists of a small concrete play area on the north aspect of the building which extends to adjacent grassed area

Inveravon Primary School delivered primary education from P1 to P7. There was no nursery on site and local children often attended nursery at other nearby schools.

Condition is an assessment of the physical condition of the school building and its grounds. Inveravon Primary School was assessed **C** for condition a number of years prior to mothballing. A more recent condition survey in June 2022 has assessed that the overall condition remains at **C** (Poor - Showing major problems and/or not operating adequately - the school buildings require continuous repair and shows signs of age), although a number of elements are now at condition **D** (Bad – Economic life expired and/or risk of Failure (the school buildings and grounds do not support the delivery of services to children and communities)). A breakdown of the condition elements is shown in the table below.

Roofs	Floors and Stairs	Ceilings	Ext Walls, Windows and Doors	Int Walls and Doors	Sanitary Services	Mechanical	Electrical	Decoration	Fixed Int Fixtures, Furniture and Fittings	External Areas	Outdoor Sports Facilities	Overall Score	Condition Category
C	D	C	C	B	C	D	D	C	B	D	N/A	42.27%	C

Table 1. Core Condition Assessment (Overall and Individual Elements)

Suitability is an assessment of the school as a whole, the buildings, the grounds and the impact they have on teaching and learning, leisure and social activities, as well as the health and wellbeing of users. The Suitability assessment of Inveravon Primary School was carried out in 2013 the school was graded as **B**, satisfactory – performing well but with minor problems (school buildings and grounds generally support the delivery of services).

4.2 Inveravon and Local Area

The Scottish Government Urban Rural Classification defines Inveravon Primary School as “remote rural”, meaning that it serves a population of less than 3,000 and is more than 30 minutes’ drive from a settlement of 10,000 or more.

The Inveravon Primary School catchment is bordered by Aberlour, Glenlivet, Knockando and Tomintoul schools within the Moray Learning Estate. It is also bordered to the west by Grantown Primary School in the Highlands Council area. Map 2 below shows the catchment area for Inveravon Primary School and the neighbouring schools.

Distances between Inveravon School and surrounding schools sourced from Google Maps are listed below:

Knockando Primary School	6.6 miles
Aberlour Primary School	6.6 miles
Glenlivet Primary School	5.5 miles

In addition, the distance to the Speyside High School, in Aberlour is 6.7miles

The Scottish Index of Multiple Deprivation (SIMD) is a measure of deprivation across 6,976 data zones. SIMD ranks data zones from most deprived (ranked as 1) to least deprived (ranked as 6,976) and the Inveravon data zone (South Speyside and Cabrach) is ranked at 3696. Within this ranking geographical access is the biggest level of deprivation, followed by Education/Skills. Income and Employment are relatively good while Crime and Health are ranked as the least deprived. A graphical breakdown of this information is below.



Table 2. SIMD 2020 Ranking - South Speyside and Cabrach

4.3 Rural Sustainability and Housing Development

Inveravon is within a community located within the Ballindalloch Estate area with basic services including a combined rural shop and post office. The community straddles a fast-flowing section of the main Elgin to Grantown-on-Spey trunk road (A95).

Information received from The Council's Community Economic Development Team indicates that there are no significant new business activities in the Inveravon area.

There is no significant housing development for the Inveravon catchment within the current Local Development Plan.

4.4 Demographics and Pupil Numbers

In the 5 years up to the mothballing of Inveravon Primary School in Aug 2017 the school roll remained steady at between 14-15 pupils with few placing requests to and from the catchment.

The school roll had been low for a number of years. The P1 intake had ranged from zero to four pupils in each of these years. The position is shown in the table below:

Census data	2014	2015	2016	2017	2018	2019	2020	2021
P1-P7	15	15	13	0	0	0	0	0

Table 3 - School Roll Data 2014-2021

There are currently 15 children of P1-P7 age residing within the catchment area of Inveravon School (Census data extract September 2021). These children all attend other schools in the area, all by parental choice. The majority attend Knockando Primary School with a smaller number at Aberlour School.

School roll forecasts show a very small number of families living in the catchment area with children that are under school age. SEEMIS data indicates there were 2 children within the Inveravon catchment that could have enrolled for P1 in August 2022 but no requests were made. A similar number of children can enrol in 2023 and 2024 but if they did the school roll numbers would remain below 10.

4.5 Occupancy

In line with the Learning Estates Strategy an ideal school occupancy level would be approximately 80%, aspiring to the occupancy band of between 60% and 80%.

At its peak the school roll had 15 pupils in the 2014-2015 session – an occupancy of just 30%. Such a low occupancy level is unsustainable, unaffordable and does not offer best value.

4.6 Pupil Enrolments

No families have approached Moray Council to enrol their children at Inveravon School, either as a new P1 start or as a placing request. Additionally, no families have approached officers to indicate that if there were sufficient other families in a similar position that they would consider moving their children back to the school.

4.7 Inveravon Community

While in operation, the school did not operate a breakfast or after school club and there were no formal lets of the school. The children and the community did have free access to the school garden and the hall for badminton.

Speyside Community Centre is adjacent to Speyside High school and is approximately 6.7 miles away. The Community centre has a swimming pool, fitness suite, climbing wall and outdoor pitches with a regular programme of activities. Both the School and Community centre has a range of rooms and facilities for hire for activities such as exercise classes, courses, committee meetings, sports and hobbies, counselling sessions, training sessions and rehearsals.

Glenlivet Public Hall is approximately 6.1 miles away, the hall is used by a number of groups for regular weekly meetings involving sports, music, dancing and more. Beside these regular user the hall aims to provide a venue for other public events. Behind the hall there is a football pitch. The football pitch is used regularly by the football and archery clubs and can be booked for private events.

4.8 Options for Consideration

Some comments proposed that the school reopen. However, this requires families wishing to send their children to the school. As no new pupil enrolments had been received for the 2022-23 session, reopening of the school was not possible. On this basis the school continues to be mothballed.

Alternative suggestions for the school building were received with the focus on community use and economic development. Due to the land ownership situation these options would require commitment from other agents. These options cannot be implemented without the formal closure of the school.

A full list of suggestions and comments with an overview of the requirements for them to be implemented can be found in the below table.

No.	Comment/Suggestion	Requirement for implementation
1	Community space for activities	School closure process - private provider commitment
2	Outdoor activity centre	School closure process - involvement of private provider

3	Community cafe	School closure process - private provider commitment
4	Rural business centre	School closure process - private provider commitment
5	Residential property	School closure process - private land owner commitment

Table 4 – Alternative use suggestions

The following options were considered for the future of Inveravon Primary School as part of the options appraisal:

1 Reopen the school – No pupils have enrolled at the school and no families have indicated that they would wish to attend the school. This option has been discounted.

2 Continue Status Quo – School remains mothballed for a further session and potentially beyond. The school has been mothballed since August 2017, such prolonged time has already caused uncertainty for families and the community. Therefore, this option has been discounted.

3 Consider closing Inveravon Primary School and rezoning pupils to attend another school in the Speyside Associated Schools Group.

5. Conclusion

One of the options identified as part of the appraisal is to close Inveravon School. This is currently considered to be the only viable option for the school; therefore, Moray Council must undertake a statutory consultation under the Schools (Consultation) (Scotland) Act 2010. As a rural school there is a presumption against closure and Moray Council must ensure all other alternatives have been identified and robustly considered prior to undertaking any statutory consultation on this matter.

Appendix A - Community Engagement Comments and Suggestions

Appendix B - Inveravon School Floorplan

Appendix A – Community Engagement Comments and Suggestions

(Received during informal engagement)

The Learning Estate team engaged with the community over 4 sessions in order to fully inform and explore the potential options on the future for Inveravon Primary School.

- 7 December 2021 – online Public meeting with the community and parents to outline future engagement.
- 2 February 2022 – online public meeting to discuss future options for the school.
- 8 March 2022 – community engagement session at Speyside High School, Aberlour to further explore options.
- 10 March 2022 – meeting with parents at Knockando Primary School.
- 16 February 2022 to present – comment boxes available, and opportunity to send comments via email to the Learning Estate Team.

Residents in the catchment area were notified of the meetings by two mail drops. Details of the meetings were also published on the Moray Council website, social media channels and distributed to the local media.

Secure comment boxes were situated at Aberlour Library, Knockando Primary School and Glenlivet Medical Practice from February to June 2022. 6 parent and 19 resident comment were received during this period.

The table below provides an overview of the Comments and Suggestions from community engagements (February 2022 - June 2022)

Ref No.	Comment/Suggestion	Wants	Requirements for implementation
1	Email – Parent (Inveravon Catchment) Whilst it would be lovely for our son to attend school much closer to home than Knockando, I strongly feel that the quality of his social and academic education should come first. Unless the school roll can be reliably and consistently at a level to facilitate age appropriate group learning and play activities then I would not support the reopening of Inveravon Primary. By this, I'm not an expert, but I would be thinking in the order of 25+ pupils. There is so much to be gained in the social interactions and the things that are possible with the increased	School closure	School closure Process

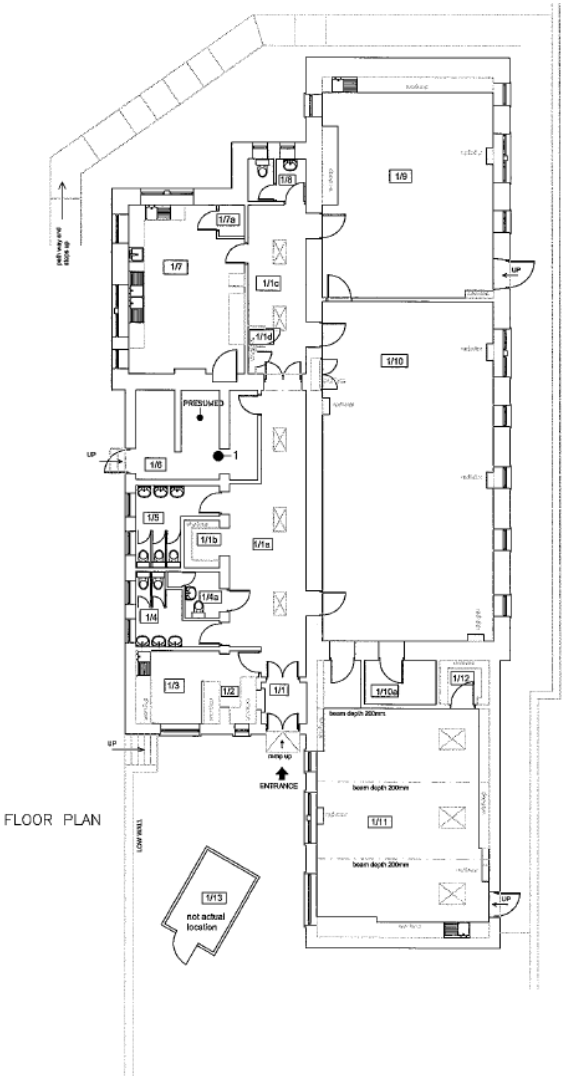
	<p>numbers at the combined provision, but for current skills development and in preparation for high school and beyond.</p> <p>A number of years ago there was suggestion of a new build combined school for Knockando, Inveravon and Glenlivet at a site in Marypark. This would have been excellent.</p> <p>I am very happy with the calibre of teaching and support at Knockando, but modern facilities (and space!) would really benefit all the pupils.</p> <p>Whatever decision is made it must be one that is in the best interests of current and future pupils.</p> <p>I am well aware personally and professionally of the implications in regard to transport etc., but do not find these unresolvable.</p> <p>There are of course wider community benefits that come from having a school facility in a rural community, but these should not overshadow the main function of the building.</p>		
2	<p>Inveravon Community Resident (Meeting):</p> <p>Any local parent looking for options for schools would not see the school on any part of the council website.</p>	School closure	School closure Process
3	<p>Survey – Parent (Inveravon Catchment)</p> <p>Children at Knockando their whole school life. Another starting in August. If they went to Inveravon they would be in class by themselves which would be unsettling for the child.</p>	School closure	School Closure Process
4	<p>Inveravon Community Resident (Meeting):</p> <p>Would love to make use of the school if possible for community-based activities.</p>	Community Space	School closure Process – Community Commitment
5	<p>Inveravon Community Resident (Meeting):</p> <p>Just looks like closing by stealth, take the teachers away, head hunted, supply teachers, no wonder the pupils were taken elsewhere, a calculated move to close it.</p>		Addressed at meeting
6	Tomintoul and Glenlivet Trust		

	<p>The trust conducted some consultation with community in April 2021 about general community priorities. Included community assets within the survey.</p> <p>3 main views around the school:</p> <ul style="list-style-type: none"> ○ (1) Reinstated as school, ○ (2) Community space for activities ○ (3) Outdoor activity centre 	<p>School re-opened</p> <p>Community Space</p>	<p>School closure Process – Community Commitment</p>
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8	<p>Inveravon Community Resident (Meeting):</p> <p>How many schools have been mothballed in the last 10 years?</p>		<p>Addressed at meeting</p>
12	<p>Inveravon Community Resident (Meeting):</p> <p>Problem with getting roll over 10, unless you get 10 sets of parents, it's a catch-22</p>		<p>Addressed at meeting</p>
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16	<p>Inveravon Community Resident (Meeting):</p> <p>Has and will the building be kept wind and water tight and repair and maintenance be undertaken while school remains moth balled?</p>		<p>Addressed at meeting</p>
17	<p>Inveravon Community Resident (Meeting):</p>		<p>Addressed at meeting</p>

	Will this repair and maintenance activity include the garden and grounds?		
18	Is there anything of any value within the school that could be reused – or donated (e.g. Ukrainian appeal)?		Followed up post meeting
19	Inveravon Community Resident (Meeting): Can you confirm who would be responsible for the building in the event of its closure?		Addressed at meeting
20	Inveravon Community Resident (Meeting): Having attended Inveravon Primary myself as a child and now seeing my children currently attend Knockando Primary I feel the resources are/can be better used by directing them fully to Knockando. I feel the school at Knockando is very well run (in our experience) and being part of a slightly larger school community with access to better resources is far more beneficial for our children. Families have the option of applying to Aberlour & Glenlivet also which again fields resources/funding to established learning communities. Rural schools are very important but in this case our family feels there are better opportunities at other schools which would be further enhanced if funding was not re-directed to re-opening Inveravon and rather put towards the other 'rural' schools still open in the area. I have very fond memories of my time at Inveravon but in this current age, this school is no longer sustainable in my opinion.	School Closure	School Closure Process
22	Survey – Parent (Inveravon Catchment) Close it, sell it!	School Closure	School Closure Process
22	Survey – Parent (Inveravon Catchment) As a parent of 2 school aged children, I feel Inveravon needs closed completely, ASAP. My children are very happy attending Knockando Primary School and I would not be moving then under any circumstances.	School Closure	School Closure Process

	It also seems unfair that Knockando Primary cannot have a permanent Heat Teacher until this is resolved.		
23	Survey – Parent (Inveravon Catchment) We feel Inveravon Primary should be closed and financial & staff resources should be consolidated to provide a modern equipped resource for the wider area.	School Closure	School Closure Process
24	Survey – Parent (Inveravon Catchment) I think Moray Council needs to fully close Inveravon as it is just wasting money which could be used to improve education elsewhere in the area. There will never be enough children to deem the school fit to be open so it needs to be closed not mothballed.	School Closure	School Closure Process
25	Inveravon Community Resident (Meeting): This was a lovely primary school which was very outgoing in the community. Even though I live in Aberlour I attended the PTA quiz nights, etc. It is so sad not to see the building in use for it's intended purpose – as it is one of the basics of a community. I really hope that it will be re-opened.	School re-opened	

Appendix B: Inveravon School Floorplan



Room Number	Room Usage	Nat. Floor Area	Ceiling Height approx.	Floor Area Minus Fixed Furniture etc.	Max. Capacity (No. of Children)
1/1	Entrance Porch	3sq.m.	2400mm		
1/7a	Access Corridor	28sq.m.	2400mm		
1/7b	Library	2.8sq.m.	2400mm		
1/7c	Access Corridor	14sq.m.	2400mm		
1/7d	Electric	6sq.m.	2400mm		
1/2 & 1/3	Reception / Staff Room	13.5sq.m.	2400mm		
1/4	Boys Toilet	6.4sq.m.	2400mm		
1/5a	Disabled Persons Toilet	2.4sq.m.	2400mm		
1/5	Girls Toilet	7.5sq.m.	2400mm		
1/6	Breaker Room	19sq.m.			
1/7	Kitchen	38.5sq.m.	4000mm		
1/7a	Store	1.5sq.m.	2200mm		
1/8	Staff Toilet	5.7sq.m.	2000mm	51.2sq.m.	54 (13)
1/9	Classroom	28sq.m.	6000mm	88.9sq.m.	89
1/10	Hall	88sq.m.	4000mm		
1/10a	Classroom	84sq.m.	6000mm	83.8sq.m.	88 (13)
1/11	Class	5.3sq.m.	6000mm		
1/12	Shed	7.3sq.m.			

TOTAL NET INTERNAL FLOOR AREA = Approx. 1035.4sq.m

ASBESTOS LABELED

1 = AREA (NUMBERED)

● = ASBESTOS SAMPLES TAKEN / SAMPLE REFERENCE NUMBER

● = NON ASBESTOS SAMPLES TAKEN / SAMPLE REFERENCE NUMBER


BUILDING REFERENCE No. 627428

LEGEND

TOTAL GROSS INTERNAL FLOOR AREA OF SCHOOL = Approx. 200 sq.m.

SINGLE STOREY BUILDING

DRAWING UPDATES		
DATE	DRAWN	CONTRACT NO.
MARCH 1996	VB	NEW FORMAT

Project : INVERAVON PRIMARY SCHOOL INVERAVON		Drawing Title : PLANS AS EXISTING	
	Scale : 1:150	Date : 07/01/04	Environmental Services Department Property Manager The Moray Council Council Office, High Street, Elgin, AB20 1BX Telephone 01343 543451 Telefax 01343 551929
	Drawn : VB	Drawing Number : SCHOOLS/INVER/VB/01	

Appendix A2

Community Engagement Comments and Suggestions

(Received during informal engagement)

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Appendix A3
Inveravon Primary School - Financial Report

Table 1

	Column 1	Column 2	Column 3	Column 4	Column 5
Row 1	Current revenue costs for school proposed for closure				
Row 2	Name of School Inveravon Primary School	Costs for full financial year (2016/2017 annual costs)	Costs financial year (2022/23 Forecast annual costs IF REOPENED)	Additional financial impact on receiving schools [Knockando] - note 2	Annual recurring savings (column 3 minus column 4)
Row 3	School Costs				
Row 4	Employee Costs				
Row 5	Staff Costs - note 1	£ 113,106.00	£ 142,721.00	£ 38,730.00	£ 103,991.00
Row 6					
Row 7	Property Costs:				
Row 8	property insurance	£ 460.92	£ 460.92		£ 460.92
Row 9	non domestic rates	100% rural relief	100% rural relief	100% rural relief	
Row 10	water & sewerage charges	£ 347.00	£ 795.00		£ 795.00
Row 11	energy costs	£ 6,577.00	£ 8,415.00		£ 8,415.00
Row 12	cleaning (contract or inhouse)	£ 81.00	£ 82.00		£ 82.00
Row 13	building repair & maintenance	£ 576.00	£ 576.00		£ 576.00
Row 14	grounds maintenance	£ 650.00	£ 650.00		£ 650.00
Row 15	facilities management costs - note 6	£ -			£ -
Row 16	revenue costs arising from capital	£ -			£ -
Row 17	other	£ -			£ -
Row 18	PROPERTY COSTS SUB-TOTAL	£ 8,691.92	£ 10,978.92		£ 10,978.92
Row 19	School Operational Costs:				
Row 20	learning materials	£ 1,460.00	£ 1,449.00		£ 1,449.00
Row 21	catering (contract or inhouse)				£ -
Row 22	furniture and equipment	£ 231.00	£ 230.00		£ 230.00
Row 23	other school operational costs (e.g. licences)	£ 485.00	£ 484.00		£ 484.00
Row 24	Curricular and Staff Support	£ 350.00	£ 346.00		£ 346.00
Row 25	Transport costs: note 3	£ 208.34	£ 557.55	£ 557.55	£ -
Row 26	staff travel	£ 309.00	£ 310.00		£ 310.00
Row 27					£ -
Row 28	SCHOOL OPERATIONAL COSTS SUB-TOTAL	£ 3,043.34	£ 3,376.55		£ 3,376.55
Row 29	SCHOOL COSTS	£ 124,841.26	£ 157,076.47		£ 118,346.47
Row 30					
Row 31	UNIT COST PER PUPIL PER YEAR (5)	£ 24,968.25	£ 31,415.29		

Assumed No of Pupils 5

Notes
1. The annual recurring savings on staff is the difference between school open and mothballed. A further saving of £45,175 will be realised if Inveravon is closed and after cash conserved salary periods end (3 years from closure).
2. Due to small pupil numbers and no staff taken on during mothballing of Inveravon there is no impact on staff costs at either Aberlour or Glenlivet primary schools if rezoned
3: Cost for pupil transport was not impacted when temporary rezoning to Knockando on mothballing of Interavon. Similarly the recontracting for 21/22 would not be impacted in Inveravon did reopen

Table 2	Column 6	Column 7	Column 10
Capital Costs		School Proposed for Closure	Receiving School
Capital Life Cycle cost - note 7		-	-
Third party contributions to capital costs		-	-

Table 3	Column 6	Column 7
Annual Property costs incurred (mothballing) until closure		
property insurance	£ 460.92	
non domestic rates	100% rural relief	
water & sewerage charges	£ 141.00	
energy costs	£ 439.00	
cleaning (contract or inhouse)	£ -	
building repair & maintenance - note	£ 1,336.00	
grounds maintenance	£ 655.00	
facilities management costs - note 6	£ -	
revenue costs arising from capital	£ -	
other		
TOTAL ANNUAL COST UNTIL DISPOSAL	£ 3,031.92	

Table 4	Column 6	Column 7
Non-recurring revenue costs		
	£ -	
TOTAL NON-RECURRING REVENUE COST	£ -	



Appendix B

Public Consultation Meeting Closure of Inveravon Primary School 27 September 2022 at 1.30pm

In Person meeting at Inveravon Church

Moray Council Officers present:

Jo Shirriffs, Head of Education Resources & Communities; Andy Hall, Programme Manager (Learning Estate); Stewart McLauchlan, Quality improvement Manager; Jane Martin Community Support Officer (Learning Estate)

HMI Inspector Present

Sheila Brown

Elected Members present:

None

Public attendance

11 members of the public also attended – one of whom arrived during the discussions.

Apologies:

No apologies were received.

1. Welcome and Introductions

Andy Hall opened the meeting and welcomed everyone to the meeting. He introduced the officer present and that a minute would be taken by Jane Martin. Andy Hall confirmed the format of the meeting would be an overview of the proposal by a PowerPoint presentation followed by an opportunity for discussion from the floor.

2. Consultation Overview

Andy Hall informed the meeting that the proposal currently under statutory consultation is the closure of Inveravon Primary School. The consultation proposes to discontinue education at Inveravon School, which is currently mothballed and re-assign its catchment area to other school(s) within the Speyside High School ASG.

3. Consultation process

The consultation is in line with the School (Consultation) (Scotland) Act 2010. The 2010 Act's principal purpose is to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools.

The consultation will take into account

- Any reasonable alternatives to the proposal
- Specific requirements to be reviewed for a rural school



- the likely educational benefits;
- the likely community impact; and
- the likely effect of any different travelling arrangements

These consultation processes are expected to be robust, open, transparent and fair, and seen to be so. The process runs Monday 29 August 2022 to Friday 7 October 2022.

4. Background

No children have attended Inveravon Primary School since the end of session 2016/17, when the school was mothballed. The decision to mothball was taken as no pupils were enrolled from August 2017. There have been no parents that have chosen to enrol their children at Inveravon Primary School up to and including the 2022/23 sessions. The number of primary school children in the Inveravon Primary School catchment totals 15 for the 2022/23 session.

There were a series of Community engagement on the school in February and March 2022 with online public meetings. Comments boxes were left in key locations in the area from February to August for the general public to make comments.

The outcome of the Options Appraisal was presented to the Education, Childcare and Leisure Services Committee on 24 August 2022. After deliberation and a vote approval was agreed by Councillors for Public Consultation on the closure of Inveravon School.

5. Options Considered

Alternatives to Closure:

- to re-open Inveravon Primary School with its current catchment area
- to continue with the current “mothballing” arrangement

Proposed Options:

- Option 1 - Close Inveravon Primary School and rezone to Knockando Primary School. As per current mothball arrangement. Transportation will be provided by the council. Parental option to out of school catchment, transportation will not be funded
- Option 2 - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School. Considers Maryhill catchment shifting to Aberlour School. Council funded transportation provided to Knockando and Aberlour schools within respective catchments. Parental option to request school out of catchment, transportation will not be provided.
- Option 3 - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools. Considers Maryhill catchment shifting to Aberlour School and small are to Glenlivet, determined by



postcode. Council funded transportation provided to Knockando, Aberlour and Glenlivet within respective catchments. Parental option for request school out of catchment, transportation will not be funded.

Discounted Options:

- Option 4 - Close Inveravon Primary School and rezone with Aberlour Primary School
- Option 5 - Close Inveravon Primary School and rezone with Glenlivet Primary School

Public submissions during consultation

- A copy of our statutory consultation document which proposes the closure of Inveravon Primary School can be accessed on the Moray Council website at:
- http://www.moray.gov.uk/moray_standard/page_105407.html
- Full copies of the proposal are available for reference at Elgin Library; Aberlour Library; Ballindalloch Post Office; Glenlivet Medical Practice; Aberlour Primary School; Glenlivet Primary School; Knockando Primary School; and Speyside High School.
- If you would like to receive a copy by email or post, please contact the Learning Estate Team by emailing learningestate@moray.gov.uk.
- The consultation will run from 29 August until 7 October 2022 and an online survey will be available as part of the process. This can be completed at the following address or by scanning the QR code.
<https://www.surveymonkey.co.uk/r/InveravonConsultation>
- Any written comments on the proposal must be received by Moray Council within this time in order for them to be taken into account. They should either be posted to Learning Estate Team, Moray Council Office, Room 207a, High Street, Elgin, Moray, IV30 1BX or emailed to learningestate@moray.gov.uk

6. Next Steps

- Phase 2 - Consultation (concludes 7 October 2022)
- Phase 3 – on submission of consultation and other documentation Education Scotland will prepare report on the educational aspects of the proposal (3 weeks)
HMI visit 25/26 Oct
Meetings at schools/parental sessions
- Phase 4 – Preparation and publication of consultation report
- Phase 5 – Decision process
 - 25 January 2023 - Recommendation to Education, Childcare and Leisure Services Committee
 - 1 March 2023 - Recommendation to and decision at Full Council
 - If closure decision: Authority must notify Scottish Ministers with 6 working days Publish notice on website



Closure Decision

- Phase 6 – Ministerial call in
 - Initial 3 weeks from notification of decision anyone can make representation to Ministers
 - Further 5 weeks for Ministers to decide whether or not to issue a call-in notice
 - During 8 week period the Authority cannot proceed to implement proposed closure
- Phase 7 – School Closure Review Panel
 - If Ministers call in
 - Max 9 to 17 weeks

Non-closure Decision

- Phase 8 – Restriction on school closure for 5 years

7. Questions from the floor

Andy Hall opened the floor for questions, asking anyone wishing to comment may do so.

Deputy Lord Lieutenant – The school is in bad order, how has this been allowed to happen what will the cost to get the building back into order.

AH – Although this is a valid criticism, Inveravon is on par with other schools across Moray. A make-do-and-mend approach has been adopted across the Moray school estate. The school has been maintained wind and watertight and a flood issue was addressed last winter. During Covid there authority had different priorities to meet. The school and land is not owned by the authority but Ballindalloch Estate and would be handed back.

Deputy Lord Lieutenant – appreciate that not enough resources from the government are given to councils to look after schools.

Glenlivet & Inveravon Development Trust – Is this why we did not get parents signing up for the school as it is not viable.

AH – There are historical reasons not related to school condition; the size of the school role, peer interactions, parental choice.

Resident – I spoke to parents who were opposed not all parents were of the same mind.

Resident – Parents won't put their children to a school that has been mothballed.

Resident – How many schools have been mothballed in Moray?

AH – I am aware of only one school within last 15 year, Cabrach Primary School. The mothballing of Inveravon came into play when the school role fell to zero. Parents took the decision to move their children when families relocated and the role fell to five in August 2017. The council had no policy at the time to trigger numbers to consider mothballing.



SM - In terms of Education Benefits, we outlined the range of experiences and opportunities presented from attending neighbouring schools in line with HMI guidance. Inveravon has been mothballed for 5 years and is not operational. Children indicate from responses that they are happy attending other schools and have wider opportunities for mixing with peers, ages, engagement in group activities and wide educational benefits. Description is not provided regarding education benefits for Inveravon where currently the school is mothballed and any commentary would have been in past times, when the school was operating in a very different climate.

Glenlivet & Inveravon Development Trust – Is Glenlivet Primary School at risk of closing?

AH – It is not at risk, the current school role is twenty four and is steady for the foreseeable future. The Scottish Government Policy is to keep rural schools open.

Resident – My granddaughter had a great experience at the school, my daughter was disappointed that she had to take her daughter out. My personal view is that other parents campaigned to keep it open.

Resident – I went to Inveravon has a child, we had a large room compartmented to peer groups, this is as healthy as a large peer group.

AH – Nobody has said that the school was not performing. The evidence we have on the situation was that parents elected to move their children from the school therefore the role fell to zero.

Resident – Once a school is mothballed it is doomed and becomes a foregone conclusion, it is economically driven rather than educational.

AH – That is not the approach of Moray Council. The 2010 Act protects all rural schools. If there is evidence of a desire to re-open Inveravon Primary School we would, but we cannot remain in a mothballed situation indefinitely. The driver is that the school role is zero and there has been no interest in children enrolling over the last 5 years.

Resident – Why was the school not showing on the Moray Council website as an available school? This was not an ideal situation to encourage parents to choose. Why has it taken 5 years? The decision has already been made.

AH – We are a relatively new team who have inherited the situation and realise that errors may have been made in the past, when we were made aware of this previously by yourself we remedied it immediately. Covid put a halt on moving forward with the school.

JS – We want to ensure you that we will presenting everything fully, notes are being taken today of discussions and will be presented in the report.

AH – We have been open and honest about how things may have been done better in the past. Please respond to the consultation. This information will be



collated and included in the final report for Councillors to inform their future decision.

Resident – Why has it taken over the 3 years recommended for mothballing?

JS – Acknowledge that this should have happened earlier. Various circumstances led us into this situation. Covid was one of the main contributing factors, also there has been a staff restructuring within the Council during this same period. There is now the new team established to take forward the Learning Estate and ensure this does not happen again.

Resident – Have you had discussions with councillors for the ward?

AH – Pre engagement discussions have been made with all councillors.

Resident – How much has been taken into account for the social circumstances for residents, many who move into the area for rural living. If the school is closed the community have no chance for regeneration.

AH – The land and building is owned by the Ballindalloch Estate, if the school is closed everything will be transferred back to them. We have and will continue to forward ideas for the use of the school building should the decision to close be taken that are provided to use via the previous engagement and current consultation process. A number of these ideas – such as rural business hub – seek to support area regeneration.

Resident – The Church built the school

AH – I was not aware of that. We do not have access to the original full title deeds (which would be over 100 years old), our legal department are working on getting access to these. What is not in doubt is the ownership issue – the land and, by inference the building on it, would transfer to the Ballindalloch Estate if the school closes. A small strip of ground in the playground is owned by the council, it is not viable in isolation and would be transferred also.

JS – This is a unique historical situation regarding the building, as Andy has said our legal team are working on this.

AH – The Ballindalloch Estate have their own thoughts on regeneration. Although we have no influence on the future we will share ideas from the engagement and consultation process

Resident – The discussion with the council is about the social loss. Speyside receive a disproportionate contribution are they looking at support for the social factors.

JS – This was picked up in the consultation proposal document, we can only work with the information and data we have, it is difficult to invest if we cannot plan.

AH – Moray council does look at economic growth and nothing has changed in the last 5 years



AH – This will go to committee with elected members who will have the final decision on the school with the information presented to them from the consultation.

Resident – My mothballing understanding that the building stays in a functional state.

JS – We have been dealing with a make-do-and-mend focus on schools that are in use.

AH – I inherited the approach and is not the best way to manage old buildings. Incidents have happened in the school building over the last few years and theses have been addressed. A recent Conditions survey states that it is at a category C which is in line with the majority of schools across Moray.

Resident – You should have come across and email I sent in 2018 regarding the Gazebo and Polly Tunnel that the school fundraised for, that was destroyed and taken down following mothballing.

AH – I have been made aware of this but do have any historical communications – we continue to try and ascertain the facts about what happen will look to provide a formal response in our consultation report. We appreciate that issues during mothballing could have been handled better and we have explained that this was partly due to organisational restructuring, resourcing and COVID issues during this same period.

Resident – There is a pattern in every step you have taken to close the school, foregone conclusion!

Resident – What has been the involvement of the Councillors? I contacted Walter Wilson and received no reply.

AH – We went through the proposal document with local Councillors and they have seen the evidence presented to them informally and in Committee.

The key things for what next is we have published and shared the proposals with the community and councillors and engaging with the community with meetings this afternoon and evening with an online meeting tomorrow

We have two weeks to submit our consultation proposal and feedback to Education Scotland. They will have three weeks to respond, during this time they will meet with parents and children of the schools and report.

Once complete we will prepare and publish the final Consultation report, capturing all comments, but note that there may be some gaps in historical data for reasons previously stated

Resident - In terms of options for the catchment, why has Glenlivet School not been included we are a community.

AH – A full re-zoning to Glenlivet was not consider as there had been on historical or recent desire at engagement session earlier this year for parents to send their



children to Glenlivet. In addition we also considered average distances of travel and winter road conditions.

Resident – Did parents choose Knockando School and the few that went to Aberlour?

AH – Our understanding is that the majority of parents choose to send their children to Knockando as the schools share a Head Teacher and it was similar rural school setting. During mothballing the Inveravon catchment has been temporarily rezoned to Knockando so that transportation is provided. We are not aware of the reasons why a couple of families elected to enrol their children at Aberlour but that was their parental choice. These families do not benefit from Council provided transport.

Resident – Moray Council has hostility, actions and attitude to rural schools

AH – We have not seen evidence of this. We have acknowledged that the Council could done better at communicating the situation since mothballing – but since the Learning Estate Team has been established the lessons learnt have been addressed.

Resident – Has there been a Moray Quality audit since 2012.

SM – We undertake regular Quality Improvement Visits to schools undertaken by link Quality Improvement Officers. We currently use How Good is Our School? Version 4 quality indicator framework where at that time, pre 2016/2017 we used an older framework – How Good Is Our School? 3 which is not current. Any commentary made is now time-served based on education standards at that time. HMLe have also removed older pre-2016 Inspection Reports from their website for this reason, showing only a moment in time based on staffing etc. at that time. It would not be possible to compare time-served reports and audits with current status quo in schools, post-pandemic. Learner views are central to our processes. We currently base our visits and evaluations on How Good is Our School version 4.

Resident – You are taking the heart out of the community there is a broader philosophy to education. I am shocked what is going on, this effects the widespread community with other things closing the Hotel what next the shop?

Why in a number of weeks did the school role go from 10 to zero? Has there been an investigation to quantity and quality of school staff.

JS – The consultation process will allow us to capture the feelings of the community and parents. We are new to the process and building a picture of what has happened and ensuring that lessons learnt for the future.

AH – Responses from parents at the time have not commented on issues of quantity and quality of school staff impacting any decisions to move their children out of school.



Deputy Lord Lieutenant – I am appalled at what has happened and will be writing to the Chief Executive to ask for a full investigation, I appreciate that you have inherited this but we need to know what happened.

Resident – The remote possibility that the school will re-open what will happen if it is not fit for purpose.

AH – If the decision is to keep the school open it will be made fit for purpose. This will be dependent on parents establishing an interest to put their child to Inveravon Primary.

Resident – The Head Teacher left and a temp in her place what happened.

SM – Staff leave for a number of reasons and this may include progression on to new roles as experienced. We cannot stop career development or staff desire to move on but work to support schools where this may have happened with backfill and appointment. I know that schools may want to keep teachers they hold in high regard but this is out with the local authority control and down to individual teacher's wishes. We continue to support recruitment to posts and staff professional development but at times have a limited supply available.

Resident – Rural Schools are on a knife edge regarding their viability

AH - Rural schools in Moray, as with many Local Authorities in Scotland pose a challenge with a majority with falling rolls and increasing costs. However, the School Act 2010 makes clear additional factors that should be applied and considered when considering the closure of a rural school. These have been applied during the options appraisal and detailed in the closure proposal for Inveravon Primary School.

8 Close

Andy Hall thanked everyone for attending the meeting and the importance of officers gaining feedback. He encouraged everyone to participate fully in the consultation and promoted the online survey, the Speyside High School meeting in the evening and the online meeting the next day, 28th September, an invite to which can be obtained by emailing the learning estate team.



Appendix C

Public Consultation Meeting Closure of Inveravon Primary School 27 September 2022 at 7.00pm

In Person meeting at Speyside High School

Moray Council Officers present:

Jo Shirriffs, Head of Education Resources & Communities; Andy Hall, Programme Manager (Learning Estate); Stewart McLauchlan, Quality improvement Manager; Jane Martin Community Support Officer (Learning Estate)

HMI Inspector Present

Sheila Brown

Elected Members present:

None

Public attendance

2 members of the public also attended

Apologies:

No apologies were received.

1. Welcome and Introductions

The members of public agreed not to continue with the presentation, however if there should be any further attendees the meeting would proceed. They reiterated to officers their comments from the meeting at Inveravon Church in the afternoon.

2. Close

The meeting concluded at 8:00pm with no further attendees.



Appendix D

Online Public Consultation Meeting Closure of Inveravon Primary School 28 September 2022 at 7pm

Moray Council Officers present:

Andy Hall, Programme Manager (Learning Estate)

One member of the public (a local resident) attended the meeting

Apologies:

No apologies were received.

1. Welcome and Introductions

Andy Hall introduced himself and welcome the attendee to the meeting and laid out the agenda for the meeting. He informed the attendee that written minutes would be taken of the meeting and made public as part of the consultation.

2. Consultation Overview

Andy Hall informed the attendee that the proposal currently under statutory consultation is the closure of Inveravon Primary School. The consultation proposes to discontinue education at Inveravon School, which is currently mothballed and re-assign its catchment area to other school(s) within the Speyside High School Associated Support Group.

The consultation is in line with the School (Consultation) (Scotland) Act 2010. The 2010 Act's principal purpose is to provide strong, accountable statutory consultation practices and procedures that local authorities must apply to their handling of all proposals for school closures and other major changes to schools.

The consultation will take into account:

- Any reasonable alternatives to the proposal;
- Specific requirements to be reviewed for a rural school;
- the likely educational benefits;
- the likely community impact; and,
- the likely effect of any different travelling arrangements.

These consultation processes are expected to be robust, open, transparent and fair, and seen to be so. The process runs Monday 29 August 2022 to Friday 7 October 2022.



3. Background

The decision to mothball Inveravon Primary School was taken as no pupils were enrolled from August 2017. No children have attended Inveravon Primary School since the end of session 2016/17, when the school was mothballed. There have been no parents chosen to enrol their children at Inveravon Primary School up to and including the 2022/23 sessions. The number of primary school children in the Inveravon Primary School catchment totals 15 for the 2022/23 session and these are attending either Knockando or Aberlour Primary School.

A series of community engagements on the school took place in February and March 2022 with online public meetings. Comments boxes were left in key locations in the Inveravon catchment area between February to August for the general public to make comments.

The outcome of the Options Appraisal was presented to the Education, Childcare and Leisure Services Committee on 24 August 2022. After deliberation a vote to approve consultation on the closure of Inveravon School was taken.

4. Options Considered

Andy Hall report that a number of alternatives to closure and a number of options that involved closure were considered and the following were outlined at the meeting:

Alternatives to Closure:

- to re-open Inveravon Primary School with its current catchment area
- to continue with the current “mothballing” arrangement

Proposed Options:

- Option 1 - Close Inveravon Primary School and rezone to Knockando Primary School. As per current mothball arrangement. Transportation will be provided by the council. Parental option to out of school catchment, transportation will not be funded
- Option 2 - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School. Considers Maryhill catchment shifting to Aberlour School. Council funded transportation provided to Knockando and Aberlour schools within respective catchments. Parental option to request school out of catchment, transportation will not be provided.
- Option 3 - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools. Considers Maryhill catchment shifting to Aberlour School and small area to Glenlivet, determined by postcode. Council funded transportation provided to Knockando, Aberlour and Glenlivet within respective catchments. Parental option for request school out of catchment, transportation will not be funded.



Discounted Options:

- Option 4 - Close Inveravon Primary School and rezone with Aberlour Primary School
- Option 5 - Close Inveravon Primary School and rezone with Glenlivet Primary School

Andy Hall stressed that it is important in considering the proposed options that they did not have adversely impact any children currently attending the schools affected by this proposal and continuity in their education was paramount. He stated that whichever decision is taken, all existing pupils will not be required to change their school. This will also apply to any younger siblings of those pupils, provided they remain at the same primary school.

5. Questions from the floor

Andy Hall opened the session for questions:

Resident: In the event of closure could the school be considered for use as an outward-bound centre similar to Nethy Bridge?

Andy Hall: If the school were to closure the land and the buildings on it would be handed back to the Ballindalloch who had gifted the land in early 19th century to the then community council as per the land deed agreement so the Council are not in a position to change use; however, community ideas on how the building and land could be used would be forward to the Ballindalloch Estate for their considerations. This idea would be added to this list.

Resident: Could the building be kept open by the Council turned into a local nursery?

Andy Hall: The idea had been discussed with ELC colleagues but the focus on their investment was in the current ELC facilities within Aberlour.

Resident: Could the building be kept open and refurbished as an Additional Support Needs (ASN) centre?

Andy Hall: Moray Council policy is that we endeavour that Additional Support Needs for children and young people should be delivered in a mainstream school. Aberlour Primary School has the Primary Enhanced Provision base for children with Additional Support Needs for the Speyside Associated Schools Group. Most children attend for part of the time, also attending mainstream classes. Knockando and Glenlivet Primary School class teachers support all children where required with support assistant input for targeted need. There is no identified requirement for additional capacity and therefore no justified investment.

Further general discussions on the Moray Learning Estate strategy took place for the remainder of the session.

6. Next Steps

On conclusion of questions Andy Hall outlined the next steps in the process:



- Phase 2 - Consultation (concludes 7 October 2022)
- Phase 3 – on submission of consultation and other documentation
Education Scotland will prepare report on the educational aspects of the proposal (3 weeks)
 - HMI visit 25/26 October
 - Meetings at schools/parental sessions
- Phase 4 – Preparation and publication of consultation report
- Phase 5 – Decision process
 - 25 January 2023 - Recommendation to Education, Childcare and Leisure Services Committee
 - 1 March 2023 - Recommendation to and decision at Full Council
 - If closure decision:
Authority must notify Scottish Ministers with 6 working days
Publish notice on website

7. Close

Andy Hall closed the meeting by emphasising that it is important the Council gain feedback regarding the meeting and the proposal and encouraged further comment and/or feedback via the online survey or direct email to the Learning Estates Team.

Andy Hall closed the meeting at 7:40pm



If a Closure Decision

- Phase 6 – Ministerial call in
 - Initial 3 weeks from notification of decision anyone can make representation to Ministers
 - Further 5 weeks for Ministers to decide whether or not to issue a call-in notice
 - During 8 week period the Authority cannot proceed to implement proposed closure
- Phase 7 – School Closure Review Panel
 - If Ministers call in
 - Max 9 to 17 weeks

If a Non-closure Decision

- Phase 8 – Restriction on school closure for 5 years

8. Close

Andrew Hall thanked everyone for attending the meeting and the importance of officers gaining feedback. He encouraged everyone to participate fully in the consultation and promoted the online survey, the Speyside High School meeting in the evening and the online meeting the next day ,28th September, an invite to which can be obtained by emailing the learning estate team.

Inveravon Primary School Closure Proposal
Parental Feedback (Pre Consultation and Consultation)

Item 8.

APPENDIX E

	Comment/Suggestion
	Pre-consultation (December 2021- March 2022)
1	<p>Email – Parent (Inveravon Catchment)</p> <p>Whilst it would be lovely for our ■ to attend school much closer to home than Knockando, I strongly feel that the quality of ■ social and academic education should come first. Unless the school roll can be reliably and consistently at a level to facilitate age appropriate group learning and play activities then I would not support the reopening of Inveravon Primary. By this, I'm not an expert, but I would be thinking in the order of 25+ pupils. There is so much to be gained in the social interactions and the things that are possible with the increased numbers at the combined provision, but for current skills development and in preparation for high school and beyond. A number of years ago there was suggestion of a new build combined school for Knockando, Inveravon and Glenlivet at a site in Marypark. This would have been excellent.</p> <p>I am very happy with the calibre of teaching and support at Knockando, but modern facilities (and space!) would really benefit all the pupils. Whatever decision is made it must be one that is in the best interests of current and future pupils.</p> <p>I am well aware personally and professionally of the implications in regard to transport etc., but do not find these unresolvable.</p> <p>There are of course wider community benefits that come from having a school facility in a rural community, but these should not overshadow the main function of the building.</p>
2	<p>Survey – Parent (Inveravon Catchment)</p> <p>Children at Knockando their whole school life. Another starting in August. If they went to Inveravon they would be in class by themselves which would be unsettling for the child.</p>
3	<p>Survey – Parent (Inveravon Catchment)</p> <p>Close it, sell it!</p>
4	<p>Survey – Parent (Inveravon Catchment)</p> <p>As a parent of 2 school aged children, I feel Inveravon needs closed completely, ASAP. My children are very happy attending Knockando Primary School and I would not be moving then under any circumstances. It also seems unfair that Knockando Primary cannot have a permanent Heat Teacher until this is resolved.</p>
5	<p>Survey – Parent (Inveravon Catchment)</p> <p>We feel Inveravon Primary should be closed and financial & staff resources should be consolidated to provide a modern equipped resource for the wider area.</p>
6	<p>Survey – Parent (Inveravon Catchment)</p> <p>I think Moray Council needs to fully close Inveravon as it is just wasting money which could be used to improve education elsewhere in the area. There will never</p>

Inveravon Primary School Closure Proposal
Parental Feedback (Pre Consultation and Consultation)

	be enough children to deem the school fit to be open so it needs to be closed not mothballed.
7	Survey – Parent (Inveravon Catchment) We are delighted with the education provision at Knockando Primary school. Our children love going to School and feel part of the school community. In the event of Inveravon primary School closing, we would hope that our children continue to be zoned to Knockando primary School.
	Consultation (August 2022 to 7 October 2022)
8	Knockando Parent/Carer (Inveravon Catchment) We are only temporary residents to the area so feel we can't formerly comment. However, having attended Inveravon Primary myself as a child and now seeing my children currently attend Knocked Primary I feel the recourses are/can be better used by moving them fully to Knockando. I feel the school at Knockando is very well run (in our experience) and being part of a slightly larger school community with access to better resources is far more beneficial for our children. Families have the option of applying to Aberlour and Glenlivet also which again fields resources/funding to established learning communities. Rural schools are very important but in this case our family feels there are better opportunities at other schools which would be further enhanced if funding was not re-directed into re-opening Inveravon and rather put towards the other "rural" schools still open in the area. I have very fond memories of my time at Inveravon but in this current age, this school is no longer sustainable in my opinion.
9	Knockando Parent/Carer (Inveravon Catchment) We are delighted with the education provision at Knockando Primary School. Our children love going to school and feel part of the school community. In the event of Inveravon Primary School closing, we would hope that our children continue to be zoned to Knockando Primary School.

Appendix F

Inveravon Primary School Closure

Aberlour Primary School Pupil Engagement

- **Do you think Inveravon Primary School should re-open? Why?**

- P1-2** If some people went to Inveravon then there would be less people at other schools.
It make more children learn
People wouldn't have to drive so far then they could go to that school (Inveravon).
New children can go to the school, get invited, and get a new teacher.
- P2-3** It's the closest school to me it has nature around it that I like
It would cost less in fuel if the people could walk there
Some people might live really close and it would be easier to get there.
- P4-5** No pupils have heard of the school
- P5-6** **Yes** – because some children may need to go to there if there are no room elsewhere.
Lots of children like there and not school nearby
Aberlour to far – long journey for parents, expensive at the moment.
Children's rights – right to education so the school should reopen.
Fuel prices going up – to expensive.
- P6-7** I don't know where Inveravon school is or what it is – 17 responses
Not bothered about it
Yes - 1 response
No – everyone is happy in their new schools.
- ASN Not able to comment

- **If Inveravon Primary School did re-open, would you like to go there? Why?**

- P1-2** Yes – could do lots of fun activities
Lots of art there
Not sure
- No – it might have a smaller playground
Picked up by anyone
Not as fun things as here (Aberlour)
Games would be different
Classrooms smaller
Friends different

P2-3	Because it is closer to me
P4-5	No responses
P5-6	Yes - It's the closest school to my house, would like a change, but would miss friends. No – Mostly
P6-7	No – want to stay at Aberlour I should have gone to that school but I live sometimes in Aberlour with Dad and Mum works in Aberlour
ASN	Not able to comment

• **What do you like about your current school? What would be different if you had to go to Inveravon Primary School?**

P1-2	Likes about Aberlour Primary School Teachers Do PE in a big playground Playing I like the writing we do I like focussing on my task Like the toys The homework What would be different Food Different tables (colours) Not nice teachers The hallways Toys Would be as kind
P2-3	Like about Aberlour Primary Playing with friends Kind teachers If I'm not feeling well my house is not far away I like the classrooms and all the stuff on the walls Wonderful people I love the garden I like the work
P4-5	What we like at current school Doing science, reading, learning maths, PE, nice teachers who are fun, grammar, ICT with Mrs Griffiths, art

- P5-6** Lots of friends and good food
Teachers are nice here
Nice classrooms, colourful
Like how teachers are caring – handle my allergy
Wouldn't have friends at new school, everything would be different.
Wouldn't know anyone/teachers
Don't know routines of a new school
- P6-7** Big playground and playground equipment, garden, teaches and pupils are nice, lots of people in the school so lots of friends, lots of opportunities and activities.
The school is financially stable
People are treated equally
Covid masks are no longer needed
Different class combinations and composites.
It has heating
Don't know what would be different.
People could use Inveravon for something else – farmers market, community hall.
- ASN** Not able to comment.

Glenlivet Primary School Pupil Engagement – P1-7 (13 pupils present)

- Do you think Inveravon Primary School should re-open? Why?**

- P1-7** There are 13 children in school today, 5 children knew where Inveravon Primary School is
10 out of 13 thought the school should re-open
P7 pupil said, "Maybe more families will move into the area. It would be hard for them without a school nearby.
P6 pupil said, "I think it should reopen so that the children can go to the same school as their friends."
P6 pupil said, "I think it should reopen so that the children can go to the same school as their friends."

- If Inveravon Primary School did re-open, would you like to go there? Why?**

- P1-7** No one wanted to go to Inveravon if it reopened
One P6 children said, "It might be a good school, but we don't know."

- What do you like about your current school? What would be different if you had to go to Inveravon Primary School?**

- P1-7** These are the comments from the class about their school

Friendly children and staff, I like all the people, everyone is nice to each other
 Good teachers
 Maths lessons
 Colourful environment inside and outside
 I like everything
 I like the playground and the playground equipment.
 I like the variety of ways you can achieve in school
 My teacher makes learning fun
 There are lots of active outdoor activities to do, for example walks, gardening and Woodland Wednesdays.

Knockando Primary School Pupil Engagement – All responses collated here

• **Do you think Inveravon Primary School should re-open? Why?**

P1-7 21/37 possible said 'Yes' it should re-open but most of these couldn't give a reason why and only 2 are zoned for Inveravon
 'I remember it being a nice school in P1.' P7 Former pupil, no longer
 'I remember it was a nice school for visiting.' P7 pupil, Archiestown
 My friends Mum used to work there.', P5 pupil, Carron

• **If Inveravon Primary School did re-open, would you like to go there? Why?**

P1-7 8/37 pupils said they would like to go there. Of these 5 are zoned for Inveravon
 Smaller school and more space (Ballindalloch)
 Nice school (Ballindalloch)
 I've been to different schools and I like going to different schools as more chance of seeing a friend at the park. (Carron)
 An older sibling went there (Ballindalloch)
 Nearer to home (Ballindalloch)

• **What do you like about your current school? What would be different if you had to go to Inveravon Primary School?**

P1-7 **What do you like about your current school?**
 The outdoor space and playground, monkey bars (Archiestown)
 The size – small number of pupils (Ballindalloch)
 All my friends are at Knockando (Ballindalloch)
 I've been here a long time and I'm settled here (Knockando)
 All the staff and pupils are really nice and kind (Archiestown)
 At Knockando there are children from different communities together (Ballindalloch)
 It's not too crowded with 3 classes, good size (Ballindalloch)

It's welcoming (Archiestown)

There are lots of active outdoor activities to do, for example walks, gardening and Woodland Wednesdays.

Teachers and staff are nice (Archiestown)

P1-7 What would be different if you had to go to Inveravon Primary School?

Different staff and routines (Ballindalloch)

Would need to make new friends (Ballindalloch)

There'd be only one class (Knockando)

Less green space (Knockando)

Teachers would be different (Carron)

Don't know if people would like me (Ballindalloch)

Inveravon Primary School consultation
Online survey responses report

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
1	Aberlour	Parent/carer	No	Yes	Aberlour	Option 3	Yes		No preference	Not answered	Not answered
2	Aberlour	Parent/carer	Yes	No	Not answered	Option 1	No	I don't support the closure of any school	Option 3	The children should be kept together if relocated and not split up.	Not answered
3	Knockando	Parent/carer	Yes	No	Not answered	Option 1	Yes		No preference	Not answered	Not answered
4	Aberlour	Parent/carer	No	No	Not answered	No preference	Yes		No preference	Not answered	Not answered
5	Knockando	Parent/carer	Yes	No	Not answered	Option 3	No		Option 1,2,3	N/A	N/A
6	Inveravon	Parent/carer	Yes	Yes	Knockando	Option 1	Yes		No preference	Not answered	Not answered
7	Inveravon	Community member	No	No	Not answered	Option 3	No	It would seem better to keep mothballed in case the potential pupil numbers increase in the next decade.	No preference	Not answered	Not answered
8	Aberlour	Community member	N/A	No	Not answered	Option 3	Yes		No preference	Not answered	Not answered
9	Inveravon	Parent/carer	Yes	No	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
10	Inveravon	Community member	No	No	Not answered	No preference	No		No preference	No preference	Parents should be allowed to choose which schools they put their child to if in Inveravon area - whether that be Glenlivet, Knockando or Aberlour - they should not be restricted and should have the option of the 3 schools.
11	Knockando	Parent/carer	Yes	No	Not answered	Option 1	Yes		Option 2 and 3	Knockando is a great size of school and within a good distance of our home. My children are settled in Knockando and I would not relocate them to another school.	Not answered
12	Glenlivet	Community member	N/A	No	Not answered	Option 3	Yes		No preference	Not answered	Not answered
13	Aberlour	Community member	No	No	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
14	Glenlivet	Community member	No	No	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered
15	Glenlivet	Parent/carer & community member	No	No	Not answered	Option 3	No		No preference	Not answered	Not answered
16	Inveravon	Community member	No	No	Not answered	Option 2	No	It is a tragedy for the Ballindalloch community that Inveravon Primary school has effectively been closed already. Such a school is the centre of the community and now we no longer have it. I very much hope that the lessons of the past 5 years have been understood by the Moray Council and that lessons will be learnt for the future.	Option 3	It seems totally irrelevant, the area concerned appears to be a bit of hill side.	Until the reasons for the pupil roll at Inveravon dropping so suddenly within a 3-week period are admitted, analysed and assessed, it seems that lessons cannot be learnt about how to keep our current rural primary schools.
17	Aberlour	Parent/carer	Yes	No	Not answered	Option 3	No	See comment ⁱ	Option 3	See comment ⁱⁱ	See comment ⁱⁱⁱ
18	Knockando	Parent/carer	Yes	Yes	Knockando	Option 1	Yes		Option 2 and 3	Knockando Primary benefits from the larger numbers and has the capacity.	Children from Inveravon would have an overall safer journey to school by taking the quieter road to Knockando.

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
19	Inveravon	Community organisation	N/A	No	Not answered	Option 3	No	As a scattered rural parish, the school was the essential centre of the community without this key establishment the likelihood of the area supporting or attracting young families to live is drastically reduced.	Option 1,2,3	Inveravon is a joint parish with Glenlivet in community and association terms. The rezoning to Knockando and Aberlour means that the children will not meet others in their own community (except on a bus) and due to the distance from their homes after-school activities would be difficult to say the least. The road to Knockando from Inveravon can be extremely hazardous in winter with drifting snow due to its exposure, whereas the road to Glenlivet is a B road and kept reasonably clear.	The whole process of mothballing has been very painful. The schools outside equipment was removed within months of the decision to mothball as were most of the teaching aids. The building and grounds have been completely neglected - a sad reflection on Moray Council.

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
20	Inveravon	Community member	No	Not answered	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered
21	Glenlivet	Other - granparents	N/A	No	Not answered	Option 3	No		Option 1,2,3	Not enough choice	Not answered
22	Inveravon	Community member	NA	No	Not answered	No preference	No	School should be maintained and used as a community resource	No preference	Not answered	As said above, the school should be maintained and kept as a community resource, with a view perhaps to re-opening as a school if the young population increases, but if not as a workshops, meeting centre.

* Q3: If you are a parent/carers, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
23	Aberlour	Other - grandparent	N/A	No	Not answered	No preference	No	Moray Council lied. Parents had been told by them that the school was closing in August. That is why 'no pupils attended in August 2017'. Am disgusted by the pretence by the Council that the decision to close is based on parents taking their children away resulting in there being no roll in August 2017. Moray Council is only too aware of why there were no pupils: it was because the parents were given no choice. Am angry and distressed by the closure of this rural school. It had an exemplary track record, provided an outstanding educational experience for the children and was at the very centre of the community which will be devastated by its closure. But you know all this. Shame on you, Moray Council.	No	Not answered	There is no point. I attended the consultation meetings. I said my piece - as many others have and much more eloquently than I. It just saddens me that our collective voice will be ignored. You know what you are going to do. Tell yourself whatever you need to keep your job and to feel no guilt or shame for lying.

* Q3: If you are a parent/carers, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
24	Inveravon	Parent/carer	Yes	No	Not answered	Option 1	Yes		Option 3	I would not like to send my children to Glenlivet Primary School	
25	Inveravon	Parent/carer	Yes	No	Not answered	Option 1	Yes	School unsuitable due to small numbers	Option 3	I don't think Glenlivet Primary will be sustainable in the future.	I am very happy with the size of school and interaction at Knockando Primary. Both my children attend the school and with some investment in indoor sports space, the school would be perfect.
26	Inveravon	Community member	N/A	No	Not answered	Option 3	No	If Moray Council has shown due commitment to an excellent school, it would never have imploded.	Option 1 and 2	Glenlivet needs an enlarged catchment area if it is to be sustainable. Glenlivet/Inveravon is an established community.	If Inveravon catchment children do not go to Glenlivet then Glenlivet will be next on Moray Council's target list for closure - this must not happen.
27	Inveravon	Community member	No	No	Not answered	No preference	No		No preference	Not answered	Not answered

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
28	Glenlivet	Parent/carer	No	No	Not answered	Option 3	Yes	I understand the building is in disrepair and can't be fixed but I believe more of the catchment should be sent to Glenlivet as closer and increases school roll there.	Option 1 and 2	Pupils should go to Glenlivet	Not answered
29	Glenlivet	Parent/carer	No	Yes	Glenlivet	Option 3	Yes	If it is currently not in use.	Option 1 and 2	The fairest way to ensure the sustainability of the smaller schools such as Glenlivet would be for an even split regarding catchment areas. Also Glenlivet is the closest to Inveravon and so surely from a geographical concept pupils and families would benefit from Glenlivet being included option 3	Glenlivet currently is deemed to be a very good school achieving good results. Allegedly if numbers fall below 15 then this school will also come under scrutiny for closer. Aberlour and Knockando are some way away from the Glenlivet catchment area

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

ID	Q1: Do you live in:	Q2: Are you a:	Q3: Do you have a child affected by the changes? *	Q4: Are you currently a pupil at a Moray school?	Q5: Which school?	Q6: Which option do you prefer for the proposed school catchment area?	Q7: Do you support the closure of Inveravon Primary School	Comments	Q8: Do you think any of the options should be discounted? If so, please indicate which ones.	Q9: Please state your reasons why you think this option should be discounted.	Q10: Please provide any other comments.
30	Glenlivet	Parent/carer	No	No	Not answered	Option 3	Yes		Option 1	No practical for all families and prevents representative schools	Not answered
31	Glenlivet	Parent/carer	No	No	Not answered	Option 3	No		No preference	N/A	The closure of rural primary schools contributes to the depopulation of rural areas and further reduction in rural services. I understand the financial constraints, but I do not believe this is helpful for revitalising rural areas.
32	Inveravon	Community organisation	Yes	Yes	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered
33	Aberlour	Parent/carer staff member	No	No	Not answered	Not answered	Not answered		Not answered	Not answered	Not answered

Legend:

Option 1 - Close Inveravon Primary School and rezone to Knockando Primary School.

* Q3: If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

Option 2 - Close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School.

Option 3 - Close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools.

ⁱ Inveravon: An Exceptional School. My daughter (name of child redacted) attended Inveravon until its closure in 2017. This was a blow to both her and I for several reasons. (Name of child redacted) had previously attended Craigellachie Primary for her 1st year at school. Once she started at Inveravon in Primary 2 it became apparent that this school was a cut above the rest. (Redacted)'s reading, comprehension, maths and overall confidence and interpersonal skills with her peers excelled tenfold within a very short time of starting Inveravon. I could not believe the difference in her and I put this down to the approach that their amazing staff had towards education and development. Children were encouraged to help and/or learn alongside peers out with their 'age group' and it was a regular occurrence that, providing all class work was completed, children were then taken outside to explore gardening, STEM and physical activities to really enhance and compliment the learning they had in the classroom. The standard held at Inveravon was second to none and if this school was to reopen (or had it stayed open) I would have been incredibly excited to send my now 2yr old when she is ready to begin her primary education. Inveravon primary was not just a school however, it was a community hub. Classes for locals were held there and fundraising activities run by the school were always a hit. I had never felt so at home, so welcome or such a part of a community than when Inveravon was open. The spirit of the local community definitely dampened when the school was no longer open. I would like to share my experience regarding the ""mothballing"" of Inveravon. There were FOUR children in attendance at Inveravon when we were issued notice that the school would no longer be open after the summer holidays. We, as parents, had no other choice to enrol our children in another school. It may seem there were 'no children' on the roll as it was mothballed but I can assure you, we would not have moved our children to Knockando (or other schools) had we been given the choice. There was no choice. My daughter returned to Craigellachie Primary so as not to disturb her too much. If I had had the choice, she would have stayed at Inveravon. A short time after the 'mothballing' we learned that structures around the school had been demolished. This was extremely upsetting to hear as these were community funded assets, paid for with funds from parents and locals who had fundraised so the children could have an enriched and quality education. I do not believe that Inveravon was closed (read mothballed) due to a lack of quality education and the outcomes of said education. I believe it was purely down to money. Unfortunately, this stripped an already small, isolated, rural community of one of its most attractive assets.

ⁱⁱ Inveravon: An Exceptional School. My daughter (name of child redacted) attended Inveravon until its closure in 2017. This was a blow to both her and I for several reasons. (Name of child redacted) had previously attended Craigellachie Primary for her 1st year at school. Once she started at Inveravon in Primary 2 it became apparent that this school was a cut above the rest. (Redacted)'s reading, comprehension, maths and overall confidence and interpersonal skills with her peers excelled tenfold within a very short time of starting Inveravon. I could not believe the difference in her and I put this down to the approach that their amazing staff had towards education and development. Children were encouraged to help and/or learn alongside peers out with their 'age group' and it was a regular occurrence that, providing all class work was completed, children were then taken outside to explore gardening, STEM and physical activities to really enhance and compliment the learning they had in the classroom. The standard held at Inveravon was second to none and if this school was to reopen (or had it stayed open) I would have been incredibly excited to send my now 2yr old when she is ready to begin her primary education. Inveravon primary was not just a school however, it was a community hub. Classes for locals were held there and fundraising activities run by the school were always a hit. I had never felt so at home, so welcome or such a part of a community than when Inveravon was open. The spirit of the local community definitely dampened when the school was no longer open. I would like to share my experience regarding the ""mothballing"" of Inveravon. There were FOUR children in attendance at Inveravon when we were issued notice that the school would no longer be open after the summer holidays. We, as parents, had no other choice to enrol our children in another school. It may seem there were 'no children' on the roll as it was mothballed but I can assure you, we would not have moved our children to Knockando (or other schools) had we been given the choice. There was no choice. My daughter returned to Craigellachie Primary so as not to disturb her too much. If I had had the choice, she would have stayed at Inveravon. A short time after the 'mothballing' we learned that structures around the school had been demolished. This was extremely upsetting to hear as these were community funded assets, paid for with funds from parents and locals who had fundraised so the children could have an enriched and quality education. I do not believe that Inveravon was closed (read mothballed) due to a lack of quality education and the outcomes of said education. I believe it was purely down to money. Unfortunately, this stripped an already small, isolated, rural community of one of its most attractive assets.

* Q3: If you are a parent/carers, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

iii Inveravon: An Exceptional School. My daughter (name of child redacted) attended Inveravon until its closure in 2017. This was a blow to both her and I for several reasons. (Name of child redacted) had previously attended Craigellachie Primary for her 1st year at school. Once she started at Inveravon in Primary 2 it became apparent that this school was a cut above the rest. (Redacted)'s reading, comprehension, maths and overall confidence and interpersonal skills with her peers excelled tenfold within a very short time of starting Inveravon. I could not believe the difference in her and I put this down to the approach that their amazing staff had towards education and development. Children were encouraged to help and/or learn alongside peers out with their 'age group' and it was a regular occurrence that, providing all class work was completed, children were then taken outside to explore gardening, STEM and physical activities to really enhance and compliment the learning they had in the classroom. The standard held at Inveravon was second to none and if this school was to reopen (or had it stayed open) I would have been incredibly excited to send my now 2yr old when she is ready to begin her primary education. Inveravon primary was not just a school however, it was a community hub. Classes for locals were held there and fundraising activities run by the school were always a hit. I had never felt so at home, so welcome or such a part of a community than when Inveravon was open. The spirit of the local community definitely dampened when the school was no longer open. I would like to share my experience regarding the ""mothballing"" of Inveravon. There were FOUR children in attendance at Inveravon when we were issued notice that the school would no longer be open after the summer holidays. We, as parents, had no other choice to enrol our children in another school. It may seem there were 'no children' on the roll as it was mothballed but I can assure you, we would not have moved our children to Knockando (or other schools) had we been given the choice. There was no choice. My daughter returned to Craigellachie Primary so as not to disturb her too much. If I had had the choice, she would have stayed at Inveravon. A short time after the 'mothballing' we learned that structures around the school had been demolished. This was extremely upsetting to hear as these were community funded assets, paid for with funds from parents and locals who had fundraised so the children could have an enriched and quality education. I do not believe that Inveravon was closed (read mothballed) due to a lack of quality education and the outcomes of said education. I believe it was purely down to money. Unfortunately, this stripped an already small, isolated, rural community of one of its most attractive assets.

* Q3: If you are a parent/carers, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family?

Appendix H**Inveravon School propose closure consultation
Online survey data report****Introduction**

As part of the statutory consultation regarding the closure of Inveravon School, stakeholders were invited to participate in an online survey to express their opinion on the proposal.

The survey was open from 29 August 2022 until 07 October 2022. In total, 33 survey responses were submitted – 32 were completed online and one printed copy was received.

The survey data is presented in this. The survey responses are published in Appendix ?.

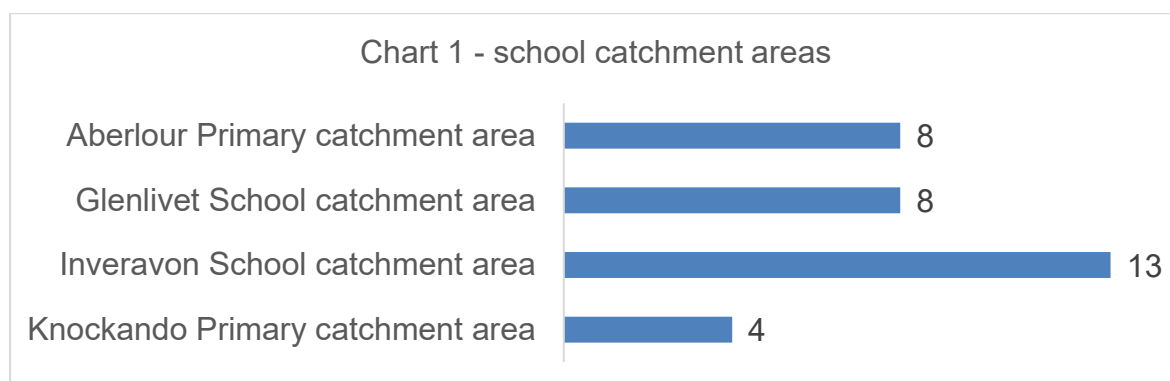
Summary of responses

- 33 people responded.
- 13 people are from the Inveravon Primary School catchment; 8 from Aberlour catchment; 8 from Glenlivet catchment; 4 from Knockando catchment.
- 18 are parents/carers; 12 community members; 2 community organisations; 1 staff member; 2 other family members. Some people identify as being in more than one stakeholder group.
- 11 have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family
- Option 3 (split catchment between Knockando, Aberlour and Glenlivet primary schools) was preferred by 14 out of 27 people.
- 13 people support the proposed closure of Inveravon Primary School and 14 are against the proposal. 6 people did not answer this question.
- Support for closure is strongest among parents/carers, with 11 out of 16 in favour.

Survey questions and responses

Question 1 - Do you live in (choose any one option). You can check your catchment area using the map above or by inserting your postcode into the interactive map on our website by clicking [here](#). (33 responses)

Chart 1 shows that 13 (40%) people live within the Inveravon Primary School catchment area, and 8 (24%) within the Glenlivet Primary School catchment area and the same within the Aberlour Primary School catchment area. 4 live in the Knockando Primary School catchment area.



Comments:

- I live in Highland, just out of Inveravon Primary School catchment. I teach at [REDACTED] Primary School.
- Dufftown - because Inveravon was closed.

Question 2 – Are you a parent/carers, pupil, community member, community organisation or staff member? (33 responses)

Chart 2 shows that 18 people identified as parents/carers, 12 as members of the community, 2 as members of community organisations, 1 as a staff member and 2 indicated other, adding the additional comment that they were grandparents. Two people selected more than one answer. No one identified as a pupil.

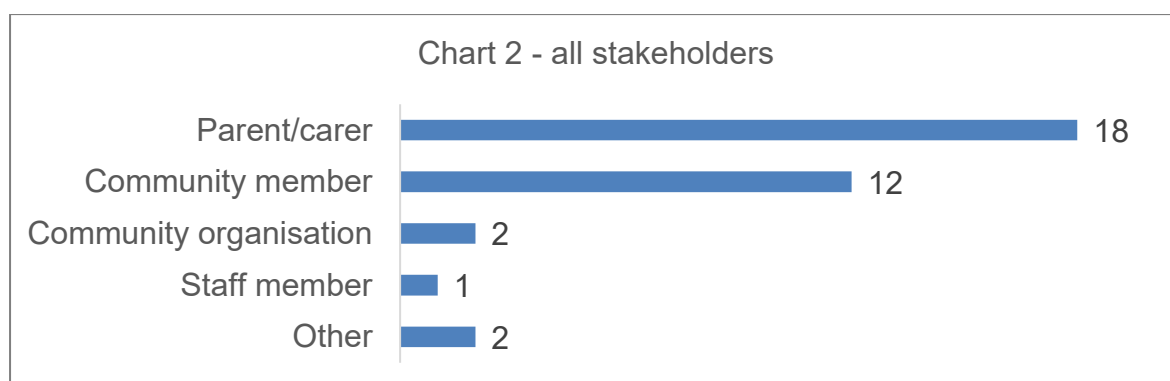
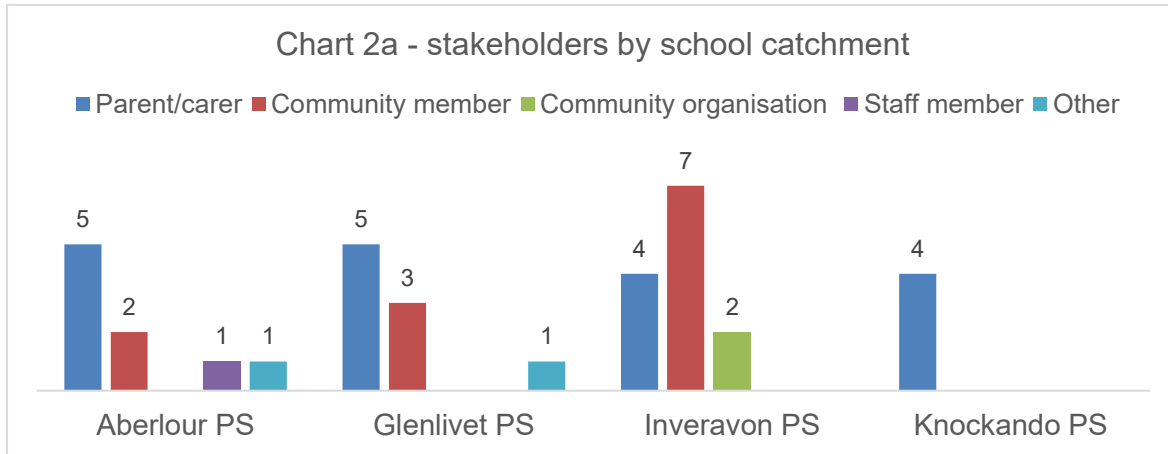


Chart 2a shows the breakdown of stakeholders by school catchment.



Question 3 – If you are a parent/carer, member of the community or staff member, do you have a primary aged pupil or younger child affected by the changes to Inveravon Primary School in your family? (33 responses)

Chart 3 shows the majority of people (22, 66%) do not have primary aged children or younger children affected by the changes to Inveravon School. 11 (33%) do have a child or children impacted.

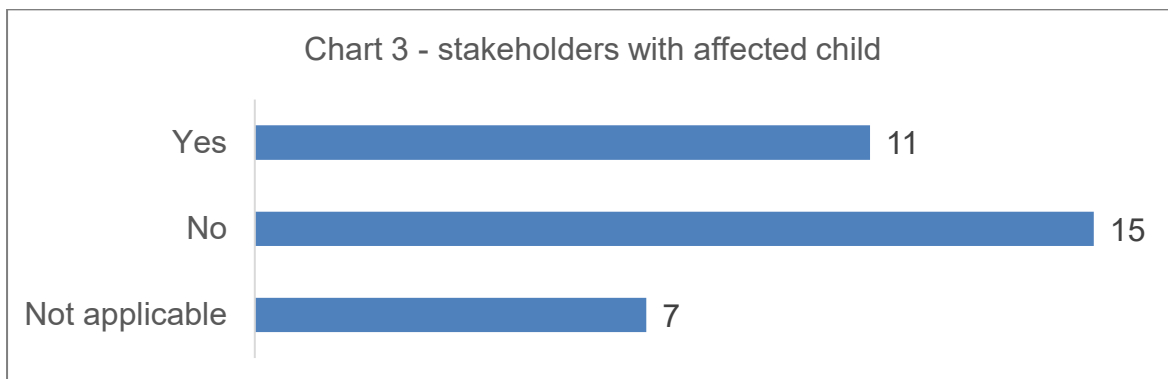
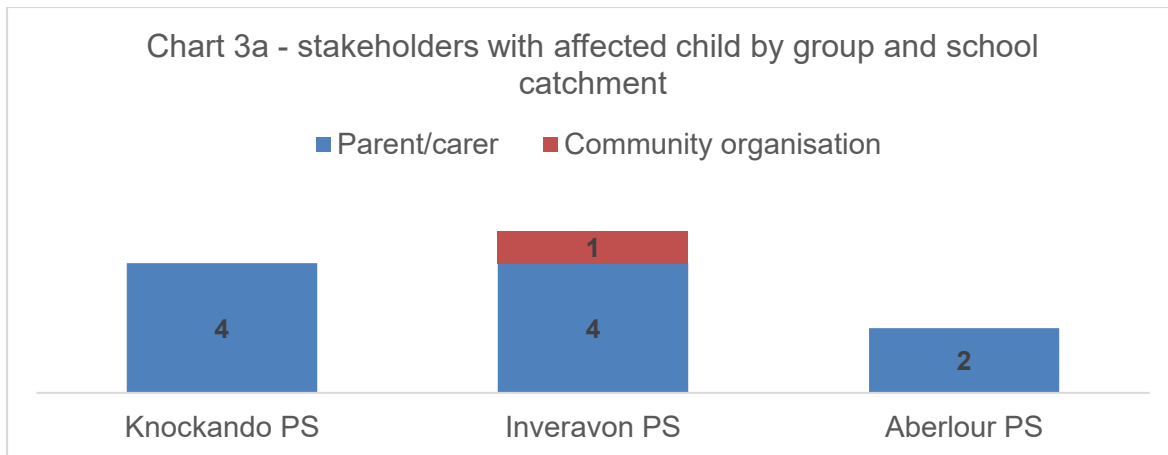
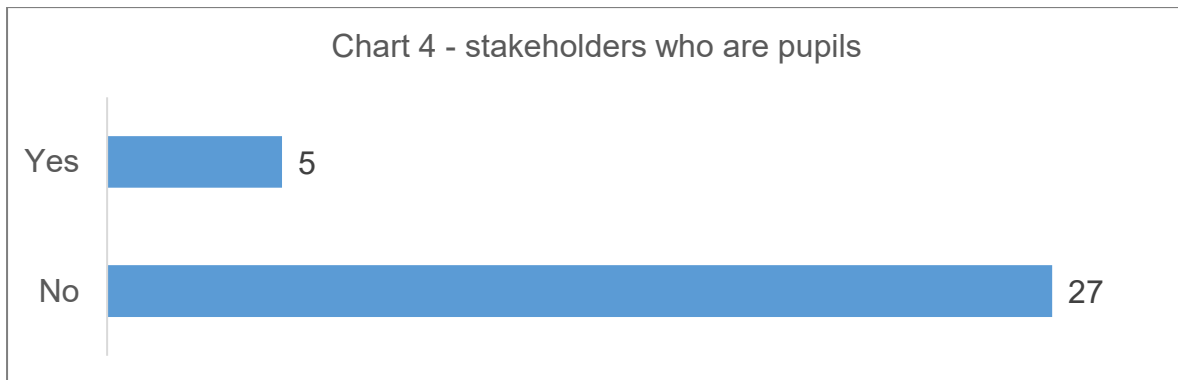


Chart 3a shows 55% of stakeholders with an affected child live out with the Inveravon Primary School catchment.



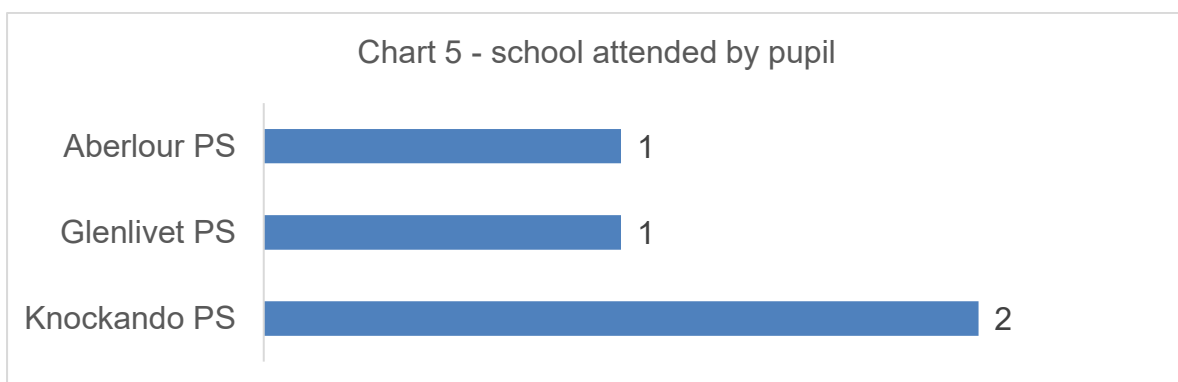
Question 4 – Are you currently a pupil at a Moray school? (32 responses)

Although no respondents answered at question 2 that they were a pupil, Chart 4 shows 5 respondents (16%) answered yes to this question.



Question 5 – Please select which school you attend from the list below. (4 responses)

Chart 5 shows 2 (50%) from Knockando, and 1 each (25%) from Aberlour and Glenlivet.



Question 6 – Which options do you prefer for the proposed school catchment area? (27 responses)

As shown in Chart 6, 14 people (52%) prefer option 3 (split catchment between Knockando, Aberlour and Glenlivet primary schools), with 7 (26%) selecting option 1 (rezone to Knockando Primary School) and 1 (4%) indicating option 2 (split catchment between Knockando and Aberlour primary school). 5 respondents (19%) had no preference.

6 people skipped this question.

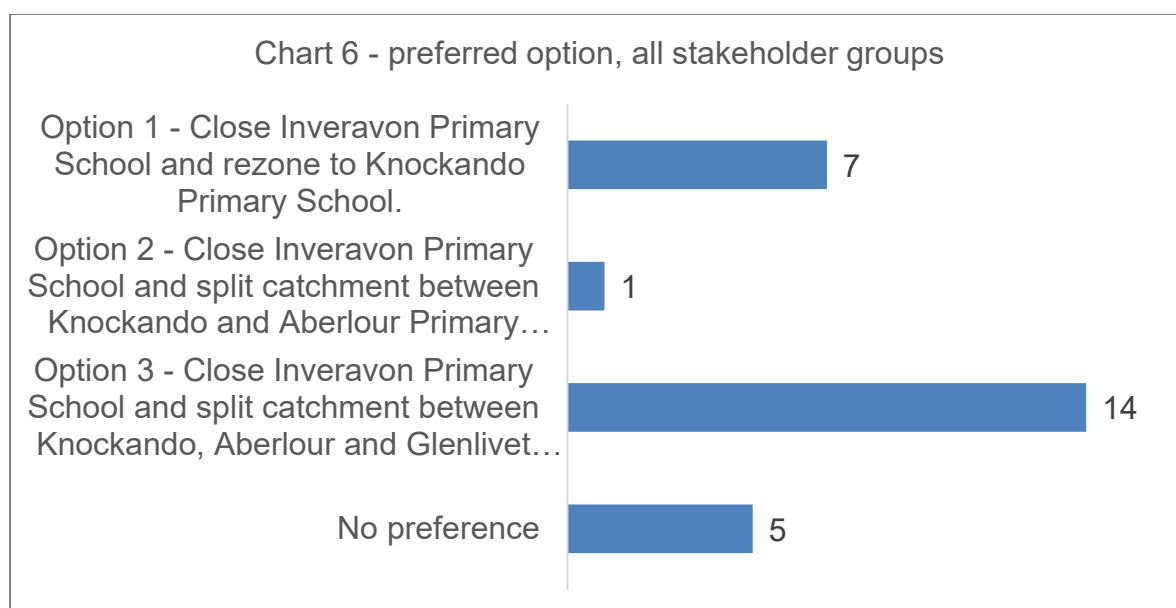


Chart 6a shows that among parents/ carers, Option 3 was most favoured and Option 1 has least support.

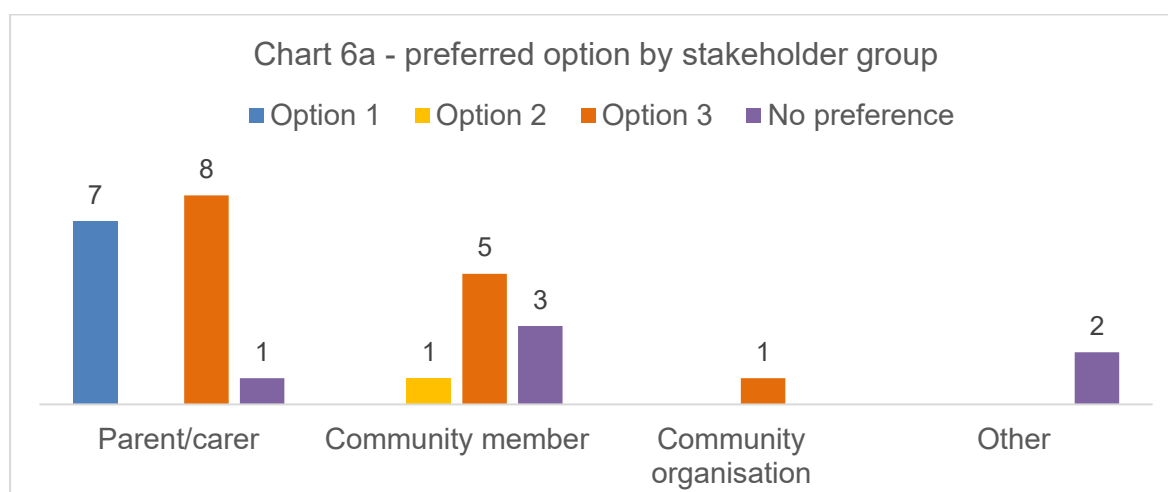
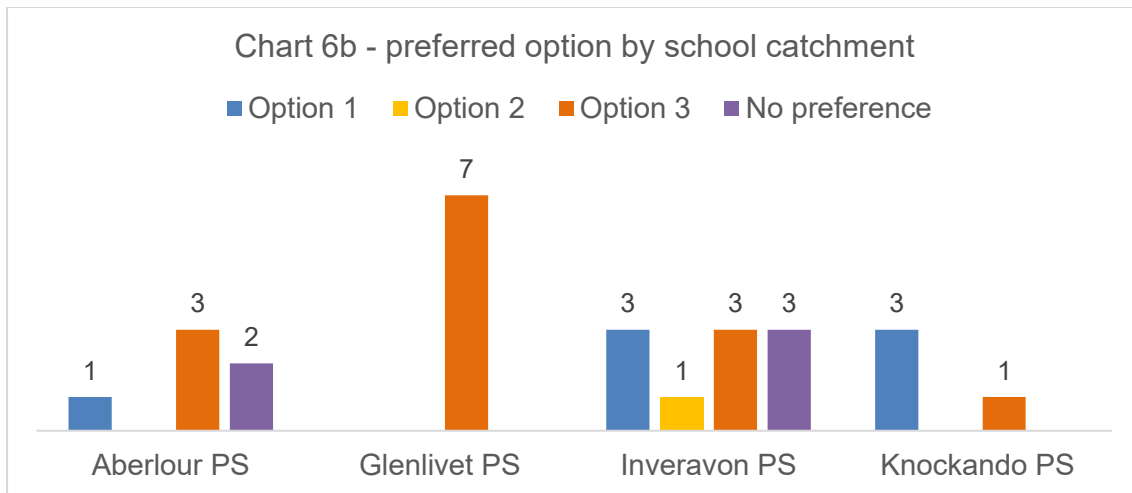


Chart 6b shows 7 of the 14 people who preferred Option 3 (split catchment between Knockando, Aberlour and Glenlivet primary schools) are in the Glenlivet catchment.

Those in the Inveravon catchment favoured Options 1 and 3, with 3 expressing no preference and 1 supportive of Option 2.



Question 7 – Do you support the closure of Inveravon Primary School? (27 responses)

As show in Chart 7, respondents are fairly evenly split, with 13 (48%) supportive of closure and 14 (52%) against the proposal. 6 people skipped this question.

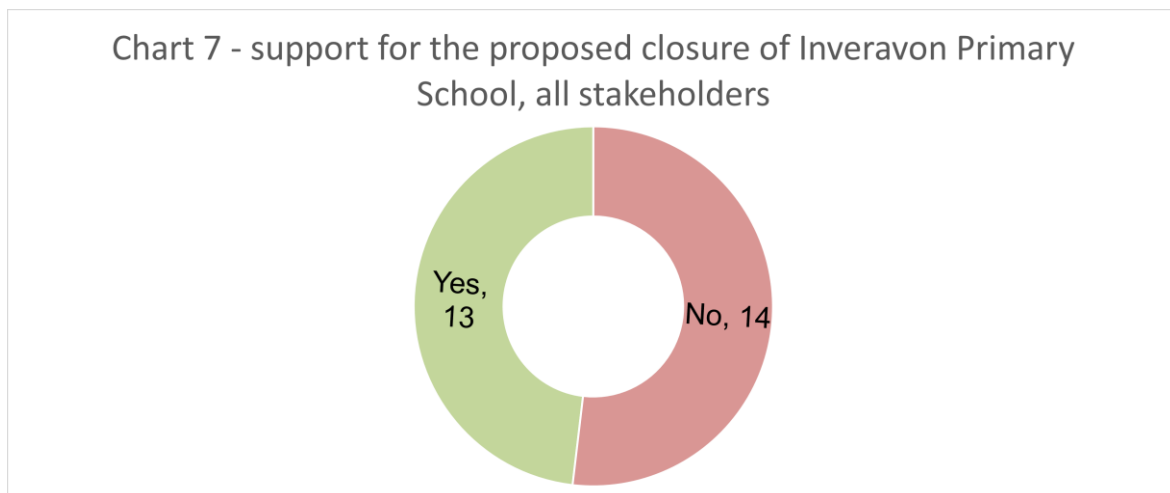


Chart 7a shows support for the proposal was strongest among parent carers, with 69% answering yes.

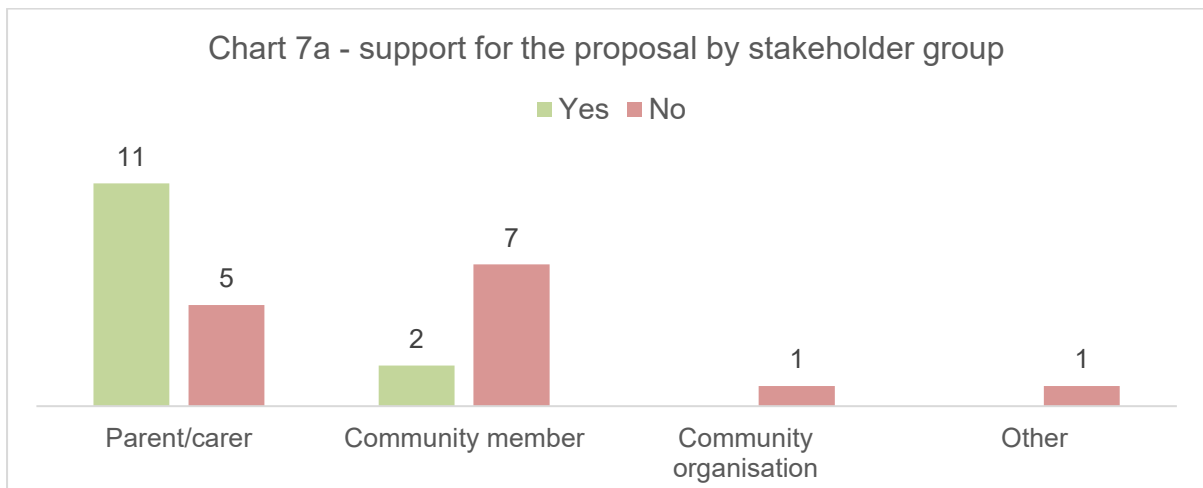
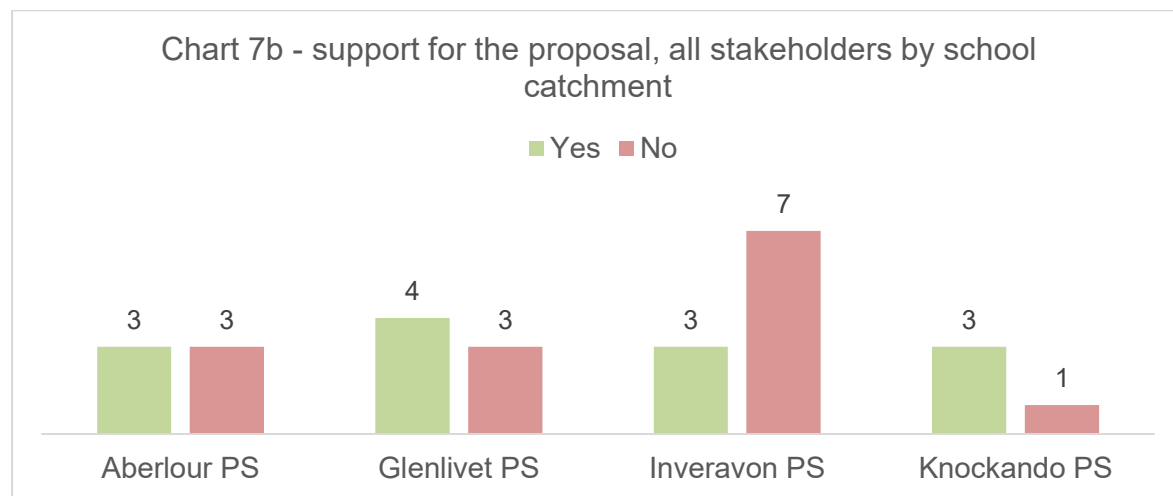


Chart 7b shows 70% of stakeholders from the Inveravon catchment are against the proposed closure.



Question 8 – Do you think any of these options should be discounted? If so, please indicate which one(s) and give your reasons below. (27 responses)

As shown in Chart 8, 13 people have no preference. Option 3 (close Inveravon Primary School and split catchment between Knockando, Aberlour and Glenlivet primary schools) was less favoured than Option 1 (close Inveravon Primary School and rezone to Knockando Primary School) and Option 2 (close Inveravon Primary School and split catchment between Knockando and Aberlour Primary School).

A small number of people called for two or all options to be discounted.

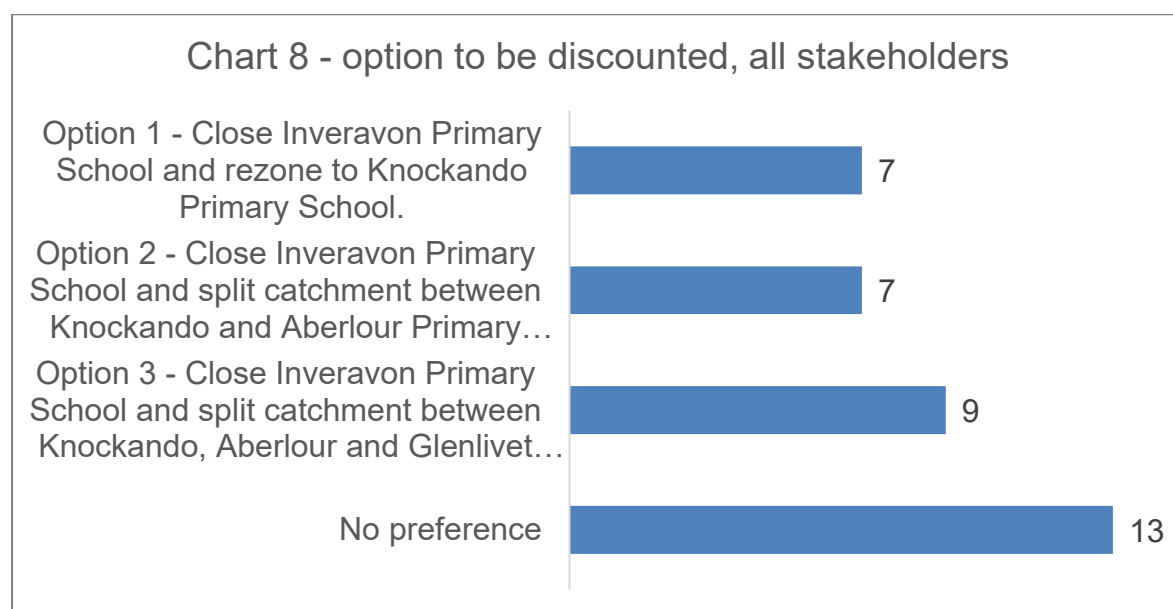


Chart 8a shows that among parents/carers, 44% want Option 3 to be discounted.

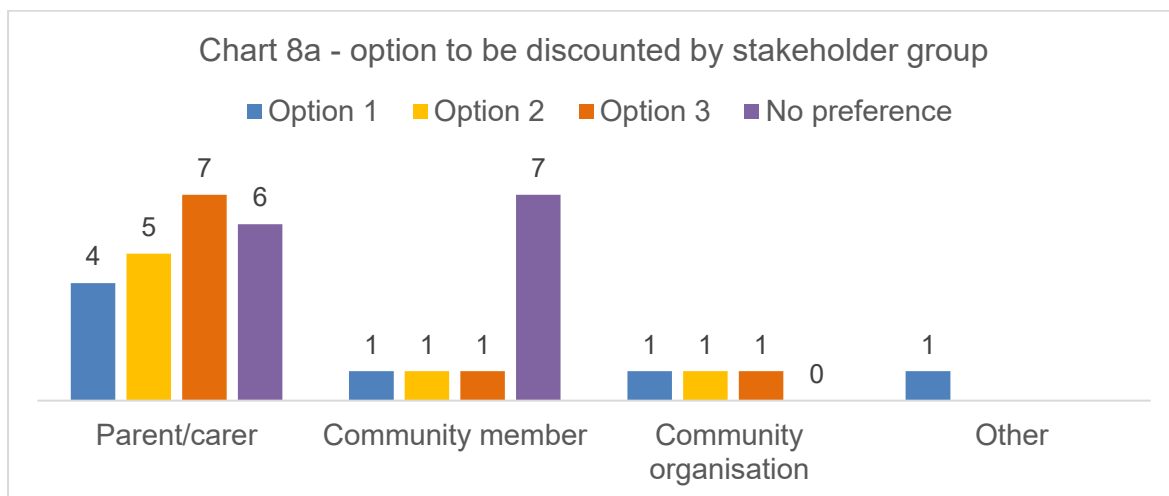
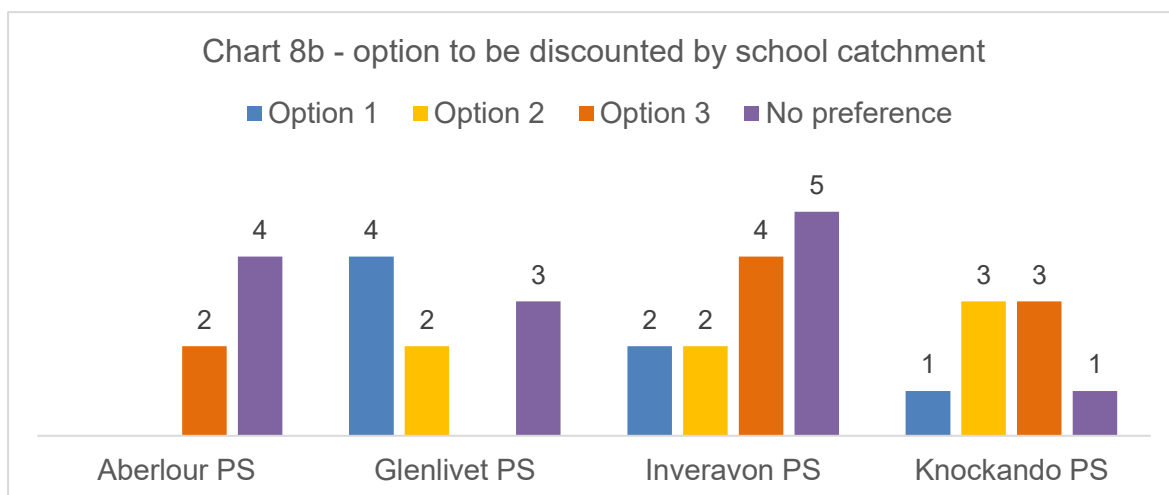


Chart 8b shows that among people from the Inveravon Primary School catchment, 50% had no preference.



Schools (Consultation) (Scotland) Act 2010

Report by Education Scotland addressing educational aspects of the proposal by Moray Council to close Inveravon Primary School.

November 2022

1. Introduction

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

1.2 HM Inspectors considered:

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

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

- attendance at the public meetings held on 27 September 2022 in connection with the council's proposals;
- consideration of all relevant documentation provided by the council in relation to the proposal, specifically the educational benefits statement and related consultation documents, written and oral submissions from parents and others; and
- visits to the site of Inveravon Primary School, visits to Speyside High School, Glenlivet Primary School, Aberlour Primary School and Knockando Primary School, including discussion with relevant consultees.

1.4 As the proposal will lead to the closure of a rural school, HM Inspectors also took account of the council's consideration of any reasonable alternatives to closure of Inveravon Primary School. They also took account of the likely effect on the local community and the likely effect of any different travelling arrangements of the proposed closure.

2. Consultation process

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

2.2 Moray Council mothballed Inveravon Primary School in 2017 after the school roll dropped to zero. The school has remained mothballed since that time. During 2022, Moray Council has engaged with local residents about the potential closure of the school. The statutory consultation for the closure of Inveravon Primary School ran from 29 August to 7 October 2022. Three public meetings were scheduled on the 27 and 28 September 2022. Eleven people attended these meetings including one parent with a child at the affected schools. Twenty five people completed an online survey and five written submissions on the consultation were received. From the surveys 13 support the proposal to close the school and 12 disagree. Of the 16 parents who completed the survey, 11 support the proposal and five do not. Currently 15 children of primary school age reside in the Inveravon school catchment area. Families of nine of these children have formally indicated a preference. This is to continue to send their children to their current school rather than Inveravon Primary School, should it reopen. Community members who attended the meeting, completed the survey and/or wrote submissions raised a range of points. These included concerns about the original decision and process to mothball the school, the lack of information for parents about Inveravon Primary School and the use of the school site if it does close. Children in the three neighbouring primaries and young people in the secondary school were also consulted. A minority of the children and young people expressed interest in the school reopening. Of these almost all expressed their preference would be to remain at their current school if Inveravon Primary School did reopen.

3. Educational aspects of proposal

3.1 HM Inspectors broadly agree with the council's educational benefits statement and are confident there are sufficient educational benefits to merit the permanent closure of the school. HM Inspectors agree that children are benefitting from the wider educational opportunities across the curriculum that attending schools with more consistent school rolls provides. The children are experiencing opportunities to develop their capacity to work with others and build their social skills. Currently almost all children from the Inveravon catchment area attend either Knockando or Aberlour Primary Schools. In both schools and in Glenlivet Primary School children have opportunities to undertake appropriate and engaging tasks and challenges as part of a group.

3.2 All staff and parents who met with HM Inspectors agree with the proposal to close Inveravon Primary School. A few expressed the view that the original process by which the school was mothballed was poorly handled. However, they consider that education resources are now best used to support the current schools in the area rather than reopening Inveravon Primary School. If the proposal is approved this will reduce staffing levels at Knockando Primary School as it would no longer be in a paired headteacher arrangement with Inveravon Primary School. Despite this, staff and parents still agree with the proposal as they believe this would provide clarity, enabling them to better plan for the future of their school.

3.3 Children from Inveravon catchment area who met with HM Inspectors expressed satisfaction with the school they currently attend. All see benefit in being part of a larger group of children for both their learning and for building friendships with children of the same age. HM Inspectors met with a few young people attending Speyside High School who had attended Inveravon Primary School for part of the primary schooling. They remember appreciating the nurturing atmosphere at Inveravon Primary School but overall they consider that the educational benefits of being part of a larger school were more important for their development.

3.4 The proposal explores how the current catchment area of Inveravon Primary School should be allocated if the school closes. Parents are fairly evenly split between option one, all of the catchment area is allocated to Knockando Primary School and option three where it is split across the three neighbouring primary schools. Almost all parents who expressed preferences have children attending either Knockando or Glenlivet Primary Schools. There is concern from staff and parents that reopening Inveravon Primary School would reduce the roll at Glenlivet and Knockando Primary Schools.

3.5 As the proposal will lead to the closure of a rural school, HM Inspectors also considered the factors to which the council should give special regard. Knockando, Aberlour and Glenlivet Primary Schools are all currently under capacity with fairly stable predicted school rolls in the next five years. Should Inveravon Primary School reopen it would reduce the numbers in some or all of three of these schools. This could leave Glenlivet and Knockando Primary Schools in particular with an insufficient roll to provide for the range of educational opportunities they currently do. Currently children residing in the catchment area of Inveravon travel to school either on school transport or by private car. As Inveravon Primary School is not located in a village, this would remain the case for almost all children. Although many would have shorter journeys, the environmental benefit from this would be offset by the energy use in reopening the school.

3.6 Community members and organisations are concerned that the mothballing of Inveravon Primary School has removed a valuable community resource from the area. Moray Council have engaged with the local community about any future use of the site should the proposal be approved. It should be noted that Ballindalloch Estate owns most of the site. There is strong support from all stakeholders for the site to be used, ideally with community access. There are no community halls or similar in the catchment area although residents do access facilities in villages and towns in the wider area. Should the proposal be approved it will be important that Moray Council, Ballindalloch Estate and community organisations work together to find an appropriate use for the site and building.

4. Summary

HM Inspectors agree that the proposal by Moray Council will result in educational benefits for the children in the Inveravon Primary School catchment area. The proposal provides clarity for both families and for staff in the neighbouring schools that the children have attended since the school was mothballed in 2017. Children now attend schools with larger and more stable pupil rolls. There are clear educational and social benefits to learning alongside peers of similar ages and stages. The predicted school roll in the wider area makes it unlikely that all four primary schools affected by this proposal could be sustained. Most parents and children support the proposal to close the school. However, the mothballing of Inveravon Primary School is a loss to the community. It will be important that Moray Council work with the site owners, Ballindalloch Estate, and the local community to explore options for both the school building and land, should the proposal be approved.

**HM Inspectors
November 2022**



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: COMMITTEE APPOINTMENT CHANGES

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

1. REASON FOR REPORT

- 1.1 To inform the Council of some changes made by the Administration Group to their membership on Committees.
- 1.2 This report is submitted to Council in terms of Section I, II and III of the Council's Scheme of Administration relating to the establishment of a committee structure, the appointment to committees, the appointment of Chair and Depute Chair thereof and the delegation of functions to committees.

2. RECOMMENDATION

- 2.1 **It is recommended that Council consider and note the changes to Committees as intimated by the Administration Group.**

3. BACKGROUND

- 3.1 Following some internal changes within the Administration Group the following minor changes have been made to Committees:
- Depute Chair of Police and Fire – Councillor Gatt (was previously Councillor Colyer)
 - COSLA Children and Young People's Board – Councillor Mustard (was previously Councillor Robertson)
- 3.2 Attached at **Appendix 1** is confirmation of the Senior Responsibility Allowances currently being paid.

4. SUMMARY OF IMPLICATIONS

- (a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**
None
- (b) **Policy and Legal**
None

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Climate Change and Biodiversity Impacts

None

(i) Consultations

The Depute Chief Executive (Education, Communities and Organisational Development) and the Head of Governance, Strategy and Performance.

5. CONCLUSION

5.1 Council is asked to note the minor changes intimated by the Administration Group

Author of Report: Tracey Sutherland, Committee Services Officer
Background Papers:
Ref:

Council Senior Responsibility Allowances

Chair of Planning and Regulatory Services Committee: Councillor Gordon

Chair of Licensing Committee: Councillor McBain

Chair of Housing and Community Safety Committee: Councillor Dunbar

Chair of Economic Development and Infrastructure Services Committee: Councillor Macrae

Chair of Corporate Committee: Councillor Mustard

Chair of Police and Fire: Councillor Bloomfield

Chair of Audit and Scrutiny: Councillor Leadbitter

Leader of Largest Opposition Group: Councillor Morrison.

Outside Body Board Allowances

Chair/Vice of Moray Integration Joint Board (on rotation): Councillor Colyer

Chair of Grampian Valuation Joint Board: Councillor Gatt



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: REVIEW OF SCHEME OF ADMINISTRATION

BY: DEPUTE CHIEF EXECUTIVE EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT

1. REASON FOR REPORT

- 1.1 To amend the Council's Scheme of Administration to reflect revised reporting arrangements for Children's services.
- 1.2 This report is submitted to Committee in terms of Section II (10) of the Council's Scheme of Administration, amendments to the Committee Structure.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council approve the amended Scheme of Administration detailed in Appendix 1 to reflect the statutory delegation of Children's Services to Moray Integration Joint Board.**

3. BACKGROUND

- 3.1 Following a Council management restructure in June 2019 it was agreed by both the Council and NHS Grampian that Children's Services would be included within the social care services formally delegated to the Moray Integration Joint Board (MIJB).
- 3.2 Update reports on progress have been made through the Council, MIJB and NHS Grampian Board. These have included a revised Integration Scheme which required Scottish Government approval.
- 3.3 In the meantime the Head of Service and staff have been managed by the MIJB Chief Officer, with reports going through the Council's Education Communities and Leisure Services Committee.
- 3.4 The Scottish Government approved the amended Integration Scheme on 16 March 2023 and the changes need to be given formal effect.
- 3.5 The Council's Scheme of Administration requires to be amended to reflect the service delegation and a date agreed for the new reporting arrangements.

- 3.6 A further change is required to the description of the Appointments Committee reflect a recent change in the Council's procedure for recruitment of senior staff.

4. PROPOSALS

- 4.1 It is proposed that the Council's Scheme of Administration is amended in accordance with **Appendix 1** to reflect the amended Integration Scheme.
- 4.2 The effect of this will be that all policy and budget issues involving Children's Services will be reported through the MIJB.
- 4.3 The Council will have a residual interest in:
- The small number of socialwork services which are not able to be delegated under legislation.
 - Its role as employer of social care and social work staff.
- 4.4 It is proposed that these arrangements take effect from the date of this meeting, 24 May 2023 subject to the agreement in the following paragraph.
- 4.5 The Council, MIJB and Grampian NHS Board have agreed a shadow period where, until 31 March 2024, Moray Council retain the sole financial risk for Children's Social Work and Justice Services. For the 23/24 financial year there will be a requirement for budget monitoring reports to continue being reported through the Council. The operational performance and decision making around any significant expenditure will continue to be through the line management of the Chief Officer by the Chief Executive, and where necessary brought to Council for ratification.
- 4.6 A further change has been made to Para III A (1) to reflect that Appointments Committees are for posts of Head of Service and above and membership is selected following initial full council meeting where political balance is determined.

5. SUMMARY OF IMPLICATIONS

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

No direct implications

(b) Policy and Legal

Primary statutory responsibility for Children's Service is given to the Council. This responsibility is being delegated to the MIJB through the Integration Scheme. This arrangement needs reflected in the Council's Constitutional documents.

(c) Financial implications

A shadow year for expenditure on Children's Services is outlined above. The Council will benefit from any underspend in 2023/24 and bear the full cost of any overspend in that financial year. Thereafter expenditure on Children's Services will form part of the MIJB funding envelope with underspends returned to MIJB reserves and any overspends which

cannot be met from reserves funded by both partners, NHSG and the Council, pro rata to the contributions they make to the overall funding envelope.

(d) Risk Implications

Correct delegations need to be in place to reduce risk of decisions being challenged.

(e) Staffing Implications

Changes to the Council's Scheme of Delegation will also be required to reflect the move of Children's Services to the MIJB. There is another report on the agenda of this meeting recommended including these changes.

Changes to the establishment in both social care and social work for e.g. service redesign, expansion or contraction will continue to be in accordance with the Council's agreed change management policy and procedures and reported under the Council's Scheme of Administration for the shadow year and beyond.

(f) Property

No direct implications

(g) Equalities/Socio Economic Impact

No direct implications.

(h) Climate Change and Biodiversity Impacts

No direct implications

(i) Consultations

Chief Executive, Chief Officer MIJB, Head of Service (MIJB) Chief Financial Officer, Head of HR, ICT & OD.

5. CONCLUSION

5.1 Legislation gives primary statutory responsibility for Children's Service to the Council.

5.2 This statutory responsibility is being delegated by the Council to the MIJB through the Integration Scheme.

5.1 This delegation needs reflected in the Council's Constitutional documents.

Author of Report: Alasdair McEachan, Head of Governance, Strategy and Performance.

Background Papers:

Ref:



MORAY COUNCIL CONSTITUTIONAL DOCUMENTS

2. SCHEME OF ADMINISTRATION

Detailing the Council's committee structure
[under Schedule 7 Paragraph 8 of the Local Government (Scotland) Act 1973]

Responsible Officer: Head of Governance, Strategy and Performance
Date of Approval: 15 September 2021
Date for Review: January 2023

CONTENTS

(I)	Terms of Reference of Committees and Sub-Committees	3
(II)	Matters Excluded from Delegation to Committees	4
(III)	Terms of Reference to Committees	6
	(A) All Committees	6
	(B) Corporate Committee	6
	(C) Appeals Committee	10
	(D) Education, Children's and Leisure Services Committee	10
	(E) Planning and Regulatory Services Committee	13
	(F) Economic Development and Infrastructure Services Committee	14
	(G) Housing and Community Safety Committee	16
	(H) Licensing Committee	18
	(I) Audit and Scrutiny Committee	18
	(J) Police and Fire and Rescue Services Committee	19
(IV)	Terms of Reference to Housing Appeals Sub-Committee	20
(V)	Terms of Reference to Moray Local Review Body	20

MORAY COUNCIL
SCHEME OF ADMINISTRATION

(I) TERMS OF REFERENCE OF COMMITTEES AND SUB-COMMITTEES

Subject to the provisions of the Local Government (Scotland) Act 1973 and any other statutes and subject also to the provisions of the Council's Standing Orders and also to the expectations, limitations and special delegations hereinafter specified, there shall be referred or delegated to the respective Committees of the Council all the functions, services, undertakings or other matters whether in pursuance of statute or otherwise as contained in the respective terms of reference of the said Committees as detailed in Section (III) hereof. When such functions, services, undertakings or other matters are delegated to a Committee, the Committee shall have the power to exercise the function in like manner in all respects as the Council could have exercised it had there been no delegation; provided however that it shall be competent for such Committee in relation to any matter, instead of taking a decision thereon, to make a recommendation thereon to Moray Council [Full Council] in which event the matter shall be decided by the Council after consideration of the Committee's recommendation. Any references to legislation within this document shall be taken to include any subsequent amending/replacement legislation.

- (1) A Committee may delegate to a Sub-Committee or to an Officer of the Council, any of the functions which have been delegated to the Committee by the Council.
- (2) In exercising the functions conferred on it, each Committee shall comply with the Standing Orders of the Council in so far as applicable and with any resolutions or instructions given by the Council.
- (3) Subject as aforesaid, the Council may at any time, if they so decide, notwithstanding the delegating of that matter to a Committee, deal with any question not previously determined in terms of that delegation. Where the Council uses this power, the matter shall thereafter remain within the Council's remit unless the Council decides to refer it back to the Committee.
- (4) The Council may vary, add to, recall or restrict any delegation to any Committee.
- (5) The senior members of staff at the level of the posts listed in the Appendix to this Scheme shall be appointed in accordance with the Recruitment and Selection of Senior Staff Procedure approved by the Council. Members of staff other than teaching staff shall be appointed in accordance with paragraph 2.1 of the Council's Scheme of Delegation. Subject to Section II (15), the power to dismiss a member of staff, other than teaching staff, the Chief Executive, the Head of Financial Services and Monitoring Officer to whose dismissal special statutory provisions apply, shall be exercised by the Head of the employing department, subject to any right of appeal enjoyed by that member of staff.

(6) The majority of social care services are delegated to the Moray Integration Joint Board in terms of the Integration Scheme approved by the Scottish Government on 16 March 2024 and published as one of the Council's constitutional documents.

(II) MATTERS EXCLUDED FROM DELEGATION TO COMMITTEES

Subject to any relevant statutory provisions and to the provisions of the Council's Standing Orders, there shall be excluded from the delegation to Committees:

- (1) Fixing of the Council Tax and Council house rents in each financial year.
- (2) Approval of the acquisition or sale of land, buildings or interests in land over £100,000 in value, or where there is no budget provision.
- (3) The compulsory acquisition of any interest in land or buildings.
- (4) To approve any new rental concessions over £50,000 per annum.
- (5) Any enactment, alteration or revocation of any Orders, Regulations, Bye-laws or Schemes other than Orders of an emergency nature and orders which are delegated to a specific Committee.
- (6) The promotion or opposition of private legislation and the consideration of Provisional Orders or Private Bills affecting the interests of the Council.
- (7) The resolution of any conflict that may arise on any matter between Committees. Where any conflict arises between Service Committee decisions in relation to a strategic project, then all future decisions in relation to that project are from that point onwards to be determined by Moray Council [Full Council], unless Moray Council [Full Council] decides to remit the matter back to those Service Committees.
- (8) Alterations to the establishment, whether by way of increase or decrease, of chief officer posts.
- (9) All matters relating to elections including the appointment of a Returning Officer and electoral boundaries.
- (10) Changes in Committee structure, distribution of functions and responsibilities.
- (11) Appointment of Committees and the appointment of Chair and Depute-Chair thereof.
- (12) Appointments to Outside Bodies.
- (13) The approval of Council Reports and Strategies of a corporate nature including Local Development and Housing Plans.

- (14) The closure of schools or other educational establishments.
- (15) The provision of office accommodation for all departments of the Council.
- (16) The formulation, review and amendment of the Council's constitutional documents comprising the Standing Orders, Scheme of Administration, Scheme of Delegation and Financial Regulations.
- (17) Dismissal of the Chief Executive, in terms of the relevant disciplinary procedures relating to the same
- (18) All matters relating to emergency planning and home defence.
- (19) Any new policy matter which does not fall within the terms of reference of any Committee.
- (20) The determination of applications by businesses for assistance of whatever nature which fall outwith the terms of reference of the Economic Development & Infrastructure Services Committee or any other relevant Committee.
- (21) The statutory functions delegated by the Council to the Integration Joint Board for Moray for those of 18 years and over in terms of the Integration Scheme for Moray.
- (22) To consider the annual estimate for capital expenditure and agree any new or additional capital projects bi-annually on dates to be determined by the Asset Management Working Group.
- (23) To consider the annual estimates for, and approve all, revenue expenditure.
- (24) To consider the amounts to be raised by levying the Council Tax in each financial year.
- (25) To consider applications for granting the Freedom of Moray.
- (26) To authorise the use of the Council's Common Seal and signature by the Council Convener.
- (27) To consider petitions relative to the above matters.

(III) TERMS OF REFERENCE TO COMMITTEES

NOTE - All items marked * can be considered by the Committee and subject to recommendations but are excluded from the full delegation to Committees.

(A) ALL COMMITTEES

- (1) To carry out the role described in the Council's agreed policy for appointment of senior management posts at Head of Service level and above. These committees shall comprise 9 members from the committee(s) relevant to the post being recruited to. Membership shall be determined by the Council and shall reflect political balance.
- (2) To consider Capital and Revenue Budgets and long-term financial plans.
- (3) To approve the acquisition or sale of land, buildings or interests in land up to £100,000 in value and where there is budgetary provision. [See Section II (2) above]
- (4) To monitor performance of the services within the Committee's remit in accordance with the Council's performance management framework.
- (5) To consider petitions relative to the Committee's matters, excluding always those functions which are quasi-judicial in nature.

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Deleted: To form an Appointments Committee to appoint Heads of Services in accordance with the Recruitment and Selection of Senior Staff Policy.¶

(B) CORPORATE COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

Functions Subject to Moray Council Decisions.

- * (1) To consider the financial and budgetary policy of the Council.
- * (2) To consider the need for new services and the necessity for existing ones.
- * (3) To provide office accommodation for all departments of the Council.
- * (4) To consider the promotion or opposition of private legislation in Parliament under Section 82 of the Local Government (Scotland) Act 1973 subject to consultation with other Committees as appropriate.

- * (5) To consider any Provisional Order, Parliamentary Bill or Statutory Instrument (other than Orders, Bills or Instruments specifically affecting particular departments of the Council).
- * (6) To consider any new policy matter which does not fall within the terms of reference of any other Committee.

Financial

- (7) To regulate and manage the finances of the Council in accordance with the policies determined by the Council and to prepare and review from time to time such rules as may be necessary for the proper administration of the Council's financial affairs.
- (8) To implement and monitor the treasury policy statement dealing with the management of all money and capital market transactions in connection with cash and funding resources of the Council.
- (9) To monitor progress of projects in the approved Capital Plan, including any revisions to the price or phasing on a quarterly basis.
- (10) To monitor current revenue expenditure in relation to approved estimates.
- (11) To deal with the administration of the levy, collection, payment and recovery of Council Tax, Community Charges, non-domestic rates and water and sewerage charges.
- (12) To arrange for the borrowing of money by the Council.
- (13) To deal with superannuation and pensions.
- (14) To supervise the payment and recovery of monies on behalf of the Council.
- (15) To keep accounts for the proper recording of all transactions of the Council and to audit such accounts.
- (16) To make banking arrangements for the Council.
- (17) To write off irrecoverable debts in accordance with the Council's Financial Regulations.
- (18) To determine appeals against assessments and to dispose under any enactment of all other claims or applications for relief from or repayment of charges or rates.
- (19) To deal with all matters relating to insurance.

- (20) To deal with the management and investment of any funds including Common Good Funds and trust funds, under the control of the Council and consult relevant service committees on expenditure of trust funds where appropriate; and to deal with the management of Common Good and Trust property.
- (21) To formulate, supervise the implementation of and review as necessary the policies and practices of the Council in relation to its procurement arrangements.
- (22) To deal with all matters relating to the Councils Strategy, Policy, budgetary and monitoring arrangements for Third Sector.

Staffing

- (23) To authorise, control and review as necessary, in consultation with the appropriate Service Committee, the establishment of all categories of staff of the Council, with the exception of teachers.
- (24) To formulate, supervise the implementation of and review as necessary the policy and practices of the Council for all employees, other than teachers, in relation to:-
 - (a) the policies for the appointment and deployment, appraisal, transfer and promotion of all employees within the approved establishment;
 - (b) the remuneration, conditions of service and allowances of all posts;
 - (c) the recruitment, training and development, health, safety and welfare policies and practices of the Council;
 - (d) the grievance and disputes procedures, disciplinary rules and procedures and dismissal procedures relating to all employees.
- (25) In the case of teachers, to apply and monitor the implementation of general personnel policies and practices of the Council, including health, safety and welfare and to co-ordinate local conditions of service in line with Council policy.
- (26) To decide applications for early retirement under the Teacher's (Compensation for Early Retirement) Regulations 1996 and to decide applications from teachers requesting re-employment under the age of 65 in terms of the Teachers (Scotland) Act 1976.

Property and Asset Management

- (27) To provide furniture, office supplies and equipment including computer systems and all common office services.

- (28) To formulate, supervise the implementation of and review as necessary the policies and practices of the Council in relation to asset management and to maintain an overview of the Council's property disposal programme.
- (29) To approve discretionary charges made for Council services in accordance with policy.
- (30) To monitor and review concessionary rents.
- (31) To approve any new rental concessions up to £50,000 per annum.
- (32) To consider all Community Asset Transfer requests including disposals above £100,000 in value and rental concessions over £50,000 per annum.
- (33) To deal with the overall estates management of Council properties which are not for the time being used by the appropriate service department and the sale or lease of land or buildings temporarily or permanently surplus to the needs of the Council except Council Housing.
- (34) To develop and implement information technology policies

Performance and Risk Management

- (35) To exercise the statutory power of the Council to advance well-being under the Local Government in Scotland Act 2003.
- (36) To deal with all matters relating to Council wide or Corporate risk assessment and the mitigation and management of these risks.
- (37) To deal with all matters relating to developing and monitoring customer access and information.
- (38) To deal with all matters relating to entering into partnerships, co-operating and liaising with other bodies and Authorities.
- (39) To deal with all matters relating to developing and monitoring public relations, public reporting, publicity and corporate communications.
- (40) To ensure a suitable framework is in place for performance management across Council services.
- (41) To formulate and review Council wide policy, strategies, priorities and objectives in relation to cross cutting issues which do not fall within the remit of service committees such as equalities, poverty, armed forces, Brexit, immigration.

Miscellaneous

- (42) To consider any corporate issues arising in relation to the Councillors' Code of Conduct
- (43) To provide members' services.
- (44) To provide, develop and monitor all central support services including information communications technology, human resources, communications and organisational development, administrative, finance, legal, democratic, governance and customer services including printing, reprographic and other services.
- (45) To exercise the functions of the Council in connection with the Registration of Births, Deaths and Marriages.
- (46) To deal with the functions of the Council as Valuation and Electoral Registration Authority.
- (47) To exercise the functions of the Council in connection with Community Councils.
- (48) To make arrangements for ceremonial matters and hospitality.
- (49) To deal with all matters relating to the exercise of the statutory functions of the Council under the Local Government in Scotland Act 2003 to initiate, maintain and facilitate Community Planning, the process by which public services in Moray are provided and planned for.
- (50) To ensure that the organisation, administrative and management processes of the Council are designed to make the most effective contribution to achieving the Council's objectives; to keep these procedures under review in the light of changing circumstances and to make such recommendations to Moray Council [Full Council] as are necessary for changes in the Committee or departmental structure or the distribution of functions and responsibilities.

(C) APPEALS COMMITTEE

- (1) To hear, consider and determine appeals by employees, other than teachers, in terms of the Scheme of Pay and Conditions for Scottish Joint Council employees and the Scheme of Pay and Conditions of Service for Craft Operatives and Chief Officers excluding the Chair of the meeting at which the original decision was taken.

(D) EDUCATION, CHILDREN'S AND LEISURE SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

GENERAL

- (1) To exercise all the functions of the Council as Education Authority within the terms of relevant legislation with regard to nursery, primary, secondary, and further education; community learning and development ; and to determine the Council's policies in regard thereto.

RESIDUAL SOCIAL WORK RESPONSIBILITIES

- (2) To exercise the functions of the Council within the terms of relevant legislation with regard to criminal justice, including youth, justice and to determine the Council's policies in regard thereto.
- (3) To exercise the residual functions of the Council as Social Work Authority for adult services not delegated to the Moray Integration Joint Board within the terms of relevant legislation, including = mental health and incapacity, to determine the Council's policies in regard thereto.
- (4) To consider reports from the Councils Chief Social Work Officer in terms of relevant legislation.

EDUCATION

- (5) To consider the closure of schools and other educational establishments under the control of the Council as Education Authority.
- (6) To deal with the appointment, transfer, dismissal, suspension, remuneration and conditions of service of teaching staff so far as under the control of the Council, subject to the duty of the Corporate Committee to co-ordinate and apply local conditions of service of teaching staff after the approval of this Committee.
- (7) To deal with Children's safety including school crossing patrols.
- (8) To carry out the duties of the Council in regard to Parent Councils and to consider submissions from such Parent Councils.
- (9) To exercise the functions of the Council under the Children and Young Persons (Scotland) Act 1937.

(10) To select children and staff worthy of receiving awards for outstanding achievement in their personal development or noteworthy service to their community and the authority.

(11) To consider and oversee educational developments relating to the culture and heritage of Scotland including attention to local priorities.

(12) To consider and decide on applications from parents under Section 35 of the Education (Scotland) Act 1980 for consent to withdraw their children from school in order to educate them at home.

(13) To exercise the functions of the Council as Education Authority relating to truancy under Sections 36-43 of the Education (Scotland) Act 1980.

Deleted: To exercise all the functions of the Council as Social Work Authority within the terms of relevant legislation with regard to child support and protection, looked after children, fostering, adoption and young people leaving care; and to determine the Council's policies in regard thereto.

Deleted: To receive reports from and consider the recommendations of the Scottish Public Services Ombudsman in relation to children and young people (under 18 years) services.

EDUCATIONAL TRUSTS

- (14) To act as Trustees of the Moray and Nairn Educational Trust Scheme.
- (15) To exercise control of expenditure of available funds in Educational Trusts
- (16) To consider and monitor the allocation of educational grants under the Council policy for grants awards.

SCHOOL ESTATE

- (17) To consider and make recommendations on capital and minor works programmes within the remit of the committee.
- (18) To comment on and monitor general expenditure for school building projects.
- (19) To consider and monitor problems relating to:-
 - (a) School capacities and available accommodation;
 - (b) Review school zoning; and
 - (c) Social issues (such as vandalism) relating to schools.

COMMUNITY FACILITIES

- (20) To exercise the Council's statutory functions to provide facilities and support activities related to the development of recreation, sport, culture and social activities.
- (21) To deal with the management of community centres, residential outdoor centres and community facilities within community high schools.
- (22) To deal with issues related to the community use of schools.
- (23) To assist voluntary organisations who provide youth and community facilities.

LIBRARIES

- (24) To exercise the statutory duties of the Council to secure the adequate provision of libraries and maintain the Council's Archives.
- (25) To deal with matters related to the provision of library and local heritage services.

SERVICE PERFORMANCE

- (26) To develop and monitor the Council's Performance Management Framework for the services within this committee remit. .

Deleted: To consider and monitor the allocation of educational grants under the Council policy for grants awards.¶

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(E) PLANNING AND REGULATORY SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) Subject to paragraphs (2) and (3) hereunder, to exercise the statutory functions of the Council as Planning Authority under the Planning Acts, the Local Government (Scotland) Act, 1973; the Local Government Scotland Act 1994 and other relevant legislation.

For planning applications where a pre-determination hearing is mandatory, these will be carried out in accordance with the approved hearing procedure and following completion of the pre-determination hearing the planning application will then be determined by this Committee.

- (2) To review or prepare all Local Development Plans including the Council Report and an Environmental Charter for submission to the Council.
- (3) To comment on Housing Plans.
- (4) To exercise the functions of the Council under Building Standards Regulations and Orders and relaxations.
- (5) To exercise the functions of the Council in relation to dangerous or dilapidated buildings or structures repair or demolition notices.
- (6) To exercise the Council's street naming functions under the Civic Government Act 1987 and related legislation.
- (7) To make, vary and revoke Orders for the preservation of trees including the power to make, vary and revoke orders of an urgent nature.
- (8) To deal with High Hedge Notices under the High Hedges Act (Scotland) 2013.
- (9) To exercise the statutory functions of the Council as Local Weights and Measures Authority.
- (10) To exercise the function of the Council under the Petroleum (Consolidation) Regulations 2014 including the issue, suspension or revocation of licences thereunder.
- (11) To deal with all matters relating to Trading Standards.
- (12) To exercise the functions of the Council in relation to Diseases of Animals.
- (13) To exercise the functions of the Council under the Explosives Acts including the issue, suspension or revocation of licences thereunder.

- (14) To exercise the functions of the Council under the Mines and Quarries Acts.
- (15) To exercise the functions of the Council in relation to the safety of sports grounds legislation.
- (16) To exercise the functions of the Council as the Environmental Health Authority.
- (17) To deal with all matters relating to contaminated land in terms of the Environmental Protection Act 1990, the Environmental Act 1995 and the Contaminated Land (Scotland) Regulations 2000, as amended 2005.
- (18) To exercise the functions of the Council in relation to the Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 and the Smoking, Health and Social Care Act (Scotland) 2005
- (19) To deal with all matters relating to Section 119 and 120 of the Community Empowerment (Scotland) Act 2015 – Food Growing Strategy
- (20) To develop and monitor the Council's Performance Management Framework for the Planning & Regulatory Services.

(F) ECONOMIC DEVELOPMENT AND INFRASTRUCTURE SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with all matters relating to twinning, subject, where appropriate, to consultation with other Committees. Any proposal to establish a new twinning link shall be the subject of a recommendation to Moray Council [Full Council].
- (2) To exercise the statutory functions of the Council in relation to economic development in terms of paragraph 171 of the Local Government (Scotland) Act 1994.
- (3) To deal with all matters relating to industrial and commercial development, subject to (5) below.
- (4) To provide financial and other assistance to those engaged in industry or commerce.
- (5) To consider all other applications by business for assistance of whatever nature which fall outwith the terms of (5) above and to make recommendations to Moray Council [Full Council].

- (6) To manage and maintain public conveniences.
- (7) To exercise the statutory functions of the Council under the Land Reform (Scotland) Act 2003.
- (8) To exercise the functions of the Council in relation to Countryside Amenities including the Speyside Way, Fisheries and Ranger Service.
- (9) To provide architectural, quantity surveying, maintenance and allied property services.
- (10) To manage the transport of vehicles belonging to, hired by or otherwise under the control of the Council.
- (11) To exercise the functions of the Council in relation to Parks, Open Spaces and Tree/Woodland management and maintenance.
- (12) To exercise the functions of the Council in relation to the provision of Catering and Cleaning Services.
- (13) To deal with all matters relating to Environmental Protection.
- (14) To provide and maintain all burial ground services.
- (15) To exercise all functions of the Councils as Roads Authority including safety, the detailed planning, design and construction, improvement, maintenance and lighting of roads, bridges and other structures and excluding street naming functions [see Section III (E)(6) above].
- (16) To exercise the functions of the Council under the Roads (Scotland) Act 1984 and other relevant legislation.
- (17) To deal with traffic and transport management functions, including the preparation and implementation of traffic management schemes.
- (18) To exercise the function of the Council in relation to public passenger transport under the Transport Act 1985.
- (19) To exercise the functions of the Council under the Flood Prevention (Scotland) Act 1961 as amended by the Flood Prevention and Land Drainage (Scotland) Act 1997.

Note: this Act will be superseded by the Flood Risk Management (Scotland) Act 2009, but will still apply to ongoing legacy projects.
- (20) To make Orders for the regulation of traffic including the power to make Orders of an emergency nature.
- * (21) To prepare the Local Transport Strategies and Road Traffic Reduction for consideration by Moray Council [Full Council].

(22) Determining arrangements for waste management, street sweeping, refuse collection and refuse disposal including re-cycling.

* (23) To consider concessionary travel arrangements.

(24) To exercise the functions of the Council as lighting authority.

(25) To exercise the functions of the Council as Harbour Authority under the Grampian Regional Council (Harbours) Order Confirmation Act 1987, the Harbours Act 1964, the Pilotage Act 1987, the Merchant Shipping (Port Waste Reception Facilities) Regulations 1987, the Merchant Shipping Act 1995 and the Dangerous Vessels Act 1985 and in relation to the maintenance of piers and harbours and coast protection.

(26) To exercise the functions of the Council under the Reservoirs Act 1975.

(27) To exercise supervision of the internal transport section dealing with the management, repair and maintenance of all Council vehicles, plant and equipment.

(28) To promote tourism development in Moray.

(29) To oversee the application for, co-ordination and monitoring of Council funding from European legacy and external programmes.

* (32) To deal with all matters relating to emergency planning and home defence.

(33) [To review or prepare a Climate Change Strategy to provide a framework for actions aimed at reducing carbon emissions and actions to restore biodiversity for submission to the Council.](#)

(34) To provide, develop and monitor the Council's Economic Development and Infrastructure Services.

(34) To deal with matters related to the provision of museums and related services, and built heritage.

(G) HOUSING AND COMMUNITY SAFETY COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with the Capital and Revenue budgeting and long-term financial planning in the discharge of the Council's Housing function including:-

- * (a) to set Council house rent levels;
- * (b) to set garage and garage site rent levels; and
- * (c) to deal with levy, collection, payment and recovery of Council house rents.

- (2) To exercise all the functions of the Council as Housing Authority.
- (3) To carry out the management and maintenance of the Council's Housing Stock including housing for the homeless and sites for Gypsies/Travellers.
- (4) To deal with the allocation and letting of houses and homelessness.
- (5) To administer private sector housing grants etc.
- (6) To administer house purchase/improvement loans.
- (7) To exercise the Council's powers within the terms of relevant legislation in relation to housing support and contributing to the expense of housing elderly, infirm or disabled people.
- (8) To deal with matters arising under the former Right to Buy and Rent to Mortgage Schemes
- (9) To deal with the Council's responsibilities for the Housing Direct Labour Organisation.
- (10) To prepare housing quality plans and other such housing related plans as may be required to ensure effective implementation of strategic housing matters.
- (11) To formulate and implement the Council strategic Housing Plan in partnership with other housing providers in co-operation with other Council Committees and services.
- (14) To develop and implement the Council's strategy and policies in relation to, Community Safety and Anti-Social behaviour (including road accidents) in partnership with other public sector partners, voluntary sector and private sectors as appropriate.
- (15) To develop and monitor the Council's Performance Management Framework for the functions delegated to this committee.

(H) LICENSING COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To exercise all the functions of the Council as Licensing Authority including applications in terms of relevant legislation other than duties carried out by the Licensing Board.
- (2) To issue and suspend, revoke and refuse applications for all licences made in respect of activities, which require to be licensed in terms of the Civic Government (Scotland) Act 1982.
- (3) To make recommendations to Police Scotland relating to prosecution of offences prescribed in terms of the Civic Government (Scotland) Act 1982.
- (4) To deal with all matters of Licensing and Registration not falling within the functions of any other Committee.
- (5) To issue, suspend, revoke and refuse approvals for venues for civil marriages in terms of the Marriage (Scotland) Act 2002.

(I) **AUDIT AND SCRUTINY COMMITTEE**

The following functions of the Council shall stand referred or delegated to this Committee:

STANDARDS

- (1) To ensure that the highest standards of probity and public accountability are demonstrated.

AUDIT FUNCTIONS

- (2) Considering reports from the Council's Internal Auditor.
- (3) Considering reports from Audit Scotland concerning Council functions.
- (4) Contributing towards making the Council, its Committees and Services more responsive to the audit function and its purpose.
- (5) Supporting the Council's governance, risk and control arrangements by:
 - providing a review of the Annual Council Statement and the assurances underpinning it.
 - considering the effectiveness of the Council's risk management arrangements
 - promoting internal controls and assurances
 - supporting an anti-fraud culture
 - review of revisions to financial procedures.
- (6) [Oversee the independence, objectivity, performance and conformance to professional standards of Internal Audit.](#)

- (7) Having responsibility for focussing audit resources through a process of agreeing on an annual audit plan.
- (8) Monitoring delivery of the audit service through receipt of quarterly reports on work carried out by Internal Audit.
- (9) Considering reports produced by the Council's External Auditor.
- (10) Considering the annual assurance statement provided by Internal Audit on the Council's control environment.

SCRUTINY FUNCTIONS

- (11) To scrutinise areas of policy, service delivery or performance identified for improvement in:
 - (i) Internal and external audit reports where sufficient evidence of progress from the appropriate committee is not available.
 - (ii) reports or findings from external regulators where sufficient evidence of progress from the appropriate committee is not available.
- (12) To receive reports on the performance of and trends within Council's services as a whole in terms of Local Government Benchmarking Framework.

INQUIRIES

- (13) To deal with all matters relating to local inquiries into matters affecting children.

(J) POLICE AND FIRE AND RESCUE SERVICES COMMITTEE

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To deal with all matters relating to Police and Fire and Rescue Services in Moray.
- (2) To participate in consultations relative to national strategic plans and priorities for the Police and Fire and Rescue Services.
- (3) To work with the Local Police Commander and the Local Senior Officer for the Fire and Rescue Service to set priorities and objectives for Local Police Plans and Local Fire and Rescue Plans for Moray.
- (4) To monitor delivery of the Police and Fire and Rescue Services in Moray, providing feedback and making recommendations for improvements as required.
- (5) To call for reports from the Local Police Commander or the Local Senior Officer for the Fire and Rescue Service on issues relevant to the delivery of the Police or Fire and Rescue Service in Moray as appropriate.
- (6) To facilitate Community Planning relative to the Police and Fire and Rescue Services in accordance with statutory guidance.

(IV) TERMS OF REFERENCE TO HOUSING APPEALS SUB-COMMITTEE

The following functions of the Council shall stand referred or delegated to this Sub-Committee:

- (1) To determine Housing Management matters which are outwith Officer's Scheme of Delegation.
- (2) To determine appeals from applicants or tenants, which relate to the Council's Allocations or Homelessness Policies.
- (3) To determine appeals from applicants relating to Private Sector grants.
- (4) To determine the outcome of any Right to Buy applications which cannot be resolved under the Officer's Scheme of Delegation.
- (5) To deal with other matters as may be remitted to the Sub-Committee by the Policy and Resources Committee from time to time.

(V) TERMS OF REFERENCE TO MORAY LOCAL REVIEW BODY

The following functions of the Council shall stand referred or delegated to this Committee:

- (1) To consider and determine requests by applicants to review a planning application decision of the 'Appointed Person' or the failure of the 'Appointed Person' to determine a planning application within three months, as required by the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland Regulations) 2013.

APPENDIX

**SENIOR MEMBERS OF STAFF APPOINTED THROUGH RECRUITMENT PROCEDURE
APPROVED BY THE COUNCIL**

Chief Executive
Depute Chief Executives
Heads of Service



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

**SUBJECT: REVIEW OF COUNCIL'S CONSTITUTIONAL DOCUMENTS –
SCHEME OF DELEGATION**

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

1. REASON FOR REPORT

- 1.1 To invite the Council to approve changes to Council's Scheme of Delegation as detailed in Section 4 of the report.
- 1.2 This report is submitted to Council in terms of Section II (15) of the Council's Administrative Scheme relating to the formulation, review and amendment of the Administrative Scheme and Standing Orders.

2. RECOMMENDATION

- 2.1 **It is recommended that the Council consider and approve the proposed changes to the Council's Scheme of Delegation, as set out in Appendix I.**

3. BACKGROUND

- 3.1 The Council's Scheme of Delegation, part of its [Constitutional documents](#), was last reviewed on 21 February 2020.
- 3.1 The Scheme requires a routine update to show changes in legislation and names and to reflect the transfer of oversight of Children's Services to the Moray Integration Joint Board. These changes are detailed at paragraph 4.1 below.

4. PROPOSALS

- 4.1 Amendments to the Council's Scheme of Delegation are as detailed in the table below and can be seen as tracked on **Appendix 1**.

Delegation No	Amendment	Reason
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1 (11) and (13)	Change reference from 'Convener' to Depute Leader	To reflect decision of Moray Council taken on 10 August 2022
2 (1)	Change reference from 'Convener' to Depute Leader	As above
2 (2)	Remove word "temporarily"	For a consistency with the following paragraph (3)
2 (11)	Change reference from 'Convener' to Depute Leader Insert word 'Political' before Group Leaders	As above For clarity
3 (d) (i)	Change reference from Head of Governance, Strategy and Performance to Chief Financial Officer	To clarify the officer responsible
4 (1) (ii)	Include additional wording "This includes authority to incur expenditure proportionate to the emergency and necessary to ensure implementation of such action."	Added to clarify delegated authority to incur expenditure and limits to this.
5 (4)	Change reference from 'Convener' to Depute Leader	As above
5 (10)	Remove "within the terms of the general provisions of the Scheme of Delegation" and replace with "within the terms of paragraph 1 (6) (f) above"	Clarity on operation of para 5 (10)
6 – Fourth Bullet Point	Amend service area description to read Human Resources, ICT (Information Computer Technology) and Organisational Development	To reflect proper service area description.
6 – Depute Chief Executive delegation	Amend the wording to specific Depute Chief Executive.	
8 (17)	Addition of Short Term Let Licence	Additional responsibility
8 (30)	Remove reference to Records Management	Delegation now under Head of Governance, Strategy and Performance
8 (32)	Amend committee title references to read 'Education, Children's and Leisure Services Committee and Corporate Committee' accordingly	To reflect correct committee title.
9 (23)	Insert new 23 ' To meet the Council's statutory obligations for Records Management and Data Protection'	To clarify the officer responsible See 8(30) above.

9 (31)	Delegation now sits with Chief Financial Officer	To clarify the officer responsible See 15 (4) below.
9 (33)	Delegation now sits with Chief Financial Officer	To clarify the officer responsible See 15 (5) below.
9 (34)	Insert new delegation' To ensure suitable printing, scanning and copying arrangements are in place for council services.	To clarify the officer responsible, previously unspecified.
10	Amend heading to read ' HUMAN RESOURCES (HR) INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) AND ORGANISATIONAL DEVELOPMENT'	To reflect updated service area description
10 (1) and (11)	Amend Committee title reference to read 'Corporate Committee'	To reflect correct committee title
10 (12)	Amend reference to Head of Financial Services to read ' Chief Financial Officer'	To clarify the officer responsible
10 (18)	Amend reference to Corporate Director to read ' Depute Chief Executive'	To clarify the officer responsible
10 (24)	Remove	Repeat of 10 (12)
New 10 (24)	Insert new 10 (24) to read ' To authorise the arrestment of wages in respect of employees of the Council	Previously delegated to Chief Financial Officer (15(7))
New 10 (25)	Insert new 10 (25) to read ' Implement nationally agreed pay awards for Council staff and allowances for Councillors'	Previously delegated to Chief Financial Officer (15(13))
11 (1)	Add fourth bullet point 'Financial Services'	To clarify all areas of responsibility
12 (19)	Amend committee title reference to read ' Housing and Community Safety Committee'	To reflect correct committee title
Heading between 12 (43) and (44)	Amend heading to read 'Gypsy/Traveller Communities'	To reflect current Scottish Government terminology
12 (45)	Add 'Chief Financial Officer' to list of consultees	
12 (53)	Amend value £50,000 to read £250,000 and value £5,000 to read £25,000	To accurately reflect current values for ordinary acquisitions of housing or land within budget.
13 (12)	Insert new (12) to read 'Manage and implement the requirements of the Transport (Scotland) Act 2020	To reflect legislative update

13 (19)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
13 (24)	Remove delegation relation to school crossing patrols	Following previous budget decision Council no longer employs school crossing patrollers
13 (31)	Wording amended to remove reference to EU directives	No longer relevant
13 (35)	Insert new delegation to read 'to maintain a rota of senior managers to act as Emergency Response Coordinators, authorised to take such necessary actions to respond appropriately to an emergency situation.'	To reflect current practice.
13 (37)	Include delegation to Head of Housing and Property Services	
13 (38)	Include delegation to Head of Housing and Property Services	
14 (27)	Amend section name to Economic Growth and Development	Change to reflect organisation structure
14 (34)	Amend section name to Development Management and Strategic Planning and Development	Change to reflect organisation structure
14 (51)	Move delegation to Strategic Planning and Development and Economic Growth and Regeneration	Change to reflect organisation structure
15 (2)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
15 (4)	Insert new delegation to read 'To determine applications for discretionary rates relief from applicants where the organisation meets the statutory regulations and falls within the conditions agreed by Council'	To clarify the officer responsible Delegation formerly with Head of Governance, Strategy and Performance – See 9(31) above
15 (5)	Insert new delegation to read 'To ensure the levying, collection and recovery of arrears of: <ul style="list-style-type: none"> • Council Tax in accordance with Section 97 of the Local Government Finance Act 1992 and any subsequent amendments/regulations. • Non Domestic Rates in accordance with Local 	To clarify the officer responsible Delegation formerly with Head of Governance, Strategy and Performance – See 9(33) above

	<p>Government Finance Act 1988 and any subsequent amendments/regulations.</p> <ul style="list-style-type: none"> Business Improvement District levy under the Planning etc. (Scotland) Act 2006 and any subsequent amendments/regulations.' 	
15 (7)	Remove delegation	Delegation now sits with Head of HR, ICT and OD – see new 10 (24) above
15 (13)	Remove delegation	Delegation now sits with Head of HR, ICT and OD – see new 10 (25) above
15 (14)	Amend committee title reference to read 'Corporate Committee'	To reflect correct committee title
15 (17)	Amend consultation to Political Group Leaders and update Committee name.	
15 (18)	Insert new delegation to read 'Approve the engagement of consultants if the estimated cost is less than £25,000	To match financial regulations
16 - intro	Insert 'shall direct and' into the first sentence and remove subsequent bullet points.	To reflect the statutory delegation of Children's Services to MIJB
16 intro	Amend explanation in relation to delegations regarding Adult and Children's services as to read as follows remove - Where delegations are granted in relation to Adult Services these relate to functions for those of 18 years and over; and where they are granted in relation to Children's Services, they relate to functions for those under 18 years of age and replace with – The delegations to Officers below are given subject to this framework.	For clarification due to the post titles of Head of Adult/Head of Children's Services no longer exists and to provide simplified wording to explain the difference between adults and children in the context of these services
16 ((4) – (8), (26) – (29) and (40 – 91)	Amend references throughout from Head of Service (MIJB)/Children's Services and Head of Children's Services to read 'Head of Service (MIJB)'	For clarification as post title Head of Children's Services no longer exists.

16 (48)	Amend committee title references to read 'Education, Children's and Leisure Services Committee and Corporate Committee' accordingly	To reflect correct committee titles
16 (86)	Insert new delegation to read 'In consultation with the Head of Governance, Strategy and Performance to pay reasonable legal expenses in relation to contested adoptions.'	To match policy agreed by Council.
Appendix 1	Insert 'Animal Health and Welfare (Scotland) Act 2006 – Sections 32A-32M – Authorisation of legal persons	Amendment to the Animal Health and Welfare (Scotland) Act 2006 by the Animals and Wildlife (Penalties, Protections and Powers) Act 202, which came into force on 30 Sep 21.
Appendix 2	Insert ' Copyright, Designs and Patents Act 1988'	Trading standards require to enforcer parts of this act.
Please note that all paragraph numbering will be amended automatically in the final document to reflect any removal or additions.		

5. **SUMMARY OF IMPLICATIONS**

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

Effective governance arrangements are key to the development and delivery of the Council's stated priorities and plans.

(b) Policy and Legal

Provision of Standing Orders ensures that the Council's affairs are administered in accordance with the law, propriety and proper standards.

(c) Financial implications

None.

(d) Risk Implications

Updated constitutional documents help to promote good governance and reduce the chance of a successful challenge to Council decisions.

(e) Staffing Implications

The proposed amendments can be accommodated within existing staff resources.

(f) Property

None.

(g) Equalities/Socio Economic Impact

There are no direct impacts as the Council's constitutional documents regulate the Council's internal procedures only.

(h) Climate Change and Biodiversity Impacts

None.

(i) Consultations

The review of the Scheme of Delegation reflects previous committee decisions and legislative changes. Consultation on the Scheme has been undertaken with the Corporate Management Team.

6. CONCLUSION

6.1 The annual review of the Council's Scheme of Delegation has resulted in a number of changes being identified and the Scheme has been redrafted accordingly. The Council is asked to approve the amendments.

Author of Report: Head of Governance, Strategy and Performance and
Democratic Services Manager

Background Papers:

Ref:

APPENDIX 1



**MORAY COUNCIL
CONSTITUTIONAL DOCUMENTS**

3. SCHEME OF DELEGATION

Detailing the powers delegated to Council officers
[under Section 50G of the Local Government (Scotland) Act 1973]

Approved by Moray Council on 12 February 2020
Review due: February 2021
Responsible Officer: Head of Governance, Strategy and Performance

Contents

1. GENERAL TERMS.....	3	
2. GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND DEPUTE CHIEF EXECUTIVES – CENTRAL MANAGEMENT TEAM (CMT).....	6	
3. PROPER OFFICERS AND STATUTORY APPOINTEES	7	
4. SCHEME OF DELEGATION TO OFFICERS (PARTICULAR DELEGATIONS)	14	
5. CHIEF EXECUTIVE	15	
6. DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT) (ED, COMMS AND OD).....	16	
7. EDUCATION	17	
8. EDUCATION RESOURCES AND COMMUNITIES	18	Deleted: 1918
9. GOVERNANCE, STRATEGY AND PERFORMANCE	20	
LEGAL SERVICES.....	20	
LICENSING.....	22	
INFORMATION MANAGEMENT	25	
CURATORS AD LITEM	25	
BENEFITS.....	26	Deleted: 2725
COUNCIL TAX AND RATES	26	Deleted: 2726
EQUALITIES.....	26	Deleted: 2726
10. HUMAN RESOURCES (HR) AND INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)	26	Deleted: 2826
11. DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE)	29	Deleted: 3129
12. HOUSING AND PROPERTY SERVICES	30	Deleted: 3130
STRATEGY/POLICY	30	Deleted: 3130
ENABLING	31	Deleted: 3231
PRIVATE SECTOR IMPROVEMENTS/REPAIRS.....	31	Deleted: 3331
ALLOCATIONS	32	Deleted: 3332
HOMELESSNESS	32	Deleted: 3432
TENANCY/ESTATE MANAGEMENT	33	Deleted: 3433
REPAIRS/IMPROVEMENTS	34	Deleted: 3533
TRAVELLING PEOPLE	34	Deleted: 3534
BUDGETARY	35	Deleted: 3734
PERFORMANCE	35	Deleted: 3735
DESIGN AND PROPERTY RESOURCES	36	Deleted: 3835
13. ENVIRONMENTAL AND COMMERCIAL SERVICES.....	37	Deleted: 3937
ROADS.....	37	Deleted: 3937
CAR PARKS	39	Deleted: 4138
HARBOURS AND COASTLINE	39	Deleted: 4239
FLOODING AND RESERVOIRS.....	40	Deleted: 4239
TRANSPORT.....	40	Deleted: 4340
FLEET SERVICES	41	Deleted: 4340
CEMETERIES, LANDS AND PARKS.....	41	Deleted: 4340
WASTE COLLECTION AND DISPOSAL	41	Deleted: 4441

BUILDING CLEANING AND CATERING SERVICES	42	Deleted: 4441
EMERGENCY PLANNING	42	Deleted: 4441
GENERAL	42	Deleted: 4442
14. ECONOMIC GROWTH AND DEVELOPMENT	43	Deleted: 4542
BUILDING STANDARDS	43	Deleted: 4542
ENVIRONMENTAL HEALTH	44	Deleted: 4643
TRADING STANDARDS	44	Deleted: 4744
DEVELOPMENT SERVICES	47	Deleted: 5046
DEVELOPMENT MANAGEMENT	48	Deleted: 5147
DEVELOPMENT PLANS, ECONOMIC DEVELOPMENT	52	Deleted: 5551
15. FINANCIAL SERVICES	53	Deleted: 5652
16. CHIEF OFFICER TO THE MORAY INTEGRATION JOINT BOARD	55	Deleted: 5954
CHIEF SOCIAL WORK OFFICER	56	Deleted: 5955
SOCIAL CARE SERVICES	57	Deleted: 6055
CHILDREN'S SERVICES	60	Deleted: 6359
APPENDIX 1	66	Deleted: 7065
APPENDIX 2	68	Deleted: 7267

1. GENERAL TERMS

DEFINITIONS

- (1) The powers specified in this Scheme of Delegation are delegated to officers of the Council. Except where prohibited by law or otherwise prohibited by the Council, an officer to whom delegated powers have been granted may make such arrangements within his/her Department for the exercise of the delegated powers as he/she considers appropriate, save that the responsibility for such exercise remains with the Chief Executive/Depute Chief Executive/Head of Service. Such delegations are in addition to the normally accepted powers of a Chief Executive/Depute Chief Executive or Head of Service to deal with routine matters within the scope of their departmental responsibilities. If he/she deems it appropriate any Chief Executive/Depute Chief Executive/Head of Service may refer the delegated matter to the Council or the appropriate Committee rather than exercise the delegation him/herself.
- (2) For current purposes "CMT" shall mean the Chief Executive, Depute Chief Executive (Education, Communities and Organisational Development), and the Depute Chief Executive (Economy, Environment and Finance).
- (3) References in this scheme to authorisation to CMT or Head of Service to grant, approve or issue shall be taken to include authority also to refuse or to grant, approve or issue subject to conditions.

- (4) Any reference in this Scheme to legislation including delegated or subordinate legislation should be taken as including any amendments, replacements and re-enactments of such legislation currently in force.
- (5) The Scheme of Delegation is maintained for the purposes of Section 50G of the Local Government (Scotland) Act 1973.

SAFEGUARDS

- (6) The delegation granted in this Scheme to Officers of the Council shall be exercised:
- (a) in conjunction with the Council's other constitutional documents including the following:
 - ☐ Access to Information/Publication Scheme
 - ☐ Scheme of Administration
 - ☐ Code of Corporate Governance
 - ☐ Complaints Procedure
 - ☐ Councillor's Code of Conduct
 - ☐ Employees Code of Conduct
 - ☐ Financial Regulations
 - ☐ Members' Allowances and Expenses Scheme
 - ☐ Protocol on Consultation and Access to Information
 - ☐ Standing Orders
 - (b) on the basis that the exercise of the delegated power will not result in actual expenditure exceeding that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations;
 - (c) on the basis that the exercise of the delegated power will not result in actual income falling below that set out in the relevant part of the budget to the extent that this could not be contained by the relevant Officer viring in accordance with the Financial Regulations.
 - (d) on the basis that the exercise of the delegated power will not result in expenditure exceeding that set out in the relevant part of the Capital Programme for the financial year in question;
 - (e) subject to the member of the public or, in the case of employment matters, employee being notified in writing of any rights of appeal;
 - (f) only in respect of items which are not controversial, sensitive or complex and where the matter appears to be one which is controversial, sensitive or complex, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance / Chief Financial Officer as appropriate. (See 5.10).

- (g) consistent with the Council's procedures, policies, corporate standards and strategies;
 - (h) consistent with any qualifications required to exercise the delegation;
 - (i) consistent with agreed service objectives;
 - (j) where material and substantive changes are to be made to a project, the Officer shall, prior to the decision or action being taken, consult the Chief Executive and in addition the Head of Governance, Strategy and Performance/Chief Financial Officer as appropriate;
 - (k) Subject to the Health and Social Care Integration Scheme for Moray.
- (7) In the context of this Scheme, delegation shall extend to include homologation of action taken.
- (8) In the context of this Scheme, power to serve a Notice or other proceedings shall also include power to enforce that Notice or those proceedings.

WARD MEMBERS

- (9) In using the authority delegated to them, officers must consult all Ward Members if they consider that a proposed decision or action is of a non-routine nature and is likely to significantly and directly affect the Ward interests of Ward Members. This does not apply to proposed decisions or actions that have a general effect throughout the area, or are of a routine nature covered by this Scheme of Delegation.
- (10) To assist Councillors and Officers of the Council in relation to a Councillor's representative role, the Council has an agreed [Protocol on consultation, access to information and Councillor's involvement in Council business](#).

INTERPRETING POLICY

- (11) If there is a question on whether a decision taken by or action authorised by a Committee, Sub-Committee or Depute Chief Executive sets up or alters Council policy on any matter, this will be decided by the Chief Executive in consultation with the Council Leader (or [Depute Leader](#), if the Leader is absent).

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CONFLICT OF INTEREST

- (12) If a Member of the Council or an employee applies for a Council service, except for services available to the general public for a set fee, the officer who is delegated to decide on the application must first consult the Head of the relevant service. If considered necessary, the application will be referred to the Chief Executive or the relevant Committee for a decision.

DISPUTES

- (13) The Chief Executive, in consultation with the Council Leader (Depute Leader, if the Leader is absent), will decide all disputes on whether an issue is delegated to a particular Committee or officer.

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2. GENERAL DELEGATIONS TO CHIEF EXECUTIVE AND DEPUTE CHIEF EXECUTIVES – CENTRAL MANAGEMENT TEAM (CMT)

APPOINTMENTS

Appointing employees within the parameters set out in the Scheme of Administration the Financial Regulations, and the Recruitment and Selection of Senior Staff Procedure.

ACTING CHIEF OFFICER APPOINTMENTS

- (1) The Chief Executive, in consultation with the Council Leader (or Depute Leader, if the Leader is absent), can appoint an acting Depute Chief Executive from the staff of the Council when a Depute Chief Executive is absent for a significant period or the post is vacant. Depute Chief Executives can appoint an acting Head of Service or other Manager from the staff of the Council when a member of staff is absent for a significant period or the post is vacant.

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CMT EXERCISING POWERS OF THE CHIEF EXECUTIVE

- (2) Depute Chief Executives shall have the authority to exercise the powers of the Chief Executive contained within Section 5 below in situations of urgency when the Chief Executive is unavailable

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CMT EXERCISING THE POWERS OF EACH OTHER

- (3) Depute Chief Executives shall have the authority to exercise the powers of each other in situations of urgency when the nominated Depute Chief Executive (in terms of the delegations below) is unavailable. Any use of this authority shall be reported to the next scheduled meeting of CMT

DISCIPLINE AND GRIEVANCE

- (4) Conducting disciplinary and grievance proceedings for employees under the Council's approved procedures.

PRESS RELEASES

- (5) To issue press releases on behalf of the Council, in accordance with established procedures.

ACCESS TO INFORMATION

- (6) To comply with the Access to Information Act 1985 (Section 50A of the Local Government (Scotland) Act 1973).

SUPPLY AND PROVISION OF GOODS AND SERVICES

- (9) To enter into agreements for the purchase, supply and storage of any goods, materials, administrative, professional or technical services; the use of any vehicle, plant or apparatus; the carrying out of works or maintenance in connection with land or buildings in accordance with the Local Authorities (Goods and Services) Act 1970 and the Public Bodies (Joint Working) (Scotland) Act 2014.

PARTICIPATION REQUESTS

- (10) Corporate Management Team to consider and respond to participation requests.

USE OF COAT OF ARMS

- (11) Chief Executive, in consultation with [Civic Leader](#), and [Political Group Leaders](#), to consider requests for the use of the Council's Coat of Arms.

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3. PROPER OFFICERS AND STATUTORY APPOINTEES

PROPER OFFICERS

- (1) The undernoted officers are appointed to act as Proper Officer or by virtue of statutory requirement for the following purposes.

(a) Local Government (Scotland) Act 1973

- (i) Section 33A – Councillors' declaration of acceptance of office:

- Chief Executive
- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

- (ii) Section 34 – Receipt of Councillors' resignations:

- Chief Executive
- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

- (iii) Section 40 – Receipt of general notices from Councillors in respect of pecuniary interests and for recording of Councillors' disclosures of pecuniary interests:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (iv) Section 43 and Schedule 7 paragraph 1(4) – Receipt of requisition for special Council meeting:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (v) Section 43 and Schedule 7 paragraph 2(1) – Signing summons to Council meeting:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (vi) Section 43 and Schedule 7 paragraph 2(2) – Receipt of notice by Councillor of alternative address:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (vii) Section 50B – Excluding reports containing exempt information from public, and providing documents to the press:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (viii) Section 50C – Providing written summary where minutes are excluded from public:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)

- Head of Governance, Strategy and Performance
- (ix) Section 50D – Compiling a list of background papers to a report:
- Chief Executive/Depute Chief Executive with responsibility for the relevant function to which the report relates
 - Head of Service with responsibility for the relevant function to which the report relates
- (x) Section 50F – determining documents which are not open to inspection:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xi) Section 92 – Dealing with the transfer of securities:
- Depute Chief Executive (Economy, Environment and Finance)
 - Chief Financial Officer
- (xii) Section 95 – Administration of the Council's financial affairs:
- Chief Financial Officer
- (xiii) Section 145 – Ordnance Survey applications:
- Depute Chief Executive (Economy, Environment and Finance)
 - Head of Housing and Property Services
- (xiv) Section 189 – Instituting legal proceedings:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager
- (xv) Section 190 – Service of legal proceedings, notices on the Council:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Legal Services Manager (in the absence of the Head of Governance, Strategy and Performance)
- (xvi) Section 191 – Signing any claim on behalf of the Council in any sequestration, liquidation and other such proceedings in which the Council is entitled to make a claim:

- Head of Governance, Strategy and Performance
 - Legal Services Manager
- (xvii) Section 193 – Signing notices, orders, etc:
- Depute Chief Executive with responsibility for the relevant function to which the notice, order etc relates
 - Head of Service with responsibility for the relevant function to which the notice, order etc relates
- (xviii) Section 194 - Execution of all deeds and other documents which require to be sealed with the Council's common seal (other than stock certificates, bonds and mortgages):
- Chief Executive
 - All Depute Chief Executives
 - Head of Governance, Strategy and Performance
 - Legal Services Manager
 - Legal Services officers expressly authorised by the Council to sign that category of document
 - Chief Financial Officer for mortgages, bonds and other financial documents or instruments that transfer any of these or instruments which put into effect the power of investment and borrowing delegated to this officer by the Financial Regulations
- (xix) Section 197 – Inspection and deposit of documents:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xx) Section 202 – Authenticating byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xxi) Section 202B – Certifying entry in register of byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (xxii) Section 204 – Providing certificate as evidence of byelaws:
- Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance

(xxiii) Section 231 – Making application to the sheriff on questions arising from the Local government (Scotland) Act 1973:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(b) Civic Government (Scotland) Act 1982

(i) Section 113 – Evidence of management rules:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(c) Local Government and Housing Act 1989

(i) Section 2 – Lists of politically restricted posts:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of HR, ICT and Organisational Development

(ii) Section 19 - Receipt of notices of Councillors' interests and maintenance of records:

- Depute Chief Executive (Education, Communities and Organisational Development)
- Head of Governance, Strategy and Performance

(d) Local Government (Scotland) Acts 1973 and 1975, Abolition of Domestic Rates etc (Scotland) Act 1987, Local Government Finance Act 1992 and associated delegated legislation

(i) All administrative functions, including preparation of the Assessment Roll, preparation and issue of rates notices, collection of rates, receiving and settling claims for exemption from rates, handling objections to rates levels and the abatement, remission or repayment of rates under the relevant rating provisions:

- Depute Chief Executive (Economy, Environment and Finance)
- Head of Governance, Strategy and Performance Chief Financial Officer

(e) Local Government Finance Act 1992 and associated delegated legislation

- (i) All administrative functions, including preparation and issue of council tax notices, collection of council tax, handling of objections to assessments and the exemption, abatement or remission of charges:
 - Depute Chief Executive (Economy, Environment and Finance)
 - Chief Financial Officer
- (f) Local Government etc (Scotland) Act 1994**
- (i) Section 16 – Property held in trust:
 - Depute Chief Executive (Economy, Environment and Finance)
 - Head of Governance, Strategy and Performance
 - Chief Financial Officer
- (g) Requirements of Writing (Scotland) Act 1995**
- (i) Schedule 2, paragraph 4(1) – Signing of documents:
 - Chief Executive
 - All Depute Chief Executives
 - Head of Governance, Strategy and Performance
 - Legal Services Manager
 - Legal Services officers expressly authorised by the Council to sign that category of document
- (h) Local Authorities (Contracts) (Scotland) Regulations 1997**
- (i) Regulation 4 – Certification purposes:
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
 - Chief Financial Officer
 - Legal Services Manager
 - Relevant Authorised Procurers
- (i) Ethical Standards in Public Life etc (Scotland) Act 2000 (Register of Interests) Regulations 2003**
- (i) Regulation 3 – Setting up, maintaining and making available for public inspection the register of interests:
 - Depute Chief Executive (Education, Communities and Organisational Development)
 - Head of Governance, Strategy and Performance
- (j) Scottish Local Government Elections Order 2011**

- (i) Schedule 1, Rule 60 – Receipt of documents following an election:
- Chief Executive
 - Depute Chief Executive (Education, Communities and Organisational Development)

(k) The Cairngorms National Park (Scotland) Order 2003

- (i) Rule 49 – Retention of Documents for public inspection:
- Depute Chief Executive (Education, Communities and Organisational Development)

STATUTORY APPOINTEES

- (2) The following appointments are made in terms of the undernoted legislation:

(a) Social Work (Scotland) Act 1968 as amended

- (i) Section 3 – Chief Social Work Officer:
- Head of Service (MIJB)

(b) Representation of the People Act 1983

- (i) Section 41 – Returning Officer:
- Depute Chief Executive (Education, Communities and Organisational Development)

(c) Weights and Measures Act 1985

- (i) Section 72(1)(a) – Chief Inspector of Weights and Measures:
- Environmental Health and Trading Standards Manager

(d) Local Government and Housing Act 1989

- (i) Section 4 – Head of Paid Service:
- Chief Executive
- (ii) Section 5 – Monitoring Officer:
- Head of Governance, Strategy and Performance

(e) Environmental Protection Act 1990

- (i) Section 149(1) – Officer appointed for the purposes of discharging the functions imposed or conferred on the Council for dealing with stray dogs in its area:

- Environmental Health and Trading Standards Manager

(f) Regulation of Investigatory Powers (Scotland) Act 2000

- (i) Sections 6 and 7 – Authorising Officers:

- Chief Executive (where required by statute)
- Depute Chief Executive (Economy, Environment and Finance)
- Head of Economic Growth and Development
- Environmental Health and Trading Standards Manager

Senior Responsible Officer – Head of Development Services

(g) Licensing (Scotland) Act 2005

- (i) Schedule 1, Paragraph 8 – Clerk of the Licensing Board:

- Head of Governance, Strategy and Performance

(h) Valuation Joint Boards (Scotland) Act 1995

- (i) Schedule 2, Section 4 - To act as the Treasurer of Grampian Valuation Board:

- Chief Financial Officer

4. SCHEME OF DELEGATION TO OFFICERS (PARTICULAR DELEGATIONS)

(1) EMERGENCY PLANNING

- (i) The Chief Executive shall hold delegated power to declare an emergency situation as defined by the Civil Contingencies Act 2004. This includes the power to take such executive action as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency.
- (ii) In addition to the Chief Executive, all Depute Chief Executives and Heads of Service participate in an Emergency Response Co-ordinator Duty Rota whereby one senior officer is on call to respond to emergencies for a set period. When acting in the role of the

Emergency Response Co-ordinator, each officer shall hold delegated power to take such executive action (in consultation with other appropriate officers where reasonably possible) as may be considered necessary to protect the community and the Council's property and to assist the emergency services and other partners in the response and recovery from an emergency, until advised otherwise by the Chief Executive or, in the case of a Head of Service only, a member of the Corporate Management Team. This includes authority to incur expenditure proportionate to the emergency and necessary to ensure implementation of such action.

5. CHIEF EXECUTIVE

	DELEGATION	RESPONSIBLE OFFICER
(1)	To give a direction in special circumstances that any officer shall not exercise a delegated power	Chief Executive
(2)	Except where otherwise referred to in the constitutional documents, to determine minor incidental issues on behalf of the Council, provided that the matter falls within established policy positions of the Council, in consultation with the Council Leader or the appropriate Committee Chair.	Chief Executive
(3)	To take disciplinary action against employees within the Chief Executive's Department and Depute Chief Executives, in accordance with the Council's approved disciplinary procedures.	Chief Executive
(4)	To authorise official hospitality on behalf of the Council, in consultation with the Civic Leader , and within existing budgets	Chief Executive
(5)	To submit the views of the Council, where requested as a matter of urgency, to a Government department, the Scottish Parliament, the Scottish Government, the Convention of Scottish Local Authorities or an outside body, where there is insufficient time to refer the matter to the Council.	Chief Executive
(6)	In an election year, to determine all urgent matters on behalf of the Council in the period between the date of the ordinary Council Election and the statutory meeting.	Chief Executive
(7)	To authorise all such executive action as may be deemed necessary in the discharge of the Authority's functions subject to homologation.	Chief Executive

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|------|--|-----------------|
| (8) | To seek to resolve local disputes with recognised trade unions in matters relating to staffing and operational issues affecting Moray Council. | Chief Executive |
| (9) | To organise and represent the Council at civic ceremonies and processions where appropriate. | Chief Executive |
| (10) | To determine whether a particular proposed action or decision is controversial, sensitive or complex, <u>within the terms of paragraph 1 (6) (f) above, and</u> , where <u>they</u> judge this appropriate, to direct that the matter be determined by the relevant Depute Chief Executive despite its controversial, sensitive or complex nature. | Chief Executive |
| (11) | To develop the Council's Community Planning Process. | Chief Executive |
| (12) | Maintaining and keeping under review the Council's complaints procedure including taking appropriate action to deal with complaints to the Scottish Public Services Ombudsman. | Chief Executive |
| (13) | To determine in consultation with relevant officers whether a matter should be referred to the police. | Chief Executive |
| (14) | To determine the local Council holidays and festive closing times. | Chief Executive |

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6. DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT) (ECOD)

DELEGATION

RESPONSIBLE OFFICER

The Depute Chief Executive (Education, Communities and Organisational Development) has overall responsibility for the following Services:

Depute Chief Executive (ECOD)

- Education
- Education Resources and Communities
- Governance, Strategy and Performance
- Human Resources JCT (Information Communications Technology) and Organisational Development

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The Head of each of these Services has the delegated powers set out below. ▼

The Depute Chief Executive (Education, Communities and Organisational Development) is also authorised to exercise these delegated powers, excepting always any roles for

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which a qualification is needed or statutory appointments of a single officer.

- (1) The Depute Chief Executive (Education, Communities and Organisational Development) shall act as the Council's Returning Officer in terms of the Representation of the People Act 1983 and is authorised to:

Depute Chief Executive (ECOD)

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- Liaise with the Electoral Commission and undertake the administration required for elections;
- Appoint Depute Returning Officers as required;
- Determine the fees paid to staff undertaking the duties at elections where such fees are not centrally prescribed;
- Appoint staff to assist with the running of the elections from amongst the officers of the Council; and
- Undertake all administration required in connection with the running of the elections process.

7. EDUCATION

	DELEGATION	RESPONSIBLE OFFICER
(1)	Carrying out the functions of the Council as Education Authority in terms of Council policy and the legislative framework set by The Standard in Scotland Schools etc. Act 2000.	Head of Education
(2)	Enforcing attendance at school (Sections 36, 37, 38 and 53 of the Education (Scotland) Act 1980) as amended.	Head of Education
(3)	Allowing pupils to miss school (Section 34 of the Education (Scotland) Act 1980).	Head of Education
(4)	Ensuring schools are Health Promoting Schools (Health Promotion and Nutrition) (Scotland) Act 2007.	Head of Education
(5)	Dealing with requests to educate at home (Sections 35 and 37 of the Education (Scotland) Act 1980.	Head of Education
(6)	Employment of children (Children and Young Persons (Scotland) Act 1937) as amended.	Head of Education
(7)	Providing or arranging in-service training for staff.	Head of Education
(8)	Providing work experience for pupils who are eligible (Section 123 of the Education (Scotland) Act 1980).	Head of Education

(9)	To seek to resolve local disputes with recognised trade unions in relation to local staffing and operational issues affecting Educational Services.	Head of Education
(10)	Provide support and guidance to Parent Councils.	Head of Education
(11)	Admitting pupils to schools (Section 32 of the Education (Scotland) Act 1980).	Head of Education
(12)	Admitting children to pre-school education (Education (Scotland) Act 1996).	Head of Education
(13)	Awarding bursaries (Section 49 of the Education (Scotland) Act 1980) and dealing with Educational Endowments (Section 128 of the Local Government (Scotland) Act 1973 as amended.	Head of Education
(14)	Providing clothing (Section 54 of the Education (Scotland) Act 1980) as amended.	Head of Education
(15)	Providing, from staff employed in the Department, the Education Authority's representatives on the Appointment Committees for all Head and Depute Head Teacher appointments in Schools.	Head of Education
(16)	Dealing with the closure of schools and other educational establishments under the control of the Council as Education Authority.	Head of Education
(17)	Administration of Education Maintenance Allowances.	Head of Education
(18)	Licensing the staging of theatrical performances by children (Children and Young Persons (Scotland) Act 1937) as amended.	Head of Education
(19)	Provision of a school transport service in accordance with the Education (Scotland) Act 1980.	Head of Education

8. EDUCATION RESOURCES AND COMMUNITIES

(20)	Maintaining and equipping schools and other buildings (Section 17 of the Education (Scotland) Act 1980).	Head of Housing and Property Services
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(21)	Improving the access to premises for the safety of pupils (Section 18 of the Education (Scotland) Act 1980).	Head of Housing and Property Services
(22)	Operating arrangements for pupils from outside the area (Sections 23 and 24 of the Education (Scotland) Act 1980 as amended.	Head of Education Resources and Communities
(23)	Providing an education psychology service in schools.	Head of Education Resources and Communities
(24)	Making adequate and efficient provision for each child or young person (including 3-5yr olds and disabled children under 3) (Education (Additional Support for Learning (Scotland) Act 2004.)	Head of Education Resources and Communities
(25)	Making recommendations on grants to organisations involved with education.	Head of Education/Head of Education Resources and Communities
(26)	Managing or leasing out Educational Services accommodation/facilities.	Head of Education Resources and Communities
(27)	Providing programmes of adult education, youth work and community development.	Head of Education Resources and Communities
(28)	Dealing with the use of educational premises for licensed functions.	Head of Education Resources and Communities
(29)	To assist voluntary organisations which provide youth and community facilities.	Head of Education Resources and Communities
(30)	Providing Library, Local History, Archives, and Museum Services.	Head of Education Resources and Communities

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(31) Providing Sports, Arts and Leisure Services.

Head of
Education
Resources and
Communities

(32) To vary or waive charges for leisure facilities fixed by the Council from time to time, following consultation with the Chair of the [Education, Children's and Leisure Services](#) Committee and the Leader of the Council, to facilitate agreed service objectives, subject to reporting any changes to charges to [Education, Children's and Leisure Services](#) Committee and [Corporate](#) Committee for information.

Head of
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9. GOVERNANCE, STRATEGY AND PERFORMANCE

LEGAL SERVICES

	DELEGATION	RESPONSIBLE OFFICER
(1)	Concluding missives and executing other self proving conveyancing documents for the purchase or disposal of heritable property and signing notices and orders about Compulsory Purchase Orders.	Head of Governance, Strategy and Performance
(2)	Instituting, defending or appearing on behalf of the Council in legal proceedings when deemed appropriate.	Head of Governance, Strategy and Performance
(3)	Settling actions and claims.	Head of Governance, Strategy and Performance
(4)	Instructing private legal firms, Sheriff Officers, patent agents and parliamentary agents when deemed appropriate and any other appropriate or professional service when required.	Head of Governance, Strategy and Performance
(5)	Obtaining counsel's opinion in consultation with the Council Leader and relevant Committee Chair.	Head of Governance, Strategy and Performance
(6)	Instructing counsel in consultation with the Council Leader and relevant Committee Chair.	Head of Governance,

		Strategy and Performance
(7)	Carrying out legal procedures necessary to implement any matters delegated to the other services.	Head of Governance, Strategy and Performance
(8)	Work with the Estates Section to negotiate and obtain any waiver or indemnity, for no more than £20,000, which might be necessary in connection with disposing of property, and paying this amount and any expenses connected with it.	Head of Governance, Strategy and Performance
(9)	To advise the Council and its departments on all legal and administrative matters and, in accordance with duties authorised, together with such members of staff designated, provided these are suitably qualified, to raise legal actions on behalf of the Council, its Committees or sub-committees with appropriate delegated power to enforce their rights and where decree is granted to enforcement and implementation thereof including the right to make judicial settlements.	Head of Governance, Strategy and Performance
(10)	To co-operate with other Local Authorities and put arrangements in place to carry out local court appearances on each others behalf for minor procedural issues.	Head of Governance, Strategy and Performance
(11)	To prepare the Council's response to planning and other appeals, including representing the Council at Public Inquiries and calling Councillors to appear as witnesses, where the decision of the Council is contrary to the recommendations put forward for consideration by officers.	Head of Governance, Strategy and Performance
(12)	To issue permits under Section 19 of the Transport Act 1985.	Head of Governance, Strategy and Performance
(13)	To act as private prosecutor (truancy) in terms of Section 56(1) of the Local Government (Scotland) Act 1973 and also in terms of Section 43(2) of the Education (Scotland) Act 1980.	Head of Governance, Strategy and Performance
(14)	To act as the responsible officer for vetting members in relation to child care positions.	Head of Governance, Strategy and Performance

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| (15) | When requested by the Head of Environmental and Commercial Services, to impose any temporary restriction on traffic and roads by means of public notice and/or traffic regulation order in terms of the Road Traffic Regulation Act 1984 and the Roads (Scotland) Act 1984. | Head of Governance, Strategy and Performance |
| (16) | To approve, in consultation with the appropriate Member(s), applications for co-opted members to Community Councils which would meet the criteria laid down within Moray Council Community Council Scheme. | Head of Governance, Strategy and Performance |

Note only applications which do not meet the criteria or which Members do not support will require to be brought before Council for consideration.

LICENSING

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| (17) | (i) In connection with the Council's licensing functions:

Under the following legislation and/or any legislation that repeals, replaces or subsumes the same: | Head of Governance, Strategy and Performance |
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- Cinemas Act 1985
- Civic Government (Scotland) Act 1982
- Deer (Scotland) Act 1996
- Fireworks (Scotland) Regulations 2004
- The Housing (Scotland) Act 2006 Part 5 – Licensing of Houses in Multiple Occupation
- Local Government Miscellaneous Provisions Act 1982
- Theatres Act 1968

and in particular in respect of the following licence types:

- Cinema
- Houses of Multiple Occupation
- Itinerant metal dealers
- Knife dealers
- Late hours catering
- Market operators
- Metal dealers
- Metal dealers exemption warrant
- Private hire drivers
- Private hire operators
- Public charitable collections
- Public entertainment
- Public processions
- Second hand dealers

- Street Traders
- Short Term Lets
- Taxi booking offices
- Taxi drivers
- Taxi operators
- Venison dealers
- Window cleaners

- (ii) To grant for three years or such shorter period as determined to be necessary and, where appropriate, to renew, vary, transfer, or accept surrender of the licence/temporary licence/provisional licence/permission/dispensation subject to there being no objections or adverse representations received from any consultees and where no Member of the Council has requested that the application be decided by a Committee and where the application is one which the Officer concerned considers should be granted;
- (iii) To add, vary or remove conditions that are straightforward in nature, particularly where such changes are recommended by consultees;
- (iv) To grant or refuse applications for substitutions, consents to alter or permission to effect a material change in circumstances subject to there being no objections or adverse representations received from any consultees;
- (v) To refuse to accept any application which does not provide the required supporting documentation, including the relevant fee;
- (ii) To refuse to grant a licence where the applicant has failed to satisfy any administrative requirement necessary to the granting and issue of a licence including, but not limited to, failing to pass a driver test for a taxi driver or a vehicle test for a taxi operator (including suitability as to the vehicle) or failing to supply a photograph;
- (iii) To relieve the applicant of any failure to satisfy an administrative requirement including to decide whether or not to accept applications for renewal made up to 28 days after the expiry of a licence;
- (iv) To temporarily suspend licences in the interests of public order or safety, following consultation with the Chair of the Licensing Committee, whom failing the

Head of
Governance,
Strategy and
Performance

Deputy Chair, whom failing any other member of the Committee as well as the relevant statutory consultees whomsoever.

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| (18) | In relation to taxi or private hire driver licences: | Head of Governance, Strategy and Performance |
| | (a) to grant or renew those licences as appear to be uncomplicated where medical issues have arisen but where medical opinion has been received which indicates that the applicant is not unfit by reason of his or her medical condition to be a taxi or private hire driver, and to request that any such licence holder submit regular medical updates; and | |
| | (b) in the case of drivers aged over 70 years to grant or renew licences for up to three years on condition of production by the licence holder of a valid DVLA licence annually, to receive and review DVLA licences in addition to exercising general powers in relation to licences as detailed above. | Head of Governance, Strategy and Performance |
| (19) | To grant an application for dispensation in terms of the Fireworks (Scotland) Regulations 2004 providing there are no objections to the application from relevant consultees. | Head of Governance, Strategy and Performance |
| (20) | (a) To grant Theatre Licences for a standard duration of one year, Theatre Licence renewals for a standard duration of one year and temporary Theatre Licences where there are no objections or observations to such applications; | Head of Governance, Strategy and Performance |
| | (b) To authorise an application for a Theatre Licence as exempt from payment of licensing fees within the terms of the Theatres Act 1968 and to refer any refusal from exemption from such payment to Committee. | |
| | (Note: For the purpose of all licensing delegations the Officer may disregard objections or adverse representations where they are based on convictions (current or spent) that have previously been considered by the Committee and the relevant licence/permission/dispensation was granted notwithstanding this information) | |
| (21) | To appoint Licensing Standards Officer under the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982, including any Orders, Regulations, | Head of Governance, Strategy and Performance |

Statutory Instruments or other subordinate legislation made under the Acts.

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| (22) | To exercise the functions and powers conferred by Section 7 of the Smoking, Health and Social Care (Scotland) Act 2005 and Regulations, including any Orders, Regulations, Statutory Instruments or other subordinate legislation made under this Act, to enable the performance of functions under the Gambling Act 2005. | Head of Governance, Strategy and Performance |
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INFORMATION MANAGEMENT

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| (23) | <u>To meet the Council's statutory obligations for Records Management and Data Protection</u> | Head of Governance, Strategy and Performance |
| (24) | Determining requests for internal review of the handling of freedom of information requests [Freedom of Information Act 2000, Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations 2004] | Head of Governance, Strategy and Performance |
| (25) | To maintain the Register of Gifts and Hospitality received by Employees in terms of the Employee's Code of Conduct. | Head of Governance, Strategy and Performance |

CURATORS AD LITEM

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| (26) | In consultation with the Head of <u>Service (MIJB)</u> Children's Services, to establish, make appointments to and thereafter administer a panel of Curators Ad Litem and Reporting Officers as laid down in the Curators Ad Litem and Reporting Officers (Panel) (Scotland) Regulations 2001 and to consult with the Sheriff Principal and other relevant parties as required, subject to agreement on resource allocation. | Head of Governance, Strategy and Performance |
| (27) | To agree future amendments to fees for Joint Curators ad Litem and Reporting officers, in line with the percentage salary change agreed for Council employees through the Scottish Joint Council (SJC), subject to agreement on resource allocation. | Head of Governance, Strategy and Performance |
| (28) | To agree additional fees of up to 80% of the original fee if a Curator ad litem and Reporting Officer is asked by the Sheriff to carry out additional work. | Head of Governance, Strategy and Performance |

BENEFITS

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| (29) | Authorise Discretionary Housing Payments (DHP) in accordance with the DHP (Grants) Order 2001. | Head of Governance, Strategy and Performance |
| (30) | To ensure that Council Tax Benefit and Housing Benefit are administered in accordance with the Council Tax Benefit Regulations 2006 and the Housing Benefit Regulations 2006. | Head of Governance, Strategy and Performance |
| (31) | The issue of any Local Authority Authorisation Certificate under the terms of Section 110 of the Social Security Admin Act 1992, as amended by the Child Support, Pensions and Social Security Act 2000. | Head of Governance, Strategy and Performance |
| (32) | To provide a money advice service and assist clients with Statutory debt management schemes. | Head of Governance, Strategy and Performance |

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EQUALITIES

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| (33) | To ensure that the Public Sector Equalities duties are incorporated into Council Services. | Head of Governance, Strategy and Performance |
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CUSTOMER SERVICES

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| <u>34</u> | <u>To ensure suitable printing, scanning and copying arrangements are in place for Council Services.</u> | <u>Head of Governance, Strategy and Performance</u> |
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10. HUMAN RESOURCES (HR) INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT) AND ORGANISATIONAL DEVELOPMENT

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DELEGATION

RESPONSIBLE OFFICER

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| (1) | To review for consideration by the <u>Corporate</u> Committee, proposals for the establishment of new posts that require to | Head of HR, ICT and (OD) |
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be reported to Committee. This will apply to all posts at or above SCP 92 and where otherwise appropriate.

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| (2) | Where not required to be reported to Committee, as set out in (1) above, to approve the establishment of new posts as recommended by the Director/Head of Service to deliver activities specified by the Service Committee to meet Council priorities where budget provision is available. | Head of HR, ICT and OD |
| (3) | To approve changes in designation, hours and grades of posts, provided any financial implications are within the approved budget allocations. | Head of HR, ICT and OD |
| (4) | To approve the necessary administration procedures and documentation to facilitate the Council's procedures for the release, advertisement and establishment of posts. | Head of HR, ICT and OD |
| SERVICE CONDITIONS: | | |
| (5) | <p>(a) To apply national circulars. Where there is a choice of action the circular will be sent to Committee.</p> <p>(b) To interpret and authorise the revised conditions of service in respect of employees of Moray Council as approved by the appropriate national negotiating body or agreed locally</p> <p>(c) Authorising all officers, under relevant agreed guidelines and in consultation with Human Resources officers as appropriate to decide the following personnel matters:</p> <ul style="list-style-type: none"> • special leave, secondment, leave of absence or leave to work abroad; • extending sickness allowance; • recovery of maternity pay, training or relocation expenses • attendance of outside organisations at training courses. | Head of HR, ICT and OD |
| (6) | Using an agreed job evaluation or similar process, to determine the appropriate grade for new posts where re-grading situations arise and determine re-grading applications, provided appropriate allowance is made in the approved estimates of the Council. | Head of HR, ICT and OD |
| (7) | Preparing and maintaining a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1999). | Head of HR, ICT and OD |

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| (8) | To authorise the acceleration of an employee with their salary, wage, grade (or such extended grade as may be provided for under the relevant conditions of service) who has achieved advancement criteria within a recognised career grade scheme, exceptional performance, or who is temporarily undertaking duties at a higher grade. | Head of HR, ICT and OD |
| (9) | To ensure the proper development, implementation and agreement of Employment Policies and Procedures. | Head of HR, ICT and OD |
| (10) | To determine the suitability of all posts for job share, homeworking or other flexible arrangements. | Head of HR, ICT and OD |
| (11) | To make recommendations on applications for early retirement in the interests of the efficiency of the service, subject to any proposals being referred to the <u>Corporate</u> Committee for consideration. | Head of HR, ICT and OD |
| (12) | To consider and approve, in consultation with the <u>Chief Financial Officer</u> , applications for early retirement where there are no cost implications to the Council. | Head of HR, ICT and OD |
| (13) | To determine applications for retirement on the grounds of ill-health, where a medical view has been obtained from the Council's Medical Adviser confirming the employee as permanently unfit to carry out the duties of the post. | Head of HR, ICT and OD |
| (14) | To determine requests for payment of pension benefits to former employees who are 50 or over on compassionate grounds under the terms of the Local Government Pension Scheme (Scotland) Regulations 1998. | Head of HR, ICT and OD |
| (15) | (a) To operate Health and Safety checks on work experience placements; | Head of HR, ICT and OD |
| | (b) To carry out the Council's Health and Safety objectives and arrangements, providing corporate support for the implementation and management of health and safety legislation, policy and practice across the Council. | |
| (16) | To provide and make arrangements for corporate training and development of employees and Elected Members. | Head of HR, ICT and OD |
| (17) | To represent the Council in respect of specific dismissal, disputes, grading and grievance matters at external bodies/tribunals. | Head of HR, ICT and OD |
| (18) | To approve the payment of honoraria to individual members of staff, on the recommendation of the appropriate <u>Depute</u> | Head of HR, ICT and OD |

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Chief Executive in accordance with the relevant Council policy.

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| (19) | To approve expenditure for legal advice for up to 2 hours, charged in accordance with the Law Society of Scotland's Table of Use for General Business, Chapter 3, Section B + VAT for individual Officers subject to involvement in Police investigations. This delegation is only to apply to any advice obtained during the investigation stage, prior to any charge that may be made and only in circumstances where the Head of Human Resources and ICT deems it appropriate. For example, it would not be appropriate to fund such advice where the charge may arise out of actions wholly unconnected with the Officers employment e.g. theft or assault. | Head of HR, ICT and OD |
| (20) | To establish and advise Appeals Panels to consider and determine gradings appeals within the Authority for all non-teaching staff and to approve and implement the outcome of such appeals. | Head of HR, ICT and OD |
| (21) | To prepare and implement appropriate policies regarding the use of Council computers and associated ICT. | Head of HR, ICT and OD |
| (22) | To act as the Confidential Reporting Officer ("Whistle Blowing Officer") in terms of the Public Interest Disclosure Act 1998. | Head of HR, ICT and OD |
| (23) | To maintain a Register of Employees interests in terms of the Employees Code of Conduct. | Head of HR, ICT and OD |
| ↓ | | Head of HR, ICT and OD |
| (24) | <u>To authorise the arrestment of wages in respect of employees of the Council.</u> | Head of HR, ICT and OD |
| (25) | <u>Implement nationally agreed pay awards for Council staff and allowances for Councillors.</u> | Head of HR, ICT and OD |

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11. DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND FINANCE) (EEF)

DELEGATION

RESPONSIBLE OFFICER

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|-----|--|-------------------------------------|
| (1) | The Depute Chief Executive (Economy, Environment and Finance) has overall responsibility for the following Services: | <u>Depute Chief Executive (EEF)</u> |
|-----|--|-------------------------------------|

- Housing and Property Services
- Environmental and Commercial Services
- Economic Growth and Development Services
- Financial Services

The Head of each of these Services has the delegated powers set out below. The Depute Chief Executive (Economy, Environment and Finance) is also authorised to exercise these delegated powers, excepting always any roles for which a qualification is needed or statutory appointments of a single officer.

12. HOUSING AND PROPERTY SERVICES

STRATEGY/POLICY

	DELEGATION	RESPONSIBLE OFFICER
(1)	To provide advice to the Council on housing matters.	Head of Housing and Property Services
(2)	To develop policies and procedures covering all activities within the housing service.	Head of Housing and Property Services
(3)	To carry out assessment of housing need and conditions across all tenures.	Head of Housing and Property Services
(4)	To prepare, review and monitor a Local Housing Strategy in accordance with Scottish Government guidance.	Head of Housing and Property Services
(5)	To prepare, review and monitor a Homelessness Strategy, in accordance with Scottish Government guidance.	Head of Housing and Property Services
(6)	To prepare such other strategies/plans as may be required by the Scottish Government on housing matters.	Head of Housing and Property Services
(7)	To contribute to the development of the Council's planning policies.	Head of Housing and Property Services

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| (8) | To contribute to the development of corporate strategies, plans and policies. | Head of Housing and Property Services |
| (9) | To lead the implementation of the Home Energy Conservation Act. | Head of Housing and Property Services |
| (10) | To ensure that Equal Opportunities is reflected within all strategies, policies, procedures and plans developed by the Service (see 106 Housing Scotland Act). | Head of Housing and Property Services |

ENABLING

- | | DELEGATION | RESPONSIBLE OFFICER |
|------|---|---------------------------------------|
| (11) | To work with other housing providers to enable accommodation/housing to be provided to meet identified needs. | Head of Housing and Property Services |
| (12) | To prepare the Strategic Housing Investment Plan in accordance with Scottish Government guidance. | Head of Housing and Property Services |
| (13) | To liaise with the Scottish Government on the Affordable Housing Investment Programme. | Head of Housing and Property Services |
| (14) | To develop and manage Council house new building projects. | Head of Housing and Property Services |
| (15) | To work with private sector landlords, other agencies, etc. | Head of Housing and Property Services |

PRIVATE SECTOR IMPROVEMENTS/REPAIRS

- | | DELEGATION | RESPONSIBLE OFFICER |
|------|---|---------------------------------------|
| (16) | To administer the mandatory and discretionary Housing Grants (including disabled grants). | Head of Housing and Property Services |

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| (17) | To prepare, implement, review and monitor a Private Sector Scheme of assistance in accordance with Scottish Government guidance. | Head of Housing and Property Services |
| (18) | To undertake assessments of housing conditions in the private sector as may be appropriate from time to time. | Head of Housing and Property Services |
| (19) | To take appropriate action, in accordance with Part 6 of the Housing (Scotland) Act 2014 and in conjunction with the Chair of the <u>Housing and Community Safety</u> Committee, with regard to enforcing repairs and maintenance in private homes. | Head of Housing and Property Services |

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ALLOCATIONS

- | | DELEGATION | RESPONSIBLE OFFICER |
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| (20) | To allocate council houses, lock up garages and garage sites in accordance with Council policy. | Head of Housing and Property Services |
| (21) | To maintain Waiting and Transfer Lists. | Head of Housing and Property Services |
| (22) | To ensure that special cases are dealt with in accordance with the Council's policy. | Head of Housing and Property Services |
| (23) | To work closely with Registered Social Landlords to ensure that nomination agreements operate effectively. | Head of Housing and Property Services |

HOMELESSNESS

- | | DELEGATION | RESPONSIBLE OFFICER |
|------|--|---------------------------------------|
| (24) | To carry out assessments and discharge the statutory functions under the Homeless Persons legislation. | Head of Housing and Property Services |
| (25) | To provide housing information and advice services to homeless households. | Head of Housing and Property Services |

(26)	To develop, implement, monitor and review a protocol with Registered Social Landlords regarding housing and homeless persons.	Head of Housing and Property Services
(27)	To assess and provide support to vulnerable people who are homeless or threatened with homelessness.	Head of Housing and Property Services
(28)	To negotiate and secure temporary accommodation and conclude leases, in consultation with the Council's Legal services.	Head of Housing and Property Services

TENANCY/ESTATE MANAGEMENT

	DELEGATION	RESPONSIBLE OFFICER
(29)	To consider and agree requests for assignments, subletting, mutual exchanges and successions in accordance with legislation and the Council's policy.	Head of Housing and Property Services
(30)	To collect rents and other monies due to the Council.	Head of Housing and Property Services
(31)	To establish, implement and enforce the terms of the Council's lease, including repossession and eviction action.	Head of Housing and Property Services
(32)	To consider and agree applications for Anti-Social Behaviour Orders, in consultation with the Anti-Social Behaviour Panel.	Head of Housing and Property Services
(33)	To develop and support tenant participation.	Head of Housing and Property Services
(34)	To implement, monitor and review a statutory Register of Tenant Organisation.	Head of Housing and Property Services
(35)	To provide information and advice to tenants on a range of housing matters, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services
(36)	To consult tenants on proposals for changes to housing management policies, as required by the Housing (Scotland) Act 2001.	Head of Housing and Property Services

REPAIRS/IMPROVEMENTS

	DELEGATION	RESPONSIBLE OFFICER
(37)	To authorise and instruct repairs in accordance with the Council's policy.	Head of Housing and Property Services
(38)	To carry out maintenance and repair of the Council's housing stock and related assets to ensure that the Council housing stock meets the Scottish Housing Quality Standard.	Head of Housing and Property Services
(39)	To operate the Right to Repair regulations.	Head of Housing and Property Services
(40)	To develop programmes of works to maintain and improve the Council's housing stock, garages and other related assets in accordance with Financial Regulations and the approved estimates of expenditure.	Head of Housing and Property Services
(41)	To devise, develop and monitor Capital programmes to ensure the Council's HRA stock is kept in a satisfactory condition.	Head of Housing and Property Services
(42)	To operate the Right to Compensation regulations.	Head of Housing and Property Services

GYPSY/TRAVELLER COMMUNITIES AND WITH WHOM NEEDS SETTLED

	DELEGATION	RESPONSIBLE OFFICER
(43)	To present appropriate site provision for Gypsies/Travellers.	Head of Housing and Property Services
(44)	To develop, review, implement and monitor the Council's Policy on Unauthorised Encampments, in consultation with other Services.	Head of Housing and Property Services

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BUDGETARY

	DELEGATION	RESPONSIBLE OFFICER
(45)	To prepare budgets for the Housing Revenue Account and Capital Programme, in consultation with the Depute Chief Executive (Economy, Environment and Finance) <u>and Chief Financial Officer</u> .	Head of Housing and Property Services
(46)	To consult tenants on proposals for any rent increase.	Head of Housing and Property Services
(47)	To agree write offs of rent etc in accordance with Financial Regulations.	Head of Housing and Property Services
(48)	To declare a property surplus to the Council's requirements on condition that the Asset Management Working Group is satisfied that the property asset is: (a) no longer required by the Council to provide a service either directly, or indirectly through a third party; (b) no longer required for the future use of the Council. and subject to the following exclusions: (a) assets held on the Common Good Accounts or Housing Revenue Accounts; (b) those assets having an asset value in excess of £1m; (c) assets identified for disposal where the capital receipt is to be retained for reinvestment.	Head of Housing and Property Services

PERFORMANCE

	DELEGATION	RESPONSIBLE OFFICER
(49)	To prepare the Council for inspection by the Scottish Housing Regulator, implement and monitor any resulting Improvement Plans.	Head of Housing and Property Services

DESIGN AND PROPERTY RESOURCES

	DELEGATION	RESPONSIBLE OFFICER
(50)	To organise and manage the multi-disciplinary professional and technical service in accordance with the needs and priorities of the Council and external Clients, and to act as Architect/Contract Administrator on such construction projects.	Head of Housing and Property Services
(51)	To follow Procurement Policy and Procedures when appointing construction services contractors and professional consultants, and thereafter select, recommend for award, appoint and audit performance.	Head of Housing and Property Services
(52)	To implement and instruct all appropriate legislative requirements for the maintenance and servicing of Council property, including Asbestos and Legionella policies and procedures for risk management.	Head of Housing and Property Services
(53)	To approve acquisitions of heritable property up to a value of £250,000 where appropriate provisions has been made in the Capital or Revenue Plan. For acquisitions by lease, this delegation covers property with a rental value of up to £25,000 per annum where appropriate provision has been made in the Capital or Revenue Plan.	Head of Housing and Property Services
(54)	To settle compensation claims up to a maximum of £100,000 arising from the Flood Prevention legislation or in terms of the Land Compensation (Scotland) Acts 1963 and 1973 in respect of compensation for losses arising from the compulsory acquisition by the Council of heritable property or acquisition by agreement with compulsory powers in the background, provided always that payments can be accommodated within approved budgets for the scheme or project.	Head of Housing and Property Services
(55)	To accept the highest offer received for surplus heritable property provided that the highest offer received is for a sum no less than the price at which the property has been offered for sale on the open market.	Head of Housing and Property Services
(56)	To grant leases, licenses or other occupation agreements of land and buildings for 25 years or less duration where the initial rent does not exceed £35,000 per annum and sites on long term building leases of up to 125 years duration where the initial rent does not exceed £35,000 per annum.	Head of Housing and Property Services

(57)	To conduct rent reviews and fix new rents.	Head of Housing and Property Services
(58)	To grant assignments of existing leases where the terms of lease remain substantially unaltered and to authorise sub-lets.	Head of Housing and Property Services
(59)	To grant wayleaves or servitudes over Council owned property.	Head of Housing and Property Services
(60)	To approve terms for the grant of Minutes of Waiver and issue Landlord's consent.	Head of Housing and Property Services
(61)	To negotiate and acquire any Waiver or Indemnity up to maximum consideration of £20,000 which might be necessary in connection with the disposal or surplus property.	Head of Housing and Property Services
(62)	To co-ordinate the implementation of the Council's energy and water strategy.	Head of Housing and Property Services
(63)	To approve the sale of Council property where the purchase price does not exceed £30,000, subject to liaison with appropriate officials of the Council, and the ward members.	Head of Housing and Property Services
(64)	To develop a corporate Property Asset Management Plan.	Head of Housing and Property Services

13. ENVIRONMENTAL AND COMMERCIAL SERVICES

ROADS

	DELEGATION	RESPONSIBLE OFFICER
(1)	To manage and implement the Council's statutory functions under all Roads legislation including the following Acts and any subordinate legislation promoted under them:	Head of Environmental and Commercial Services

(2)	Manage and implement the requirements of the Roads (Scotland) Act 1984.	Head of Environmental and Commercial Services
(3)	In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Road Traffic Regulation Orders and only bring the matter before Economic Development and Infrastructure Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/ public consultation process.	Head of Environmental and Commercial Services
(4)	Manage and implement the requirements of the New Roads and Streetworks Act 1991.	Head of Environmental and Commercial Services
(5)	Manage and implement the requirements of the Road Traffic Regulation Act 1984.	Head of Environmental and Commercial Services
(6)	Manage and implement the requirements of the Traffic Signs Regulations and General Directions 2016.	Head of Environmental and Commercial Services
(7)	Manage and implement the requirements of the Road Traffic Reduction Act 1997.	Head of Environmental and Commercial Services
(8)	Manage and implement The Road Traffic Reduction (National Targets) Act 1998.	Head of Environmental and Commercial Services
(9)	Manage and implement the requirements of the Transportation Act 2000.	Head of Environmental and Commercial Services
(10)	Manage and implement the requirements of the Transport (Scotland) Acts 2001 and 2005.	Head of Environmental and Commercial Services

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| (11) | Manage and implement the requirements of the Disabled person' Parking Places (Scotland) Act 2009. | Head of Environmental and Commercial Services |
| (12) | <u>Manage and implement the requirements of the Transport (Scotland) Act 2020</u> | <u>Head of Environmental and Commercial Services</u> |
| (13) | Adopt new roads onto the Statutory List of Public Roads that are constructed by developers in accordance with the Council's specification and approved Roads Construction Consent details as required by the Roads (Scotland) Act 1984 and to inform Local Members of the new roads adopted in terms of this delegated power. | Head of Environmental and Commercial Services |
| (14) | Proceed with necessary roads maintenance works and annually publish a main list of schemes, which can be funded from budget provision, and a reserve list of desirable schemes, which cannot presently be funded, along with a list of projects to be funded from the Capital allocation. | Roads Maintenance Manager |

CAR PARKS

DELEGATION

RESPONSIBLE OFFICER

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| (15) | Manage and implement the requirements of the Grampian Regional Council (Off Street Car Parks Order) 1989. | Head of Environmental and Commercial Services |
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HARBOURS AND COASTLINE

DELEGATION

RESPONSIBLE OFFICER

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| (16) | To manage and implement the Council's statutory functions under all harbour legislation including the Grampian Regional Council Harbour Confirmation Act 1987 and the Grampian Regional Council Harbour Byelaws. | Head of Environmental and Commercial Services |
| (17) | Manage and implement the requirements of the Pilotage Act 1987. | Head of Environmental |

		and Commercial Services
(18)	Manage and implement the requirements of the Diving at Work Act 1997.	Head of Environmental and Commercial Services
(19)	Manage and implement the requirements of the Coast Protection Act 1949.	Head of Environmental and Commercial Services
(20)	Amend commercial (but not leisure) charges at Moray Council harbours in consultation with Group Leaders and the Chair of Economic Development and Infrastructure Services Committee, subject to such amendments being brought for annual review by Economic Development and Infrastructure Services Committee and/or Corporate Committee .	Head of Environmental and Commercial Services

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FLOODING AND RESERVOIRS

	DELEGATION	RESPONSIBLE OFFICER
(21)	Manage and implement the requirements of the Flood Risk Management (Scotland) Act 2009	Head of Environmental and Commercial Services
(22)	Manage and implement the requirements of the Reservoirs Act 1975. <i>(Note: this responsibility will be transferred to SEPA under the Flood Risk Management (Scotland) Act 2009 above and the delegation will cease when transfer is completed.)</i>	Head of Environmental and Commercial Services

TRANSPORT

	DELEGATION	RESPONSIBLE OFFICER
(23)	Provide transport services for schools and socially desirable services in terms of the Public Transport Act 1985 and the Education (Scotland) Act.	Head of Environmental and Commercial Services
(24)	Manage and implement the requirements of approved concessionary transport schemes.	Head of Environmental

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Deleted: Manage and implement School crossing patrols under the Road Traffic Regulation Act 1984 and related orders/regulations.¶

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	and Commercial Services
(25) Erecting bus stops, shelters and information panels.	Head of Environmental and Commercial Services

FLEET SERVICES

DELEGATION	RESPONSIBLE OFFICER
(26) Manage all vehicles and plant on behalf of the Council including operations, purchase, hires, maintenance and disposal.	Head of Environmental and Commercial Services
(27) Act as the responsible officer for the Licence required under the Goods Vehicles (Licensing of Operators) Act 1995 and related legislation.	Fleet Services Manager

CEMETERIES, LANDS AND PARKS

DELEGATION	RESPONSIBLE OFFICER
(28) Manage and maintain the Council's cemeteries, parks, open spaces, woodlands, play areas, recreational grounds, public conveniences, war memorials and such like areas.	Head of Environmental and Commercial Services
(29) Manage and maintain that part of the Speyside Way long distance route which is in Moray.	Head of Environmental and Commercial Services
(30) Manage and implement the requirements of public access legislation including the Land Reform (Scotland) Act 2003 relating to core paths.	Head of Environmental and Commercial Services

WASTE COLLECTION AND DISPOSAL

DELEGATION	RESPONSIBLE OFFICER
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- (31) Manage and implement the refuse collection service, waste management service, recycling centres, landfill sites and recycling operations in accordance with all relevant regulations and legislation.

Head of
Environmental
and Commercial
Services

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BUILDING CLEANING AND CATERING SERVICES

DELEGATION

RESPONSIBLE OFFICER

- (32) Manage the cleaning of Council premises.
- (33) Manage the supply and provision of catering and janitorial services to Schools and other Council buildings as required.

Head of
Environmental
and Commercial
Services

Head of
Environmental
and Commercial
Services

EMERGENCY PLANNING

DELEGATION

RESPONSIBLE OFFICER

- (34) To act as Oil Pollution Control Officer.

Head of
Environmental
and Commercial
Services

GENERAL

DELEGATION

RESPONSIBLE OFFICER

- (35) To maintain a rota of senior managers to act as Emergency Response Coordinators, authorised to take such necessary actions to respond appropriately to an emergency situation.

Head of
Environmental
and Commercial
Services

- (36) To submit tenders on behalf of the Council for construction or design works in accordance with invitations to tender issued from time to time by the Council or outside bodies.

Head of
Environmental
and Commercial
Services

- (37) To implement such matters of the Health and Safety at Work Act 1974 as is necessary to satisfy the general operations and construction of projects or services.

Head of
Environmental

		and Commercial Services Head of Housing and Property Services
(38)	To implement the requirements of the Construction (Design & Management) for construction and maintenance projects.	Head of Environmental and Commercial Services Head of Housing and Property Services
(39)	To authorise further grant applications supporting the work of the traffic section, in consultation with the Chief financial Officer, the Chair of the Economic Development and Infrastructure Services Committee and Political Group Leaders, where there is no call on capital funding.	Head of Commercial Services

14. ECONOMIC GROWTH AND DEVELOPMENT

BUILDING STANDARDS

	DELEGATION	RESPONSIBLE OFFICER
(1)	Determine need for and carry out enforcement action in respect of Dangerous Buildings in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(2)	Determine need for and carry out enforcement action in respect of Unauthorised Works in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(3)	Determine applications for Authorisation of Temporary Occupation or Use of Buildings in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development
(4)	Refusal of Building Warrants in terms of the Building (Scotland) Acts 1959/70 and 2003.	Head of Economic Growth and Development
(5)	Determination of applications for Letters of Comfort.	Head of Economic Growth and Development

(6)	Determine enquiries regarding the need to obtain Building Warrant and provide preliminary advice in regard to Building Standards.	Head of Economic Growth and Development
(7)	Determine and approve Applications for Building Warrant, including the signing of Building Warrant Approvals in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(8)	Accept or reject Completion Certificate submissions including the signing of the accepted or rejected notice in terms of the Building (Scotland) Act 2003.	Head of Economic Growth and Development
(9)	Make representations or objections to matters relating to the issue of licences and registrations by local authorities.	Head of Economic Growth and Development

ENVIRONMENTAL HEALTH

DELEGATION		RESPONSIBLE OFFICER
(10)	To execute statutory duties of Moray Council in respect of the legislation set out in Appendix 1.	Head of Economic Growth and Development
(11)	To sign Closing Orders, Demolition Orders, Suspension Orders and Revocation Orders under the Housing (Scotland) Act 1987 or any amended or new legislation on behalf of Moray Council.	Head of Economic Growth and Development
(12)	To bury or cremate any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968.	Head of Economic Growth and Development
(13)	To defraying expenses of parent, etc., visiting persons or attending funerals in terms of Section 29 of the Social Work (Scotland) Act 1968.	Head of Economic Growth and Development

TRADING STANDARDS

DELEGATION		RESPONSIBLE OFFICER
(14)	To exercise the powers conferred by Acts of Parliament and Regulations, including any Orders, Regulations, Statutory Instruments or other subordinate legislation, as amended, made under any of the Acts set out in Appendix 2.	Head of Economic Growth and Development

(15)	To carry out a programme of enforcement action in its area under the Tobacco and Primary Medical Services (Scotland) Act 2010, including:	Environmental Health and Trading Standards Manager
	(a) the investigation of complaints in respect of alleged offences under Chapter 1 or 2 of the Act;	
	(b) the taking of other measures intended to reduce the incidence of offences under those Chapters.	
(16)	Authority to issue fixed penalty notices for contraventions of the Tobacco and Primary Medical Services (Scotland) Act 2010.	Head of Economic Growth and Development
(17)	Authority to apply to court to have retailers banned from selling tobacco or nicotine vapour products, as prescribed within the Tobacco and Primary Medical Services (Scotland) Act 2010.	Head of Economic Growth and Development
(18)	Authority to issue fixed penalty charge notices for contraventions of the Energy Performance of Buildings (Scotland) Regulations 2008.	Head of Economic Growth and Development
(19)	Grant, refuse or revoke licenses to sell fireworks outside the traditional periods in accordance with the Fireworks Regulations 2004	Environmental Health and Trading Standards Manager
(20)	To grant or refuse licences under the Explosives Regulations 2014.	Environmental Health and Trading Standards Manager
(21)	To grant or refuse petroleum storage certificates and petroleum licences under the Petroleum (Consolidation) Regulations 2014.	Environmental Health and Trading Standards Manager
(22)	Submit the annual statutory return in relation to the Trading Standards Function to the Secretary of State under Section 70 of the Weights and Measures Act 1985	Environmental Health and Trading Standards Manager
(23)	To issue a Notice under Section 94 of the Civic Government (Scotland) Act 1982, to require disused petrol storage tanks to be made safe.	Environmental Health and Trading Standards Manager

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| (24) | <p>To issue Prohibition Notice under Section 13 of the Psychoactive Substances Act 2016 to any person if the following conditions are met:-</p> <p>Condition A:- that the senior officer or local authority reasonably believes that the person is carrying on, or is likely to carry on, a prohibited activity; and</p> <p>Condition B:- that the senior officer or local authority reasonably believes that it is necessary and proportionate to give the Prohibition Notice for the purposes of preventing the person from carrying on any prohibited activity.</p> <p>A Prohibition Notice is a notice that requires the person to whom it is given not to carry on any prohibited activity or a prohibited activity of a description specified in the notice.</p> | Head of Economic Growth and Development |
| (25) | <p>To issue Premises Notice under Section 14 of the Psychoactive Substances Act 2016 to a person if the following conditions are met:-</p> <p>Condition A - that the:-</p> <ul style="list-style-type: none"> (i) senior officer or local authority reasonably believes that a prohibited activity is being, or is likely to be, carried on at particular premises; and (ii) the person owns, leases, occupies, controls or operates the premises. <p>Condition B – that the senior officer or local authority reasonably believed that it is necessary and proportionate to give the Premises Notice for the purposes of preventing any prohibited activity from being carried on at any premises owned, leased, occupied, controlled or operated by the person.</p> <p>A Premises Notice is a notice that requires the person to whom it is given to take all reasonable steps to prevent any prohibited activity, or a prohibited activity of a description specified in the notice, from being carried on at any premises specified in the notice that are owned, leased, occupied, controlled or operated by the person.</p> | Head of Economic Growth and Development |
| (26) | <p>To make application to the Court, in accordance with Section 21 of the Psychoactive Substances Act 2016, for a Prohibition Order [under Section 18] or a Premises Order.</p> | Head of Economic Growth and Development |

ECONOMIC GROWTH AND DEVELOPMENT SERVICES

DELEGATION		RESPONSIBLE OFFICER
(27)	To exercise the powers contained in Part 8 of the Enterprise Act 2002 to apply for an Enforcement Order to prevent acts or omissions which harm the collective interests of consumers.	Head of Economic Growth and Development
(28)	To exercise the powers to apply for interdict to prevent use of unfair contract terms under the Consumer Rights Act 2015.	Head of Economic Growth and Development
(29)	To make application to the Sheriff to require production of information under the Consumer Rights Act 2015, Schedule 5, Part 3, Paragraph 16.	Head of Economic Growth and Development
(30)	To exercise the powers to apply for interdict to prevent breach of the Consumer Protection (Distance Selling) Regulations 2000.	Head of Economic Growth and Development
(31)	Manage and implement the Council's street naming functions under the Civic Government Act 1987 and related legislation.	Head of Economic Growth and Development
(32)	In consultation with the Chair, Depute Chair and relevant Ward Members, to undertake the statutory process for the promotion of Stopping Up Orders under the Town & Country Planning (Scotland) Act 1997 and only bring the matter before Planning & Regulatory Services Committee where there is not unanimous support for the proposal or there are outstanding objections following on from the statutory/public consultation process.	Head of Economic Growth and Development
(33)	To consider and agree applications for Anti-Social behaviour orders in consultation with the Anti-Social behaviour panel.	Head of Economic Growth and Development

DEVELOPMENT MANAGEMENT AND STRATEGIC PLANNING AND DEVELOPMENT

DELEGATION	RESPONSIBLE OFFICER
<p>(34) Carry out all of the following in accordance with Town and Country Planning (Scotland) Act 1997, The Planning (Hazardous Substances) (Scotland) Act 1997, and the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.</p> <p>All categories of development applications submitted to Moray Council as Planning Authority for consideration may normally be determined for approval or refusal by the appointed officer with the exception of applications for which one or more of the following applies:</p> <ul style="list-style-type: none"> • The application is on a housing site designated for 50 or more dwellings within the Development Plan, regardless of whether the application is for all or part of the site; • Applications for 5-49 dwellings will only be approved under delegated powers if they are in accordance with the development plan); • Any development where the gross floor space of the building, structure or other erection constructed as a result of the proposal exceeds 2000 sq. metres. (This will include, but is not limited to, business & general industry, storage and distribution, retail, leisure and entertainment, education, healthcare, community facilities, transport interchanges, transport infrastructure projects, water and drainage developments and other similar projects); • Any other application where the overall area of the proposed site exceeds a maximum of 2 hectares; • An application is submitted by, or on behalf of, an Elected Member of the Authority or an Officer involved in the statutory planning process; • The proposal (as a whole or in part) has previously been reported to Committee or to a Departure Hearing (Special Committee Meeting) and the appointed officer considers that significant amendments have been made to any previous 	<p>Head of Economic Growth and Development</p>

application for Committee to reconsider the development;

- The appointed officer considers, following the consultation process, that the application raises matters of wider community interest and/or planning significance. The decision to refer to Committee or hold a hearing rests with the appointed officer and this discretion to refer may be exercised where, for example, all ward members and the chair consider that an application raises matters of wider community interest.

Major Development Applications (defined on the basis of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2008 (the Hierarchy Regulations) which came into force on 06 April 2009).

- All Schedule 1 Developments mentioned in the Environmental Impact Assessment (Scotland) Regulations 1999(a) (other than exempt development within the meaning of those Regulations;
- Housing - Construction of buildings, structures or erections for use as residential accommodation where:
 - (a) The development comprises 50 or more dwellings, or
 - (b) The area of the site is or exceeds 2 hectares.
- Business & General Industry, Storage and Distribution – Construction of a building, structure or other erection where the gross floor space is or exceeds 10,000 square metres or the area of the site is or exceeds 2 hectares, for use for any of the following purposes :
 - (a) as an office
 - (b) for research and development of products or processes
 - (c) for any industrial process, or
 - (d) for use for storage or as a distribution centre
- Electricity Generation – Construction of an electricity generating station where the generating station has a capacity of or exceeding 20 MW;

	<ul style="list-style-type: none"> Waste Management Facilities – construction of facilities for use for the purpose of waste management or disposal where the facility has a capacity of or exceeding 25,000 tonnes per annum; In relation to facilities for use for the purpose of sludge treatment, a capacity to treat more than 50 tonnes (wet weight) per day of residual sludge. Transport and infrastructure projects – Construction of new or replacement roads, railways, tramways, waterways, aqueducts or pipelines where the length exceeds 8 kilometres. Fish Farming – The placing or assembly of equipment for the purpose of fish farming within the meaning of section 26 (6) of the Act where the surface area of water covered is or exceeds 2 hectares. Minerals – Extraction of minerals where the area of the site is or exceeds 2 hectares. Other Development – Any development not falling wholly within any single class of development as described in all above where: <ul style="list-style-type: none"> (a) The gross floor space of any building, structure or erection constructed as a result of such development is or exceeds 5,000 square metres; or (b) The area of the site is or exceeds 2 hectares. 	
(35)	Determine applications for planning permission, listed building consent conservation area consent, hazardous substances consent, advertisement consent and minerals consent, Crown Developments and Notifications of Intention to Develop by the Planning Authority, decisions will be made in accordance with the Council's Scheme of Delegation for Planning applications: http://www.moray.gov.uk/downloads/file60539.PDF	Head of Economic Growth and Development
(36)	Determine applications for Certificates of Lawfulness for a Proposed Use or Development and Certificates of Lawfulness for an Existing Use or Operation or Activity in Breach of a Planning Condition.	Head of Economic Growth and Development
(37)	Determine applications for Certificates of Appropriate Alternative Development.	Head of Economic Growth and Development

(38)	Determine applications for non-material variations of planning consents.	Head of Economic Growth and Development
(39)	Determine applications for approval of details required by conditions of consents.	Head of Economic Growth and Development
(40)	Determine applications for revocation of planning consent.	Head of Economic Growth and Development
(41)	Determine, in consultation with the Head of Governance, Strategy and Performance, the response to any Purchase Notice served on the Council.	Head of Economic Growth and Development
(42)	Refer offences arising from enforcement action to the Fiscal for prosecution and/or instigate direct action or proceedings for Interdict. Proceedings for Interdict to be the subject of consultation with The Head of Governance, Strategy and Performance.	Head of Economic Growth and Development
(43)	Determine preliminary enquiries for prospective proposals.	Head of Economic Growth and Development
(44)	Determine the need for planning consent, conservation area consent, listed building consent, hazardous substances consent, mineral consent and advertisement consent, Crown Development and Notification of Intention to Develop by the Planning Authority.	Head of Economic Growth and Development
(45)	Prepare the Council's responses to planning appeals including acting as witnesses at public inquiries except for those appeals where the decision of the Council is not the same as the recommendations put forward for consideration.	Head of Economic Growth and Development
(46)	Determine requests for screening and scoping opinions about the need for Environmental Assessments in accordance with Environmental Impact Assessment (Scotland) Regulations 2011.	Head of Economic Growth and Development
(47)	Determine all applications for prior notifications.	Head of Economic

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| | | Growth and Development |
| (48) | Respond to consultations from adjacent planning authorities and The Scottish Government on planning applications being considered by these authorities and The Scottish Government. | Head of Economic Growth and Development |
| (49) | Make representation or objection to matters relating to the issue of licences and registrations by local authorities. | Head of Economic Growth and Development |
| (50) | To exercise the functions and powers under the High Hedges Act (Scotland) 2013 with the exception of determining whether or not a High Hedge Notice should be issued. | Head of Economic Growth and Development Services |

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Deleted: To spend developer obligations relating to Community Facilities, Playing Fields, Indoor/Outdoor Sport Facilities and Library Facilities, in consultation with Ward Members of the relevant Associated Schools Group (ASG).

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| (51) | Take enforcement action required under the Planning Acts | Head of Economic Growth and Development. |
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STRATEGIC PLANNING AND DEVELOPMENT AND ECONOMIC GROWTH AND REGENERATION

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DELEGATION

RESPONSIBLE OFFICER

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| (53) | <u>To spend developer obligations relating to Community Facilities, Playing Fields, Indoor/Outdoor Sport Facilities and Library Facilities, in consultation with Ward Members of the relevant Associated Schools Group (ASG).</u> | <u>Head of Economic Growth and Development</u> |
| (54) | To prepare and publish Development Briefs for sites designated in the Local Development Plan, following full consultation and with the approval of Ward Member(s) and the Chair and Deputy Chair of the Planning and Regulatory Services Committee; and that Members be advised of Development Briefs determined under delegation by way of an information report to Committee. | Head of Economic Growth and Development |

(54)	To make and serve a Tree Preservation Order as required by the Town and Country Planning (Scotland) Act 1997, in consultation with the Chair and Deputy Chair of the Planning and Regulatory Services Committee and Ward Members.	Head of Economic Growth and Development
(55)	To determine applications to works to trees covered by a Tree Preservation Order, including approval (subject to conditions as required/ or refused).	Head of Economic Growth and Development
(56)	To prepare and submit tenders to the employment service, and other appropriate agencies, to manage and deliver training and employment programmes.	Head of Economic Growth and Development
(57)	To enter into licences and contracts with the employment service, Highland and Islands Enterprise and other appropriate agencies, to manage and deliver training and employment programmes.	Head of Economic Growth and Development
(58)	To enter into contracts with training providers and other specialist agencies for the delivery of aspects of government training and employment programmes.	Head of Economic Growth and Development
(59)	To grant permission for the use of the Plainstones, Elgin, subject to no notifications or adverse comments being received from the Chief Constable, Grampian Fire and Rescue Service or Corporate Director (Economic Development, Planning and Infrastructure).	Head of Economic Growth and Development

15. FINANCIAL SERVICES

DELEGATION		RESPONSIBLE OFFICER
(1)	To determine in light of the provisions of Section 219 of the Housing (Scotland) Act 1992, the rate of interest to be charged on home loans granted in terms of the Housing (Financial Provision) (Scotland) Act 1968 and in terms of the 1992 Act.	Chief Financial Officer
(2)	Advising the Corporate Committee on Administration, Management and Control of the Council's finances and accounts in accordance with the policies determined by the Council.	Chief Financial Officer
(3)	The functions of the Council including the use of any suitable broking and advisory services relating to the following (and in	Chief Financial Officer

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accordance with the Council's Financial Regulations where appropriate):

- (a) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money and capital market transactions in connection with cash and funding resources of the Council.
- (b) Negotiating and managing loans raised by the Council;
- (c) Funds and Investments (including Trust Funds under the control of the Council);
- (d) Insurance;
- (e) Banking Arrangements;
- (f) to select and implement appropriate methods of recovery of rent arrears and sundry debts;
- (g) Disposing of assets other than property by sale or lease;
- (h) Considering any reports from the External Auditors and obtaining and considering any comments on them; and
- (i) Implementing and monitoring the Treasury Management Policy Statement dealing with management of all money and capital market transactions in connection with cash and funding resources of the Council.

(4) To determine applications for discretionary rates relief from applicants where the organisation meets the statutory regulations and falls within the conditions agreed by Council.

Chief Financial Officer

(5) To ensure the levying, collection and recovery of arrears of:

- Council Tax in accordance with Section 97 of the Local Government Finance Act 1992 and any subsequent amendments/regulations.
- Non Domestic Rates in accordance with Local Government Finance Act 1988 and any subsequent amendments/regulations.
- Business Improvement District levy under the Planning etc. (Scotland) Act 2006 and any subsequent amendments/regulations.

Chief Financial Officer

(6) Complete Final Claim for Council Tax Benefit and Housing Benefit Subsidy

Chief Financial Officer

(7) To supervise the payments and recovery of monies on behalf of the Council.

Chief Financial Officer

(8) To monitor current expenditure in relation to approved estimates. Chief Financial Officer

(9) To determine the arrangements for the payment of debts due by the Council.

Chief Financial Officer

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(10) To complete the Annual Accounts of the Council

Chief Financial Officer

(11) To allocate approved expenditure to Capital or Revenue accounts at the year end as deemed appropriate.

Chief Financial Officer

(12) Effect payments in the most efficient way in relation to any taxation implications for the Council and any partner organisation involved in a financial transaction.

Chief Financial Officer

(13) Effect payments required for the settlement of disputes agreed by the Chief Executive or the Head of Governance, Strategy and Performance.

Chief Financial Officer

(14) Approval of arrangements for staff travelling outwith the United Kingdom on Council business which are not subject to approval by Corporate Committee.

Chief Financial Officer

Chief Financial Officer

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(15) Settle any liabilities arising from reviews by the Her Majesty's Revenues and Customs and enter into local agreements with these bodies for the efficient processing of taxation matters.

Chief Financial Officer

(16) Effect Common Good and Trust Fund payments in consultation with appropriate Members or in accordance with decisions of the Council as appropriate.

Chief Financial Officer

(17) Procurement Strategy – Future minor amendments delegated to the Chief Financial Officer subject to consultation with Political Group Leaders who will determine whether any particular minor amendment should be reported to the Corporate Committee.

Chief Financial Officer

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(18) Approve the engagement of consultants if the estimated cost is less than £25,000.

Chief Financial Officer

16. CHIEF OFFICER TO THE MORAY INTEGRATION JOINT BOARD

The Chief Officer of the Moray Integration Joint Board (MIJB) **shall direct and** is authorised to take action in connection with any function delegated or specified under the Integration Scheme between Moray Council and NHS Grampian or otherwise conferred on the MIJB by virtue of the Public Bodies (Joint Working) (Scotland) Act 2014, including but not limited to any function directed to any of them by the Scottish Ministers.

Note:

For **Social Care** services formally delegated to the MIJB the Chief Officer shall be accountable to the Integration Joint Board for strategic planning, performance, governance and delivery and the Chief Executives of the Health Board and Council respectively for the operational delivery. For those **few remaining** services not formally delegated to the MIJB the Chief Officer shall be accountable to the Council.

The Chief Social Work Officer post has a statutory designation, in terms of the Local Government Act 1995, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

The delegations to officers below are given subject to this framework.

CHIEF SOCIAL WORK OFFICER

DELEGATION

RESPONSIBLE OFFICER

- (1) To act as the Council's Chief Social Work Officer in terms of the Social Work (Scotland) Act 1968 and associated legislation and guidance.
Aspects of the Chief Social Work Officer role may be delegated or exercised in the absence of or on behalf of the statutory officer although the statutory officer remains responsible in terms of legislation.

Head of Service
(MIJB)

Note: The Chief Social Work Officer post has a statutory designation, in terms of section 3 of the Social Work (Scotland) Act 1968 as amended, with responsibility for oversight of all Social Work services, and a direct line of accountability to the Council for the exercise of those responsibilities.

- (2) In terms of this role, the following is authorised:
 - (a) To agree, with the person in charge of the establishment, to place and keep a child in secure accommodation or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of sections 151 and 152 of the

Head of Service
(MIJB)

Deleted: The Chief Officer of the MIJB shall direct the following social care services:¶

¶ Adult Services¶

¶ Children's Services¶

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Deleted: Where delegations are granted in relation to the Head of Adult Services these relate to functions for those of 18 years and over; and where they are granted in relation to the Head of Children's Services, they relate to functions for those under 18 years of age. ¶

Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation) (Scotland) Regulations 2013 and the Secure Accommodation (Scotland) Regulations 2013.

- (b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interest of other children in terms of section 143 of the Children (Scotland) Act 2011.

SOCIAL CARE SERVICES

(3)	To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.	Head of Service (MIJB)
(4)	To assess need in terms of Section 12A of the Social Work (Scotland) Act 1968.	Head of Service (MIJB) Deleted: /Head of Children's Services
(5)	To provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.	Head of Service (MIJB) Deleted: Children's Services
(6)	To recover any charges for services provided where The Council is legally entitled to do so.	Head of Service (MIJB) Deleted: /Head of Children's Services
(7)	To provide services to Disabled Persons in terms of the Disabled Persons' (Services, Consultations and Representations) Act 1986.	Head of Service (MIJB) Deleted: /Head of Children's Services
(8)	To assess a carer's ability to provide, or to continue to provide, care for a disabled child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.	Head of Service (MIJB) Deleted: /Head of Children's Services
(9)	To carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000	Head of Service (MIJB)
(10)	To take such steps in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000 as seem necessary to safeguard the property, financial affairs or personal welfare of an adult and to cooperate with the public guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(11)	To supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)

(12)	To appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary.	Head of Service (MIJB)
(13)	To apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(14)	To keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(15)	To notify the public guardian of any change of address in terms of Section 55 (a) and (b) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(16)	To carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(17)	To apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(18)	To apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising there from all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(19)	The power to be appointed as welfare guardian for any adult within the local authority area in terms of Section 59 of the Adults with Incapacity Act (Scotland) 2000 and to discharge the functions as welfare guardian in terms of s64 of the Adults with Incapacity (Scotland) Act 2000, including the power to appoint an officer who shall be responsible in terms of S64 (9) for carrying out the functions and duties of guardian.	Head of Service (MIJB)
(20)	The power to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity Act (Scotland) 2000.	Head of Service (MIJB)
(21)	The power to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(22)	The power to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non-	Head of Service (MIJB)

compliance of third parties with orders granted on behalf of the local authority.

(23)	The power to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(24)	The power to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(25)	The power to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the Social Work Department as per Section 56 of the Local Government (Scotland) Act 1973 as amended.	Head of Service (MIJB)
(26)	To promote joint working and council's ability to provide health care services and to share budgets with the NHS, Community Care and Health (Scotland) Act 2002.	Head of Service (MIJB) Deleted: /Head of Children's Services
(27)	To commission, enter into and manage any contracts with External Providers for services in accordance with Financial Regulations and any Joint Commissioning Strategy agreed with the Integration Joint Board for Moray.	Head of Service (MIJB) Deleted: /Head of Children's Services
(28)	To carry out the functions of the Council as Social Work Authority in terms of Council Policy and the legislative framework set by the Community Care and Health (Scotland) Act 2002. (social care charging)	Head of Service (MIJB) Deleted: /Head of Children's Services
(29)	To carry out the functions of the Council as Social Work Authority in terms of Council Policy and the legislative framework set by Mental Health (Care and Treatment) (Scotland) Act 2003. (detention, care and treatment of persons with a mental disorder)	Head of Service (MIJB) Deleted: /Head of Children's Services
(30)	To apply to the Department of Work and Pensions (DWP) for Corporate Appointeeship for clients without capacity in terms of the Social Security (Claims and Payments) Regulations 1987 and to receive and deal with any sums received.	Head of Service (MIJB)
(31)	To access funds for clients without capacity in terms of Part 3 of the Adults With Incapacity (Scotland) Act 2000.	Head of Service (MIJB)
(32)	To make inquiries and exercise investigatory powers in terms of Sections 4 and 7-10 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)

(33)	To provide appropriate services in terms of Section 6 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(34)	To have the power to apply to a Sheriff for an Assessment Order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(35)	To have the power to apply to a Sheriff for a Removal Order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(36)	To have the power to apply to a Sheriff for a Banning Order in terms of Section 22 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(37)	To have the power to apply to a Sheriff for a Warrant for Entry in terms of Section 38 of the Adult Support and Protection (Scotland) Act 2007.	Head of Service (MIJB)
(38)	To implement directions re integrated services received from the Integration Joint Board for Moray in terms of the Public Bodies (Joint Working) (Scotland) Act 2014.	Head of Service (MIJB)
(39)	To provide such information as may reasonably be required by the Chief Officer of the Moray Integration Joint Board to enable planning, monitoring and delivery of integrated services.	Head of Service (MIJB)

CHILDREN'S SERVICES

(40)	To supervise and care for persons placed on probation, released from prison etc. and to provide the necessary social background and other reports as required in terms of Section 27 of the Social Work (Scotland) Act 1968.	Head of <u>Service (MIJB)</u> Deleted: Children's Services
(41)	To provide aids and adaptations in terms of Section 2 Chronically Sick and Disabled Persons Act 1970 and Section 71 Housing (Scotland) Act 2006.	Head of <u>Service (MIJB)</u> Deleted: Children's Services
(42)	To promote social welfare in terms of Section 12 of the Social Work (Scotland) Act 1968.	Head of <u>Formatted Table Service (MIJB)</u> Deleted: Children's Services
(43)	To provide and maintain such residential and other establishments as are required for the Council's functions, Section 59 of the Social Work (Scotland) Act.	Head of <u>Service (MIJB)</u> Deleted: Children's Services
(44)	To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.	Head of <u>Service (MIJB)</u> Deleted: Children's Services

- (45) To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.
- (46) To pay allowances in respect of the maintenance of children in terms of Section 50 of the Children Act 1975.
- (47) To arrange for visits to be made to a child or young person in relation to whom parental rights and responsibilities have been transferred to the council in terms of Section 10 of the Mental Health (Scotland) Act 1994.
- (48) In consultation with the Chair of the Education, Children's and Leisure Services Committee and the Chair of the Corporate Committee, to vary kinship allowances in exceptional circumstances.
- (49) To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of the Education (Additional Support for Learning) (Scotland) Act 2004.
- (50) To safeguard and promote the welfare of children looked after by the Council in terms of Section 17 of the Children (Scotland) Act 1995.
- (51) To prepare and publish a plan for the provision of relevant services for, or in respect of, children in the Council's area in terms of Section 19 of the Children (Scotland) Act 1995;
- (52) To prepare and publish information about relevant services for children in the Council's area in terms of Section 20 of the Children (Scotland) Act 1995.
- (53) To request help in exercise of any functions that the Council has under Part II of the Children (Scotland) Act 1995.
- (54) To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22 of the Children (Scotland) Act 1995.
- (55) To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.
- (56) To carry out an assessment (if asked to do so by the child's parent or guardian) of the child with or affected by disability or any other person in his/her family in order to ascertain the child's needs as

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in so far as they are attributable to his/her disability of that of another person in terms of Section 23(3) of the Children (Scotland) Act 1995.

- (57) To provide accommodation for children in terms of Section 25 of the Children (Scotland) Act 1995.
- (58) To provide accommodation for children looked after by the Council in terms of Section 26 of the Children (Scotland) Act 1995.
- (59) To provide day care for children in need within the Council's area who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- (60) To provide appropriate care for school children in need within the Council's area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.
- (61) To provide advice, guidance and assistance for children under 19 years of age but over school age who were previously in the care of a Council or voluntary organisation in terms of Section 29 of the Children (Scotland) Act 1995.
- (62) To provide financial help towards maintaining, educating or training formerly looked after people over school age in terms of Section 30 of the Children (Scotland) Act 1995.
- (63) To review cases of children looked after by the Council in terms of Section 31 of the Children (Scotland) Act 1995.
- (64) Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).
- (65) To have the power to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.
- (66) To make enquiries and provide information to the Reporter to the Children's Panel where children may require compulsory measures of supervision in terms of Section 53 and 56(1) of the Children (Scotland) Act 1995 or section 60 of the Children's Hearings (Scotland) Act 2011.
- (67) To have the power to apply to a Sheriff for a child assessment order in terms of section 55 of the Children (Scotland) Act 1995 or Section 35 of the Children's Hearings (Scotland) Act 2011.

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| (68) | To provide reports on children and their social background for a Children's Hearing in terms of Section 56(2) and/or (7) of the Children (Scotland) Act 1995 or Section 66 of the Children's Hearings (Scotland) Act 2011. | Head of
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| (69) | To have the power to apply for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995 or Section 37 of the Children's Hearings (Scotland) Act 2011. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (70) | To provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (71) | To have the power to apply to a Justice of the Peace for an emergency child protection authorisation in terms of Section 61 of the Children (Scotland) Act 1995 or section 55 of the Children's Hearings (Scotland) Act 2011. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (72) | To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995 and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of Section 73(4) of the Children (Scotland) Act 1995; or to give effect to a compulsory supervision order (including an interim order) in terms of section 83 of the Children's Hearings (Scotland) Act 2011 and to require a review of such a compulsory supervision order in terms of section 131 of the Children's Hearings (Scotland) Act 2011. | Head of
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| (73) | To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (74) | To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (75) | To approve or de-register foster carers and to pay fostering allowances to approved foster carers under the Looked After Children (Scotland) Regulations 2009. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (76) | To provide a service, in collaboration with Health and Voluntary sector agencies to those who misuse or are affected by those who misuse drugs and alcohol. | Head of
<u>Service (Mk)</u> Deleted: Children's Services |
| (77) | To work with the Head of HR, ICT and OD to ensure the adequate provision of professional training for staff working in Social Work services. | Head of
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| (78) | To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by Section 6 Children (Leaving Care) Act 2000. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (79) | To carry out the functions of the Council as Social Work Authority in terms of Council policy and the legislative framework set by the Regulations and Guidance for Leaving Care 2004 and the Education (Additional Support for Learning) (Scotland) Act 2004. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (80) | To have the power to instruct the Council's solicitors to apply to a Sheriff for a Permanence Order relating to a child in terms of section 80 of the Adoption and Children (Scotland) Act 2007 and for any interim order, variation or revocation thereof and when deemed appropriate to represent the Council at those proceedings. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (81) | To exercise rights and fulfil responsibilities granted to the local authority under any Permanence Order granted in terms of Section 80 of the Adoption and Children (Scotland) Act 2007 while the Order remains in force. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (82) | To provide an adoption service and undertake the duties of an adoption agency in terms of relevant legislation. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (83) | To prepare and publish a plan for the provision of an adoption service in terms of Section 4 of the Adoption and Children (Scotland) Act 2007. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (84) | To assess, plan, provide and review post adoption support services in terms of Section 9, 10, 45, 47 and of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services in Allowances (Scotland) Regulations 2009. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (85) | To pay adoption allowances in terms of section 71 of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| <u>(86)</u> | <u>In consultation with the Head of Governance, Strategy and Performance, to pay reasonable legal expenses in relation to contested adoptions.</u> | Head of
<u>Service (MIJB)</u> |
| (87) | Having regard to all relevant matters, to consider whether adoption is in the best interest of a child or whether there is better practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007. | Head of
<u>Service (MI)</u> Deleted: Children's Services |
| (88) | To investigate the circumstances of and submit a report to the court in respect of a child for whom an Adoption Order is being sought in terms of Sections 17 and 19 of the Adoption and Children (Scotland) Act 2007. | Head of
<u>Service (MI)</u> Deleted: Children's Services |

(89) To manage and implement the Council's statutory responsibilities in terms of the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011.

Head of
Service (MIS) Deleted: Children's Services

(90) To make appointments to the Permanence Panel in relation to adoption and fostering, in terms of the Adoption Agencies (Scotland) Regulations 2009 and the Looked after Children (Scotland) Regulations 2009.

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Service (MIS) Deleted: Children's Services

(91) In terms of this role, the following is authorised:

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(a) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9) and 70(10) of the Children (Scotland) Act 1995 or to implement a relevant order or warrant which includes a secure accommodation authorisation with the consent of the person in charge of the establishment or to remove the child from the secure accommodation if considered necessary or required to do so in terms of section 151 of the Children's Hearings (Scotland) Act 2011 and the Children's Hearings (Scotland) (Implementation of Secure Accommodation) (Scotland) Regulations 2013; and

(b) To have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interest of other children in terms of Section 72(1) of the Children (Scotland) Act 1995 or section 143 of the Children (Scotland) Act 2011.

APPENDIX 1

Environmental Services – List of Relevant Legislation

- Environment Act 1995
- Public Health etc. (Scotland) Act 2008
- Offices, Shops and Railway Premises Act 1963
- Prevention of Damage by Pest Acts 1949
- Civic Government (Scotland) Act 1982
- Water (Scotland) Act 1980
- Environmental Protection Act 1990
- Control of Pollution Act 1974
- Food and Environment Protection Act 1985
- Civic Amenities (Scotland) Act 1982
- Health and Safety at Work etc. Act 1974
- Noise and Statutory Nuisance Act 1993
- Food Safety Act 1990
- The Countryside Act 1968
- Clean Air Act 1993
- Caravan Sites and Control of Development Act 1960
- Sewerage (Scotland) Act 1968
- National Assistance Act 1948
- Radioactive Substances Act 1960
- Riding Establishments Act 1964-1970
- Housing (Scotland) 1987
- Breeding of Dogs Act 1973-91
- Burial Grounds (Scotland) Act 1855
- Caravan Sites Act 1968
- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Dogs Act 1906-28
- Animal Health Act 1981
- Dangerous Wild Animals Act 1976
- General Product Safety Regulations 2005
- Animal Health and Welfare (Scotland) Act 2006
- Housing (Scotland) Act 2006
- European Communities Act 1972
- Meat (Enhanced Enforcement Powers) (Scotland) Regulations 2000
- TSE (Scotland) Regulations 2002
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002
- Products of Animal Origin (Import and Export) Regulations 1996
- Imported Food Regulations 1997
- Food Hygiene (Scotland) Regulations 2006
- Animal By-Products (Enforcement)(Scotland) Regulations 2011
- Agriculture (Miscellaneous Provisions) Act 1968
- Protection of Animals (Scotland) Act 1912
- Animal Health and Welfare Act 1984

- **Animal Health and Welfare (Scotland) Act 2006 - Sections 32A – 32M – Authorisation of legal persons**
- Breeding and Sale of Dogs (Welfare) Act 1999
- Performing Animals (Regulations) Act 1925
- Refuse Disposal (Amenity) Act 1978
- Official Feed and Food Controls (Scotland) Regulations 2009
- Control of Pollution (Amendment) Act 1989
- National Health Service Amendment Act 1986
- Water Act 1989
- Private Water Supplies (Scotland) Regulations 2006
- Zoo Licensing Act 1981
- The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006
- General Food Regulations 2004
- Smoking, Health and Social Care (Scotland) Act 2005
- Animal By-Products (Scotland) Regulations 2003
- Private Water Supplies (Grants) (Scotland) Regulations 2006
- Private Water Supplies (Notices) (Scotland) Regulations 2006
- The Dog Fouling (Scotland) Act 2003
- Contaminated Land (Scotland) Regulations 2000-2005
- Public Health (Scotland) Act 2008 (restates and amends the law on public health, makes provision about mortuaries and disposal of bodies, makes provision for the control of sun beds, amends the law relating to statutory nuisances and requires local authorities to designate competent persons to exercise the functions relating to the protection of public health.
- Housing (Scotland) Act 2006 (requires the local authority to authorise officers to deal with various issues including Housing Standards, Repairing Standard, Works Notices, maintenance orders and enforcement for Houses in Multiple Occupation) (for licensing of HMO see para 8(18)).
- The two Animal Service Officers will be authorised to act in terms of the Dog Fouling (Scotland) Act 2003 and any Orders, Regulations, Statutory Instruments or other subordinate legislation made thereunder
- Control of Dogs (Scotland) Act 2010
- Dangerous Dogs Act 1991
- Trade in Animals and Related Products (Scotland) Regulations 2012
- Food Information (Scotland) Regulations 2014
- Smoking Prohibition (Children and Motor Vehicles) (Scotland) Regulations 2016
- Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

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APPENDIX 2

Trading Standards – List of Relevant Legislation

- Agriculture Act 1970
- Agricultural Product (Grading and Marking) Act 1928
- Antisocial Behaviour etc. (Scotland) Act 2004
- Children and Young Persons (Protection from Tobacco) Act 1991
- Children and Young Persons (Scotland) Act 1937
- Civic Government (Scotland) Act 1982
- Companies Acts 1985 and 2006
- Construction Products Regulations 2013
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Consumer Rights Act 2015 – the undernoted powers in relation to ‘the enforcer’s legislation’ as defined in Schedule 5:
 - (i) Power to require the production of information
 - (ii) Power to purchase products
 - (iii) Power to observe carrying on of business etc.
 - (iv) Power to enter premises without warrant
 - (v) Power to inspect products
 - (vi) Power to test equipment
 - (vii) Power to require the production of documents
 - (viii) Power to seize and detain goods
 - (ix) Power to seize documents required as evidence
 - (x) Power to break open container etc.
 - (xi) Power to enter premises with warrant
 - (xii) Power to require assistance from person on premises
- Consumers, Estate Agents and Redress Act 2007
- Copyright, Designs and Patents Act 1988
- Cosmetic Products Enforcement Regulations 2013
- Energy Act 1976
- Energy Information Regulations 2011
- Energy Performance of Buildings (Scotland) Regulations 2008
- Enterprise Act 2002
- European Communities Act 1972
- Explosives Regulations 2014
- Feed (Hygiene and Enforcement) (Scotland) Regulations 2005
- Fireworks Act 2003
- Food (Hygiene and Enforcement) (Scotland) Regulations 2005
- Food & Environmental Protection Act 1985
- Health and Safety at Work Etc Act 1974, Sections:
 - 20 – Power of Entry
 - 21 – Improvement Notices
 - 22 – Prohibition Notices
 - 23 – Causes of Imminent Danger
- The Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016
- Housing (Scotland) Act 2006, Part 3 and Schedule 3

- The Manufacture and Storage of Explosives Regulations 2005
- Official Feed and Food Controls (Scotland) Regulations 2005
- Petroleum (Consolidation) Regulations 2014
- The Psychoactive Substances Act 2016
- Regulatory Enforcement and Sanctions Act 2008
- Sale of Spray Paint (Display of Warning Statement) (Scotland) Regulations 2004
- Single Use Carrier Bags Charge (Scotland) Regulations 2014
- Tobacco Advertising and Promotion Act 2002
- Tobacco and Primary Medical Services (Scotland) Act 2010
- Vehicles (Crime) Act 2001
- Weights and Measures Acts 1985



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: INFORMATION REPORT: MORAY GROWTH DEAL ANNUAL REPORT

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

1. REASON FOR REPORT

- 1.1 On 8 March 2023 Council considered and approved a draft version of the Moray Growth Deal (MGD) Annual Report, covering the period 20 December 2021 to 31 December 2022 (para 13 of the minute refers).
- 1.2 Delegated authority was provided for the Depute Chief Executive (Economy, Environment and Finance) to approve a final iteration. **Appendix 1** tracks all changes made to the version presented to Elected Members on 8 March 2023.
- 1.3 This report is submitted to Council in terms of Section (II) (20) of the Council's Scheme of Administration relating to a new policy matter which does not fall within the terms of reference of any Committee.

2. BACKGROUND

- 2.1 The production of an annual report is a grant condition associated with funding from the Scottish and UK Governments. This report introduces a final draft of the MGD's first annual report covering the period 20 December 2021 (when the Full Deal was signed) to 31 December 2022.
- 2.2 The version of the Annual Report presented to the Moray Council on 8 March 2023 (para 13 of the minute refers) was developed using feedback from the MGD Programme Board, the MGD Business Assembly and the Moray Economic Partnership. During March this document was further revised following feedback from the Scottish and UK Governments. It was also used as the basis for the Deal's first Annual Conversation held on 29 March 2023.
- 2.3 The Annual Conversation was constructive and involved:
 - Informal 'showcase' sessions that enabled officials from the Scottish and UK Governments to gain more insight on plans for the Cultural Quarter, Business Enterprise Hub and Housing Mix Delivery developments in Elgin,

along with a visit to some key project locations and a demonstration of the new Bus Revolution buses and the digital app that is due to be rolled out.

- A formal meeting in the afternoon saw officials meet with the Moray Council's Chief Executive, Depute Chief Executive (Economy, Environment and Finance and Moray Growth Deal Senior Responsible Officer), Head of Economic Growth and Development, Head of Financial Services and the Moray Growth Deal Programme Manager. This involved a detailed discussion on progress made during 2022, activity planned for 2023 and a focus on the MAATIC project with David Patterson (UHI-Moray Principal and project SRO) in attendance.

3. NEXT STEPS

3.1 Following submission to the Council, the intention is that:

- (i) The Annual Report (**Appendix 1**) will be made publically available through the Council and My Moray websites
- (ii) A press release will be issued to promote key highlights
- (iii) A summary document will be prepared to convey the status of the project in a distilled, easy to read format.

4. SUMMARY OF IMPLICATIONS

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

The Moray Growth Deal projects will contribute to the Corporate Plan priority of promoting economic development and growth, whilst meeting the LOIP vision of raising aspirations, reducing inequalities in educational attainment, providing access to employment, expanded choices for residents, and improved livelihood and well-being.

(b) Policy and Legal

Each Growth Deal project has been developed to meet local, regional and national policy agendas in line with legal requirements where relevant.

(c) Financial implications

The production of the 2021/22 annual report for the Moray Growth Deal in itself does not present any financial implications, but it does contain a section relating to the finances of the programme.

The Council's Head of Financial Services sits on the monthly Moray Growth Deal Programme Board at which a report is submitted for review setting out spend against budget allocation and takes an overview of the financial implications of the deal for the Council as s95 officer.

(d) Risk Implications

The production of the 2021/22 annual report for the Moray Growth Deal in itself does not present any risk implications, but it does reference risks being managed by the Programme Management Office that have the potential to affect successful delivery.

Risk is a standing item at the monthly Moray Growth Deal Programme Boards and is covered in monthly meetings that the Programme Management Office has with each Project Manager.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

Equalities and Socio Impact Assessments for each project will be updated as part of Full Business Case development.

(h) Climate Change and Biodiversity Impact

As a requirement of the Moray Growth Deal, all projects will address carbon reduction, improved environmental performance and a just transition to net zero as a central part of their development.

(i) Consultations

A final version of the annual report has been prepared following consultation with the following groups:

- Moray Growth Deal Programme Board
- Moray Economic Partnership
- Business Assembly
- The Scottish and UK Governments
- Moray Council Elected Members (briefing on 21/02/23 and Council meeting on 08/03/23)

5. CONCLUSION

5.1 This paper provides a final draft of the Moray Growth Deal's 2021/22 annual report for the Council to provide consider and note.

Author of the report: Michael Kelly, Moray Growth Deal Programme Manager

Background papers:



Annual Report (20 December 2021 to 31 December 2022)

Version 2.0 (March 2023)

Document control

Version	Date	Individuals / groups consulted
v0.1	26/01/23	Initial draft circulated for review: <ul style="list-style-type: none"> - Rhona Gunn (Depute Chief Executive and Programme SRO) - Lorraine Paisey (Head of Financial Services) - Jim Grant (Head of Economic Development & Planning) - Lindsay Lyon (MGD Programme Officer)
v0.2	06/02/23	Updated draft prepared and circulated to the Council's Team for review: <ul style="list-style-type: none"> - Kirsty Craig (Acting Senior Communications officer)
v0.3	09/02/23	Updated draft annual report circulated to key groups for review: <ul style="list-style-type: none"> - Moray Growth Deal Programme Board - Moray Economic Partnership
v1.0	21/02/2023	Version being created on an iterative basis as comments received from Moray Growth Deal Programme Board members and the Moray Economic Partnership (issued on 09/02/23, deadline for comments 17/02/23)
v1.1	23/02/2023	Revision made to the MAATIC project update
v1.2	02/03/2023	Report updated following feedback from the Scottish Government
v1.3	16/03/2023	Reporting updated following additional feedback from the Scottish Government
v2.0	31/03/2023	Final version prepared that track changes revisions made from v1.1 that was presented to Councillors on 8 th March 2023

Contents

1	Executive Summary	5
	Including	
	- Infographic 1: What does it mean for Moray?	
	- Infographic 2: The 8 projects that make up the MGD	
	- Infographic 3: Programme achievements	
2	Statement from Moray Council's Growth Deal Lead	8
3	Progress made from Deal signing on 20th December 2021 to the end of 2022	
3.1	Programme overview	9
3.2	Project updates	
3.2.1	Bus Revolution	11
3.2.2	Business Enterprise Hub	14
3.2.3	Cultural Quarter	16
3.2.4	Digital Health	19
3.2.5	Early Years STEM	22
3.2.6	Housing Mix Delivery	25
3.2.7	MAATIC	27
3.2.8	MICM	29
4	Activity planned for 2023	
4.1	Projects set to enter delivery during 2023	32
4.2	Milestones to be achieved	32
4.3	Factors that require action or future delivery could be impacted	32
4.4	Development of a benefits realisation and monitoring plan	33
5	Financial summary	
5.1	Project funding	35
5.2	Funding drawn down from the Scottish and UK Governments Q3 21/22 to Q3 22/23	35
6	Programme structure and governance activity	
6.1	Structure of Moray Growth Deal activity and officers involved	36
6.2	Summary of assurance activity progressed up to December 2022	37
6.3	Audit activity undertaken during 2022	37
Appendix A	Moray Growth Deal Draft Internal Audit Report	

Moray Growth Deal mission statement:

“By the year 2030 Moray is a destination of choice, the area being known and recognised as an outward-facing and ambitious community with a thriving and well connected commercial base, and an environment in which quality of life is valued and supported.”









1. Executive Summary

The Moray Growth Deal is a once in a generation, transformative programme that will use £100m of funding to address challenges and capitalise on new opportunities to build a prosperous economic future for the region and its people. The eight projects that make up the Deal will deliver...

Infographic 1: What does it mean for Moray?

- Direct and indirect creation of over 3,500 jobs
- 450 of the 3,500 jobs will result directly from the delivery of Growth Deal projects
- 50,000 more tourists will be attracted to Moray
- Over 300 new affordable homes will be constructed
- 450 businesses will be supported to scale up, increasing Moray's GVA by £82m
- Creation of new and improved facilities and services that aim to make Moray a more attractive place to live and do business in (educational, cultural and business innovation facilities coupled with enhanced public transport connectivity and an increase in the number of affordable homes)

Infographic 2: The 8 projects that make up the MGD

<p>Bus Revolution - £4.3m</p>  <p>Increase the number of people using public transport to get to and from rural areas to work, education and leisure</p>	<p>Business Enterprise (BE) Hub - £6.3m</p>  <p>Provision of education, research and business support functions to support new business start-ups, whilst helping to upscale existing micro businesses.</p>	<p>Cultural Quarter - £31.6m</p>  <p>Investment in key local assets, including the refurbishment of Grant Lodge, the Town Hall, and investment in the region's tourism infrastructure designed to leverage in private sector investment in a new hotel.</p>
<p>Digital Health - £5m</p>  <p>Creation of an anchored demonstration and simulation environment (DSE) and Living Lab testbeds for the Moray region.</p>	<p>Early Years (EY) STEM - £4.8m</p>  <p>To grow interest in science, technology, engineering and maths amongst children aged 3-8</p>	<p>Housing Mix Delivery - £7.5m</p>  <p>Stimulating housing development in town centres, unlock constrained sites and promote the integration of pilot exemplar sustainable design and construction techniques.</p>
<p>Moray Aerospace, Advanced Technology and Innovation Campus (MAATIC) - £24m</p>  <p>Establishment of a cutting edge commercial and academically supported training and research centre for excellence that will provided advanced skills for the region's industries.</p>	<p>Manufacturing and Innovation Centre for Moray (MICM) - £5m</p>  <p>A focal point for businesses to learn best practice and collaborate, stimulating the creation of new and growth of existing micro businesses throughout Moray.</p>	

On 20 December 2021, the UK and Scottish Governments signed the Full Deal Document with Moray Council, kicking off a 10 year period during which over £100m of funding will be provided. The funding is made up of £32.5m each from the Scottish and UK Governments, along with £38.5m from regional partners.

This annual report covers the period from 20 December 2021 until 31 December 2022. Activity has focused on:

- Establishing the Growth Deal Programme Management Office.
- Progressing the one project that is in its delivery phase, Digital Health.
- Gathering evidence and undertaking planning activity for the remaining projects not yet in delivery to inform their Full Business Cases, such as determining procurement approaches and site assessments.

Infographic 3: Timeline of programme achievements

Q3 21/22	<ul style="list-style-type: none"> - Digital Health project receives Moray Growth Deal Board and Government approval for the Full Business Case and enters delivery. - Full Deal document signed by the Moray Council, Scottish Government and UK Government on 20 December 2021.
Q4 21/22	<ul style="list-style-type: none"> - Recruitment process undertaken for Programme Management Office (PMO) and Project Manager roles, with staff taking up post during Q1 22/23.
Q1 22/23	<ul style="list-style-type: none"> - Full Business Case for Bus Revolution approved by the Moray Growth Deal Board, with the project expected to receive Government clearance in Q4 22/23 to enter delivery. - Ministerial launch of the Digital Health project
Q2 22/23	<ul style="list-style-type: none"> - Enhancement of programmatic controls relating to risk, assurance and reporting, with the Moray Council carrying out an internal audit of the Moray Growth Deal in the second half of 2022.
Q3 22/23	<ul style="list-style-type: none"> - Business Enterprise Hub Memorandum of Understanding signed with Moray Council and Robertson Construction which enables RIBA design stages to be progressed. - Detailed engagement activity commenced for the Cultural Quarter project to collate evidence that will help shape the vision for Elgin Town Hall and Grant Lodge. - Tender for Dallas Dhu Housing Mix Delivery site design work launched. - Offer received from Boeing for how they will support the Moray Aerospace, Advanced Technology Innovation Centre (MAATIC) facility

Looking ahead to 2023, the pace of Moray Growth Deal activity is expected to increase significantly:

- Programme Benefits Realisation and Monitoring Plan due to be submitted to the MGD Board for approval Q4 22/23.
- Official opening of the Digital Health Demonstration and Simulation Environment Space late Q4 22/23 in the Alexander Graham Bell Building which is part of UHI-Moray.
- Subject to approval of the Full Business Case being provided in March 2023, the first phase of Bus Revolution services will commence in Q1 23/24.
- The remaining six projects are scheduled to submit their Full Business Cases to the MGD Board for approval by Q3 23/24. Anticipated that four will receive Government clearance

and Council approval enabling them to enter delivery before December, meaning the Deal should finish the next reporting period with six of the eight projects in delivery.

- By the end of Q3 23/24, all of the Digital Health project's five living labs are expected to have completed their development stage, with two expected to reach the evaluation stage.

A strong foundation has been created for the Growth Deal during 2022, which will be instrumental in increasing the pace of activity during 2023. There are several factors being managed that could impact delivery, including:

- Financial projections for project outline business cases were developed in 2021 and these set the funding envelope within which the Deal needs to operate. Subsequently, the inflationary rate means projects are returning higher costs as they develop their full business cases. With a fixed level of funding, during 2023 projects will need to consider efficiencies, review and reprioritise and / or seek additional sources of funding to move into delivery with a sustainable financial model.
- Three projects (MAATIC, MICM and BE Hub) are closely aligned in relation to the outcomes they are seeking to achieve. As their full business cases are developed in 2023, it is critical there is clarity on the work each will deliver around research, innovation and work with businesses, ensuring any links are appropriately managed.
- Significant engagement activity will be required across all projects involving a wide range of stakeholders. This work will need to be effectively co-ordinated to ensure that there is cross-project co-ordination for engagement that affects multiple streams of activity and on key stakeholders.

This report is an overview of the governance and audit framework in place to manage MGD activity. The Moray Growth Deal Programme Board meets monthly to scrutinise activity and involves representatives from a wide range of organisations including the Scottish and UK Governments. It is recognised that regular audit activity can provide constructive advice for how delivery should be progressed. During 2022 Moray Council undertook an Internal Audit, as detailed in this report, with more organisations expected to add Growth Deal activity to their audit plans as projects secure approval to enter delivery.

2. Statement from Cllr Marc Macrae, Moray Council's Growth Deal Lead

Moray's £100m Growth Deal will enable the Council and its partners to capitalise on new opportunities and address challenges that will enable us to build a prosperous economic future for the region and its people. I want to pay tribute to the Council officers and many partners who worked hard to collaboratively reach this agreement at the end of 2021.

The Council is providing support relating to the current cost of living and energy crises we currently face and the Growth Deal builds on that work. In the medium to long term it will help provide solutions to some of the challenges we face, including:

- Expansion of Council operated bus services - helping reduce transport related barriers to accessing employment and education
- The construction of new, affordable net zero housing
- Innovation space and assistance that will enable businesses to start up and scale up, increasing jobs, the turnover of businesses and the economic productivity of Moray
- An expansion in skills through the promotion of Early Years STEM and the opening of a new Aerospace and Advanced Technology Innovation Campus

It is clear what a difference the Growth Deal can make and I am excited by the opportunity it presents.

During 2022 we've seen:

- Recruitment of the delivery teams for projects
- Approval of programme governance
- Progress with the Digital Health project that entered delivering during Q3 21/22
- All other projects working to complete the planning and development stage necessary for them to progress into delivery.

Building on this foundation, all projects are scheduled to secure approval for their full business cases by early 2024. To achieve this, there will be a significant amount of engagement with a variety of audiences. It is important to flag that this is a key area of focus, as these relationships will be critical to maximise the positive impact generated as activity moves into delivery.

We are confident that this Deal can deliver strong social and economic improvements and we are on track to deliver these for Moray. While still at an early stage, by the time of the next annual report the growth deal will have come to life and the delivery teams will be able to report significant 'on the ground activity' that will be starting to make a real difference to Moray.



Marc JH Macrae

Cllr Marc Macrae

3. Progress made from Deal signing on 20 December 2021 to the end of 2022

3.1 Programme overview

The Moray Growth Deal was signed on 20 December 2021 by Iain Stewart MP (UK Government), Cllr Graham Leadbitter (Moray Council) and Kate Forbes MSP (Scottish Government).



(Left to right: Iain Stewart MP, Cllr Graham Leadbitter, Kate Forbes MSP)

Workshops undertaken as the Deal was developed during 2021 indicated that activity should relate to four key pillars:

- Connections
- Business support, skills and employability
- Moray, the brand and place
- Moray's key business sectors

These pillars helped focus activity that saw the development of eight distinct but interconnected projects that tackle barriers to growth and capitalise on significant opportunities to create jobs and prosperity. Key impacts expected for the region include:

- Retaining and attracting young people / families (16-29 yrs) to live and work in the area
- Addressing occupational segregation and gender inequality in employment, including the significant gender pay gap and under-employment issues for women
- The creation of new high quality jobs in existing sectors and diversify the region's economy into new high value areas
- The creation of opportunities across Moray which help secure the future prosperity of its many communities

Specifically, the Deal will deliver the following outcomes for the region:

Direct and indirect creation of over 3,500 jobs	450 of the 3,500 jobs will result directly from Growth Deal projects	50,000 more tourists will be attracted to Moray
Over 300 new affordable homes will be constructed	450 businesses will be supported to scale, increasing Moray's economic productivity by £82m	Creation of new and improved educational, cultural and business innovation facilities

In accordance with the financial profile which spans 10 years, the projects are entering delivery in a phased approach up to early 2024.

High level phases of the lifecycle of projects:								
SOC	→	OBC	→	FBC	→	Delivery	→	Closure
Strategic outline case in development		Outline business case in development		Full business case in development		Project in delivery		Project complete and being closed
Project			Lifecycle stage					
			SOC	OBC	FBC	Delivery	Closure	
Bus Revolution			Complete	Complete	Complete ¹	In progress		
Business Enterprise (BE) Hub			Complete	Complete	Expected Jun 23			

Cultural Quarter	<i>Complete</i>	<i>Complete</i>	Expected Nov 23		
Digital Health	<i>Complete</i>	<i>Complete</i>	<i>Complete</i>	In progress	
Early Years (EY) STEM	<i>Complete</i>	<i>Complete</i>	Expected Oct 23		
Housing Mix Delivery	<i>Complete</i>	<i>Complete</i>	Expected Jun 23		
MAATIC	<i>Complete</i>	<i>Complete</i>	Expected Feb 23 ²		
MICM	<i>Complete</i>	<i>Complete</i>	Expected May 23		

¹ The project FBC has been approved by the MGD Board. Government clearance and Moray Council approval secured during March and the project has now entered delivery.

² Change request approved by the MGD Board on 31st March 2023 to reprofile the FBC submission date to June 2023


As further detail is provided on each of the Moray Growth Deal projects, it is important to highlight that success can only be achieved through collaboration across a number of different national, regional and local partners. The Moray Growth Deal Board brings together representatives from these organisations and works to ensure strategic and operational alignment.

Key partners involved in the delivery of the Moray Growth Deal programme and associated projects are:

- The Moray Council
- University of the Highlands and Islands
- Highlands and Islands Enterprise
- Rural Centre of Excellence for Digital Health and Care Innovation
- Scottish Government
- UK Government
- Developing the Young Workforce (DYW) Moray
- Representatives of Moray business and community groups

3.2 Project updates

3.2.1 Bus Revolution

Value	£4.3m	
Lead Body	The Moray Council	
Current status	Project Full Business Case has been approved and the project will enter delivery in Q1 23/24 FY.	
Project vision	Increase the number of people using public transport to get to and from rural areas for work, education and leisure	

Project summary

Bus Revolution is an innovative project that aims to increase the number of people using public transport to get to and from rural areas to places of work, education and leisure, providing a step change in availability of public transport right across rural Moray.

The project will provide a flexible demand responsive service, operating when and where needed in an easy to use way, utilising app based technology that will allow real time journey bookings 'uber' style.

Bus Revolution will receive £4.3m in funding. This will be used to cover the capital investment required to:

- Set-up operational systems
- Provide branding and marketing
- Purchase of electric vehicles
- Provision of associated charging infrastructure to deliver an efficient and robust transport network.

Headline achievements

The main focus of activity during 2022 has been the preparation of the project Full Business Case. This was completed and approved by the Moray Growth Deal programme board in May 2022. Subsequently, this document has been revised following feedback from several rounds of review by the Scottish Government including a number of workshops with Transport Scotland. The project is working with the Governments to complete work on the FBC during Q4 22/23, so that delivery can commence in Q1 23/24.

The project team have also been preparing for go live by progressing several key work streams:

- Procurement of six electric buses
- Procurement of charging infrastructure for electric buses
- Design of a new livery for vehicles that will be rolled out early 2023
- Development of an app that can support the 'Uber' style aspirations of the new service
- Procurement of a company to support marketing activities for rebranding the service and the expansion in the routes operated

Key milestones

Milestone	Due Date
Government clearance and Council approval of FBC to be secured, enabling the project to enter delivery	Q4 22/23
Project to enter delivery, with on demand services to commence	Q1 23/24

Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
------	---------	------------

<i>Risk:</i> Expanded service does not generate demand as projected.	Lower demand will impact the financial model through reduced revenue income from fares.	<ul style="list-style-type: none"> - Regular analysis of user data - Mitigating actions to be taken if demand lower than expected (for example: route timings or areas covered could be adjusted, fare model could be reviewed, marketing could be more targeted).
<i>Risk:</i> Inability to raise private sector funding to support the financial model (e.g. Company purchased season tickets).	Revenue projections lower than projected.	<ul style="list-style-type: none"> - Continued discussions with service providers and large employers to secure not just income but an increase in passenger volumes.

Focus on....service readiness preparations

Brand renovation and marketing:

The base service that this project builds on is well respected by existing customers, but has a dated identity and lacks understanding and familiarity amongst the wider community. Flourish marketing agency were appointed following competitive tender process to build on some previous work on a new brand identity. The existing brand is “Dial M” and as well as having an ‘analogue’ rather than ‘digital’ connotation that does not have cross-appeal to a wider audience, the brand has a dated image.

M-connect has been created to capture a more future-focussed brand identity, with a flexible visual identity that links well to the environment and heritage of Moray, whilst presenting a fresh and imaginative imagery to a wide audience. The brand name conveys the connectivity of bus travel, as well as social and economic connections, a strong link with the geography of Moray, and inferences towards digital society.



Full vehicle wraps for the new bus fleet, and partial wraps for the existing vehicles have been designed to best utilise the most visible product of the project – the buses themselves.



This brand will be at the core of carefully planned marketing activity, staged over the project life, with clear target audiences and measurable outcomes to ensure best return on investment.

App technology

The project is working in partnership with HITRANS the Regional Transport Partnership to introduce app-based

booking technology for demand responsive transport services. This partnership approach has enabled effective testing of MaaS project solutions and identification of both technical need and the most appropriate solutions. This has resulted in the Bus Revolution project both acting as trailblazer and beneficiary of emerging technology solutions for rural demand responsive transport in the Highlands & Islands, currently using the Liftango platform. Preparatory, testing and development work is underway prior to full launch in line with the formal project commencement.



3.2.2 Business Enterprise Hub (BE Hub)

Value	£6.3m	
Lead Body	University of Highlands and Islands, Moray College	

Current status	Working to submit project Full Business Case to the MGD Board in June 2023 with a view to securing Government approval by September 2023.	
Project vision	Provision of education, research and business support functions to support new business start-ups, whilst helping to upscale existing micro businesses.	

Project summary

A key characteristic of Moray is that it has over 3,000 small and medium sized enterprises. This represents a considerable growth potential if these businesses can be equipped to scale-up. Supporting the upskilling and growth of these businesses, the Business Enterprise Hub (BE Hub) will be a flexible space for business innovation that is accessible to businesses and students alike, providing an inspirational environment that encourages entrepreneurial thinking.

It will be a learning environment where learning spaces and real work environments coincide, where flexibility of usage allows students, lecturers, researchers and practitioners to share the same space, and where business support functions can be located with teaching and research skills to develop and support Moray's future entrepreneurs and their workforce.

There are synergies between the BE Hub and other projects including Moray Aerospace, Advanced Technology and Innovation Campus (MAATIC) and the Manufacturing Innovation Centre for Moray (MICM) as the BE Hub supports the development and strengthening of Moray's business supply chain as well as the development of new products, prototypes and services through research and innovation, some of which may be appropriate for further development through the MICM Hub.

Headline achievements

- Outline Business Case (OBC) was agreed in 2021, followed by a full appraisal of potential sites in and around Elgin town centre. Discussions followed with Moray Council's Housing Mix Delivery project on the potential for a shared site (part of the site appraisal exercise) in the centre of Elgin, with the aim of supporting the regeneration of Elgin town centre. This was identified as the preferred site option.
- Memorandum of Understanding signed in November 2022 with Moray Council and Robertson Construction which enables RIBA design stages to be progressed, with stage 2 to be signed off in January 2023.

Key milestones

In order to progress the aims of the project, the following key milestones are identified for 2023 and into early 2024. These include milestones for the building construction as well as the function of the Hub.

Milestone	Due Date
RIBA Stage 2 (designs approved)	January 2023
Redeveloped short course programme	June 2023
Submission of FBC for MGD Board approval	June 2023
Government clearance and Council approval of FBC to be secured, enabling the project to enter delivery	September 2023
Planning submission	September 2023
Accredited course proposals/research and innovation programme further developed	September 2023
Planning approval	January 2024
Construction commences	April 2024

In the expectation that FBC and planning permission approval stages proceed as planned, construction will commence in April 2024 and last for approximately 20 months. That said, the Hub "working" model will be developed ahead of construction so that smooth integration will be possible upon building opening/launch.

A programme of accredited CPD and short courses to be developed over 2023 into early 2024 along with progression of research and innovation base. In the background regular project board and stakeholder meetings are ongoing to support the development of the Hub function.

Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
Inflation results in increased materials costs	Project budget likely to increase, with a high likelihood this will be higher than funding available.	<ul style="list-style-type: none"> - Cost mitigation to be achieved through design specification and realisation of efficiencies due to co-location with a Housing Mix Delivery site - Exploration of alternative sources of funding to cover any potential overspend.
It takes longer than expected to secure planning consent.	If this occurred, it could delay construction activity.	<ul style="list-style-type: none"> - Process to be planned and initiated early.
Potential site issues e.g. ground works and protection / integration of existing heritage (as yet unknown)	Could result in delays to construction activity or the need to revise the vision for the site, both of which could affect time, quality and cost project parameters.	<ul style="list-style-type: none"> - Detailed site survey work to be progressed as soon as possible. - Contingency to be integrated into the budget to offset any potential issues identified.

Focus on....what the project will mean for businesses and their staff

The Business Enterprise Hub will support skills development to help businesses grow. With this in mind, in 2019, the University of the Highlands and Islands (UHI), approved its first fully accredited CPD course. Created as a flagship course for the Business Enterprise hub, it was designed to support upskilling of business leaders in responsible leadership and management practice. Since its creation it has supported 4 cohorts of business leaders in Moray, even through the COVID-19 pandemic. Complementing an established programme of short courses supporting business development, this course is the first of its kind offering valuable module accreditation in a CPD format. It is anticipated that it will offer a structure for similar courses to be developed that can be flexibly studied and joined together to form recognised qualifications.

As well as skills development, the Hub will support research and innovation to support business scale up and growth. In 2021 UHI Moray successfully achieved its first Knowledge Transfer Project (KTP) with Moray craft brewer, Windswept Brewing. This is a research and innovation project designed to support the innovative growth of this small but established business through sustainable energy development, responsible management practices and brand development. This is the first innovation project to be developed under the remit of the Business Enterprise Hub and is a collaboration between UHI Moray, the Environmental Research Institute and the Institute for Northern Studies. It paves the way for further KTP development in the Hub as the project progresses.

3.2.3 Cultural Quarter

Value	£31.6m	
Lead Body	The Moray Council	
Current status	Working to submit project Full Business Case to the MGD Board in November 2023 with a view to securing Government approval by February 2024.	
Project vision	Investment in key local assets, including the refurbishment of Grant Lodge, the Town Hall, and investment in the region's tourism infrastructure designed to leverage in private sector investment in a new hotel.	

Project summary

The Cultural Quarter Project underpins the overall Growth Deal Vision through the development of accessible, public facing community assets in the centre of Elgin. Significant investment from four partners (£12.7m The Scottish Government, £3.5m The UK Government, £3.9m The Moray Council and £2m Highlands and Islands Enterprise) will redevelop two important historic buildings to provide an enhanced cultural offering which supports increased City Centre activities day and night, and highlights the Region as an inspirational destination of choice. The project will also be working to leverage private sector investment to enhance facilities in Elgin further through the construction of a hotel.

Each element will be linked together by improved public spaces and road traffic reconfiguration, ensuring easy and safe walking and cycling connections to the town centre and creating a vibrant space in the heart of Elgin that will support inclusive economic growth and cultural expansion within the city and wider region, helping to attract and retain talent whilst increasing tourism region wide.

The project will work with key stakeholders throughout Moray to establish a vision for the Cultural Quarter which is more than the sum of its parts. As such, physical transformation in Elgin City Centre can underpin the ambitions of the Growth Deal whilst supporting the creative, heritage and tourism sectors in Moray to collaborate, thrive and grow.

Work to encourage private sector investment in a new hotel at a complementary site, will help meet a longstanding requirement for additional, quality, hotel accommodation in Elgin.

Headline achievements

- Cultural Quarter Project Manager appointed August 2022 and Cultural Quarter Project Board reconvened with additional members (including Creative Scotland, Visit Scotland and Historic Environment Scotland) in October 2022.
- Discussions progressed with direct user groups for Elgin Town Hall and Grant Lodge to establish baseline requirements and key aspirations for the redevelopment projects.
- Stakeholder Map for the project widened to include all key local and regional creative, cultural, heritage, tourism and community organisations, including collaboration with other MGD projects.
- Individual meetings held with widened stakeholder groups, potential users and beneficiaries to progress the project vision in line with current needs and maximise this opportunity for the Region.
- Procurement Strategy for capital projects reviewed with Moray Council Property Team and revised to dovetail Design Team Brief Development with Stakeholder engagement.
- Outline Engagement plan to Full Business Case completed.

Key milestones

The next stage of the project will require the following tasks and milestones to be completed to ensure we can achieve the overall project aims and deliver a robust Full Business Case:

Milestone	Due Date
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A series of targeted, themed, sectoral based workshops with key stakeholders working across Moray planned to consider the project vision and aims alongside practical requirements for new spaces and facilities, ensuring they complement existing and planned provision without displacement	Feb 2023
Appointment of early stage survey, design and planning work for capital projects and public spaces	March 2023
Appointment of specialist business case support for cultural venues	April 2023
Cultural Quarter operational plan revised options appraisal	June 2023
Elgin Town Hall Design Team and Cost Consultants appointed	June 2023
Draft Full Business Case submitted for approval by the Moray Growth Deal Programme Board	Nov 2023
Grant Lodge Design Team and Cost Consultants appointed	Dec 2023
Government clearance and Council approval of FBC to be secured, enabling the project to enter delivery	February 2024

Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
Inflation in construction costs means overall project costs are greater than budget allocation	Impact on deliverability of the project which will in turn could affect outcomes and benefits.	<ul style="list-style-type: none"> - Careful planning to ensure designs deliver on objectives - Use internal support to develop project brief and reduce risk of abortive costs - Explore additional funding routes - Appoint cost consultants early - Engage with private sector and construction industry to stay abreast of challenges.
Continued pressure on construction industry leads to difficulties making appointments	Problems appointing suitable consultants leads to project delays and cost rises.	<ul style="list-style-type: none"> - Early and continual engagement with sector - Attractive and well developed project brief which highlights profile and benefits of the projects - Share info and learn from other MGD projects.
Preferred option for Grant Lodge does not comply with Deed of Gift or Common Land Use requirements.	Plans could not legally progress, or process to gain approval is lengthy and costly.	<ul style="list-style-type: none"> - Familiarise all partners with obligations at an early stage - Pursue options which are complementary to MGD aims and Deed - As vision and operational options are developed consider compliance - Community support for proposal and legal changes to the Trust as necessary.
Timescales and risk mean that construction costs for capital works cannot be market tested for FBC approval	Investment partners cannot approve FBC based on cost estimates	<ul style="list-style-type: none"> - Appoint cost consultants early - Estimates informed by up to date market information - Project vision is well defined and correlates with proposed use - Users' needs and proposed designs to give comfort no major design changes will be required

Focus on....work in progress to develop the vision for Elgin Town Hall and Grant Lodge

To update our vision for the Cultural Quarter in the context of significant world events since the deal was signed, during 2022-23 the team has embarked on a series of workshops and collaboration with local stakeholders in the creative, heritage, tourism and community sectors. Enabling us to build on the wealth of knowledge and activity already taking place in the region, these consultation events will ensure we can provide inspiring facilities which create new and enhanced cultural opportunities, recognising current


challenges and working together to maximise the opportunity the growth deal investment presents.

Since 2018 the Charity Elgin Town Hall for the Community has been operating Elgin Town Hall as a vibrant events and performance venue, the largest performance space in Moray. Despite the team regularly hosting sold out events, limitations to the layout of the B-listed building impede growth, and make the venue unsuitable for some touring companies which you'd expect to see in a building of its significance. Cultural Quarter Development Workshops kicked off with internal and customer workshops at Elgin Town Hall, establishing what improvement must be made to support an expanded programme, growing audiences, and critically, new job opportunities.

After these sessions, we opened out the discussions and held targeted workshops with representatives from the creative industries, performing arts, heritage and local tourism across the region, plus Moray's iconic industries and brands. Participants discussed how capital works at Elgin Town Hall and Grant Lodge could support their existing operations in Moray and nationally/internationally, address gaps in provision and boost the attractiveness of the region as a place to visit, work and live for the benefit of the sector, the economy and the public. Over 100 individuals and organisations working across these sectors in Moray were invited to take part. In 2023-24 the outcomes from these critical discussions will inform the architectural brief for each project, enabling us to appoint experienced design teams to develop the building plans during the coming financial year.

We'll use these emerging partnerships to support opportunity throughout the development of the Cultural Quarter as well as on completion. For example, building on what we've learnt so far and to understand the full extent of the cultural workforce, we plan to collaborate with a Moray based arts development agency and a Moray based heritage consultancy to carry out an up to date mapping of the sector in Moray. We're also hoping to collaborate with the region's whisky festival and trial ideas to improve festival goers' visitor experience which could be further developed and supported by the refurbishment of Grant Lodge.

3.2.4 Digital Health

Value	£5m	
Lead Body	Rural Centre of Excellence (RCE) for Digital Health and Care Innovation	
Current status	Achieved approval for the project Full Business Case in Q3 21/22 and is now in delivery	
Project vision	Creation of an anchored demonstration and simulation environment (DSE) and Living Lab testbeds for the Moray region.	

Project summary

The Rural Centre of Excellence (RCE) for Digital Health and Care Innovation is led by Scotland's National [Digital Health & Care Innovation Centre](#) (DHI) and while the centre is focussed on the [Moray local authority area](#), the initiative plans on becoming a key driver of the country-wide Health for Wealth agenda being promoted in Scotland as a critical component of the remobilisation and economic recovery strategy.

The RCE will develop and host a state-of-the-art Demonstration Simulation Environment (DSE) - a physical immersive facility anchored in the Alexander Graham Bell building in Elgin along with technical assets with which simulations can be developed at pace, leading to a range of demand-led 'Living Labs' with participation from the Moray community across the region. The Living Lab concept puts users at the heart and drives co-design and co-production methodologies to be accelerated in the innovation process, in order to develop innovative digital solutions at pace to enhance health, care, and wellbeing and attract economic development to the region. The cutting-edge participatory techniques used by DHI to drive innovation ensure that citizen needs are considered within the innovation development process and, importantly, lead to co-designed solutions that meet the needs of the main stakeholders.

The following five Living Lab themes have been progressed (at different rates over the last 12-18 months) after consultation and engagement with key practitioners and local residents:

- Healthy living and weight management
- Care planning and Care in Place
- Smart housing and smart communities
- Co-managing longer term conditions
- Mental wellbeing

The RCE enables partners to co-create, test and commercialise digital health and care innovations within Moray. As a launch pad for scale, the innovations will address both local and global challenges and will be developed to allow for rapid transferability to other regions across the UK. In addition, a workforce development, future skills and research support programme has been progressed to build capacity and capability to continue to develop, implement and scale up digital innovations that can be transferred across Scotland and the rest of the UK. As the digital transformation of the economy continues, the centre's long-term vision includes developing commercial opportunities, by building a thriving local digital health cluster.

As a region with huge potential, the RCE hopes to attract further private-sector investment, new jobs to the area, and development of new digital care opportunities enabled by the adoption of successful pilot-tests within the Living Labs. One of the key objectives of the centre is to create a dynamic and creative digital health and care cluster in Moray, while building on a wider ecosystem of digital, health, rural, and care networks across Scotland. As a region with a wealth of resources, relevant complementary initiatives and local partners committed to addressing significant health and care delivery challenges, Moray is an ideal location for the centre.

In summary, the centre aims to:

- Provide a unique rural environment to co-design digital health solutions through simulations and Living Labs (test bed)

- Attract commercial interest in digital health to the Moray area and improve economic development as a result
- Create additional education opportunities to support the primary objective through development and provision of courses and skills to support Living Lab methodology and technical testing

The RCE DHI will be operating at the interface of different domains: health, social care, industry, academia, third sector and other public sector organisations always with a citizen-focussed operating model.

Headline achievements

The first year of the project was an initiation phase for a complex project relating to advancing innovation in the region, along with research and development (R&D). As a result, the achievements can be described as mostly putting in place the digital enabling infrastructure that allows simulation for all living labs to commence.

To celebrate the project entering delivery and completion of the first project work package relating to key mobilisation activities, a Ministerial launch took place on 10th June 2022 involving Iain Stewart MP, Parliamentary Under Secretary of State for Scotland and local MSP Richard Lochhead.



(Left to right: Irema McAra-McWilliam, Richard Lockhead MSP, Chaloner Chute, Reece Moyes, Iain Stewart MP, Janette Hughes and George Crooks)

The main achievements are:

- Securing a physical location for the Demonstration and Simulation Environment (DSE), Alexander Graham Bell Building in UHI-Moray.
- Recruiting a complement of Specialist Innovation Staff to enable the specific work activities to progress
- Procurement activities including:
 - o Putting in place technical enabling infrastructure to support all the Living Labs R&D simulations and adoption of integrated digital tools and scale (e.g. personal data store)
 - o Commissioning specialist services including:
 - DHI applications accreditation from Organisation for the Review of Health Care Apps (ORCHA)
 - Contribution Analysis activities including a framework for evaluation from Matter of Focus
- Set up of key management systems and processes
 - o Benefits realisation mapping/planning activity
 - o Governance structures for the Living Labs, procurement, and other R&D aspects, including drafting Terms of Reference for all groups
- Initiation of Living Lab workstreams focused on 'Weight management' and 'Care in Place' with a range of co-design workshops, 1-on-1 interviews, meetings and engagements to scope further this Living Lab requirements and needs.

Current status	Working to submit project Full Business Case to the MGD Board in October 2023 with a view to securing Government approval by January 2024.	
Project vision	To grow interest in science amongst children aged 3-8	

Project summary

The Early Years STEM project will see investment of £4.8 million of capital funding from both the Scottish Government and the Moray Council. The Scottish Government will commit up to £3.5m and the Moray Council £1.3m. The Moray Council will meet revenue requirements which includes a dedicated STEM Officer post for the duration of the project.

The nature of work is changing, and where Moray has historically relied upon traditional manufacturing and retail business, in the future there will be more high level, technology based occupations. Creating more appeal for STEM related jobs is important to facilitate the evolution of skills required by the future jobs market, and to ensure Moray is resilient in the future.

The Early Years STEM project aims to raise the STEM aspirations of children beginning with those in their early stages of learning, and seeks to continue this engagement through primary and secondary levels. The focus on early year's intervention is a unique feature of this STEM initiative.

The project will see investment in STEM training and resources, as well as the development of specialist facilities and learning environments across Moray. These Hubs will aim to inspire and enhance the STEM learning experience of children and staff through age appropriate leading edge, industry related STEM experiences. It is also important that these hubs are accessible to the wider community, thereby allowing inter-generational learning to take place. The aspiration of this strategy is to close the equity gaps in participation and attainment in STEM, and ultimately lead to more young people choosing STEM occupations at a later stage in their lives.

Headline achievements

Since receiving outline business case approval in December 2021, there has been significant progress in refining the overall vision for the project. The Project Manager, recruited in June 2022, has implemented an extensive stakeholder engagement campaign to develop an evidence base to support the overall strategy.

2022 has also seen significant progress in developing a delivery model for this initiative, with particular focus on inter-disciplinary working between practitioners and partner organisations.

Site identification will continue into 2023 with a number of suitable options available for appraisal.

Key milestones

As we head towards completion of the Full Business Case, 2023 will see significant progress on a number of elements:

Milestone	Due Date
Site identification and selection	February 2023
Appoint design team and implement stakeholder co-design workshops	April 2023
Full Business Case submitted to Moray Growth Deal Programme Board	October 2023
Government clearance and Council approval to be secured, enabling the project to enter delivery	Jan 2023

Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
Rising construction costs	Impact on deliverability	- Re-develop existing space where possible to

	of the project which will in turn could affect outcomes and benefits.	<p>reduce costs.</p> <ul style="list-style-type: none"> - Where construction is required, an experienced quantity surveyor will prepare the provisional budget with optimism bias and contingencies put in place. - A phased approach to implementation of facilities that will identify rising costs, capture lessons learned and make early interventions
Availability of suitable host locations	Lack of coverage in each Associated School Group (ASG)	<ul style="list-style-type: none"> - Early engagement with stakeholders to identify opportunities and spaces for development. - Where existing space is not available, new build facilities will be explored.
Limited revenue funding	Preferred approach will need to be success with limited dedicated staffing provision	<ul style="list-style-type: none"> - The Moray Council has committed revenue funding for a dedicated STEM Officer post for the duration of the project, responsible for curriculum and workforce development. - The project team will explore additional funding opportunities to enhance the staffing provision. - Strategic partnerships formed with local employers, STEM providers, community ambassadors and UHI's STEM outreach programme (recently expanded for a further three years thanks to funding from offshore wind project developers). - A partnership approach to STEM delivery and a network of upskilled practitioners and industry ambassadors will ensure sustainability past the life of the project.
Project facilities are not utilised as planned	Improvements in STEM attainment levels not realised	<ul style="list-style-type: none"> - An extensive community engagement campaign undertaken to ensure the project satisfies a need within the user groups. Consultations with education staff and young people throughout the design process. - Engagement with partner STEM providers, utilising expertise and ensuring experiences are inspiring and age appropriate. - The project will seek to remove barriers to participation where possible. Where transportation is a barrier, the project will seek funding opportunities and provide outreach.

Focus on....how this project will be delivered

The Early Years STEM project will see the development of inspirational learning environments across Moray, increasing STEM opportunities for young people and families across the region, and delivering quality learning experiences to serve as a catalyst for STEM learning at home or in their school or ELC setting. The past year has seen significant engagement with schools, pupils and stakeholder groups, as we refine our vision for how these spaces will be delivered, and how they can be supported by outreach activities.

The preferred option focuses on STEM learning centres across the region including fixed sites, a mobile solution and an outreach model. Outreach will include a centrally managed lending resource with STEM activities linked to the Curriculum for Excellence. The Early Years STEM Project Manager is in communication with UHI about expanding their Lend a Lab initiative into Moray, with two schools

scheduled to pilot the offer in early 2023.

Sustainability is fundamental to the project and co-locating within an established organisation is a priority for site selection. The EY STEM project is pleased to collaborate with the libraries service to host a STEM centre in one of their locations. This will be a flexible learning space with core learning equipment accessible to an inclusive group of learners. Embedding STEM learning within the library service ensures sustainability of the project, utilising the expertise of the learning centre staff, and enhancing the offer currently offered by the service.

As site identification continues, the project will prioritise sustainability through collaboration and will seek to reduce the carbon footprint through the re-development of existing space where possible.

3.2.6 Housing Mix Delivery

Value	£7.5m	
Lead Body	The Moray Council	

Current status	Working to submit project Full Business Case to the MGD Board in June 2023 with a view to securing Government approval by September 2023.	
Project vision	Stimulating housing development in town centres, unlock constrained sites and promote the integration of pilot exemplar sustainable design and construction techniques.	

Project summary

The Scottish Government has committed £5m and Moray Council £2.5m towards the Housing Mix Delivery project. The project aims to support and accelerate the delivery of 360 affordable houses and plots and to stimulate the private housebuilding sector to deliver a further 500 market houses, supporting town centre regeneration of brownfield sites and provision of housing in rural towns and villages.

The project has the principles of innovative and sustainable design and construction, digital health and care, health and well-being, carbon neutral, simplified consenting processes and quality place making firmly embedded within its investment objectives, with each development site being carefully planned to deliver these objectives.

The project links closely with the Digital Health and Business Enterprise Hub projects in the Moray Growth Deal.

Headline achievements

- Dallas Dhu project out to tender for design works December 2022. Working closely with Digital Health project team.
- South Street, Elgin regeneration project- design work reaching RIBA stage 2, working closely with UHI Moray Business Enterprise Hub project team to deliver a comprehensive town centre redevelopment project.
- Discussions with landowners in Speyside and other sites progressed.
- Long list of sites updated and re-evaluated.
- Pilot work on heat network and establishing a Moray Growth Deal “carbon” standard progressing.


Key milestones

The project is working to deliver the following milestones:

Dallas Dhu award design tender	February 2023
Submission of the FBC for MGD approval	June 2023
South Street legal agreements between partners to be concluded	June 2023
Submission of planning consent for South Street	July 2023
Government clearance and Council approval to be secured, enabling the project to enter delivery	Sept 2023


Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
Inflation and construction costs continue to rise and material shortages	Reduced impact of project. Impacts upon objectives and outputs.	Review objectives and outcomes to reflect costs. Cost consultants involved in key projects to inform decisions.
Lack of knowledge and understanding of carbon targets to be achieved	Inconsistent approach to carbon calculations throughout projects and in particular the housing proposals do not achieve level of innovation aspired to.	“Moray” standards and process being developed by Strategic Planning and Development section in Moray Council, procedure, minimum requirements and principles to be adhered to.

South Street, Elgin-funding gap not met through Levelling Up Fund application	Insufficient funding to achieve the comprehensive redevelopment proposed.	Re-scope project and remove elements, seek other external funding sources or increase contribution from the Housing Mix Delivery project.
<p>Focus on....the first phase of development, Dallas Dhu</p> <p>This site is located to the south of Forres and is identified for residential development in the Moray Local Development Plan 2020. The Council is working in partnership with Altyre Estate and a Registered Social Landlord to deliver a high quality, innovative housing development.</p> <p>An open tender process is underway to appoint a design team in early 2023 to design the first phase of affordable homes and an innovative housing development which acts as an exemplar for net zero, provides a living lab for the Digital Health project and for health and well-being. The project will open up the rest of the site for further affordable homes and private sector development.</p> 		

3.2.7 Moray Aerospace, Advanced Technology and Innovation Campus (MAATIC)

Value	£24m	
Lead Body	University of Highlands and Islands, Moray College	
Current status	Working to submit project Full Business Case to the MGD Board in June 2023.	
Project vision	Establishment of a cutting edge commercial and	

	academically supported training and research centre for excellence that will provide advanced skills for the region's industries.	
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Project summary

This project will use the once-in-a-generation combination of the Moray Growth Deal, strategic aerospace developments and a partnership with Boeing to provide a genuinely transformational opportunity for the region and its people.

Moray is a region of underemployment, demographic challenge, and gender opportunity gaps with traditional industries facing an uncertain economic future. The Moray Aerospace, Advanced Technology, and Innovation Campus (MAATIC) will harness the opportunities presented by emerging technologies in aerospace, advanced manufacturing, and decarbonisation to tackle the issues outlined above. MAATIC will be Moray's contribution and gateway to the national network of centres of excellence and knowledge exchange making a future which is environmentally, socially, and economically sustainable.

Specifically, with UHI having received a proposal from Boeing in late 2022 regarding how they will support the MAATIC facility, the project team is working to develop a Full Business Case that focuses on 5 streams of activity:

- 1) Boeing /Civil Aviation Authority(CAA) / Air Services Training (AST - Existing skills and training vehicle of UHI Perth) condensed part 66 and type approved training (aerospace and aviation)
- 2) Immersive training centre for safety critical systems (immersive technologies and synthetic training)
- 3) Delivery of a suite of integrated programmes of education covering aerospace, aviation, immersive technologies, advanced manufacturing and innovation
- 4) Centre for research in aerospace and sustainable fuels (aviation, aerospace and innovation)
- 5) Innovation and development space

The MAATIC building itself will house commercial and academic leading-edge research on these emerging technologies, will be a training facility to support the skills required to underpin and deliver these technologies, and will have a communal space for the promotion of STEM developments and opportunities to the community and to the next generation of technologists. Given synergies between the projects, there is the potential that the MAATIC facility will also host the Manufacturing Innovation Centre for Moray (MICM) facility run by the Highlands and Islands Enterprise (HIE).

Headline achievements

Since the MAATIC Outline Business Case was developed, there have been several significant changes in the aerospace and aviation sectors, most notably changes in the aircraft market due to the periods when aircraft were grounded/in less use due to the pandemic meant securing a surplus 737 was no longer viable and also precipitated a desire to move training from physical to more virtual environments. This has in turn reopened the issue of the ideal site for MAATIC and a number of options are under consideration

In light of this, MAATIC secured approval from the MGD Board in June 2022 for a change request that delayed the FBC submission date to February 2023, allowing the project team to review the vision to be realised and secure a more future proofed offering from Boeing. As this work has progressed, the following achievements have been made:

- Significant engagement between UHI and Boeing that resulted in a revised offering being received from Boeing in November 2022 that was subsequently approved in principle by the MGD Board.
- Workshop held with both the Scottish and UK Governments regarding the revised offer and the emerging project vision.
- In late 2022 a consultant was appointed to develop the project FBC for February 2023.

Key milestones

Milestone	Due Date
Project presentation to UHI Chair of Court	February 2023*
Submission of draft FBC to MAATIC Project Board	February 2023*
FBC to be submitted by MGD Board	February 2023*
Government clearance and Council approval to be secured, enabling the project to enter delivery	Q1 23/24
MAATIC project to enter delivery	Q2 23/24

* Change request approved by the MGD Board on 31st March 2023 to reprofile the FBC submission date to June 2023. This will mean Government review will take place in Q2 23/24 and enter delivery in Q3.

Risks and issues that require management by the project team during 2023

Risk	Effects	Mitigation
Disparity between actual v projected targets around student numbers, research and innovation	Potential to undermine the project delivery model and long term sustainability of the project	Robust planning during the implementation phase and regular reviews of data so the project and Business As Usual teams can take action as needed to realise targets set.
Loss of a key project partner	Inability to realise some or all of the project objectives.	Regular and ongoing engagement with project partners to ensure an FBC is developed that can achieve common goals for everyone involved.

Focus on....how the project will deliver high value skills for Moray

Consistent with UHI's modular ethos on further and higher education, MAATIC will ultimately teach and train almost 700 students per year across four key curriculum streams offering about 40 programmes ranging from foundation apprenticeships to Research Degrees and MBAs.

The four key curriculum streams are:

1. Aerospace Engineering
2. Sustainability Engineering
3. Immersive Technologies
4. Design and Innovation


Students will be attracted to MAATIC by:

1. The potential Boeing collaboration
2. The curriculum
3. The credibility and authority of leading academics
4. Moray's cultural, socio-economic and well-being offering as destination of choice

Consistent with UHI's student journey experience, a school-leaver with minimal academic credits could begin studying at MAATIC and progress from highers and or apprenticeship to PhD.

3.2.8 Manufacturing and Innovation Centre for Moray (MICM)

Value	£5m	
Lead Body	Highlands and Islands Enterprise	
Current status	Working to submit project Full Business Case to the MGD Board in March 2023 with a view to securing	

	Government approval by June 2023.	
Project vision	A focal point for businesses to learn best practice and collaborate, stimulating the creation of new and growth of existing micro businesses throughout Moray.	

Project summary

The key driver for this project is to achieve a grass roots cultural shift in how Moray businesses gain insight into the latest process and production efficiencies that are available, and how they can use them to undertake product and process innovation.

The Manufacturing Innovation Centre for Moray (MICM) will act as a local focal point for business to access best practice and, crucially, identify how they can collaborate with universities and other research institutes, and be quickly supported to access the relevant support from organisations such as Highlands and Islands Enterprise (HIE), National Manufacturing Institute Scotland (NMIS), Scottish Manufacturing Advisory Service (SMAS), Interface (the knowledge connection for business), Business Gateway and other service providers to meet their needs.

It is important to emphasise that while MICM will seek to provide services that are customised to the needs of rural manufacturing business, it will also act as a vital access point for local businesses to engage with the National Manufacturing Institute for Scotland.

Much has changed since the OBC was agreed with increased pressures due to global economic conditions, a tightened labour market and working practices altered forever by the pandemic but the core need to support a vital sector to improve and innovate has not and MICM's mission is more relevant than it was in 2019.

Headline achievements

The focus for the MICM team during 2022 has been to revise the OBC and prepare for the development of the FBC in early 2023. This has resulted in the project providing further detail on and securing approval for a number of changes to the original project vision, namely:

- Change in location from RAF Lossiemouth
- Revised construction plan
- Adoption of phased approach to establishment of MICM to mitigate against the construction delays and allow the service element to be provided at the earliest practical date.

The proposed phases were:

- Phase 1 – Service development within a temporary facility including development and approval of a Full Business Case, staff recruitment and development and launch of the initial MICM service offering. This offering will be located in Building 10 at the Enterprise Park at Forres.
- Phase 2 – Build of incubator units: Completion of the initial 4 incubator units on Site 3a at Forres Enterprise Park
- Phase 3 – Build of MICM within MAATIC: Construction of joint MICM and MAATIC facility at Site 3b or other at FEP. Final formats are to be determined and will be dependent on the rescope of the MAATIC project including its siting.

The Board agreed in October 2022 to unconditionally approve phase 1 and to conditionally approve phases 2 and 3, subject to a MAATIC change request being submitted and approved regarding the location of their facility.

Key milestones

Due to significant dependencies between the MICM and MAATIC projects (the current intention is that they co-locate when the MAATIC facility is constructed),

Milestone	Due Date
Work on the FBC to be procured	January 2023
Project board reconstituted	February 2023
FBC to be submitted to the MGD Board for approval	May 2023
HIE Board approval	June 2023
Government clearance and Council approval to be secured, enabling the project to enter delivery	August 2023

Risks and issues that require management by the project team during 2023		
MICM is currently managing the following major risks:		
Risk	Effects	Mitigation
Changes to MAATIC project between OBC and FBC stages	Could impact revenue model of MICM around co-location	Continued close engagement between the 2 projects as MAATIC FBC is advanced
Cost inflation	Compromises what MICM can deliver	Monitor. Include contingency. Propose cost savings. Explore additional funding
Lack of engagement from NMIS, SMAS, Interface, Business Gateway and others	Vision for MICM diverges from what key stakeholders would like to see	Initial consultation work directly through MICM business planning or through UHI's development of the MAATIC proposal to ensure they are sighted on, and supportive of the proposals being made
Lack of co-ordination on design for facility for MAATIC and MICM	The facility does not meet the needs of one or both projects	Close co-ordination between HIE and UHI on the design and procurement process for MAATIC featuring MICM
Lack of productive engagement with the business community	Vision for MICM diverges from what the business community would like to see	Consultation events with the Moray Growth Deal, Business Assembly and Chamber of Commerce, as well as a broader business survey. Ensure involvement with Project Board
Competing demands for resources across Growth Deal projects, particularly the three complementary projects of MAATIC, MICM and BE Hub	FBC development and subsequent transition into delivery is curtailed.	Good co-ordination between the projects in order to ensure no duplication and maximise synergies

Focus on....how the project will support businesses to grow and innovate
<p>The ambition for MICM is to create a grass roots cultural shift in efficiency and innovation for Moray's manufacturing businesses. HIE work with manufacturing businesses across our region to support their development and we see a clear and growing need for local support to access the best practice required to make the leap to the next level.</p> <p>Some recent examples include:</p> <ul style="list-style-type: none"> - A manufacturer developing lighter components using composites is looking for support in development of validation and testing of components from NMIS and the national Lightweight Manufacturing Centre. This will require at least two week's travel to the central belt for key personnel who are currently in the middle of a demanding scale-up project. The company is

currently weighing the benefits of continuing with the project. With MICM in place they could access a local venue for both equipment and project support reducing costs and disruption and bringing the test equipment closer to their processes.

- A Caithness based engineering company has been affected by a shortage of skilled labour. Having analysed their manufacturing processes, they believe that automation of their production line might help. With support from HIE, the company attended a demonstration event held in Thurso by the North Lanarkshire SmartHub to explore the use of cobots (collaborative robots) to improve their welding processes. During the event the company met with an equipment vendor and have gone on to develop a project to install and evaluate a small cobot at their Caithness site. The potential prize for the company is an expansion of working hours, reduced order fulfilment times and securing further orders. This is a great example of the type of project that we want MICM to work for Moray businesses - providing the links and opportunities for SMEs to access best practice in manufacturing and supporting them to evaluate how it could benefit their business.



Cobot demonstration at SmartHub

4. Activity planned for 2023

4.1 Projects set to enter delivery during 2023

When the Moray Growth Deal was signed in December 2021, the Digital Health project had secured approval for its Full Business Case and entered delivery. This was followed by Bus Revolution who

had their Full Business Case approved by the MGD Board in May 2022, with Government clearance to enter delivery expected early 2023.

Significant progress is expected during 2023 with the remaining six projects - all are expected to seek MGD Board approval for their Full Business Cases and it is hoped that at least four of these will receive Government clearance and Council approval to enter delivery.

The review process undertaken by the Scottish and UK Governments involves consultation with a large number of different departments. Whilst each project has set aside a three month window for this, there is a risk of it going beyond this timeframe. It is responsibility of the PMO to work with projects to ensure any queries raised are resolved as soon as possible and to ensure the Governments have visibility of key elements of the Full Business Cases before they are formally submitted by running briefing sessions to gain early views and comments.

	FBC submitted to MGD Board for approval
	Window allocated for SG and UKG review

Project	J	F	M	A	M	J	J	A	S	O	N	D
MAATIC ¹												
MICM												
BE Hub												
Housing Mix Delivery												
EY STEM ²												
Cultural Quarter ²												

¹ Change request approved by the MGD Board on 31st March 2023 to reprofile the FBC submission date to June 2023. This will mean Government review will take place in Q2 23/24 and enter delivery in Q3.

² Government review process likely to extend into 2024, with window for EY STEM extending to January and Cultural Quarter February.

4.2 Milestones to be achieved

During the course of 2023, the Moray Growth Deal PMO is working to achieve the following milestones:

Milestones	Target date
Approval of a first iteration of the MGD Benefits Realisation and Monitoring Plan	Q4 22/23
2023/24 grant offer letter to be agreed with the Scottish Government	Q1 23/24
Final version of the annual report to be completed following the Deal's annual conversation with the Scottish and UK Governments	Q1 23/24
Bus Revolution project to start delivery	Q1 23/24
All of the remaining 6 projects to have submitted their Full Business Cases to the MGD Board for approval	Q3 23/24

4.3 Future delivery impacts

At both a programme and project level there are a number of risks and issues being managed that could affect the ability for the Growth Deal to successfully delivery its objectives. Looking into 2023, it is expected that the following will need to be closely controlled by the Programme Management Office (PMO) and Project Managers.

- As FBCs are developed during 2023, there is a need to ensure MAATIC, MICM and BE Hub complement each other and do not cross over on areas of activity relating to innovation, work with businesses and research.
- All project FBCs being developed will need to ensure they remain compliant with recently revised subsidy control regulations.

- The sustainability and viability of project deliverables is paramount and FBCs will need to demonstrate how ongoing activity can be funded within the revenue budgets available.
- Inflationary pressures are increasing costs so this needs to be mitigated, either by driving efficiencies during procurement, reviewing and reprioritising the deliverables required and / or securing additional streams of funding.
- Recruitment to programme and project roles during 2022 provided a step change in capacity, but retention and continuity will be key going forward to ensure delivery can continue to progress as planned.
- Effective and aligned engagement activity throughout all Growth Deal activity is needed to ensure that key stakeholders are consulted and informed as FBCs are finalised and as an increasing amount of activity moves into delivery.

4.4 Benefits realisation and monitoring plan

Regional partners, along with the Scottish and UK Governments, are providing Growth Deal funding on the basis that the programme and projects make positive improvements to social and economic challenges being faced in Moray. It is critical that the PMO quantifies, monitors and, where appropriate, takes action to provide confidence that the defined improvements and targets are on track to be achieved.

During 2022 work started to develop a first iteration of the MGD Benefits Realisation and Monitoring plan. This will be presented to the MGD Board in February for approval, with the plan setting out how it will evolve during 2023 and into 2024 as projects secure approval for their FBCs.

With only one project in delivery during 2022, the remaining seven projects have been working to generate detail around the exact targets and timescales associated with benefits to be realised. This makes it difficult at this stage to definitively confirm the total impact the Growth Deal will make and whether projections set out in the full deal documents remain valid.

As a result, the following tables set out the current status of benefits information and how this will be strengthened during 2023 into early 2024:

<i>This initial version of the MGD Benefits Realisation Plan seeks to:</i>
<ul style="list-style-type: none"> - Define the approach to be taken to manage benefits and the associated governance arrangements. - Map how projects will contribute to each Inclusive Growth Indicator and realise a specific programme level benefit. - Introduce a template for the Monitoring Plan, populated by SMART targets for the first project to enter delivery (Digital Health).

<i>Expectations for how this plan will be revised during 2023:</i>
<ul style="list-style-type: none"> - With more projects due to submit their FBCs during 2023, further work will be undertaken to expand the monitoring plan, ensuring SMART targets are applied to all project level benefits. - Project level benefit targets will be aggregated to create programme level targets. - Analysis of the projected programme level targets will take place to determine if they align with the original aspiration of the MGD (if not, work will then be initiated to mitigate any shortfall). - Generate clarity on the mechanism that will be used by Project Managers to provide benefits updates (for example by using a cloud based portal or by using traditional spreadsheets).

The Benefits Realisation and Monitoring Plan will pull together activity, moving away from individual project reporting to activity being monitored against six indicators.

Productivity	Keeping businesses competitive and delivering economic growth that is resilient
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	and sustainable.
<i>Population</i>	Ensure Scotland has a sustainable working age population.
<i>Participation</i>	Reducing inequality of opportunity to access to work and ensuring jobs are fulfilling, secure and well-paid.
<i>People</i>	Help keep Scotland's population healthy and skilled, spreading economic benefits more widely with lower levels of inequality.
<i>Place</i>	Improve resiliency of Scottish communities by ensuring they have the natural and physical resources to ensure they are strong and sustainable.
<i>Fairer Scotland duty</i>	Reducing inequality caused by socio-economic disadvantage.

Looking ahead into 2023 and 2024, the following milestones have been identified relating to Benefits realisation work:

February 2023	Submission of a first draft of the MGD Benefits Realisation and Monitoring Plan to the MGD Board for approval.
Throughout 2023	Monitoring plan to be updated with SMART information associated with project benefit targets as approval of the individual FBCs is secured.
Early 2024	<p>Second iteration of the Benefits Realisation and Monitoring Plan to be submitted to the MGD Board once all projects have secured approval for their FBCs.</p> <p>This will be accompanied with analysis as to whether the confirmed project benefits are sufficient to achieve programme outcomes defined when the deal was signed or if mitigating action is required (project benefit targets to be enhanced or programme aspirations revised).</p>

5. Financial summary

5.1 Project funding

When the Moray Growth Deal was signed in December 2021, the following financial commitments for projects were made. Organisations contributing under 'Local partner investment' includes Moray Council, University of Highlands and Islands, Highlands and Islands Enterprise and the private sector.

Project	Scottish	UK Government	Local partner	Total investment
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	Government investment (£'000)	investment (£'000)	investment (£'000)	(£'000)
Capital				
Bus Revolution	4,000	-	300	4,300
Business Enterprise Hub (BE Hub)	3,300	-	1,000	4,300
Cultural Quarter	12,700	3,500	15,400	31,600
Digital Health	-	5,000	-	5,000
Early Years STEM	3,500	-	1,300	4,800
Housing Mix Delivery	5,000	-	2,500	7,500
MAATIC*	-	21,000	3,390	24,390
MICM	750	3,000	3,140	6,890
TOTAL	29,250	32,500	27,030	88,780
Revenue				
Bus Revolution	-	-	63	63
Business Enterprise Hub (BE Hub)	2,000	-		2,000
Cultural Quarter			700	
Early Years STEM	-	-	1,575	1,575
MAATIC*	-	-	-	-
MICM	1,250	-	110	1,360
TOTAL	3,250	-	1,748	4,998

* Total level of funding expected to be higher due to private sector benefit in kind contribution and revenue support from HIE

5.2 Funding drawn down from the Scottish and UK Governments Q3 21/22 to Q3 22/23

In December 2021 when the Full Deal was signed, both the Scottish and UK Governments made a commitment to provide the above funding. The trigger for the projects to be able to draw this down is approval of their Full Business Case. In Q3 21/22 the Digital Health Full Business Case was approved and this is the sole project in delivery during the term covered by this annual report.

Focusing on the Digital Health project, the following Government funding has been drawn down:

Project	Government investment (£'000)	Funding drawn down Q3 21/22 to Q3 22/23
Digital Health	5,000	1,505

6. Programme structure and governance activity

6.1 Structure of Moray Growth Deal activity and officers involved

By the summer of 2022 recruitment to the majority of MGD programme and project level positions had been completed. At the time of writing this report (January 2023) there are currently two vacancies: Bus Revolution and MAATIC PM posts (the latter is being filled on an interim basis by UHI Executive Office's Business Transformation Team).

Covering Moray Council and key project delivery partners, the following structure and resources are in place:

<i>Executive oversight of the Moray Growth Deal</i>	
<ul style="list-style-type: none"> • Rhona Gunn, Depute Chief Executive and Moray Growth Deal Senior Responsible Officer (SRO) (Moray Council) • Jim Grant, Head of Development Services (Moray Council) – day to day oversight <p>Architects of the Growth Deal, with the SRO chairing the Moray Growth Deal Board and the Head of Development Services providing day to day oversight.</p>	
<i>Programme Management Office</i>	
<ul style="list-style-type: none"> • Michael Kelly, Programme Manager (Moray Council) • Lindsay Lyon, Programme Officer (Moray Council) <p>Responsible for overall delivery of the programme, working closely with the MGD Board, all project delivery teams and the Scottish and UK Governments.</p>	
<i>Project Delivery</i>	
Teams in place within different organisations working to deliver the eight projects that make up the Moray Growth Deal.	
Bus Revolution (led by Moray Council) <ul style="list-style-type: none"> • <i>PM</i>: Post currently vacant • <i>SRO</i>: Nicola Moss, Head of Environmental and Commercial Services 	Business Enterprise Hub (led by UHI-Moray) <ul style="list-style-type: none"> • <i>PM</i>: Allane Hay, Deputy Head of Academic Partnerships • <i>SRO</i>: David Patterson, UHI-Moray Principal
Cultural Quarter (led by Moray Council) <ul style="list-style-type: none"> • <i>PM</i>: Claire English, Senior Project Manager • <i>SRO</i>: Jim Grant, Head of Economic Development Services 	Digital Health (led by the Digital Health Institute) <ul style="list-style-type: none"> • <i>PM</i>: Marie Simpson, Programme Manager • <i>SRO</i>: Janette Hughes, Director of Planning and Performance
Early Years STEM (led by Moray Council) <ul style="list-style-type: none"> • <i>PM</i>: Sarah Barnes, Senior Project Manager • <i>SRO</i>: Hazel Sly, Early Years Service Manager 	Housing Mix Delivery (led by Moray Council) <ul style="list-style-type: none"> • <i>PM</i>: Emma Gordon, Senior Project Manager • <i>SRO</i>: Gary Templeton, Principal Planning Officer
MAATIC (led by UHI- Moray) <ul style="list-style-type: none"> • <i>PM</i>: Post currently vacant. Being filled on an interim basis by Kenny MacDonald, Project Manager at UHI Executive Office • <i>SRO</i>: David Patterson, UHI-Moray Principal 	MICM (led by HIE) <ul style="list-style-type: none"> • <i>PM</i>: David Howie, Head of Strategic Projects • <i>SRO</i>: David Reid, Area Manager (Moray)

6.2 Summary of assurance activity progressed up to December 2022

In July 2022 the MGD Board approved an enhanced procedure for managing assurance activity. The key changes introduced include:

- A series of checkpoints or 'gates' that when reached trigger the need for Project Managers to make submissions to the board for approval.
- Development and introduction of a cover sheet to accompany assurance activity that draws out pertinent information relating to assurance activity

- A step by step procedure for how assurance requests should be handled

During 2022, the following assurance activity was progressed through the MGD Board:

Project	Assurance ask	Description	Date	Status
MAATIC	Issues report	Cost inflation causing projections of capital construction costs to increase higher than budget available.	Jan 22	For awareness. Board assistance sought to help mitigate it.
DHI	Gate E; Change	Minor extension of delivery window into 25/26 FY and reprofile of budget.	May 22	Approved by MGD Board and Governments.
Bus Revolution	Gate C; FBC approval	Submission of project FBC.	May 22	Approved by MGD Board, Government approval expected early 2023
MAATIC	Gate E; Change	Submission date of FBC delayed to Feb 23, allowing time for delivery options to be reviewed.	Jun 22	Approved by MGD Board and Governments.
MAATIC	Issues report	Update on negotiations with Boeing regarding how they will support the facility.	Jun 22	For awareness. Board assistance sought to help mitigate it.
Early Years STEM	Issues report	Revenue budget allocation likely to be exceeded by preferred delivery model so revised approach being developed.	Jul 22	For awareness. Board assistance sought to help mitigate it.
MICM	Gate E; Change	In light of delays to MAATIC, the project sought to change approach by establishing a temporary facility before co-locating with MAATIC.	Oct 22	Approved by MGD Board. Government confirmed their approval not required.
DHI	Gate E; Change	More detail on the provision of grants and permission sought to fill 2 part time posts with 1 consultancy role.	Nov 22	Approved by MGD Board and Governments.
DHI	Issues report	Projected 22/23 underspend highlighted with mitigating actions to be progressed outlined	Nov 22	For awareness. Board assistance sought to help mitigate it.

6.3 Audit activity undertaken during 2022

The Moray Growth Deal fully recognises that it is a condition of the grant funding being provided to demonstrate that proportionate and regular audit activity is taking place.

In the summer of 2022 the Moray Council's Internal Audit Team undertook an audit, in accordance with Internal Audit Standard PSIAS, with the following scope:

'To provide assurance that the governance and administrative arrangements that have been established by the Council in supporting the delivery of the Moray Growth Deal are adequate and proportionate'.

A rating, based on a four point scale, is provided for both 'system' and 'testing' aspects of the audit. The audit with the above scope received the second highest rating, substantial for both 'system' and 'testing'. A copy of the audit report can be found in appendix A, with the following recommendations having been made that are being progressed by the Programme Management Office.

Audit recommendation	Timescale for implication	Current status
A formalised monitoring framework	June 2023	Benefits and Monitoring Plans drafted and due

should be agreed to measure and record the benefits achieved for each project against their respective business plans.		to be presented to the MGD Board for approval in Q4 22/23, with the monitoring plan 'going live' in Q1 23/24.
In accordance with the Stakeholder Engagement Plan, ongoing communication should be undertaken to highlight the actions undertaken within the Moray Growth Deal. This should also include updating the Communications Plan to reflect planned activity beyond September 2022.	March 2023	Several actions have been taken to ensure a more co-ordinated approach to communications and engagement: <ul style="list-style-type: none"> - All projects submitting their stakeholder engagement plans to the PMO - Quarterly PM meeting will focus on engagement activity (understanding forward plans, identifying areas for collaboration between projects and understanding significant entries that need escalated into programme communications tracker). - Cycle of joint comms meeting to be established for 2023, sequenced after quarterly PM meeting that focuses on engagement.
Guidelines should be developed to ensure consistent practices can be followed in the saving of documents and naming conventions within the SharePoint document management system.	March 2023	<ul style="list-style-type: none"> - New SharePoint filing structure developed and implemented. - Document prepared that provides guidance on naming documents and how version control should be managed.
Consideration should be given to providing elected members with a briefing session regarding the Scrutiny Checklist detailed within the Audit Scotland published report on Scotland's City Region and Growth Deals of January 2020.	March 2023	Engagement with members in February 2023 regarding the annual report and this requirement will be integrated into this session.
Each partner organisation should provide their annual audit plans to the Moray Council of planned internal audit activity regarding Moray Growth Deal activities. These plans should then be forwarded to the Audit and Risk Manager for review.	December 2022	Engagement with UHI, HIE, and DHI has indicated strong support for activity to be internally audited in a way that is compliant with Government grant conditions. Due to the emerging nature of Growth Deal activity, Moray projects do not currently feature on any partners forward look audit plans, but during 2023 work will be progressed to define the scope and timings of future activity.



REPORT TO: MORAY COUNCIL ON 24 MAY 2023

SUBJECT: INFORMATION REPORT: APPROVED MINUTES OF MORAY INTEGRATION JOINT BOARD

BY: CHIEF OFFICER, HEALTH AND SOCIAL CARE MORAY

1. REASON FOR REPORT

- 1.1 To inform the Council of the latest approved minutes of the meetings of the Moray Integration Joint Board.
- 1.2 This report is submitted under Section II (22) of the Council's Scheme of Administration relating to the Moray Integration Joint Board (MIJB).

2. BACKGROUND

- 2.1 The MIJB was established on 6 February 2016 under the terms of the Public Bodies (Joint Working) (Scotland) Act 2014 with full delegation of functions and resources to enable integration of primary and community health and social care services effective from 1 April 2016. The MIJB is a separate legal organisation and acts as principal in its own right.

The principal ambitions of health and social care integration are to:

- Support the improvement of the quality and consistency of services for patients, carers, service-users and their families.
 - Provide seamless, joined-up quality health and social care services in order to care for people in their homes or a homely setting where it is safe to do so.
 - Ensure resources are used effectively and efficiently to deliver services.
- 2.2 Approved minutes from the MIJB meetings held on 29 September 2022, 24 November 2022 and 26 January 2023, which were accepted as correct records of the meetings on 24 November 2022, 26 January 2023 and 30 March 2023, respectively, can be found here:
https://moray.cmis.uk.com/moray/CouncilandGovernance/Committees/tabid/62/ctl/ViewCMIS_CommitteeDetails/mid/381/id/18/Default.aspx . A few key highlights from the meetings for the Moray Council to note were, the MIJB:

29 September 2022

- Paid tribute to Mrs Jane Mackie, for her contribution to the delivery of health and social care services in Moray and wished her well for a long and happy retirement.
- Noted that the Chair and Vice-Chair of MIJB are due to rotate on 1 October 2022.
- Agreed to appoint Councillor Scott Lawrence as Chair of Audit, Performance and Risk Committee.
- Noted the change of NHS Grampian Staff Representative Stakeholder member.
- Received a report by the Chief Officer detailing the activities underway that support the delivery against the MIJB's strategic priorities.
- Noted the financial position of the Board as at 30 June 2022 and noted the progress against the approved savings plan.
- Noted the revisions to staffing arrangements dealt with under delegated powers and in accordance with financial regulations within the Council and NHS Grampian for the period 1 April to 30 June 2022.
- Approved for issue, the Directions arising from the updated budget position.
- Noted the progress made on locality plans since the previous report on 31 March 2022.
- Agreed to make an application to the various national performance bodies so that future data sets are provided on a locality level where possible.
- Approved the expenditure of £63,854 for the provision of initial health assessment for Ukrainian Refugees (as part of a pan Grampian response) and noted current spend to date circa £43,000, with Moray's proportion to be £8,649.87.
- Approved in principle the Draft Integrated Workforce Plan content and structure.
- Delegated authority to Officers to amend and update the plan in accordance with anticipated feedback from Scottish Government and authorised publication of the plan by end October 2022.
- Received a report by the Records and Heritage Manager and Data Protection Officer regarded updated Elements of the Board's Records Management Plan.
- Agreed to note the changes made to the Members' Expenses Policy.

24 November 2022

- Agreed a report be brought to the next meeting of the Board following discussion at the development session on staffing pressures.
- Noted the progress in the development of a strategy for Dr Gray's Hospital in Elgin, as part of NHS Grampian's overall strategy plan for the future.
- Noted a report by the Chief Officer of the activities that support the delivery of the MIJB's strategic priorities.
- Noted the financial position of the Board as at 30 September 2022 is showing an overall overspend of £1,454,162 and noted the provisional forecast position for 2022/23.
- Noted the progress against the approved savings plan and update on Covid-19 and additional funding.
- Approved for issue, the Directions arising from the updated budget position.
- Approved the publication of the Draft HSCM Carers Strategy 2023-26 for consultation in January 2023.
- Instructed the Lead Officer for Carers presents the final version of the strategy at a meeting of the Board in March for approval prior to it being launched in April 2023.
- Noted an update report on the current status and priorities for Home First in Moray.

- Noted an update report on the impact of Discharge to Assess on system flow and capacity across the Moray Health and Social Care portfolio.
- Agreed the schedule for meetings for MIJB, Audit Performance and Risk and Clinical and Care Governance Committees for 2023/24.
- Approved the draft submission to Sustainable Scotland Network for the reporting year 2021/22 in line with Public Sectors Climate Change Duties Reporting.
- Agreed the revised MIJB Strategic Plan 2022-32.
- Agreed to endorse the Moray Wellbeing Pledge.
- Noted a report detailing the HSCM Winter/ Surge Action Plan for 2022/23 and requested the Chief Officer include leadership oversight arrangements for the plan in the Chief Officer report to future meetings of MIJB.
- Noted the draft Annual Performance Report 2021/22 and approved its publication by 30 November 2022.
- Approved for publication the HSCM Annual Complaints Report for 2021/22.
- Noted the progress to date with regards to MIJB's resilience arrangements in fulfilling its duties as a Category 1 responder under the Civil Contingencies Act 2004 and noted the risk highlighted in the report.

26 January 2023

- Approved reports to those charged with governance from the Board's External Auditor for the year ended 31 March 2022.
- Approved the Audited Annual Accounts for the financial year 2021/22.
- Noted a report by the Chief Officer of the activities that support the delivery of the MIJB's strategic priorities.
- Agreed to note the updated membership of the Board and Committees.
- Noted a report by the Location Manager and Chief Nurse, Aberdeenshire Health and Social Care Partnership, of the current position in relation to the services where Aberdeenshire Integration Joint Board are the 'host' Integration Joint Board.
- Received a report detailing the outcome of the community consultation activity relating to the development of health and wellbeing services within the Lossiemouth locality. Made amendments to the recommendations in the report and then unanimously agreed:
 - I. to note the position statement of Moray Coast Medical Practice on not returning to work in the branch surgeries;
 - II. to note the community Consultation Report and the community views on the continued closure of the branch surgeries;
 - III. to note the sustainable model of service delivery recommended by Health and Social Care Moray;
 - IV. to approve a model of health and care provision that maintains a local focus on Burghead and Hopeman and ensures that services respond to local need, utilising the opportunities of a multi-disciplinary community team, supported by primary care. Use of existing and emerging technology must be promoted within the locality, using the opportunity afforded by the Digital Health Innovation strand of the Moray Growth Deal Further reports will be provided that describe the development of health and care provision across the Lossiemouth Locality in partnership with the local community; and
 - V. to work with partners to establish a sustainable transport solution, such as a Coastal Dial a bus and/or an alternative that will meet the needs of residents attending medical appointments

- Approved the amendments to the Integration Scheme, which reflect the decision to delegate Children and Families and Justice Social Work Services to Moray Integration Joint Board, and agreed its submission to the Scottish Government for final approval subject to approval by Moray Council and NHS Grampian at their meetings on 2 February 2023.
- Noted a report on the challenges and opportunities for the recruitment and retention of staff in Moray and agreed the priorities set out in the report.
- Approved the Reserves Policy.

3. SUMMARY OF IMPLICATIONS

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

This report forms part of the governance arrangements of MIJB; good governance arrangements will support the Board to fulfil its objectives.

(b) Policy and Legal

There are no policy or legal implications associated with this report.

(c) Financial implications

There are no financial implications associated with this report.

(d) Risk Implications

There are no risk implications associated with this report.

(e) Staffing Implications

There are no staffing implications arising from this report.

(f) Property

There are no property implications arising from this report.

(g) Equalities/Socio Economic Impact

An Equalities Impact Assessment is not required as there is no change to policy and procedures resulting from this report.

(h) Climate Change and Biodiversity Impacts

There are no climate change or biodiversity implications arising from this report.

(i) Consultations

Consultation on this report has taken place with Corporate Manager, Health and Social Care Moray and Tracey Sutherland, Committee Services Officer, Moray Council, who are in agreement with the content in relation to their area of responsibility.

4. CONCLUSION

- 4.1 This report provides a summary of the business addressed by the MIJB at their meetings on 29 September 2022, 24 November 2022 and 26 January 2023.**

Author of Report: Isla Whyte, Interim Support Manager, Health and Social
Care Moray
Background Papers: available online
Ref:

